



COMMONWEALTH OF AUSTRALIA

Official Committee Hansard

SENATE

FOREIGN AFFAIRS, DEFENCE AND TRADE
REFERENCES COMMITTEE

Reference: Economic, social and political conditions in East Timor

THURSDAY, 18 NOVEMBER 1999

MELBOURNE

BY AUTHORITY OF THE SENATE

INTERNET

The Proof and Official Hansard transcripts of Senate committee hearings, some House of Representatives committee hearings and some joint committee hearings are available on the Internet. Some House of Representatives committees and some joint committees make available only Official Hansard transcripts.

The Internet address is: **<http://www.aph.gov.au/hansard>**

To search the parliamentary database, go to: **<http://search.aph.gov.au>**

SENATE
FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE

Thursday, 18 November 1999

Members: Senator Hogg (*Chair*), Senators Bourne, Brownhill, Lightfoot, Quirke and West

Participating members: Senators Abetz, Bolkus, Boswell, Brown, Calvert, Chapman, Cook, Coonan, Crane, Eggleston, Faulkner, Ferguson, Ferris, Forshaw, Gibbs, Gibson, Harradine, Hutchins, Knowles, Mason, McGauran, Murphy, Parer, Payne, Tchen, Tierney and Watson

Senators in attendance: Senators Hogg, Lightfoot, Quirke and West

Terms of reference for the inquiry:

- (a) economic, social and political conditions in East Timor including respect for human rights in the territory;
- (b) Indonesia's military presence in East Timor and reports of ongoing conflict in the territory;
- (c) the prospects for a just and lasting settlement of the East Timor conflict;
- (d) Australia's humanitarian and development assistance in East Timor;
- (e) the Timor Gap (Zone of Cooperation Treaty); and
- (f) past and present Australian Government policy toward East Timor including the issue of East Timorese self-determination.

WITNESSES

DOWNIE, Ms Sue (Private capacity)	957
GUTERRES, Mr Abel, Chairman, East Timor Relief Association	925
HILL, Dr Helen Mary (Private capacity)	949
KINGSBURY, Dr Damien, Executive Officer, Monash Asia Institute, Monash University	939
O'CONNOR, Mr Michael James, Executive Director, Australia Defence Association	910

**WALSH, Mr Patrick Ernest, Human Rights Coordinator, Australian Council For
Overseas Aid 897**

Committee met at 9.40 a.m.

WALSH, Mr Patrick Ernest, Human Rights Coordinator, Australian Council For Overseas Aid

CHAIR—I declare open this public meeting of the Senate Foreign Affairs, Defence and Trade References Committee. The committee is inquiring into East Timor in accordance with all evidence to be given in public, but should you at any stage wish to give any part of your evidence in private, you may ask to do so and the committee will consider your request. I now invite you to make an opening statement and then we will proceed to questions.

Mr Walsh—Thank you very much, Mr Chairman. I think you are aware that the Australian Council For Overseas Aid made a written submission to the inquiry earlier this year and my Executive Director, Janet Hunt, spoke to that submission before you in Canberra some time ago. Perhaps it would be useful for me to say a few words about my own role. As explained, I am based here in Melbourne where I coordinate the ACFOA human rights program. I was in East Timor for the ballot period in late August as a member of the Australian government delegation led by Mr Fischer. At that time, I was also responsible with the Victorian Local Governance Association for facilitating the presence of some 40 Australian volunteer observers who covered the ballot period. A report of their work is available and I can supply it to the committee if you are interested in seeing it.

CHAIR—Yes, we would be interested.

Mr Walsh—I will make it available later, if that is okay.

CHAIR—Yes, that is fine.

Mr Walsh—I am also Deputy Chair of the East Timor Human Rights Centre. That is an organisation established and directed by East Timorese. It has been involved in taking evidence from the refugees at the Puckapunyal safe haven, but it is having some problems accessing refugees in other safe havens, including Perth and Sydney at the moment.

My office in Fitzroy hosts the East Timor Development Office, which is also an East Timorese initiative, established after a conference on future strategies for East Timor's development held here in Melbourne back in April. The purpose of that office is to coordinate and back up further research on long-term plans for East Timor's development. It is headed by an East Timorese, Ms Emilia Pires, who has just returned from the World Bank joint assessment mission in East Timor.

In my ACFOA role, I coordinate the ACFOA East Timor Working Group which brings together some 30 to 40 agencies, depending on availability, on a regular basis. This afternoon I am going to Canberra for a meeting with the World Bank team that has just returned from East Timor. The ACFOA East Timor Working Group will meet with AusAid tomorrow, also on East Timor.

I would like to take the opportunity, because so much water has passed under the bridge since our last meeting with the committee, to table three documents that may be of interest.

One is called, 'Ending military impunity in Indonesia: a project for the new millennium'. The basic function of this document is to argue that Mary Robinson and Kofi Annan's initiative in establishing an international inquiry into military and militia excesses in East Timor will assist the removal of the culture of impunity in Indonesia and will benefit the democratisation process in Indonesia and hopefully allow for an alternative to the security approach which has traditionally been employed these last 30 years in Indonesia on issues like Aceh and Irian Jaya. We are arguing that that project deserves the fullest support.

CHAIR—There are three documents.

Mr Walsh—That is right. The first was on military impunity in Indonesia. The second one is called, 'Let them go: East Timorese refugees in West Timor'. This has been completed in just the last couple of days. It is an attempt to draw attention to the fact that in the vicinity of 200,000 people remain trapped in West Timor. The document argues that the Indonesian military backed militias are the primary obstacle to resolving this outstanding issue. These refugees now constitute the highest risk group of all East Timorese. It argues that delays in their return will disadvantage the UN East Timor human rights inquiry that I just referred to because a lot of the best evidence on abuses in Timor since January this year is still with those people in West Timor. They are not going to talk until they are home. It is also likely that their relatives in Timor will not talk until their family members are back in East Timor.

We also argue in this document that continued militia activity in East Timor represents the biggest single threat to East Timor's future stability and development and East Timor's relationship with Indonesia has to be one of positive coexistence. I would like to table that one as well.

The third document is called, 'From Opposition to Proposition: The National Council of Timorese Resistance (CNRT) in Transition'. This is an attempt to background and explain the history, current composition and roles, policies—in so far as they are set down—and contact points for the CNRT which has emerged as the leadership group that UNTAET governments and others are seeking to understand and work with in East Timor at this point. There are many requests for information about CNRT and this is an attempt to fill that information vacuum. If you judge it appropriate and useful, I would be happy to talk at greater length to the content of those documents later. Thank you very much, Mr Chairman.

Senator LIGHTFOOT—Mr Walsh, who funds your organisation?

Mr Walsh—We are about 70 per cent funded by the 90 or so member agencies that make up the council and pay an annual subscription, roughly with 30 per cent from AusAid. So it is subsidised by the government.

Senator LIGHTFOOT—What are some of these others that make up the council, as you put it? You do not have to recite whatever it is.

Mr Walsh—The whole 90.

Senator LIGHTFOOT—Could you give the committee some idea of some names and what the agencies are.

Mr Walsh—They are a diverse group. Some of the better known names would be Community Aid Abroad; World Vision Australia; Caritas Australia; and APHEDA, the trade union overseas aid organisation. Most of the churches that have an overseas aid organisation would be members of ACFOA. Care Australia is a member and is also very well-known and active in East Timor. There are refugee groups, environment groups and groups specialising in human rights: Amnesty International is now a member of ACFOA. It is a very broad church of emergency, development and human rights organisations.

Senator LIGHTFOOT—With respect to refugees, with the exception perhaps of those still scattered throughout Indonesia and particularly West Timor, what is it that prevents refugees in Australia from going back to East Timor when you say in one of your documents that East Timor has now been secured?

Mr Walsh—I can unpack this and just take it section by section. The document on West Timor makes it plain that the major obstacle to the return of people from West Timor is militia control of the camps.

Senator LIGHTFOOT—I think we understand that. I am saying with the exception of West Timor.

Mr Walsh—Okay, I am sorry. In relation to East Timorese in other parts of Indonesia—

Senator LIGHTFOOT—No, with the exception of that. I am really talking about refugees in Australia or Portugal or other secure areas of the world. What is it that prevents those refugees from going back to East Timor now?

Mr Walsh—The people who have come since the ‘black September’ month of devastation and are in the safe havens are now in the process of returning. That is being conducted on a voluntary basis. There is provision for people who have health problems, or other strong reasons, to remain and be treated until they are ready to return.

Senator LIGHTFOOT—What are some of the other strong reasons besides health?

Mr Walsh—The main one I have heard is health and possibly mental health as well.

Senator LIGHTFOOT—So, apart from physical disabilities and mental problems, there is no reason why refugees should not return to East Timor?

Mr Walsh—I think there is age and concern on the part of parents with lots of little kids. There is also a concern that maybe the stronger member of the family, the male, goes home first and sees what the situation is and sets up. They want a staggered return in that sense. I am not aware of any in the safe havens who want to apply for asylum and stay here long term.

Senator LIGHTFOOT—That would be difficult given that East Timor is, by any analysis, secure now.

Mr Walsh—Yes. If your question embraces the 1,650 or so longer term asylum seekers, who have been here in some cases up to 10 years, I think they belong in a different category because they have sought to stay here long term. It has been a very complicated process establishing their refugee credentials. There has been a lot of controversy, as you know, within the community about the rationale for the government's approach. That has not been resolved in the courts or in policy terms, as far as I understand, so there is still an outstanding question there.

Senator LIGHTFOOT—Would it not be moronic to say that East Timor is now secure, but Australia still has a number of people seeking or continuing to seek refugee or asylum status? Do you not see something of a dichotomy in that?

Mr Walsh—I think the point I would make is that the 1,650 asylum seekers—if I can call them that—came to escape long-term repression and trauma. In general terms that has been established. I am aware of counselling bodies who have spent a lot of time with these people and believe they are deeply disturbed.

Senator LIGHTFOOT—That was not my point. My point was that their country is now secure. Being able to continue to present themselves as either refugees or asylum seekers is annulled by the clear and acceptable fact that East Timor is now secure. The persecution and trauma that they have undoubtedly suffered as a result of that persecution is now negated. I would understand from what I read and the evidence that we have taken that it is negated completely.

Mr Walsh—I would hope that many of them would freely return to East Timor. I think there will be many who are now Australian citizens who will want to go back short term or long term. But in the last analysis, given the fact that the asylum seekers have been here for such a period of time and the process has been so disjointed and inconclusive, the compassionate thing would be to allow them to decide and for the government to sit down with them and discuss the pros and cons of returning and take it on a one-by-one, case-by-case basis.

Senator LIGHTFOOT—Would you not agree that the 1,600-odd people who are here and have been here for some time—which is an arguable point—are not now asylum seekers because that would be a contradiction? They are certainly not now coming in here as refugees. They are not remaining here as refugees. That name is somewhat, if not completely, diluted by the fact that the country of their origin is now secure. I am not talking in an economic sense; I am talking about the persecution and the threat to their lives that drove them from their country. That reason now does not exist. Would you agree?

Mr Walsh—That is true. That is why I say that I think perhaps they could be encouraged and persuaded to return rather than perhaps have more legalistic or draconian measures put in place. I think there has been a breakdown of communication, and probably trust, in the government on this one. That sense of the whole thing being politicised is widely shared in the community as well. Perhaps a different approach is needed.

Senator LIGHTFOOT—It could also be said, could it not, that some of these people—if not a significant number of them—would be very much needed back in their country? They have learnt certain skills here that they perhaps did not have. They have enhanced some of the skills that they brought here with them. These skills are sorely needed back in their country to rehabilitate, rebuild and redirect East Timor.

Mr Walsh—Yes, I think that is true.

Senator LIGHTFOOT—I just shift to the World Bank. You mentioned Ms Emilia Pires and her visit to the World Bank. What branch or city did she visit? Was it the headquarters?

Mr Walsh—She met with them in Washington at the headquarters there. She travelled with them to East Timor as an East Timorese expert.

Senator LIGHTFOOT—Would you be kind enough to tell the committee what success—if you are privy to that—that Ms Pires had with undertakings, if any, from the World Bank to fund the rebuilding of East Timor?

Mr Walsh—It is a bit premature for me to say that. She is back in Darwin. Klaus Rohland, the head of the mission, and his colleagues will brief us in Canberra this afternoon. I would be very happy to make available to the committee a report on their findings.

Senator LIGHTFOOT—Do you have any objection to that, Mr Chairman.

CHAIR—No.

Senator LIGHTFOOT—That would be excellent.

Mr Walsh—I gather the exercise went very well and the Timorese were particularly appreciative that they had been included in the mission.

Senator LIGHTFOOT—Yes. As you are going to supply the committee with some of that information, I will move on to the CNRT. You implied—perhaps you did not mean to—that the CNRT would become, if it is not already established as such, the pre-eminent political force in East Timor. Is that correct?

Mr Walsh—The CNRT is in transition in the sense that it has a responsibility to the Timorese people who put it in place.

Senator LIGHTFOOT—In what sense does it have that responsibility—

Mr Walsh—To work alongside them—

Senator LIGHTFOOT—as a protector, as an armed force to protect them, or some other sense?

Mr Walsh—I feel I need to go into the history of it a little, if you do not mind. It essentially grew out of the failure of the Timorese political parties to successfully combat the Indonesian occupation.

Senator LIGHTFOOT—That was in an armed sense, wasn't it?

Mr Walsh—In an armed and political sense. So that formula was rejected, and Xanana Gusmao, the current President of CNRT, was the architect of a completely new approach based on national unity and inclusiveness—inclusiveness of the church, the political parties and all elements of Timorese society—arguing that this was everybody's concern and everybody's responsibility. This was a slow process of evolution, but its main role was resistance to Indonesia on the ground in Timor, politically and diplomatically.

Senator LIGHTFOOT—How did that resistance manifest itself? Were there armed insurgents?

Mr Walsh—Yes, there is an armed wing to CNRT called Falintil.

Senator LIGHTFOOT—Were they responsible for some deaths or other serious injuries of what I could call the occupying force, I suppose?

Mr Walsh—Yes, they were involved in combat.

Senator LIGHTFOOT—They were involved in killings?

Mr Walsh—Basically low intensity guerilla warfare of the defensive kind, simply because they did not have the resources, either human or materiel, to wage full-on attack. They never—

Senator LIGHTFOOT—So the CNRT participated, where it was deemed necessary, in the elimination of the armed forces occupying—in their terms—East Timor?

Mr Walsh—Their objective, as I understand it, in military terms was to serve as a symbol of resistance and to defend their people from Indonesia's military attacks, which were very real and continued to be real until quite recent times, and, where possible, to engage the Indonesian military. But, essentially, it was a conservative defensive role that they played. We do not know how many Indonesian soldiers have died over the 25 or so years of their presence in Timor—you hear various figures—but it is nothing to compare with the East Timorese death toll.

Senator LIGHTFOOT—Perhaps someone will get on to the number of East Timorese who were killed—we have had many figures mentioned to us. Just on the CNRT and its transition, your tabled document is titled in part, 'From opposition to proposition'. Is that one way of saying that they are going from opposition to a political entity rather than a military force? You have just explained to the committee how it was made up of a military force. Does that mean, then, that it is a transition period for the CNRT to a political entity?

Mr Walsh—Transition from negative resistance, which, I would like to restate, was actually much broader than just military resistance. The Falintil never claimed and never believed that they would be able to defeat the Indonesian forces on the battlefield. Their strategy was always to appeal to the conscience of the international community, the principles which were inscribed in the UN system and endorsed by the UN system, including Australia, from as far back as 1975. That was the basis of their struggle, so it was much broader than a military strategy.

Senator LIGHTFOOT—Are you saying that Australia endorsed the actions of the CNRT in East Timor notwithstanding that Australia was one of the few countries to agree with the annexation of East Timor to create the 27th province?

Mr Walsh—Australia, under Mr Fraser, voted for Indonesia to withdraw from East Timor and voted for the UN resolution which declared the Indonesian presence as an act of aggression and voted for the UN resolution which said the East Timorese should be allowed to exercise their right of self-determination.

Senator LIGHTFOOT—Yes.

Mr Walsh—That is the policy Australia has come back to after 25 years.

Senator LIGHTFOOT—That is right. But also agreeing—

Mr Walsh—I just stress that CNRT does not equal military, CNRT does not equal Falintil. It is a much broader movement than a purely military force.

Senator LIGHTFOOT—But they could be described, at least in part, as armed insurgents?

Mr Walsh—They had an armed wing called Falintil.

Senator LIGHTFOOT—Yes, that is really what I am getting at. Let me just shift on then—

Mr Walsh—It is a misrepresentation to describe them exclusively in military terms.

Senator LIGHTFOOT—I think I made that clear when I said ‘at least in part’. You said they have emerged as the leadership group. Could you explain to the committee what you mean by CNRT emerging, as I assume you implied, as the pre-eminent or the best or the most popular or the most endorsed group of people in East Timor?

Mr Walsh—Its immediate origins go back to 1998, when it was formally established at a convention in Portugal. At that point Indonesia was still the dominant force in East Timor, so it was still on a defensive footing. The key thing about the meeting in Portugal was that it was a democratic process. For the first time in 25 years, East Timorese from inside and outside Timor were chosen as delegates and given a chance to actually elect their leadership. There were not a lot of surprises in the election outcomes—I readily admit that—but there was due process. That gave CNRT extra authority and legitimacy. It also enjoyed the

international recognition which was extended to Xanana Gusmao. Even though he was Indonesia's top security problem prisoner, he was visited by Nelson Mandela, ultimately by Madeleine Albright and our own foreign minister, et cetera. In that sense, CNRT, which was Xanana Gusmao's creation, enjoyed authority and profile.

In August this year the UN ballot was a choice for the Timorese between continuing within Indonesia or voting for separation, and the symbols used by the UN on the ballot papers were the CNRT flag and the CNRT acronym. More recently, Xanana Gusmao has got people together in Darwin and put them on a proactive footing to develop policy. That is why the title of the paper talks about the moving from opposition to proposition because for the first time in their history they have now actually got to come up with ideas, policies, plans and strategies on a whole lot of new levels: electricity grids, telephone systems, foreign policy—whether it is the South Pacific forum or ASEAN—and all this sort of stuff. There has never been an issue of any great moment in the past. It is not that they have not given any thought to it, but these decisions now have to be made. There is a mechanism in place to do that but it is a transitional mechanism and it will go out of existence once UNTAET, in consultation with CNRT, and I hope other sections of East Timorese society, gets things to the point where an election can occur.

Senator LIGHTFOOT—Talking about the election, if I could just interrupt you there briefly: firstly, do you believe that East Timor is heading towards a one-party state or do you think it will be a multiparty state? Secondly, do you believe that the church will play a significant role in those parties? In other words, could it be described as a theocracy that is emerging in these early times? Would you give your impressions to the committee on these things?

Mr Walsh—The church has enjoyed enormous growth in the last 25 years, of course. Its numbers jumped from something like 35 per cent under Portugal to between 90 and 100 per cent under Indonesia. Bishop Belo, the head of the church, is a Nobel peace laureate, et cetera. Those details are well-known. So it is a formidable institution, and the relationship between people like Xanana and the church is incredibly important.

Senator LIGHTFOOT—How is this defined as a multiparty state?

Mr Walsh—What I was going to say is that I think cooperation, dialogue and interaction between all the groups in Timorese society is incredibly important to its development and stability, and we need to encourage that. But at the same time the church does not see itself as being coexistent with the state, and it is also CNRT policy that East Timor, like Indonesia, would separate church from state. I think that is an important principle that most of us would sympathise with. So the possibility of a theocracy is not on, I do not think.

As to whether there is a one-party state in the making, I do not see any sign of that, and that would fly in complete contradiction to everything East Timor's acknowledged political leaders have stated publicly and formally in recent years. In fact, CNRT is based on a rejection of the principle of a one-party system. Fretilin claimed to be the one party that alone was the sole legitimate representative of the Timorese people. That was in place until the late seventies. That was officially and publicly rejected by Xanana Gusmao, Jose Ramos Horta and others, so it would be turning the clock back and flying in the face of their own

experience and the lessons they have drawn from their experience to suggest it would go backwards. Nevertheless, one hopes there is a very robust civil society and robust political parties. At the back of the document I have listed the political parties that are known to exist at this point. We will have a free, full democratic process and they will win on the strength of their policies.

Senator LIGHTFOOT—Thank you very much, Mr Walsh.

CHAIR—Mr Walsh, I was interested in your comment about what the CNRT, through Gusmao, said about national unity and inclusiveness. Part of the evidence we have had before this inquiry is that during the Indonesian occupation there were actually two levels of violence, one was the level of violence from the Indonesians upon the East Timorese and by Falintil back to the Indonesian troops, and the second level of violence was a more domestic level of violence. That second level was brought about because of the traditional nature of the country. It is not one homogenous state; it is made up of a number of kingdoms.

Do you think we have too high an expectation to think that there can be a single homogenous state in East Timor, or will the natural ‘tribal’ tensions that exist there continue to play a significant role in an unstable East Timor in that political sense? Now that we have taken away the imposition of Indonesian human rights violations, will there now emerge human rights violations within the various groups within East Timor itself? Is that a concern?

Mr Walsh—It is a very important question that everybody involved with Timor needs to give a lot of thought to.

CHAIR—We have to ensure that people of goodwill outside of Timor are not seeking to impose a solution on people that is not really a solution of their making.

Mr Walsh—The existence of divisions and conflict within Timor is itself a very powerful case for a CNRT type body that has got a clear role and, as clear as we can get, popular mandate—representativeness. At this point in particular when there is such extraordinary turmoil and so many very difficult decisions to make, a body that is inclusive, broadly representative, is absolutely critical. That is also a powerful argument for the church being a major interlocutor in this whole process, even though I do not think it has any political ambitions at all. In fact, if anything it may be inclined to step right back now and just return to its more conventional role as a pastoral, theological, spiritual body.

There are deep conflicts of a traditional kind. They have been exacerbated by the political upheaval of 1975, and subsequently. There is a lot of hurt and a lot of tragedy and it is going to take another miracle for those conflicts and divisions to be worked through in a constructive way.

CHAIR—What will organisations such as yours, and those affiliated with your organisation, be doing to assist in that process? Is there a possibility that organisations such as yours and others, whilst acting with the best of motives—and no-one is questioning your motives—may well be an obstacle rather than a solution to the problems that are there?

One of the things that has concerned me, whether it be in terms of physical aid or any other support that we are giving these people, is that there are so many eager people wanting to have a finger in the pie that if the coordination is not properly done then we may well be not assisting the situation but rather causing more difficulties. I understand there are steps in place now for the coordination to be controlled as well as it can be. What is your view?

Mr Walsh—The problems have been exacerbated enormously by the level of devastation. They were there already, but to come back and try to build a society on what is effectively a desert island is an incredible strain and very demanding, and coordination is critical in that. If I can return to CNRT for a second, it is critical that the CNRT is respected and supported in its role as an inclusive representative body. Somebody has got to make decisions there at the moment, on the Timorese side. Unfortunately, they are saying that they feel somewhat sidelined at the moment.

CHAIR—That goes to the criticisms that Gusmao made the other day, in effect. There was a bit of criticism of NGOs. I am not being critical of you people per se. As I said, my fear in all of this is that there are so many people with a finger in the pie that people are tripping over themselves, and in trying to kill the East Timorese with kindness they are creating more of a problem than they are offering a solution to the problem.

Mr Walsh—I do not think anybody is trying to kill the Timorese with kindness. Of course, as you said, this is done with great goodwill.

CHAIR—I am not saying it is done with negative motives. It is done with very good motives, and that is the problem. But in being done with very good motives, people are tripping over each other's feet.

Mr Walsh—In the original written submission we submitted to your inquiry we wrote that we thought two principles should underline the response to Timor's aid needs. One was that the right of self-determination continued beyond the exercise of the vote on 30 August. That right gives the Timorese the responsibility and the prerogative of not only sitting in the driver's seat but choosing the vehicle, choosing who sits beside them and who is in the back seat, choosing what speed it goes at, and choosing which direction it takes. That is the main point.

The second point was that we thought aid development in Timor ought to be provided in such a way that it actually contributed to positive relations with Indonesia. The problem is that in implementing that principle there has been enormous international pressure and demand from the Timorese for emergency relief and reconstruction aid. The emergency professionals have come in and they have brought their culture of response with them and they have done their job.

There is still a long way to go and there may be unevenness in the distribution of goods and services, seed, medicines, rice, et cetera. But now that CNRT—which was scattered to the four winds and had no mechanism together to actually play a role while this emergency response was taking place in its early stages—has arrived back in Timor and is setting up offices, detailing people to positions, establishing phone numbers and addresses, there is a

feeling on their part that there is a lot being done without them and without their participation. So there is a catch-up process that has to take place.

We are one agency within what is a multinational effort, with some 48 agencies within Timor from all over the world. Our job, insofar as the Australian agencies are concerned, is to encourage the closest possible dialogue with CNRT, with the East Timorese NGOs and the other key players there. We have seconded a person to OCHA, the Office for Coordination of Humanitarian Affairs, in Dili to play that role and I am going to Timor on the 30th of this month to contribute to that process. But there is a disconnect; there has been the emergency role which the Timorese feel was done to them, rather than with them, but which, of course, had to be done. Now there has to be a period of adjustment and we have to move more quickly into a human rights approach and a developmental approach. A lot of that involves actually building the capacity and the institutional role of the East Timorese community. It cannot be just handing out and welfare.

CHAIR—What arrangements have been made to ensure the coordination of global, national government and NGO efforts to rebuild East Timor? Are there formal arrangements in place to ensure that coordination?

Mr Walsh—There is the NGO information centre at OCHA that I referred to. I can go into details—

Senator WEST—Can you explain what OCHA is?

Mr Walsh—It is a UN—

Senator WEST—Okay, it is UN. Who runs it, who is involved—can you give all that sort of detail of OCHA so we have some understanding of their process?

Mr Walsh—It is a UN entity. It is an emergency mechanism that will soon phase out; it has been constructed precisely to deal with the coordination of emergency assistance in issues of this magnitude. The director is Ross Mountain—he is seen quite often on the television. They have recently put out a consolidated appeal for funds for all UN bodies operating in East Timor in their various roles. We have seconded one of our staff members to work with them to ensure that what they are doing is known to the NGO community, both local East Timorese NGOs, insofar as they exist, and international NGOs, and that there is cooperation and coordination between them. I can go into some of the detail if you are interested. It is very logistical, matter of fact stuff: getting phones, getting desks, getting chairs, getting computers, organising meetings, making sure that people who need to go into the interior or go to a meeting can get a car, that people know when meeting times are. It is easy for us to do here in Australia, but in Timor, where there has been no functional government and no infrastructure, it is an incredibly difficult task, and one can see the potential for considerable confusion.

Senator WEST—What is the active involvement and role of the East Timorese people in the CNRT in OCHA?

Mr Walsh—CNRT have appointed Mr Agio Pereira, whose name is in the document on CNRT I have tabled, as the coordinator of their emergency commission. That is a vast role and, to be perfectly honest, I do not think he is as available at this micro level, where a lot of the detailed consultation discussion needs to go on, as perhaps is needed. I would hope CNRT could appoint more people to represent them in East Timor and outside Timor, so that consultation, communication, is possible in real terms and is not just a nice principle. But, as I said a moment ago, for them to do that they need the training, the equipment, the resources to participate, and a lot of that does not exist.

Senator WEST—You did say OCHA was about to be wound up, or you gave me that impression, that it was the emergency side of it and would taper off. What is going to take its place to ensure that there is consultation, cooperation, collaboration?

Mr Walsh—That is not too clear to me. UNTAET, the UN Transitional Administration in East Timor, will have responsibility for all government services in East Timor, including emergency assistance, agriculture, infrastructure, education, health, you name it—it will be the de facto government of East Timor and it will take over from UNAMET and OCHA. The Director of UNTAET, Mr Sergio de Mello, is arriving in Timor about now.

Senator WEST—That is not going to get over the problem that we have seen alleged in media reports in the last few days about lack of consultation and apparent misunderstandings as to what the aid and rebuilding process is actually about and who is going to get access to it. I am concerned as to how those problems and issues are going to be overcome.

Mr Walsh—It is unfortunate this has happened. The facts are the Timorese are aware, like any other Third World society, that perhaps there is a tendency on the part of developing countries to be a bit too directive and heavy. That is a broad cultural perception that is there: they are Third World and we are First World. They are also extremely sensitive to it in their own circumstances because they fought on the basis of self-reliance and self-determination for a quarter of a century to run their own show, and they did it without much support from the international community. So somebody like Xanana Gusmao comes very much from a tradition of ‘we need to stand on our own feet and we need to fight our own battles, and if that is taken away from us, even with the very best of intentions, that is something we do not agree with and, in fact, is very bad development philosophy.’ The role of any development agency, whether it is an NGO or the UN, is to make itself superfluous, to put itself out of business, to empower the people it is working with. So it is unfortunate this happened, but I think it is the product of the particular circumstances that have been visited on East Timor by the destruction that followed the ballot.

Senator WEST—You made the comment earlier—and I might have misunderstood you—that the East Timorese level of infrastructure and ability to administer that infrastructure was fairly basic in terms of the personnel. If they are going to be able to participate in the coordination and collaboration of the future, what is being done to ensure that the capability levels of the East Timorese are such that they will be able to compete and be able to articulate and comprehend their needs and requirements and to have the input that is required to give them ownership of the solutions to the problems?

Mr Walsh—I think you have put your finger on the absolute No. 1 priority—after, of course, supplying emergency services to ensure people are alive and healthy and can function—and that is institution building and capacity building in Timor. The examples of what are being done on that score that come to mind are, for example, the decision of the World Bank to include East Timorese experts in their recent joint assessment mission to East Timor, and the public acknowledgment by the World Bank that there is a danger the Timorese will be marginalised and that they in fact have to be fully consulted, fully involved in the whole process, so it is not just Xanana Gusmao who is making those points.

Another example, from a more ACFOA point of view, is that one of the first things we did after the dispersal of people to the four corners was to try and find out where the NGO, non-government organisation, leaders had gone and then, having tried to find them—in some cases successfully and other cases not—tried to discuss with them what they wanted to do. A few of them have come back to Dili and they are recommencing the NGOs that they established and led before the devastation, but there are only a few. I think at this point there are about six that are minimally operational out of the 18 or 20 or so that existed before the August ballot. Almost across the board they have lost everything. Their offices are wrecked, their documents taken, their equipment removed, et cetera, so it is extremely difficult for them to regroup and begin functioning again. But our job in many ways is to make sure that they get set up again, can resume the role they were playing, strengthen that role and that they can work together. One of our key objectives is to actually create, if you like, an ACFOA in East Timor.

We were involved in working with them before August to do this. We have to try and recreate it all over again. Sally Gregory, the staff member I mentioned who was seconded to OCHA, has Timorese billeted in that UN compound so that they can play a role in bringing together their own people. The meeting I am going to on 3 December is to in many ways encourage all the NGOs to get together and in some senses meet each other for the first time because, as I was saying, the problem has been that people came in very focused with a single task of saving lives, and that was their job. There was simply no time to even understand much about the history or culture of Timor, and we have to move on from that and take a longer term developmental approach in bringing the Timorese with us.

CHAIR—Thank you very much, Mr Walsh. There are other questions we would like to ask but, unfortunately, time does not allow us to do so this morning. We will take the evidence that you have given to the committee into consideration in the compilation of our final report. Thank you very much.

Proceedings suspended from 10.38 a.m. to 10.49 a.m.

O'CONNOR, Mr Michael James, Executive Director, Australia Defence Association

CHAIR—The committee prefers all evidence to be given in public, but should you at any stage wish to give any part of your evidence in private you may ask to do so and the committee will consider your request. The committee has before it your submission. Are there any alterations or additions you would like to make to the submission at this stage?

Mr O'Connor—I have no alterations to that submission but I do have what is in effect a supplementary submission. I have given a copy to Mr King.

CHAIR—We will treat that as a supplementary submission which, subject to the normal scrutiny of the committee, will then be made a public document. I now invite you to make an opening statement and then we will proceed to questions.

Mr O'Connor—Thank you, Mr Chairman. This opening statement will essentially be a precis of that supplementary submission. If I go on a bit I hope you will cut me short.

CHAIR—You go as long as you like.

Mr O'Connor—We have extended the scope of the submission beyond the immediate issue of security which was the basis of our original submission and, in so doing, we are drawing on my personal experience in the pre-independence Papua New Guinea administration because we think that there is a parallel with the East Timor situation.

We take no pleasure in asserting that if the process we propose in our original submission had been implemented then the people of East Timor would have been spared the mass of material destruction and human misery inflicted upon them by a lawless Indonesian administration. We predicted that and proposed to the Australian government last February the process set out in our submission of last March. As of today our proposal to the government has not even been acknowledged.

The association has the utmost admiration for the efforts of the government and the Australian Defence Force in establishing and deploying INTERFET. That admiration extends most especially to the members, the troops of INTERFET, whose professionalism and humanity are worthy not only of the highest praise but of considerable awe. At this time, however, we are concerned that both INTERFET and UNTAET processes are fundamentally flawed and that the future of East Timor as a stable, independent, democratic state is at best uncertain. I would have to say that we are intentionally pessimistic at this stage.

The problem for INTERFET is that it has to operate in a political and legal vacuum which is something no military force should ever be required to do. In a day-to-day sense it has meant that suspected offenders that are detained by INTERFET troops cannot be placed before a judicial tribunal because there are no such tribunals and none have been established. They should have occurred even if they were under the aegis of some form of martial law. This has contributed to the further complication that INTERFET has tolerated the detention of militia suspects by Falintil and in so doing tended to endorse Falintil as a legitimate security organisation in contravention of its own mandate.

INTERFET's problem was compounded in our view by a misguided endorsement by the Australian government, and the House of Representatives at least, of the guerrilla leader, Xanana Gusmao, as some sort of legitimate East Timorese leader without that standing ever being tested by a legitimate political process. Gusmao has cleverly exploited that by subsequently appearing constantly in East Timor in Falintil uniform, often with INTERFET bodyguards. At present Gusmao has some self-asserted claim to the leadership of the CNRT, but CNRT is made up of disparate groups, many of them products of Portuguese colonialism with a strongly elitist view of themselves and their position in East Timorese society. CNRT is united only by its opposition to Indonesia, and East Timor's centuries-old history of internecine conflict gives little confidence that CNRT can remain united and claim popular support.

Faced with the responsibility of government, CNRT is, on the experience of other post-colonial countries, very likely to fragment along social, ethnic and regional lines, in which case East Timor will face two main choices—either it develops the political structures that allow democratic choices or it will be ruled by the people with the guns. The people with the guns, apart from INTERFET of course, are Falintil, and they are resisting the United Nations mandate which requires that they hand over those weapons and disband. Already there are signs that Falintil is determined to act as East Timor's post-Indonesian security force and will avoid, rather than resist, INTERFET attempts to disarm them. There is also some evidence of Portuguese government support for this claim to be a legitimate security force.

For its part UNTAET will commence operations some time in the new year in a very difficult, if not impossible, political situation. The main apparent weakness is the appointment of the United Nations special representative who will be the *de facto* government. As in the past, this is to be a senior diplomat or UN public servant. This is fundamentally wrong in principle. Such officials have no ability to govern a country. They have no experience in government and indeed the official appointed is a human rights and refugee specialist. He will certainly have advisers and Gusmao expects to be one of these, but the special representative will have to be in charge as his is the responsibility.

We have some concern that unless a senior political figure is appointed—someone of the standing, as suggested in our original submission, of former Philippines president Fidel Ramos or maybe a former Papua New Guinean prime minister such as Sir Michael Somare or Rabbie Namaliu—then you will have the government of the country of East Timor effectively run by this unrepresentative group in CNRT or maybe even a faction of CNRT.

I will go on to some basic principles on the elements of peace building because this has been an important part of the study we are engaged in on police operations. There are two basic but interrelated elements in a peace-building process. The first is the establishment and maintenance of security and the second is the political, economic and social development of the community. Security cannot be established solely by military force. Security must be based upon the rule of law because no society can be stable or operate effectively without the rule of law. This is fundamental. The military force can establish order but it cannot establish the rule of law. That has to be done by proper judicial structures.

UNTAET is being established under chapter VII of the United Nations Charter by the Security Council. Authority for the government of East Timor is therefore vested in the

council with some devolution to the secretary-general and through him to his special representative. In practice there is a tendency on the part of the council to exercise close control, which, by the nature of the council itself and its distance from the operation, cannot be effective and has demonstrated that repeatedly over the years.

In our view all authority ought to be devolved to the special representative in East Timor who should have substantial autonomy as an administrator or governor, subject only to supervision. We repeat our preference for the use of chapter XII of the United Nations Charter, the trusteeship chapter, to establish a trusteeship in which the trustee is the primary political authority, subject only to reporting and inspection requirements of a re-established UN trusteeship council.

We offer one important note on establishing the rule of law, based on some discussions in recent weeks of the establishment of some sort of international human rights tribunal to try breaches of human rights in the destruction period. In our view, as far as possible prosecutions for human rights violations should be pursued within East Timor on the basis of the ordinary criminal law that was in effect at the time, on the principle that the rule of law would be served by people observing criminals being dealt with by their own courts under their own laws. I would find it quite extraordinary if Indonesian law did not make a criminal offence out of murder, rape, arson or malicious damage—any of these things that occurred. They can be tried under the law even if, as Gusmao has indicated, they wanted Portuguese law to apply. I am sure Portuguese law would also ban such acts. It is most important that the people of East Timor see these offences being tried locally, before their own eyes as it were. This was a fundamental principle we followed in Papua New Guinea.

I do not want to go into any great detail on the other elements of the political, economic and social development process. They are in the submission. But I would express the concern that if we pursue short-term expedients then these are unlikely to provide a stable base for the future, and we will run into the problem of donor fatigue as well.

This will hasten the day when full responsibility can be handed over to an indigenous government before it is capable of handling it in a proper sense. The process of pursuing short-term expedience and the problem of donor fatigue heighten the risk of installing an unrepresentative, unstable and repressive regime with resultant instability and its attendant risks to regional security because East Timor cannot be seen in isolation as a problem that does not affect Australia and Indonesia in a security sense.

For Australia there looms the likelihood that this independent East Timor will become yet another mini-state in Australia's area of direct strategic and military interest. In so doing it will join Papua New Guinea, the Solomons, Vanuatu and maybe others to come if other provinces of Indonesia seek independence. On the other hand, we sense a mood in the Australian community and the government that the East Timor problem has been solved and we can revert to our normal benign neglect of our neighbourhood. In fact, we are only now beginning to measure the extent of the problem that we happily wished on Indonesia back in 1975.

CHAIR—Thank you, Mr O'Connor. What should the Australian government have done last May when Indonesia refused to surrender its responsibility for security in East Timor

because that seems to have led to a razed earth policy by the Indonesians. What could have been done and what should we have done as a government?

Mr O'Connor—What we could have done was quite limited but I think it would have been very important to send a signal. We should have washed our hands of the Bali and New York agreements. We should have said Indonesia cannot maintain security in the province. It has not been able to do so for 25 years and we cannot agree that a suitable process can be satisfactorily put in place as long as Indonesia remains responsible for security. It might not have had much effect but at least it would have left the Australian government free to pursue other objectives. It would have put considerable pressure, I think, on the Indonesians to make some changes to the arrangements and maybe pressure on the United Nations as well to provide for a much more effective process.

CHAIR—Do you think the reluctance on our part was mainly in the Department of Foreign Affairs and Trade. They have been the subject of criticism by a number of witnesses before this committee on the grounds that they really did not read the situation correctly and therefore there really needs to be some sort of inquiry conducted into how they conduct their business. Is that where you think the blame needs to be sheeted home?

Mr O'Connor—I am not sure that I do because I do not know. Quite frankly, I do not know what advice the department gave to the government but I do believe that if there had been a properly sceptical view of Indonesia's capability, and intention for that matter, then we ought to have taken a different role. It has been known for two years at least that the Indonesians were prepared to consider a period of autonomy for East Timor on the Puerto Rico model. If we had pursued that instead of going hell for leather for Habibie's desire for an immediate vote then you would have had a much more deliberate process, one in which security would still have been a problem in East Timor but where, if our proposal for a trusteeship over that period up until the vote was taken had been implemented, you would have had a much more stable outcome and a much less violent outcome.

The violence was absolutely predictable. We predicted in our publications, as early as April, that this sort of violence would occur. It was inevitable because it was based upon what to us is an absolutely clear understanding of East Timorese history that this is a society which is not a united society. It is a highly factionalised society based on village, clan and region. It was similar in a sense to pre-pacification Papua New Guinea. Colonial powers from Portugal to Indonesia have not been able to manage this any more than the Japanese did.

There was a need to build a stable society where you could develop the structures of a civil society while maintaining security. The Indonesians could not do it and did not even try. There had to be an outside element involved. We walked away from that. I think the judgments we made were based on wishful thinking, rather than a serious analysis of the East Timorese problem.

CHAIR—What effect will East Timorese independence have on Australian security, especially our maritime security? There is other instability in the area with Aceh, Irian Jaya and Kalimantan. There seem to be problems breaking out everywhere. What would be the

implications for the Australian defence forces to meet the emerging crises that seem to be on our doorstep?

Mr O'Connor—The problems with East Timor, in terms of our security, are exactly the same as they were in 1975, but maybe not as important. The problem in 1975 was that an independent East Timor may have become a puppet of the Soviet Union or Vietnam at the height of their powers. Now the problem is East Timor becoming a puppet of organised crime groups handling narcotic smuggling, people smuggling or piracy.

The significant factor for us is that a very large proportion of our overseas trade, particularly but not exclusively from Western Australia, passes through East Timorese waters. As long as Indonesia was the sovereign authority, we had some confidence that the shipping would be protected through those waters, particularly given the growing close cooperation between the Australian and Indonesian navies. Now that is very questionable and there is a problem there. The implications for the Australian Defence Force are that we are going to have to put more resources into maritime security in that region and boosting the sort of cooperation we have had with the Indonesians to make sure that East Timor is not used as a base for hostile operations against that shipping.

As far as the other restless provinces of Indonesia are concerned, I do not see Aceh as a problem for us. It is remote. It is very much a problem for Malaysia which already has something like a million illegal immigrants from Sumatra. However, Irian Jaya will become a problem for us, particularly as we see that some of the activist groups who have been so assiduous in pursuing East Timorese independence have quite clearly shifted their focus to Irian Jaya to egg them on. The complicating factor there is that Irian Jaya has a common border with Papua New Guinea with whom we have a security arrangement as well.

This could lead us into having to make a choice between supporting Papua New Guinea or Indonesia along that border. This becomes a very difficult problem for us. I believe that we ought to be doing two things. The first is to take some pre-emptive action in conjunction with Indonesia and Papua New Guinea to make sure it does not become a problem. The second is to try to persuade the Indonesians to do a better job in Irian Jaya to ensure that any push for independence does not become a problem. In Irian Jaya the problem is going to be complicated by the significant numbers of transmigrants from Java who are counterbalancing the indigenous population.

CHAIR—How would you rate the UNAMET operation to conduct the independence ballot?

Mr O'Connor—I have to say I think the UNAMET operation is a disgrace to the United Nations and to anybody who supported it. UNAMET was theoretically supposed to conduct an impartial and proper election. To a degree it did so, but it created a problem by employing a large number of some 4,000 local employees to produce the electoral roll and to supervise the elections. It is quite clear that many of these people were not impartial. It also employed a large number of foreign observers, many of whom were pro-independence activists, who were given facilities to move around the country in the pre-ballot period.

In the process, UNAMET conveyed two impressions. The first impression it conveyed was that it supported independence rather than autonomy. The second was that the United Nations would protect an independent East Timor when it clearly had no ability and mandate to do so. So it was an expedient operation designed as a compromise to satisfy the Indonesians and the Portuguese and the United Nations bureaucrats. It contributed largely to the serious problem that we saw.

That ballot should not have gone ahead under the circumstances that it did because the militia violence supported by the Indonesian military was clearly going to happen, whatever the outcome of the ballot. I would have to say—and this is a suspicion only—that I would have some concerns about the validity now of the electoral roll that was used, when we see that there are supposed to be some 200,000 people unaccounted for in East Timor, based on the numbers on the electoral roll and the numbers who allegedly voted. These people cannot be identified or found. You have to question seriously whether the 200,000 that are missing off the electoral roll were, in fact, real people. I think that is something that needs to be investigated.

CHAIR—We did have the Australia Electoral Commission appear the other week before us. Whilst they did not have people on the ground in East Timor, they were fairly actively involved in the conduct of the ballot. It seemed to us from the evidence in the submission that they gave to us that they place a high degree of integrity in the roll that was constructed. You are the first person to mention anything contrary to that. We obviously cannot test the integrity of the roll; nonetheless, it is an interesting point that you raise.

Senator QUIRKE—I have been listening to your oral presentation and looking at the submission. One of the points you made is that Indonesia does have law and that those laws should have been enforced about rape, murder and all the rest of it. The fact is that they did not. Those were widely practised by those that were supposed to enforce that law. You mentioned how there were 4,000 locals employed in the ballot and that most of them were pro-independence. You seemed to indicate that there was a tainted ballot. You seemed to doubt the 79 per cent. You might be able to tell me what the percentages should have been. The impression I get from you is that you think the whole thing was a conspiracy to rob Indonesia of East Timor. The other impression I get from your evidence is that the world would be nice if the Indonesians and us ruled South-East Asia together and we did not have these problems.

I put it to you that the Indonesians in 24 years in East Timor have been one of the more brutal and fascist regimes this planet has seen, exterminating a large percentage of that country's population. In fact, in Irian Jaya, the problems you mentioned—and I agree with you about the problems—I think will happen. One of the reasons they will happen is because the same Indonesian military authorities have conducted themselves in exactly the same way in Irian Jaya as in East Timor. I suspect that, when you are dealing with Indonesia, one of the problems is that, until it internally reconstructs itself and starts obeying even a modicum of human rights, we are certainly going to have problems at this end of the world. Those problems are not those of the victims passively sitting back and taking it but indeed the Indonesian military authorities who could have achieved all of these things with autonomy years ago had they even remotely gone down that road. But they were never going to.

I must say that I think Australia is going to be in for a hard time. You might like to comment on a few of those issues there. Is it your view that the Indonesian authorities raped, pillaged and burned that place? Is it your view that, in fact, the ballot was tainted and that it should be disregarded or not?

Mr O'Connor—I will take the second question first.

Senator QUIRKE—You can take all of them in any order you want.

Mr O'Connor—You cannot set the ballot aside. The ballot is a fact of life. Whether it was tainted or not, I have to emphasise that I do not know. It is just my nasty suspicious mind at work. What we can say is that there are 200,000 people apparently missing. To get rid of 200,000 people in such a short time is a major logistical task and to do so without leaving massive traces is just not possible. Those massive traces have not been discovered.

I have an open mind on this. I just do not know. The reality, though, is that the ballot is a fact of life. East Timor is independent. Indonesia has conceded that. The challenge now is to make the best we can of that. As to whether or not Indonesia was guilty of all these things: yes, of course, they were. While we need to apply criminal law in East Timor to those who can be tracked down and dealt with in that way, there probably is a need for an international human rights tribunal to try to track down those who are outside the jurisdiction of East Timor. The obstructions are monumental. Indonesia has always protected these people. I do not know what the answer is there.

We are up against this doctrine of national sovereignty, which means there is very little we can do about it except at the diplomatic level. We should be doing as much as we can, partly because there is now a mood in Indonesia, at least with the political leadership in Indonesia, to discipline those in their military who have acted outside of the law. There are signs of that. For example, the appointment of a naval officer as commander-in-chief of the armed forces. There has been a persistent move over the years to get the Indonesian army out of internal security. This is resisted by factions within the army but is strongly supported by more professional factions within the army.

It is a mistake to see the Indonesian armed forces as a united whole. It is highly factionalised on religious, professional, historical and personality grounds. We need to recognise that those differences exist and to play on them, to use them, rather than to treat the Indonesian military as a united organisation which is wholly subservient to the government. It is none of those things.

Senator QUIRKE—Probably for the foreseeable future, the relationship we have with Indonesia is going to be critical but, at the same time, the relationship we have had with them, at least since the end of the Sukarno regime, has been one of appeasement. We appeased them over East Timor. In fact, we have gone down the road of governments of both persuasions telling the world that things up there did not really happen.

How do you see this relationship unfolding? My own view is that it is going to be critical, particularly given all of the other problems that Indonesia has of possible devolution in that area. How are we going to unfold this? It has not been a very good relationship really

because, when it came to the crunch in East Timor, it collapsed—and it collapsed very badly and very quickly.

Mr O'Connor—The relationship is critical and always will be because of our geographical relationship. Until Australia can pull up the anchor and sail off somewhere else, we are forced to live with Indonesia. That does not necessarily mean appeasement. I am inclined to agree with your characterisation of the relationship, although not to the fullest extent. I think there have been some very productive elements of the relationship, at least in the regional security sense.

That said, I think it is also true that we are now dealing with very radical changes in Indonesia at the political level and you clearly have a properly elected parliament for the first time in the country's history; a properly elected president for the first time in their history; and at least a declared determination to root out some of the problems that characterised Indonesia during both the Sukarto and Suharto periods.

I think Australia has to take a very optimistic view of that and encourage the process as far as we can. I think we need to encourage what we were doing, and that is to produce an Indonesian military which is far more focused on external security rather than internal security, and one with which we can cooperate in the security of what is one of the central global strategic regions of the world—the junction of the Indian and Pacific regions, through which a vast volume of international trade passes—all of which is enormously vulnerable to unrest in security breakdowns and simply requires a degree of policing, just as our streets require a degree of policing.

The challenge is there. I do not know what the outcome is going to be. It is what we have the government Department of Foreign Affairs and Trade for, but I think the two extremes—outright appeasement of Indonesia and, at the other extreme, treating Indonesia as a permanent and dangerous enemy—are both fated to destroy any sort of constructive relationship.

Senator QUIRKE—Wouldn't it be sensible, from our point of view, if Indonesia or the Indonesian military continues to concentrate on internal security because that means their weapons acquisition and a whole range of other things are going to be dedicated towards those sorts of purposes? I know you said a moment ago that you thought they need to deal with external security problems. A cynic might suggest to you that we are the external security problems and, as long as they are tied up with all these things, presumably we are not going to be on the agenda.

Mr O'Connor—I have never been persuaded that Indonesia and Australia are natural enemies. Indeed, Indonesia's focus, from the point of view of its external security, is very much to its north and to a lesser extent to its west, to India.

Indonesia has a substantial interest in having a friendly Australia at its back, and certainly the people we have talked to in Indonesia at quite senior levels have always emphasised that. Now of course they tend to be one faction within the Indonesian military, but certainly a dominant faction. There are enemies of Australia in Indonesia—there is no doubt about that—who see Australia as the enemy. However, for Indonesia to do Australia

great harm Indonesia does not have to have a power projection capability. It can do Australia great harm simply by interdicting Australian air and sea communications through and over Indonesian territory, and they can do that at the moment. They can even do it legally if they want to. They have not done it because they have no interest in doing it. We really do need to maintain a constructive relationship.

On the other side, encouraging the Indonesian military to play a more active role in external security rather than internal security for a start tends to remove the human rights problems with the Indonesian people. As an aside, I emphasise that one thing that they have done in recent months is remove the police from the control. It is now under the control of the Ministry of Justice which is, I think, a very large step forward. The other thing is that if you can persuade the Indonesians, particularly their navy and their air force, to have a more externally focused view, that will relieve the pressure on our Navy and Air Force in terms of surveillance and security in the eastern Indian Ocean, particularly the north-eastern quadrant. The degree of cooperation at the working level has been very strong and there are signs that it is continuing. There are signs that the Indonesians want to restore it because they, and we, share an interest in the security of this part of the world.

Senator WEST—I want to continue the line of questioning about the election referendum. You say there were 200,000 missing from the electoral roll because 200,000 cannot be accounted for. Am I correct in that?

Mr O'Connor—That is a figure I have seen quoted. I do not necessarily endorse that figure. It is one that is being bruited about.

Senator WEST—What, then, do you think the population of East Timor was—if you think along those lines—prior to the compilation of the rolls?

Mr O'Connor—We tried to find that figure from Indonesian government sources and they could not tell us; not would not, but could not. They simply did not know themselves. The best estimate I have seen was 650,000.

Senator WEST—That was in 1974 because that is actually in your submission. You quote on page 3 of your original submission some figures from 1974. You say:

Post-war, East Timor settled back into its more or less placid existence as a penal colony until the Portuguese revolution of 1974. At that time according to a study by the Asia Pacific Strategy Council: "there were only two civilian doctors and one dentist for over 650,000 people . . .

That was in 1974 if you are operating on 650,000. What do you think it was in 1999?

Mr O'Connor—I have to answer that I really do not know. I have no confidence in any of the figures that I have seen. What I do see is claims to all sorts of figures and none of those figures are ever justified. This goes back even to World War II and the sorts of figures quoted of the number of deaths caused because of East Timorese support for Australian troops. There is no basis for them. They are simply assertions. I suppose really what I am doing is raising doubts about it.

Senator WEST—Your 200,000 is an assertion like all the other figures?

Mr O'Connor—Yes, that would be my reading of it. But I simply do not know.

Senator WEST—Can you take me through the election day process? People prior to the election had to register in their home districts—is that correct?

Mr O'Connor—I believe so.

Senator WEST—They had to produce evidence. On election day they had to go back to where they had registered. They had to take the identification that they had used in the first place—is that correct?

Mr O'Connor—I am not sure. I am not hearing you very well.

Senator WEST—On election day they had to go back to vote at the place where they had registered, and they had to take with them the identification they had used to get themselves onto the roll in the first place. Is that correct?

Mr O'Connor—I believe so.

Senator WEST—Am I right in making an assumption that when they were voting they were marked with indelible ink in some way?

Mr O'Connor—That I do not know. I have not pursued this particular issue, and all I am really doing today is stating that I have some questions in my own mind. I do not have answers, and I do not even have a preference for an answer.

Senator WEST—I got the impression when you first made the comment that it was more than a question in your own mind. I got the impression that it was stronger than that. I was of the understanding that the actual electors were marked with indelible ink and that, according to the UNAMET, there was a 98 per cent turnout for the ballot. Looking at the media coverage of the time, there were certainly a lot of queues of very enthusiastic people who had been waiting for a long time, but I am wondering how, when they counted the votes, they came to the number they did—and there are now, you say, about 200,000 fewer people there. Are you implying that some people went away, scrubbed off their indelible ink and brought another set of papers back to have another go—vote early, vote often?

Mr O'Connor—I really do not want to imply anything except to say that there is a conflict here between claims—not even claims on both sides. The figure has been thrown around with an implication that 200,000 people have simply disappeared, the implication being that they have been deported, slaughtered or somehow disposed of. That does not satisfy me in the sense that it is very difficult to dispose of that number of people without trace, particularly in such a short time. I think it simply raises more questions than it answers. I am not casting doubt on the validity of the vote or the validity of the roll except to suggest—

Senator WEST—Excuse me, Mr O'Connor. When you first made your oral submission, you did say that you had concerns about the validity of the electoral roll. It is not that strong now?

Mr O'Connor—Only in the sense that questions have been raised that really have not been answered in my mind. If we assume that the roll was valid and that the process was valid and honest, then there are questions about the whereabouts of those 200,000 people which are not being satisfactorily answered. It is simply being said, or claimed, that 200,000 people have disappeared. Now 200,000 people do not disappear without trace over such a short period. INTERFET are saying that they patrol the island very closely by air and on the ground, and they cannot find those missing people. Those who have been deported to West Timor are pretty well accounted for by the UN High Commissioner for Refugees. You can make some assumptions about those who were part of the Indonesian administrative apparatus and have actually returned to Indonesia and will not come back; I do not know what the numbers are.

I simply say that there are questions there that I cannot answer, but the questions are there on the agenda. I do not want to go down the track of saying that there has been great fraud in the election, because I do not know. Frankly, I doubt it. But I do know, from my own experience in Papua New Guinea developing electoral rolls and conducting elections for the first House of Assembly there, that, in a district with which the observers are not familiar, the capacity for fraud does exist—if you want to use fraud. I am not saying that fraud existed; I am simply saying that the possibility is there. It is my nasty, suspicious policeman's mind, I guess. But I do not want to take it any further than that.

Senator WEST—I hope I never meet you on a dark night when you have your uniform on! I will agree that there are more than 100,000, probably 200,000, people who are yet to be accounted for. I was concerned because the organisations that had said that it was a free and fair election on the whole included the Australian Electoral Commission, which internationally has a very high reputation for being able to scrutinise and review ballots. They were saying, as I understand it, that they thought that it was basically okay. I was concerned that there seems to be a gross difference of opinion there. There seems to be less of a divergence now that I have teased it out a bit.

You also talked about groups transferring activities from East Timor now that it is independent of Irian Jaya. I am not quite sure what you meant by that.

Mr O'Connor—We all know there have been groups in Australia that have been fostering independence for East Timor for a quarter of a century—which is obviously their right and maybe their duty. I tend to the view that they tend to take a very superficial approach to these issues which is bordering on irresponsible. What I have seen is some statements, that I cannot particularise right here, where some of those groups have indicated that their attention will now pass to Irian Jaya because they believe that the East Timor situation has been resolved. It is our contention, of course, that the East Timor situation has not been resolved and that, while the ballot is certainly valid, Indonesia has abandoned all claims to the place. In essence, the problems of building a stable and peaceful society are really only now beginning. That is our focus; it is very much on the post-ballot period. In

our view, the violence during the pre-ballot period was predictable. We did predict it, and we predicted that the ballot should not have taken place at that time and in that form.

Senator WEST—You talk about groups transferring their activities. I would not have thought that the transference of activity would have been particularly fruitful unless there was a significant element already in existence in that particular country or region that wanted to seek independence or autonomy. I would not have thought that a few hundred people belonging to a group here in Australia saying that they should have independence would actually do a great deal to foster a movement in a foreign country, unless there was a significant movement there for which they could actually be the mouthpiece back here in Australia. I just do not see how a couple of hundred people pushing a particular cause can actually set up and foster a grassroots, mass upswelling of dissent and dissatisfaction in another place.

Mr O'Connor—I take your point, but in some sense the same could be said of East Timor: that the moral, as it were, and the logistic support that the independence movements within the country gained from outside—not just from Australia, but especially from Portugal, for example—do have a substantial effect on the development of these independence movements within the particular country. Again, I do not want to overstate it, but the fact is that you do have an independence movement of a sort in Irian Jaya. It is based very much on old former Dutch public servants or their junior now associates. It has been supported from Holland at a very low level and from Australia at a very low level.

I simply say the potential is there and it is something we need to be aware of. I do not think that you can safely say that this is not a factor. It is not something to condemn, it is something to recognise because ultimately people will have the right to do what they think is the right thing to do. My concern about organisations like that is that they tend not to consider the consequences of what they do and it does tend to lead to the sorts of problems, indirectly at any rate, that we see in East Timor because of the reactions they generate.

Senator LIGHTFOOT—Mr O'Connor, we are very fortunate in having islands to our west, Cocos (Keeling) and Christmas, and one significant one at least to our east in Norfolk. We have also some down on our southern boundaries and southern oceans in Macquarie and others. These could be used as bases. I must declare my interest here, that I am a life member of the Australia Defence Association. With respect to East Timor, do you think that we should consider a permanent base in East Timor with respect to part of the defence infrastructure of Australia?

Mr O'Connor—I do not see any great advantage in that, Senator. For a long time we have been disciples of Admiral of the Fleet Lord Jellicoe, who recommended that Australia establish substantial naval and air facilities in Darwin. He made that recommendation in 1919. We are still waiting for the substantial naval facilities. I think it would be far better to build our base, particularly our naval base capability, in Darwin rather than in East Timor.

Cocos is an interesting example. Cocos has no strategic value whatsoever for Australia. It has very substantial strategic value for Indonesia and for India because of the airfield there. If it were not for that airfield it would have no strategic advantage whatsoever. It is of no

advantage to us and we do not have the capacity to defend it. But it is Australian territory and the inhabitants are Australian citizens and entitled to our protection.

Senator LIGHTFOOT—We have at great expense the over the horizon radar that I trust one day is going to work sufficiently to warrant its expense. These outposts of our particular territories are something akin to that. Why don't we use them as a defence enhancement for Australia?

Mr O'Connor—The main problem with something like Cocos, for example, which is the most defensible, is that it is not defensible. I actually wrote a novel about this some years ago. In the study leading to that I came to the conclusion that it is very easy to capture Cocos but it is almost impossible to defend it because the island is simply too small to be able to deploy a force which is capable of operating against an invader. Indeed, that was the sort of scenario in the novel.

Senator LIGHTFOOT—How can we extrapolate that to East Timor? Are you saying there is a similar defence inadequacy if we were to establish a base in East Timor? I am not suggesting that we would, but if we did.

Mr O'Connor—As we demonstrated in 1942, and again this year, we can operate in East Timor from bases in Darwin. Darwin is the key because Darwin has either the infrastructure or the potential for infrastructure, which is one of the reasons why the association has always supported the completion of the north-south rail link, to provide logistic support for Darwin. Darwin is the key. Having a base in East Timor adds nothing because there is no infrastructure in East Timor to substantiate that base, yet it is within range of operations from the Darwin area. So, it does not add anything.

Senator LIGHTFOOT—Does the building of the standard gauge railway from Alice Springs to Darwin enhance the potential that Darwin has for upgrading its defence facilities?

Mr O'Connor—Absolutely. In fact, we believe it is quite critical. Again, it is one of those things that was recommended back in the early part of the century. It contributed to our inability to operate out of Darwin during World War II until about 1944 when the highway was eventually built. The fact that we did not have a rail link then created very serious problems for not only the Australians but the Americans as well in attacking the Japanese held oilfields in the then Netherlands East Indies.

Darwin is of immense strategic importance, not just for Australia but for the region and on a global scale. Australians do not recognise that. I have to say that my family was bombed out of Darwin in 1942. Oddly enough, the Japanese actually recognised the strategic value of Darwin then and we did not. They recognised that base facilities at Darwin threatened their hold on the Netherlands East Indies.

Senator LIGHTFOOT—Let me concentrate on East Timor in the short time that is available to me, in particular, the make-up of INTERFET and the structure of the future military presence there. There has been a large change in what type of people go into countries like East Timor, Africa, Asia or South America, for instance. In Africa you send in Africans these days, and in Asia you send in Asians. Given the sectarian difference between

East Timor and West Timor and other parts of Indonesia, is it appropriate that forces other than Christian forces should have a significant role in INTERFET in the future in East Timor?

Mr O'Connor—This is something that we have looked at very closely in the study we are doing on police operations. Our view is that it does not matter where you are operating so long as the troops that you use in such a force are properly trained and enculturated for the task. The United Nations tendency to draw forces from wherever, both police and military, has not been a success. They draw units or formations from all sorts of countries whose military range from top professionals down to little more than bandits in uniform. They draw their police from countries that have a very strong tradition of protection of the innocent.

Senator LIGHTFOOT—Where would you categorise the Philippines?

Mr O'Connor—They are pretty doubtful. The conclusions we have come to, especially in respect of military forces, is that there are in fact only a very small number of countries whose military forces are suitable. Firstly, they should be drawn very much from those countries that value high professionalism in the military as combat forces. Secondly, they should be drawn from countries whose culture supports the notion of their security forces as protectors of the innocent.

Senator LIGHTFOOT—And that is protection of a similar culture?

Mr O'Connor—Not necessarily, but a recognition of the value of the culture in which they are working and the vulnerability of the ordinary innocent people in that country. We saw this, for example, with the Australians operating in Rwanda and Somalia where the ordinary Australian soldier saw himself as very much the protector of the locals against the bandits, as the protector of the ordinary innocent people against the bandits who were preying on them.

We have come to a conclusion that, to be particular, you have to concentrate on Australians, British, New Zealanders, Canadians, Pakistanis, Malaysians and Indians as the key—as the best people. It does not exclude others but they are the core of countries that have these qualities. An important part of that is that their military doctrine and their national culture encourage soldiers to see themselves as—

Senator LIGHTFOOT—Let us take Malaysia: Dr Mahathir Mohamad has said that he is quite willing to supply troops, and wanted to lead INTERFET or a similar force. They are ethnically and culturally very similar to the Indonesians, but not to the East Timorese. Doesn't that create a problem where you have blatant differences of this nature?

Mr O'Connor—I do not believe so, in the sense that the Malaysian military—and I have had discussions with their experts on this—have a very strong peace operations doctrine which does train their soldiers to see themselves as protectors of the innocent. In fact, the comment was made to me that the Malaysian soldier gets on very well with the people with whom he is operating, as they have in Bosnia, for example, over some years. The ordinary

soldier actually learns the local language much more quickly than his officers because he is dealing with the local people.

This is contrary, for example, to the American practice which is one of strict non-fraternisation with the local people. The Americans are quite unsuitable for this sort of peace operation. The soldier has to engage with the local community because he is their protector, but they are also the source of his critical tactical intelligence, if he treats them properly. The Malaysians encourage that in their doctrine. The true Islamic culture underpins that. It underpins their role as protectors, and that is the critical factor. It is how the soldier sees himself and how his training and doctrine in his armed forces supports that self-perception.

Senator LIGHTFOOT—What about the mercenary aspect of it—and I mean that in an economic sense? Isn't it better for Australia for the future rebuilding, say, of East Timor, for the easier exploitation of the oil that is undoubtedly there and about to be tapped, if Australia maintains a significant armed presence in East Timor—not as one of intimidation but continuing in a similar role to what General Cosgrove has done, to his credit? Isn't it appropriate in those terms that Australia maintain its presence there rather than capitulate or hand over or handball that particular leadership role to another country?

Mr O'Connor—My understanding is that when UNTAET takes over, allegedly in January but possibly not until March, Australia will still have something like 20 per cent of the total military force there, which is a significant factor. I notice that a Filipino has been selected, or is to be selected, as the leader, but the Australian presence will still be significant.

I think the question you raised looks beyond that. It looks perhaps to the stage when the UN has withdrawn and East Timor exists as an independent nation, and whether there ought to be an Australian presence there. If there were to be, that would have to be negotiated with the East Timorese government. There are precedents for this, particularly in Africa. Whether it is a good thing or not, I hesitate to say. Quite frankly, I do not believe that any Australian government is going to put up its hand to produce the money for that, given its general attitude to defence. But it would also have to be at the request of the East Timorese government. We might persuade them to request it, but unless they willingly want to do it, we would simply be producing a force which would have no value at all.

Senator LIGHTFOOT—Thank you very much, Mr O'Connor. It has been very pleasant talking with you.

CHAIR—Thank you very much, Mr O'Connor. We have now gone a fair way over time, so we do need to move the proceedings on. Thank you for the evidence that you have given the committee today. Undoubtedly, we will take that into consideration when our report is compiled.

[11.57 a.m.]

GUTERRES, Mr Abel, Chairman, East Timor Relief Association

CHAIR—I now welcome Mr Abel Guterres. The committee prefers that all evidence be given in public, but should you at any stage wish to give any part of your evidence in private you may ask to do so and the committee will consider your request. I now invite you to make an opening statement and then we will proceed to questions.

Mr Guterres—Thank you, honourable senators, for giving me this opportunity. I have just come back from East Timor. I have not prepared any written format for presentation, but I will share with you the present situation on the ground and, perhaps during questioning, some of the experiences that I had during the voter education campaign in the six weeks which I spent in East Timor before the vote. I had a lucky escape. I had two close attempts on my life, but fortunately I am alive. I will talk a little bit about the rebuilding process and hopefully how Australians can help out in that process.

Briefly, as you have heard from press reports, our leader, Xanana Gusmao, in a statement used the word ‘colonialism’. I spent some hours with him and we talked about the overwhelming response from all levels of the Australian society in terms of helping East Timorese.

I was also discussing with him the sister cities. There are a lot of regional cities, such as Ballarat and Bendigo, and also inner suburban cities which want to have some kind of sister city relationship with districts in East Timor. So it was important for me to raise that issue not only with him—to find out how he felt—but also with other leadership. The response has been greatly positive. We would like to encourage that in terms of setting up that friendship on a people-to-people level.

One thing he was very concerned about was the role of aid agencies on the ground. I will not name the specific agencies, but especially the major agencies whose—

Senator LIGHTFOOT—Are they our non-government agencies?

Mr Guterres—No—it is the non-government organisations, the NGO agencies that are operating on the ground especially in terms of food distribution and emergency shelter building. There were many aspects of the conduct of the staff or employees of those agencies which never took into account the local CNRT structures—CNRT is the National Council of Timorese Resistance of which Xanana Gusmao is the chair. There are those local structures which those agencies could have tapped into in terms of a full distribution.

There was a general attitude of putting East Timor in the same basket as the Somalians, Sierra Leoneans or Cambodians: ‘These people are all the same. We know better, we do a better job than them.’ As a result of these kinds of actions, it has led to food ending up in a market for sale—rice for sale, oil for sale—when thousands of other people in the villages have missed out where they were supposed to receive that food for their living.

So these complaints were coming in to Xanana almost every day. There were also comments from people within the middle ranking leadership of a third invasion and of new colonial masters arriving. Some specific comments were: 'These are the people that are supposed to be our friends and are here to help us. Yet they disregard us, and it seems that we do not exist.' Those local structures were there to tap into so that the food distribution can be equitable, so that every person and every family can get what is required for their basic living allowance.

In this local middle level leadership of the CNRT, there were some—I do not say all—who even went to the extent of burning down those compounds of the aid agencies. This is how much they could not take. These people have just been traumatised by the whole devastation of the Indonesian military and the militias and then, when they are there, they want help so that they can organise their local people and they can help distribute food so that they do not have to face questions and complaints of people not getting food. All these things went to Xanana. I think Xanana had held off for some time in trying to communicate with aid agencies to correct those discrepancies, but somehow no-one took notice of him.

When I met up with him, he was concerned and upset. He clearly instructed me, 'Get back to Australia, go and ask our friends to help us so that we can meet the needs'—this gap that exists and is left over by the aid agencies—'of those people who have missed out on the food aid.' He specifically said, 'Yes, I know there are a lot of Australians who will want to help us, go and get their help.' These are the aspects of the operation of the aid agencies and so on.

On the military level, the Australian troops are popular. I am not saying that to butter you up, but that comment has been made to me by kids and by old people. I think Australians by nature are very relaxed and mix in easily with local people. I think that goes back to the Second World War where the 400 diggers survived because they put themselves on the same level as the local people and established that quick friendship. I make those important comments.

When I was in Baucau, at least five or six people came to me and said, 'We want those two Aussie policemen to come back.' Then I asked, 'Why?' They said that during the evacuation process the UNAMET workers in Baucau were lined up to be machine gunned by the military, the TNI. Of course, these two guys just simply went in front of them and said, 'You kill the two of us and we will die with all of them.' That went on for a few minutes, then the military came in and pushed them aside. They came back again to stand in front of those people. They were really putting themselves on the line. The Timorese saw that as an act of true friendship. So that is what Xanana asked for: we want them back here to help train our police and things like that. Those are the comments that are specifically coming from local people.

I would like to briefly talk about the reconstruction. Originally, if this devastation had not taken place, we would have been starting our independence from above zero. But it now looks like we are starting from below zero, because everything—all the infrastructure and buildings—is destroyed. People do not even have spoons, forks, plates and pots to cook with. Another aspect of the food distribution was that they gave people rice, but they did not give

them the means with which to cook it. There were no pots, plates and so on. That was one aspect of the aid distribution.

So there is an enormous need for friends around the world to help in rebuilding East Timor. We specifically look towards Australia for that help. I am sure there are other countries such as Portugal who are more than willing to help, but I think the future of East Timor lies here in the region—being right next door to Australia.

Also, I think our people are prepared to forgive what successive Australian governments have done in contributing to the suffering and death of the East Timorese people over the 24 years of Indonesian military rule. One thing that they know is that the Australian people are different from the Australian government, which I think is very important. They acknowledge that. Having lived here for 24 years in exile, I know quite well that there are many people, thousands of people around Australia, who have been very supportive of the East Timorese struggle. I am sure that that kind of supportive role will continue. Of course we will continue to forge the friendship for generations to come.

Touching a little bit on the Timor Gap Treaty, I am sure the leadership has expressed that the bulk of the agreement will remain. But a time will come when people in the leadership will express their views on the subject. At this stage not a lot has been discussed because everyone is concentrating very much on the emergency needs of that population, that is, shelter and food. Hopefully, by some time next year, once UNTAET takes over, we can get that planning and those processes in train.

Going back to the relationship of the existing UN representative on the ground, there are also tensions with CNRT. There are personnel within the UN system on the ground who even question the legitimacy of the CNRT, which I find very insulting because, after all, this is an organisation that conducted resistance for 24 years. This is the organisation of which Xanana Gusmao himself is the leader. Even at the ballot box, on the ballot paper, CNRT was clearly established as truly representative of the East Timorese people. That is how it was conducted. To question that legitimacy is tantamount to an insult to the East Timorese people, and that does not help in terms of fostering a good working relationship with UNTAET.

There were times when CNRT was trying to find a building for its base to operate. The INTERFET troops were already there putting signs up that this is INTERFET property now and they would occupy the place and CNRT have to keep looking for places. I was there for 10 days, and part of my job with the CNRT commission for emergency was to find a base from which our organisation could operate. Those were aspects of the unfortunate discrepancies. Hopefully, when Mr Sergio de Mello arrives in East Timor, Xanana will be able to clearly confer with him and express his views on the whole situation. Let us hope that things will change. But if things do not change then we foresee trouble.

On the other aspect of the border security, almost all of East Timor is quite secure with the INTERFET presence. We foresee problems on the border. We know, from our own intelligence network, that Indonesian troops, the TNI, the Kopassus, continue to train militias in their secret locations. They mean business.

It is up to the international community to really press the new Indonesian government to bring the Indonesian military, especially the Kopassus, under control, so that the money is helping people's welfare—Indonesian people who live under the bridges and in slums in Jakarta. That money should be diverted to help those people rather than spending it on the military and pursuing futile warfare on the border between East and West Timor. There are also expressions of west East Timorese who are really concerned about West Timor, Kupang especially being affected, and by the level of the militia presence and of course the military. They will lose business, especially in tourism. These are the aspects that I would like to mention. I will stop here and honourable senators can ask questions. Thank you very much.

Senator WEST—Can I go back to the early part of your submission where you raised the issue that got some media attention here earlier in the week, and that was the feeling by CNRT that their structures had been ignored in the distribution of aid. What has been the result of the publicity? Is it being addressed in some way?

Mr Guterres—I suppose it remains to be seen how these NGO agencies will respond in terms of consultation and working with CNRT. It remains to be seen in the next week also.

Senator WEST—I understand there is an organisation called OCHA, and that it is a coordinating body.

Mr Guterres—OCHA.

Senator WEST—OCHA. Have they not been involved in this particular problem? What is their role in this?

Mr Guterres—I do not know the extent of their consultation with the local people. The other aspect that I need to say here is that you have got aid agencies who have personnel from different countries—you have got French who speak English, German who speak English, and all these different countries speak English. Of course, for East Timorese it is hidden there, and they go so fast they could not even pick up what I am talking about. They do not even slow down. But for East Timorese it is this: if they cannot do it they simply withdraw, they will not participate because time is not given. Everything is so fast. The way some nationalities pronounce the words, they make it very hard if they are not used to speaking English. So those things also do not help. I do not know the true extent in terms of consultation from the OCHA organisation.

Senator WEST—Does CNRT actually have a representative on OCHA?

Mr Guterres—Yes, there was some kind of consultation, and of course people have taken those complaints to them and there was no result. So once the local people cannot handle that situation everything goes up to the leader, and of course the leader will make the views known, the complaints known to the organisations involved, but even that does not work. It did not work, and that is why Xanana went public.

Senator WEST—Am I right in interpreting from what I have read in the paper and from what you have said here today that there are some areas of East Timor not being reached by food aid?

Mr Guterres—Yes. I think it is at the distribution level. They are trying to get into all those areas but there are always thousands of people who miss out because of the distribution factor. Some get too much, many get nothing, and I think that is the aspect. For example, with one of the agencies which was looking after the district of Manatuto, the local people had organised some 130 to 150 people, who were ready. This is a local centre, these structures. They were there ready to receive the rice so that they could distribute it to the local people. One of the agencies there told them, ‘Okay, we only want 60. The rest can go home. We will pay the 60 to do the work.’ Those people were there to voluntarily help, but they said, ‘The rest can go home; we’ll pay the 60 to work.’ In the end, the 60 could not do the work. They could only do so much. Then, when they went to ask for more, they said, ‘All right, the rest will have to come and you will have to pay all of them.’ It is just that stupidity on the part of the personnel involved. I do not know what kind of experiences they had. But that is the kind of operation that was around. You have got volunteers there who are going to help, who know the local people, so that one person cannot come for a second helping, so everything is equally distributed and they take responsibility for it. That did not happen. So that kind of example has taken place.

Senator WEST—Has CNRT identified areas where aid is not getting to?

Mr Guterres—The remote areas. They are in the process of getting there. I think, for example, they have times for distribution, and then there are people who walk for hours and, when they get there, the food is finished and they have to walk all the way back. That is the kind of thing that happens.

Senator WEST—You also said that food was ending up in the markets for sale, that rice and oil were ending up in the markets for sale. Who was actually selling them?

Mr Guterres—Local East Timorese. That is because the means of distribution was a problem. For example, the foreigners do not know who is who. The same person can come in and pick up bags of rice two or three times, or 10 people in a family can come in and each claim one bag. That means they have 10 bags and there is a huge surplus, so they sell them. In a sense you do not blame them, but people who are organising who does the distribution are the problem. It is simply because the local people are not involved. If local people were involved, then people would not be likely to come for a second helping, or the same family member cannot, because they all know one another.

Senator WEST—Can I ask you what the CNRT is doing to develop policies and identify the needs of East Timor in reconstruction and redevelopment?

Mr Guterres—At the moment there is a joint assessment with the World Bank, so hopefully, once that is all finished, we should have a clearer idea of policy direction. We hope that the World Bank and other UN agencies will continue to consult the East Timorese, and we hope that the East Timorese will have a major say in terms of reconstruction and the development of East Timor in infrastructure, health, education and so forth. We are in the process of setting those policies in train, but there has to be a consultative role with UNTAET which will take over soon.

There is some concern, from the experience of other countries, that the UN simply dictate and do not take local people's input into account. So we hope that that does not happen in East Timor. I personally will make sure that that does not happen. We have fought for 24 years. We have got a vision for our country. We will be living there when there will be no UN personnel there in two or three years time. We will have to deal with problems. We have a vision of how we want that country to be governed in terms of its development. So, whatever happens, we will take the blame if something more happens, but we want to have a major say in those reconstruction aspects of things on the ground.

Senator WEST—What is the structure of the CNRT to ensure that people get adequate consultation from the grassroots so that with CNRT it is not just the elite making decisions? How is it structured so that the people out in the villages and more remote areas can actually get some input into the development of this policy and the development and identification of needs?

Mr Guterres—Xanana has done his tours of all the eastern part of East Timor. He was in the process of doing that when I got there. He is going to consult with the people. Everywhere he went, the entire population will get together to hear him explaining the procedure of the reconstruction and the input of the local people. I think in the end the leadership must encourage the people to express their views without fear or favour. He is certainly doing that. He is specifically telling the population that, 'You are the people with the power, not us; we are simply your servants. You express, you tell us what you want. If we do wrong, you condemn us and you can hang us upside down, no problems, and that is what we are here for.'

The East Timorese structure is such that there is grassroots consultation at all levels. I think that is how it has been over the 24 years of the resistance, because there is a normal input from the grassroots, from the people, and that is why the guerillas survived. Each individual has always contributed, the families always contribute to their common need, common interest, and we will use the same process which Xanana is doing to consult the local people to have an input.

In terms of the development of infrastructure and building architecture and all that, we are also encouraging people in different areas to have their own style of architecture so that everything is not the same like Indonesia has been doing—you know, like boxes. So then, in a panoramic sense, it will be quite good scenery for visitors and people to have some kind of pride—the local people. Different regions and different districts will have a kind of pride for their uniqueness within the country. We want to encourage that to happen.

Senator LIGHTFOOT—Mr Guterres, do you see the CNRT as being the logical leaders in a political sense in the former—

Mr Guterres—At this point in time, yes, they are.

Senator LIGHTFOOT—Why?

Mr Guterres—Because these are the people who have, over the years, engaged in taking the leading role in the struggle.

Senator LIGHTFOOT—So how many legitimate political entities do you see emerging from the aftermath of the destruction, and when do you believe those entities will be able to choose a government?

Mr Guterres—On the present form and at the present time, the major political occupation of CNRT is to feed and shelter the people who need emergency help.

Senator LIGHTFOOT—But isn't that the prerogative of the United Nations, and aren't they undertaking that?

Mr Guterres—Yes, they are, but CNRT have an input. We were just talking about the discrepancies of how the United Nations agency and other NGOs are operating, which is not really admitting the—

Senator LIGHTFOOT—Do you see that as a political advantage in having a say as to whom food and other aid distribution goes?

Mr Guterres—It has to go to all the people who need help, because the people have made complaints.

Senator LIGHTFOOT—The question was: do you see that as a political advantage in CNRT having a say as to whom the food and other aid goes?

Mr Guterres—I think being the representative of the people, and the complaints come to CNRT, the CNRT have to respond. You cannot simply ignore the people because, after all, they are there to represent the people and to really pursue what the people's interest is all about, and that is what the role of CNRT is all about. In terms of political processes, we hope that by the end of UNTAET time it will be open for political parties to be formed—

Senator LIGHTFOOT—How many? No restrictions?

Mr Guterres—You do not want to be running a country with a chaotic situation, but there will certainly be aspects of the constitution which will allow those kinds of rules to take place.

CHAIR—Could I interrupt there because I think I understand what Senator Lightfoot is after and I am after the same information myself. Do you see CNRT folding as an overarching organisation in favour of emerging political parties within East Timor rather than CNRT having the foot in the door, so to speak, now and therefore becoming the dominant political force?

Senator LIGHTFOOT—Can I give an example: could you see yourself being like the ANC in South Africa?

Mr Guterres—No. CNRT is simply a council to meet the present needs.

CHAIR—I think this is what Senator Lightfoot is after.

Mr Guterres—The CNRT will cease to exist as a council.

Senator LIGHTFOOT—That is getting more to the point.

Mr Guterres—The political parties will start to evolve and they will present their political program—how, who, which party can better manage the economy and the country.

Senator LIGHTFOOT—You have got no ambition for the CNRT to be the sole party—a one-party state?

Mr Guterres—No. Xanana would not allow that. I personally would not allow that, because otherwise it would be a dictatorship.

Senator LIGHTFOOT—Yes.

Mr Guterres—That is what we have been fighting against.

Senator LIGHTFOOT—It could be argued that a one-party state was not necessarily—

CHAIR—I think that was the clarification that was required.

Senator LIGHTFOOT—My other question was: when do you perceive there will be elections to set up a government structure?

Mr Guterres—Hopefully, within the next three years. We will see how the timing goes because I think the overwhelming concern is to meet the people's basic needs. Within two to three years the process will be open. The political parties will be formed—the existing ones, and new ones will emerge—and there will be electoral rules in terms of when a group of people can form their party in terms of numbers. There are all those kinds of models that we will be pursuing in terms of how we will organise it.

Senator LIGHTFOOT—How can you say this without going to the people? How can you say these things will automatically happen without going to the people?

Mr Guterres—There will be consultation taking place.

Senator LIGHTFOOT—Who will make those consultations—CNRT?

Mr Guterres—Yes. They will conduct those consultations.

Senator LIGHTFOOT—CNRT is not going to fold immediately?

Mr Guterres—No, not immediately because you need to prepare the groundwork. Who is going to establish the rules for the electoral laws, for example? Who is going to do that? CNRT will have to do that. All those preparations—

Senator LIGHTFOOT—It might be someone outside CNRT. For instance, what is going to happen to the people who are Muslim and non-independence people? What is going to happen to the pro-Indonesian people?

Mr Guterres—It will be inclusive. Even before the announcement—this is before the devastation took place—Xanana was prepared to have 10 leaders of the militias in the transitional council. He was having that, even to that point. He knew, everybody knew, that these were the people who were killing people and so on, but he was still prepared to give them a go and be part of it. So truly, when you speak about reconciliation, you practice it, not just talk about it. Not just in words but in practice. That is what he was prepared to do and he has continued to do that. We all want to do that.

Senator LIGHTFOOT—How does Mr Gusmao propose to bring in Oecussi, the enclave? How are you going to bring that into the process?

Mr Guterres—Oecussi is still part of the territory of East Timor.

Senator LIGHTFOOT—But logistically there is a problem. How do you propose to bring it into the—

Mr Guterres—Before the Indonesian invasion they were under Portuguese rule. There was access. Things will change. We hope to have a good, cooperative relationship with West Timor, with Kupang, with the Nusa Tenggara Timor government. We hope to have that good working relationship in the area with the whole of eastern Indonesia. That will happen. There is endeavour in terms of communicating with local West Timor leadership. It will be in their interest and in our interest to maintain that cooperative role.

Senator LIGHTFOOT—You would not propose to trade off the enclave of Oecussi?

Mr Guterres—No. It is like Australia trading off Tasmania to somewhere else. You would not do that; no way.

Senator LIGHTFOOT—The fact is that Tasmania is not an enclave of Australia. It is an integral part and it is bound by the same sea. You are not, in your enclave, bound by the same land mass. I am saying that there appears to be a problem. What have you done? Will you resolve that?

Mr Guterres—That is not negotiable.

Senator LIGHTFOOT—That is a pretty definite sort of an answer. I have just two more questions: what part is Portugal going to play, if any, in the future of an independent East Timor?

Mr Guterres—Portugal has expressed willingness to give all the support necessary that the East Timorese people now require or ask of them. Yes, they will play a role, the same as Australia will play a role. It is up to us to determine how much this country can help us.

Senator LIGHTFOOT—What about Mr Jose Ramos Horta? What part is he going to play, if any, in the future of East Timor?

Mr Guterres—That is for him to answer, but I think he has got his natural place.

Senator LIGHTFOOT—You have already told me what part Mr Gusmao is going to play.

Mr Guterres—We have no better diplomat than him in terms of foreign affairs.

Senator LIGHTFOOT—He will play a significant role; is that what you are saying?

Mr Guterres—Yes, he will. Somebody of his experience will be very important to guide the country as to where it is heading.

Senator LIGHTFOOT—What of the future relationship between a properly structured government of East Timor and Australia: how would you describe that as your best proposition? Would it be close, very close? Would it be similar to Singapore? What would you see as your relationship with Australia?

Mr Guterres—There will definitely be a close relationship with Australia, because of the fact that 20,000 East Timorese are living here. The interaction at the people's level will shape that in no time. There are people who are concerned, but I do not have that concern because there are natural processes. People will start to go in and out; it is people that make countries close in terms of friendship. People will make that happen and I think the Australians and East Timorese will make that happen.

Senator LIGHTFOOT—Thank you very much, Mr Guterres.

Senator QUIRKE—I have a couple of quick questions. There was a bit of controversy here this morning. We had someone make the suggestion before the committee that the ballot was not properly conducted, that in fact the enrolments were suspect and that the result was tainted, although he came back from that. But at the end of the day he said that one of his suspicions about how good this ballot was, was the fact that 200,000 people cannot be accounted for. I wonder if you would like to comment on those 200,000 people, on the ballot process and on whether or not you think the result was a legitimate endorsement of independence for East Timor.

Mr Guterres—In terms of the ballot, for example the registration of the people, UNAMET did its work well, because they had to register all those people. The Indonesians were there. They were overseeing it and all these things were happening. There was also the Catholic Church which had its registration, but at least completed a year before that. So every East Timorese of voting age was accounted for. UNAMET did its own. It came close to the numbers that were registered.

As far as missing people were concerned, I did not really see that it was a major discrepancy or in any way in respect of the conduct of UNAMET. Considering their

circumstances, they did quite a good job. With all the pressure that they were under, they did a fantastic job. They should be praised rather than—

Senator QUIRKE—So the 200,000 missing people do exist?

Mr Guterres—The total population was 800,000 and there are still people missing. Those people missing could be Indonesians who were living in East Timor or people who have intermarried. We cannot give a precise answer to this question until a few months time when all those people from West Timor get back into East Timor. Then we will be able to follow it up. Each village has its own people. The people will know who is missing. That will be easy to trace; there will be no complication about that.

In each suburb in Dili, everybody knows one another. They know which families are missing and how many people are missing. They all said that they will be able to gauge exactly how many are missing. They will be able to see their own people because they know the Indonesians, the Indonesian public servants and migrants who were living there and they know who are East Timorese. They will know the difference.

Until then, we really cannot say; we cannot pinpoint the figures. Even on my visit, there was talk of people being dumped on some of the uninhabited islands—of people just being taken and dumped there. Whether they had food or water was disregarded. There was talk of this, but there was no way of proving it, until such time as they can see how many people are missing, when people start to trace the families and relatives—where they are and so on. That will only take place when all the East Timorese who are in the camps in West Timor are safely back in East Timor. Then we will be able to proceed with the tracing processes. By that time, we will have the exact number of how many people have been killed and how many are missing.

Senator QUIRKE—The militia appears to be an appendage of TNI. To what extent is the militia independent from TNI or is it totally subservient to TNI and was it doing TNI's bidding when it trashed East Timor?

Mr Guterres—The militia is simply a product of the TNI, a facade, of the Kopassus especially, and I say that straight out. The Kopassus are above the law in Indonesia; they are not under the law; they do anything. What the president says, they disregard. Those militia are part and parcel of the Kopassus strategy. The destruction of East Timor was systematic. There were no two ways about it—unless there is something wrong in people's minds. There were two things that they were going to do afterwards—before they left—and that was to blow up the bridges, the port facilities and the power station. They were the last things they were going to blow up. But Cosgrove knew that and took measures so that did not happen.

In terms of militia, there is just one. But most of the time it is the Indonesian military who are part of the militia. They put wigs on. One journalist managed to do this. He went back and put a wig on. That all went to that extent. They were deliberately doing it. It is just incredible.

You see, TNI, the Kopassus, over these 24 years, were able to pull the wig over the eyes of countries like Australia, or they pretended to. So they thought they could still get away

with it. The culture of their thinking is, 'These Westerners do not give a stuff about East Timor anyway.' They have not given a stuff about East Timor for 24 years, so they did not think they were going to come this time.

That was the culture of their thinking and that is why they went on a rampage. Tono Suratman—I think it was on *60 Minutes*—openly said, 'If East Timorese vote against Indonesia, everything will be destroyed'. He said that openly, even two months before the actual ballot took place, but no-one took any notice. And it has happened, because Kopassus knew. I am sure Australian intelligence pinpointed exactly what was going to take place. They knew it.

Senator QUIRKE—I am sure you are right.

Mr Guterres—If they did not know, then Australians have to brace themselves—if they do not do a good job.

Senator QUIRKE—I am sure you are right. In respect of former President Suharto's lands, which are extensive in East Timor, and other ill-gotten gains over that 24-year period, I trust you are going to be able to deal with these sorts of problems?

Mr Guterres—I do not think it has become relevant in terms of Indonesian and East Timorese relations.

Senator QUIRKE—Does that mean that you are not going to respect their land ownership?

Mr Guterres—They were there illegally in the first place.

Senator QUIRKE—Good; that is what I wanted to hear. I wanted to nail you down. Thank you, you have given the answers I wanted.

CHAIR—In terms of the language to be used, the currency to be used, what is your view there?

Mr Guterres—The official language of East Timor has always been the official language from the Portuguese. I think there are historical interests, but I think more so with the future economic interests of East Timor in terms of having a window open to the European Union. That is one of the major reasons to retain Portuguese. But there will be, as I see it, four languages: the East Timorese language, which is Tetum; bahasa Indonesian; English; and Portuguese. In the long run, English being the trade language, it will simply overtake in the day-to-day affairs. That is a natural progression. We will encourage our people to be multilingual. The more languages we know, the better.

Senator WEST—Yes.

Mr Guterres—You should not restrict yourself to one or two languages.

Senator WEST—What about currency, education and the health system? Have you worked out what types of systems you are going to use there?

Mr Guterres—We have not got any exact model, but those policy formations are taking place now. Hopefully, within the first few years, in regard to education and health services—food production and so on—there will have to be a really massive government injection, especially in the health area. The people's health will really need to be brought up to a standard, so that better physical wellbeing of the population will evolve.

Senator WEST—What about currency?

Mr Guterres—In respect of the currency, there is no definite answer because we are in the process of deciding whether or not we adopt the rupiah, the escudo—the former Portuguese currency in East Timor—or some kind of dollar. We are in the middle of discussions about that at the moment. At this stage, on the ground—for example, with trade—we are using Australian dollars, US dollars and rupiahs. People seem not to take advantage of the dollar; they would rather have rupiahs because they know them best. Dollars are better because you get more value from them than from rupiahs.

CHAIR—My only other question relates to the Timor Gap Treaty. You alluded there to the fact that there were some concerns with parts of the treaty, as I understand it, without specifying those parts. Real commercial concerns were expressed by some witnesses before the committee that, if there is any attempt in any way to try to renegotiate the core of the treaty—that is, the basis in terms of taxation and a range of other issues—then it will place in jeopardy the viability and development of those fields and some massive investment and put in jeopardy the long-term returns that will come to East Timor. Can you identify those elements of the treaty that CNRT have grave concerns with? Is there an understanding on the part of the CNRT of the very tenuous position that might exist if people are looking to do a wholesale renegotiation of the treaty?

Mr Guterres—I do not think we would touch on the core aspect of the agreement because it is a waste of time.

CHAIR—The treaty is in place.

Mr Guterres—Yes, that is right.

CHAIR—It is just a matter of the treaty being passed over to the government of East Timor, whoever they may be, in the future and there being a transitional arrangement in that interim period. I understand there is a commitment on the part of Phillips Oil to proceed with the development. If the development does not proceed now the benefits then take some time to come on-stream for the economy of East Timor. I have always seen the passage of that Timor Gap Treaty to the people of East Timor as being absolutely crucial in underpinning the future economy of East Timor. To play with it would be playing with fire.

Mr Guterres—I think there could be concerns in terms of taxation and royalties that may go to East Timor in terms of increase. It is not really a major contention in a sense. I think they will be wanting negotiation.

CHAIR—Those are the very concerns that were raised with us. It might be worthwhile if you were to look at some of the evidence that has been given to this committee by some of the interested parties in the Timor Gap Treaty. I am sure you would have spoken with them anyway. Thank you, Mr Guterres, for your appearance before us today. We appreciate the fact you have just recently returned and given us the evidence that you have given today. We will take that into consideration in the compilation of our report.

Proceedings suspended from 12.54 p.m. to 2.15 p.m.

KINGSBURY, Dr Damien, Executive Officer, Monash Asia Institute, Monash University

CHAIR—Welcome. The committee prefers all evidence to be given in public, but should you at any stage wish to give any part of your evidence in private, you may ask to do so and the committee will consider your request. The committee has before it your submission. Are there any alterations or additions you would like to make to your submission at this stage?

Dr Kingsbury—No. I did send an addition in the mail last week.

CHAIR—We have received that and it is part of the submission. The committee agrees to its publication. I invite you to make an opening statement and then we will go to questions.

Dr Kingsbury—Thank you very much for the opportunity to speak to you. I am sure that you have been made aware of most of the things that I will talk about. But my main concerns, as they relate to my submission, concern the role of the Indonesian military in East Timor, particularly from late last year and again from early this year in response to movement towards the establishment of some sort of referendum process on the future of the territory. This indicated that the actions that were taken in East Timor by the military were not at the behest of the government in an official capacity. The government in a number of cases tried to rein in the activities of the military but were unable to do so. This reflected the state of the political process in Indonesia at the time, the weakness of the presidency and so on.

The Indonesian military, as you probably well know, have run East Timor as a sort of a personal fiefdom since their invasion of December 1975. Indonesian officers have had significant investments in businesses there. Trade has been done outside of the normal centralised structure—that is, imports and exports did not go through Jakarta as they would in any other case. They usually went through Singapore. A large degree of the profits which were made in East Timor in this period went through the military, and the military were essentially unanswerable on the issue of East Timor. It was its own playground. That was the sort of background to the responses which we saw from late last year and again from early this year.

When Habibie made the announcement that there would be a ballot on autonomy or independence, the armed forces moved very quickly from the highest levels of the commander-in-chief to try to block that move. That was by the appointment of Major General Zacky Anwar Makarim as not just the person who was the head military liaison with UNAMET but the person who was going to be responsible for the organisation, funding and training of the militias which came to prominence a bit later on. The militias themselves were based on home defence units and pre-existing militia bodies which in one or two cases had quite a long history. They were essentially reinvigorated, redeveloped and reconstructed for the purpose of trying to spoil the process of the ballot. Initially the idea was to intimidate, sway and scare people into adopting the pro-integration line.

The belief, I understand, was that the distinction of political feeling in East Timor was much closer than it subsequently turned out to be. The TNI believed that 30 or 40 per cent,

maybe even 45 per cent, of the population were in favour of integration and that they just needed to persuade a minority of the population in order to be able to, if not achieve an absolute majority in the ballot, at least dispute the outcome of the ballot in such a way as to make it invalid. By around June it became quite clear that this was not just a failure of policy in terms of trying to achieve a particular outcome, but that it did not accurately reflect or understand the sentiments of most East Timorese people at that time.

Added to this you had the importation of a very large number of people from West Timor, some of whom had been refugees from 1975. Many of them, I believe, were not legitimate refugees and therefore did not have a legitimate right to vote. UNAMET was fairly conscientious in its screening of these people, but a very large number of them did enrol to vote and, as I noted, in the town of Balibo in particular, a number of them were paid by government officials which indicated that on polling day, outside of a polling booth, they were being paid to vote in a particular way. So there was every effort made to skew the outcome of the vote.

In terms of the activities of the militias and their relations with the TNI, clearly they were working very closely together. There was never really any major attempt to hide the relationship, but towards the middle and end of August the relationship became increasingly clear: militia operated out of police posts, out of military headquarters—in Maliana, in particular, the militia unit operated out of the military headquarters in that town. There was a very close relationship, or it seemed so from observation, between both the police, Brimob, and TNI and the militia members: they worked together, they talked, they shared cigarettes, they gave each other lifts in vehicles. As I said, towards the middle and end of August it became increasingly apparent that they were effectively one and the same organisation, that whilst there might have been some distinction in terms of personnel there was no distinction in terms of where the orders were coming from.

It was at this time that it was also brought to my attention that a number of NCOs in the TNI were directing the activities of militias in the Bobonaro district, in the area around Maliana and Balibo, Batu Gade. After numerous representations by UNAMET, a couple of NCOs—sergeants—were removed from their posts, as was the military commander of that district. But, clearly, this was window-dressing; it was too little too late and did not change anything on the ground. The violence that was perpetrated during that period appeared to escalate. It had been, I believe, fairly substantial from around March until July, from which time it started to escalate. There was a brief lull at the time of the visit of Alexander Downer, the Minister for Foreign Affairs and Trade, but it appeared to build fairly steadily thereafter throughout August.

There was again a lull on the day of the ballot itself. This indicated—and I think a number of people have pointed this out—the ability of whoever was controlling the militias to switch violence on and off to suit particular interests. I think they understood that if they were violent on that day it would rebound upon them internationally in a very negative manner, so the violence was switched off for that day, although I must admit that on that night the attacks resumed. The revenge, if you like, which had been threatened all during the process, was begun to be visited in a fairly full measure in the Bobonaro district. By way of illustration, I believe the village of Ritabou was largely destroyed on the night of the ballot.

The violence and intimidation was pretty profound, and I think that UNAMET in the circumstances did an amazingly good job. Nobody was sure at the time whether or not UNAMET was going to be quarantined from the violence, and there was a real sense that they were at some stage going to be targeted, so it was almost inevitable that once the ballot had been conducted the UNAMET would start to look after their own personnel and pull out of the outlying districts. For example, again in Maliana, people started to withdraw the day after the ballot, after the ballot boxes were loaded onto the helicopter, and they reduced their presence over the next few days until closing down their office in that district. Needless to say, without a UNAMET presence, the violence, which had already been fairly substantial, escalated and a number of local employees of UNAMET were targeted and killed. Many had been attacked previously but, clearly, there was a campaign mounted to punish those people who had worked with UNAMET.

I will close with one observation. The pro-autonomy groups complained after the ballot that UNAMET worked too closely with pro-independence people. I think it is fair to say that most of the local people who worked with UNAMET were in favour of independence; that is why they worked with UNAMET, that is why they put themselves forward. Conversely, the pro-autonomy people had refused to participate in the process so, by definition, could not work with UNAMET; there could not be any sort of redressing of the balance in terms of who was working with that organisation. So, as a complaint, that probably really did not warrant serious consideration.

The other point to be made is that, according to the observations of our observers of the AETIVP group—the largest Australian NGO group there—the ballot was conducted in as clean and free and fair a manner as possible. There was one minor report of something that was slightly out of sync with one of the polling stations, but insofar as there was a problem it was within the environment of the ballot, the environment of an atmosphere of violence and intimidation and the fact that, even on ballot day, police did not obey rules, they stood too close to polling stations, they carried guns, there were clearly intelligence agents around and militia were still present, although not dressed in their nominal uniforms. So insofar as the ballot represented the will of the East Timorese people, it did so in an accurate way, although perhaps it could be fairly said to have underestimated popular will, given the violence, intimidation and what amounted to vote stacking, particularly in the western regions. Thank you.

Senator QUIRKE—Your submission is very good and a number of the points in there obviously show a great knowledge of the area. Let us now have a look at the situation we have got. We have East Timor in ashes, we have had TNI obviously fuel the militias for everything it was worth, they trashed the place and they probably did so with a thousand, if not several thousand, murders, countless rapes and a number of things like that. Where do we go now for relations with Indonesia? How do we handle this? The way the Hawke and Keating governments handled it was to tug the forelock. On the other side, the way Fraser, and all the way back to Menzies, handled it was very much the same. I have heard evidence that the average Indonesian likes Australians. I know that to be nonsense because I have spent a lot of time in Indonesia—they either do not care about us or there is a positive disdain, particularly in Java but in some of the outlying islands as well. If you were giving advice to governments now, not about what has happened but where we go from here, how do we handle this situation?

Dr Kingsbury—Very delicately. It is a difficult situation, but I think there is movement in Indonesia at the moment with the recently elected presidency of Abdurrahman Wahid and the cabinet that he has appointed to move slowly to redressing relations with Australia. I think there is a sense that this will be done and it should be done but that it will be done slowly and it should be done slowly. It may not get back to the level of chumminess perhaps that we saw under Keating. But, then again, that was very superficial and it really did not accurately reflect the nature of the underlying relationship.

Indonesia wants trade with Australia. They still want technical assistance, I think. They want to move back towards some sort of constructive engagement, but they want to do it in a way that does not make them feel as though they are somehow being patronised. We need to be a bit cautious in that sense. I think that sometimes there has been a tendency towards being a little bit patronising towards Indonesia or Indonesian institutions at various times—not always, certainly, but on some occasions.

On the other hand—and I think I have pointed this out in that article I had in the *Jakarta Post* on Friday—we need to be very clear and transparent and honest in our relationship. If we see something that we find deeply problematic, we need to be able to say, ‘This is deeply problematic.’ We do not need to say it just privately, we can say it publicly so long as it is phrased in a way which is not patronising, in a way which perhaps understands circumstances but which legitimately points out areas of difference or differences of perspective.

Similarly, we need to be able to encourage the Indonesian government and its institutions to respond to Australia in a similar manner, to be a little more frank than it has been in the past. Frankness is not an aspect of the formal Javanese culture and hence it is not a part of official Indonesian culture. But, surprisingly, if you talk to people, even from within central institutions who are culturally Javanese, you can get them to be very open. I think that this should certainly be encouraged. We welcome their expressions of concern, their expressions of worry about us if they perceive us to be doing something wrong. We do not know how to address these if they do not tell us in a reasonably open way. That is certainly a part of it.

A part of it too is just not worrying quite as much about what we think of each other. At the moment I understand Abdurrahman Wahid is not that concerned about Australia, not because he has any special feelings against Australia—to the contrary, I believe—but because it is just not that important. We need to conduct trade relations, so let trade relations be conducted. If we have a diplomatic spat or minor tussle, then we have that from time to time, as most neighbours around the world do occasionally. But that does not necessarily mean that everything has to fall apart as a consequence. It is a question of keeping things in perspective and in context and just being a bit gentle about how we view things, but nonetheless being fairly open and fairly honest and fairly transparent in that process.

Senator QUIRKE—What about an independent East Timor? Where is this going to fit?

Dr Kingsbury—This is clearly going to be an issue of some sensitivity. We need to clearly assist East Timor. We are in the process of doing that, and I am sure that we will continue to do so. On the other hand, we need to indicate very clearly to Indonesia that we are not playing favourites, that we treat all states that we regard as deserving or in need or

whatever, equally. It needs to be made very clear that we do not favour one over the other, that we try to treat them with a degree of equality, that we think that they can live together as neighbours, as indeed Irian Jaya and Papua New Guinea co-exist on the same island. There is scope for the settlement of disputes as they arise, and inevitably will arise. Cross-border trade, banditry, smuggling, oil rights and fishing will all come up at some stage. But these things can be resolved through conventional processes and I do not see that it needs to be a problem.

We also need to understand that the Indonesian government is not now, nor has it ever been, monolithic. It is not a single institution. The government is made up of myriad parts. The recent case of East Timor illustrated that very clearly, where the presidency had very little control over one of the institutions of state, that being the armed forces. I think you will find that that was always the case, certainly for the last 10, 12 or 15 years, and it will increasingly be the case under this new government.

So we should perhaps not appeal to just one section of the government and expect to get results; we should make that type of appeal to a cross-section of government if we wish to address a particular type of issue. We should identify key figures throughout government who need to be addressed—stakeholders, party leaders, institutional leaders, whoever.

Senator QUIRKE—How much do you think Indonesia is going to unravel? Obviously, that concerns the army, it concerns a number of people, and it certainly concerned one witness this morning. It seems to me that there are a number of stresses and strains in Java's relationship to the outlying provinces. We have seen the Aceh experience. Do you think we will be dealing with more of these things?

Dr Kingsbury—I have written somewhere—I do not know if it is in my submission—that to view current states as perpetual is to have a very short-term view of history. That applies to many states in the world, particularly post-colonial states which are almost, by definition, artificial constructions.

Indonesia will inevitably change. Whether it breaks apart into separate states or not is not clear. I was heartened to hear this morning a friend of Abdurrahman Wahid say that he believes that Wahid will push for federation, not via constitutional change but via the mechanism of special autonomy. If he can introduce special autonomy to Aceh, and if he can persuade them to accept it, then he can introduce that to Riau, to East Kalimantan, to Irian Jaya and so on, and eventually have a state constructed of special autonomous regions which is, in effect, a federation.

That is one medium-term response. Whether it is achievable, I do not know. Certainly, if there is not some freeing up of central control then the tensions will increase and there will be a continuing tendency for the state to fracture. Wahid understands that, and I think probably most of the political leaders understand that. It is a question of how this can be accommodated within the confines of the 1945 constitution, which implies a unitary state and centralised authority, and the means by which the TNI is brought into this process and is brought around to accepting this position.

If you look at the TNI at the moment you will see that there is a significant reform movement within it. It might not be apparent sometimes, but it does exist, and that reform movement appears to be gaining legitimacy within the TNI. Major General Agus Wirahadikusumah, who has just been posted to South Sulawesi, is a very significant figure in that. Susilo Bambang Yudhoyono, who is now the Minister for Mines and Energy, obviously was a very significant figure in it, and may continue to be, given that he is refusing at the moment to give up his active commission in TNI. That is interesting because it means he was pressured into taking the ministry that he did not want. There is a strong reform movement.

If that strain can continue, and it is certainly being encouraged, then you can see a moderating of this centralised control and perhaps the recognition that local regions can conduct their affairs, particularly their economic affairs, slightly more independently, and get back more of the wealth they generate. You have to keep in mind that that was what was behind the split in 1958, the PERMESTA-PRRI rebellion. It was generated by the same sorts of tensions. If you can address the problem before it really arises, then perhaps we will not see the so-called Balkanisation.

Senator WEST—I would like to ask about reform of the military itself, because that would appear to be not a terribly cohesive unit. There are different factions, which I suppose is the best word to use, within the military. What do you see happening there? I guess it is a bit of crystal ball gazing. What future do you see in terms of reform of the TNI and the attitudes of the different factions?

Dr Kingsbury—I am trying to write a paper on this subject at the moment, so it has come at a good time, I guess. The factions referred to usually refer to the split in the TNI—which, fairly clearly, had been around since the late eighties or early nineties—between the so-called red and white faction, the nationalists secular group, and the so-called green faction, the Islamic pro-Suharto group, which he cultivated essentially to offset this red and white group that was trying to destabilise his presidency. That was brought to a head in May last year and resulted shortly thereafter in the sacking of Prabowo and a couple of other senior officers.

The factionalism that existed was essentially finished, in a practical sense, by around the middle of last year. You found that Wiranto consolidated power within and around the so-called nationalists secular group. Two things have occurred since then. One is—and this has always been the case with the TNI, or ABRI as it was—the coalescing of power around key individuals, what some analysts have referred to as constellations of power within the TNI. So it is not factionalism as such. These constellations often have strategic alliances. They do not necessarily run separate agendas, but they operate in a quasi feudal manner in terms of feudal alliances.

The other thing that has happened is that the reform group which was part of the driving force behind the nationalists secular group and which was exemplified by Lieutenant General Susilo Bambang Yudhoyono, has really come to the fore—and Wiranto in some sense represents that group very well. He is not seen publicly as a reformer, but he actually has endorsed their internal reforms and is continuing to push that line. He is, I think you will find, at one end of this reform spectrum. Wiranto is a cautious reformer; Yudhoyono is

similarly cautious, and the two were very close until the middle or early part of this year—a client-patron sort of relationship. They have subsequently split a bit.

At the far end, what you might call the radical end, of reform in TNI is Wirahadikusumah, who is leading a group of senior officers, mostly of Yudhoyono's generation, in the military and is pushing very strongly for quite radical reform. For instance, they are pushing the agenda—which I think has been accepted now—that no serving officer can occupy a ministry or a civilian position in government and that, if you occupy these positions, you must resign your commission. That in itself is a radical shift for TNI.

The move towards a joint chiefs of staff structure—which I think will take place some time next year—is also a significant shift, because it moves towards the so-called professionalising of the armed forces, which is part of a process of getting it out of politics and into the barracks and having its advice to government come through more accountable and formal channels than it currently does. So there is scope there for significant reform.

Realistically, I think you will see the TNI as perhaps declining in its political influence, but very, very slowly—much more slowly than the rhetoric that comes with reform would indicate. For example, in the appointment of the current cabinet, you can see the hand of TNI in there very strongly. People have said, 'The Minister of Defence is a civilian. This is a wonderful thing—first time ever, blah, blah, blah.' Juwono Sudarsono is as close to the key group in TNI as any of the senior generals. So the notion that he is somehow outside TNI is almost a nonsense. You will see a gradual hands-off approach, I think, but it will take several years.

Senator WEST—Over a number of years we have had military officers being trained in Australia. Are we seeing them bobbing up in any positions in any of those groupings—and others who have had overseas military education where they have actually been exposed to the professional army at distance from the government? Are we seeing that training having some influence?

Dr Kingsbury—That is a hard one, because there is a so-called professionalising push within TNI. The thing is, I do not think it comes out of Australia's contact. I do not get a sense of that. One of the problems with this of course is that there is no public list of who gets trained in Australia. Like many people, I have tried to find out who the officers were who came here, and you just cannot find out.

Having said that, the group that has most closely trained in Australia but which has been at the cutting edge of human rights abuses, et cetera, has been Kopassus. Insofar as training in Australia was meant to impart certain responsibilities or notions of respect for human rights and civilians, it has been an abject failure. Somebody I know from the Australian side who was involved in that process said that the Australian Army has probably benefited as much as the Indonesian Army from that engagement and that we need to restore that relationship because of what it does for us, not what it does for them. Having said that, I am doubtful. There are obviously benefits in cross-training with regional partners, or regional forces, but the potential for political fallout is significant—and responsibility and accountability. The other thing is that what they teach is not necessarily things that we, as

civilians, like to think about—such as intelligence, particularly the extraction of information, and the suppression of insurgencies and so on, which often entail very unpleasant methods.

CHAIR—I have one question: why do you think the TNI miscalculated support for the integration movement in East Timor?

Dr Kingsbury—It is a bit mixed. I think it is partly to do with the political culture of Indonesia in the new order period in which they figured they had been so good at engineering election results for so long that they could do it again. All they had to do was basically apply the same sorts of methods they had applied in the past in other regions to produce a result that would be sufficiently close to their desired outcome for them to perhaps satisfy a requirement to call into doubt the outcome. Part of the political culture in Indonesia, and in Java too, I guess, is that you do not tell people what is true but what you think they want to hear. So, when a senior officer goes to a junior officer, an NCO or even an informant within the East Timorese community, and says, ‘How are things going?’ they do not get an objective or an honest response; they get a response which gives them information that they believe they want to hear: ‘Things are fine, you know. Support for the pro-integration group is very strong and there’s no problem. We will win this one hands down.’ This is what is wanted to be heard.

CHAIR—How different is that from what actually happens in reality in our own community, though—you tell people what they want to hear?

Dr Kingsbury—The ‘Yes, sir’ or ‘Yes, minister’ culture, I guess, exists to some extent in most political societies where you will agree with your superior or tell them what you think they want to hear because you want to maintain favour. Some societies are probably more frank than others.

CHAIR—The reason I raised this is because an interesting parallel has been raised within evidence in this committee’s hearings that part of the problem within the Department of Foreign Affairs is that they are self-serving to their masters within the department, that people believe only what they want to hear and say only what they think should be said and that that has been one of the obstacles to good policy making over a long period of time. I am not necessarily subscribing to that view; I am just saying that that has been a point that has been put to this committee, and it seems strange that you were saying it in the Indonesian context. It does not seem that it is all that different whether you apply that maxim here in Australia, the United States or wherever else. I am looking for some defining difference, if you can.

Dr Kingsbury—There is some legitimacy to that expression of concern about the ‘Yes, minister’ response in the Australian political environment. The defining distinctions, I think, if that is what you are looking for, are that that is embedded deeply in Javanese culture—in conventional day-to-day street culture, if you like, home culture or business culture. It is not embedded deeply in Australian culture. People in Australia are much more frank. Indeed, one of the problems we have traditionally had with Indonesia is that we are fairly frank, fairly open, fairly blunt. The Javanese—if you take Javanese culture as the core of Indonesian political culture—are very introspective, allegedly polite and refined. They do not say things.

They say things they think you want to hear rather than things that will grate or create friction or tension, and that is a fundamental distinction.

How it plays out at the higher ends of the political process I think sometimes gets a bit too close for comfort. Having said that, I know certainly that a lot of the information given to Foreign Affairs and Defence through their various sources has been reasonably honest and fairly frank in its assessments and that due regard is not always paid to the advice that comes from the people in touch on the ground. The other thing, of course, is that there has been a culture, particularly within Foreign Affairs, for a number of years—led by, in the past, the ambassadors to Jakarta—which has been very much a case of preserving the relationship with Indonesia at all costs, regardless of other sacrifices. Timor has been one of the things that we have sacrificed in the process of trying to maintain or build good relations with Indonesia, and I think this was a fundamental mistake.

If you have a difference of opinion, you need to be a little more frank and open about it and you will find reciprocation in that sense. If you do not act in that manner, you engender a belief on the part of the Indonesian government that things are fine and then, when you suddenly have a change of heart as we seemed to have done over Timor, they stand back, shocked and horrified. They say, ‘But only 12 months ago, or 18 months ago, or whatever, you were supporting us. Now you are opposing us. What has happened for you to change it?’ We would have to say, ‘Sorry, we were not honest. We were not frank in the way that culturally we ordinarily would be.’ That gets back to this notion of transparency and a greater degree of honesty in our diplomatic relationship. The so-called Jakarta lobby I think really has a lot to answer for in terms of focusing our attentions on maintaining at least the superficial health of the relationship at all costs. If you want to go into the Jakarta lobby, I think the people who have contributed to that policy are quite well known and can be sourced elsewhere.

CHAIR—Just following on from something else that you said, do you think we overestimate our own importance in the region to places like Jakarta? When you said that we are not on Wahid’s shopping list currently and not part of his agenda, we understand why—we have had this explained to us by other witnesses. You have already concurred with my statement that we overestimate our own—

Dr Kingsbury—Absolutely. There is the classic comment in 1986 when Benny Murdani, when he was planning in effect what amounted to Indonesian revenge for the Jenkins article on Suharto’s corruption, said, ‘Well, we can afford to sacrifice Australia because it does not count.’ Palace culture in Jakarta is intensely introspective and inwardly focused. The rest of the world does not count; the rest of Indonesia does not count. Australia is really quite insignificant. Insofar as they are going to pay attention to the greater world, it will be to those parts of the world which can impose themselves in very definitive terms, such as the United States.

CHAIR—So that makes the US really the important player in the field in human rights and a whole range of other issues surrounding East Timor?

Dr Kingsbury—Absolutely. Having said that, there is always a tendency to overemphasise the traditional elements of culture and palace politics and all the rest of it in

Indonesia. The state is maturing slowly and they are increasingly recognising that Australia is not just close and weak and, therefore, should be subservient, insofar as it exists at all. Increasingly, I think there is a belief that Australia can occasionally make a contribution which is valuable and should be taken into account. I think probably under Wahid you will see that, despite his comments recently. I think that that was a bit of bluster and that things are probably not quite so bleak as they might at the moment appear.

CHAIR—All right, I think that is where we have to leave it, unfortunately, Dr Kingsbury. Thank you very much for your appearance before the committee this afternoon. We will take your evidence into consideration when drafting our report. Thank you.

Dr Kingsbury—Thank you for the opportunity.

[2.58 p.m.]

HILL, Dr Helen Mary (Private capacity)

CHAIR—I now welcome Dr Helen Hill.

Dr Hill—I am appearing here in my personal capacity. While I am a senior lecturer at Victoria University of Technology I am not exactly representing the views of the university, although we are very strongly in support of the reconstruction in East Timor.

CHAIR—We understand those relationships. The committee prefers all evidence to be given in public but should you at any stage wish to give any part of your evidence in private, you may ask to do so and the committee will consider your request. The committee has before it your submission. Are there any alterations or additions you would like to make to the submission at this stage?

Dr Hill—I have just one or two small details that I left out of the submission, relating to my own background and experience on East Timor. I should mention that I was a founding member of the Australia-East Timor Association founded in Melbourne on the day of the invasion. This is an organisation with over 300 members in Victoria and a branch in New South Wales which has been continuously working on the issue of self-determination for the people of East Timor.

CHAIR—Are there any alternations or changes to your submission?

Dr Hill—That is the sort of factual thing that could be added.

CHAIR—Before inviting you to make an opening statement, I just advise that two of my colleagues will have to depart at about 3.20 p.m. That will still leave two of us here for the rest of the afternoon. Bear in mind that a couple of colleagues may well walk out on you. Do not be insulted. You can make an opening statement and then we will proceed to questions.

Dr Hill—I have written some background personal information in the submission which I do not want to spend a lot of time on. I have three main arguments in this submission. Firstly, there are a number of turning points in history at which Australia's policy could have made a definite difference to what happened in East Timor and shortened the period of war and bloodshed which went on in East Timor. I have listed those turning points and will be happy to discuss any of them.

The second point is that I would take the view that Australia has made large errors and mistakes in its policy on East Timor. I do believe that they stem from the insistence that we see Australia's policy on East Timor purely and simply as a case of our relationship with Indonesia and not, unfortunately, as a case of self-determination of a people struggling for their rights which have been given to them by the international community through the United Nations. Because of the excessive reliance on only seeing this issue in terms of Australia's relations with Indonesia we—meaning the Australian government of all parties—

have been guilty of not fulfilling Australia's obligations in this part of the world. I think that other small countries in our region look less favourably on Australia as a result of that.

Why did this happen? This is my third point. I believe that within the Australian political culture, and not only in Canberra, we have a tendency—because Australians are not generally familiar with the politics of the region—to rely excessively on the interpretation of Indonesian politics from certain people. I have observed this among Australians who have gone to work in the Australian embassy, Australian academics who specialise in Indonesia and Australian journalists who take up a posting in Jakarta to do so with people who they usually meet early in their stay. One could be conspiratorial about this and say that this is a group within Indonesia who sets about to influence Australia's policy in the region or one could say that it just happens this way.

I lived in Canberra for eight years doing my PhD at the Australian National University. I did work also for one year in the Department of Foreign Affairs and Trade. I was an officer in AusAID, which was then AIDAB, for one year, then I went on leave in the public interest to work for members of parliament. It was continually my observation that something like an Indonesia lobby existed within the Department of Foreign Affairs and Trade and that a parallel grouping existed within the Australian National University and within certain journalists who made Indonesia their speciality. This is to some extent partly understandable, particularly among the academics, because they did need to continue to be able to get visas to go and do research in Indonesia. But it sadly compromised their ability to look at the issue of East Timor as a case of self-determination in its own right and as part of the Portuguese colonies who were being decolonised all around the world.

There was a tremendous tendency to accept the Jakarta interpretation of what was going on. I experienced this, as I have mentioned in my submission, as a member of the Labor Party and later as the convenor of the ALP Foreign Affairs and Defence Policy Committee in the ACT and a member of the National Policy Committee on Foreign Affairs and Defence, of the Labor Party. On that committee I had many debates with Bill Hayden and Gareth Evans over these issues.

In terms of Australia's relations with Indonesia, what can one say positively about them? I think that we need to think about Australia's relations with Indonesia as not simply being good relations between a certain set of leaders in both countries. Australia's relations with Indonesia depend as much on civil society and small business and educational institutions as they do on government. Think about all the money that has been spent on various projects to supposedly improve Australia's relations with Indonesia. I would say research money has been spent in universities carrying out research and writing papers which have proved to be basically wrong, given the situation we now are in with Indonesia.

When Abdurrahman Wahid was elected as President of Indonesia, there were not many in the policy establishment who knew him. There were a few in academia—but not in Indonesian studies, interestingly enough—who knew him. So a lot of effort can be put into building a structure believed to lead to solid relations between two countries and it can then be proved to be not based on anything very much at all. I think it is sad that many of the academic specialists on Indonesia did not feel free sometimes to make their analyses and

their undoubted knowledge of power relations within Indonesia publicly known so that we could have had a better grasp.

By the same token, I think that in Australia there were a number of non-governmental organisations who made great efforts to build links with the democratic groupings within Indonesia. It is very interesting that those democratic groupings within Indonesia came to Australia after the Dili massacre in order to make contact with Timorese, because they realised that the issue of East Timor was integral to the bringing about of democracy within Indonesia itself. Yet sadly at this time in 1991, the Australian government was still pursuing the policy that the interests and human rights of the people of East Timor could best be pursued within the context of being part of Indonesia. This is what I mean by not having a good appreciation of self-determination.

It meant not having an appreciation that the Timorese wanted independence and would be prepared to fight for it. So alternatives were offered: 'We will fight for your human rights if you give up the idea of independence.' That was the bargain that was attempted to be struck with the Timorese. At this time also it is notable that certain people in Australian governments comprised of either of the major parties would say that the Timorese would forget about their right to self-determination if groups in Australia did not stir them up and make them feel that independence was a possibility. This is so far from the truth as to be laughable, yet there were people who sincerely believed that.

I think that Australia should learn from this experience—that self-determination, particularly in the case of East Timor, where it was on the agenda of the United Nations, is not something that can be easily quashed. We have in our region a number of small countries, many of whom are much smaller and have less wealth than East Timor, so the argument which Gough Whitlam put back in 1974, that an independent East Timor would be an unviable state and a threat to the stability of the region, seems to have hovered over Australian policy ever since then, yet when we look at other countries in the region we do not hold them to the same requirement of so-called viability.

I might mention one or two other points which fit in with what I have been saying in the submission. One of these is that the turning points in Australia's policy largely relate to government activity. I was in East Timor—

Senator LIGHTFOOT—A turning point in Australia's policy towards Indonesia or East Timor?

Dr Hill—East Timor. I was in East Timor in the early part of 1975. The Portuguese government was actively carrying out a policy of decolonisation. A bit of rewriting of history seems to have gone on. Many people now seem to accept the Indonesian interpretation which was that Portugal deserted East Timor long before the Indonesian invasion. In fact, there was a coalition between the two pro-independence parties—Fretilin and UDT. There is evidence to suggest that right wing groups in Australia were involved in destabilising that coalition—do not forget that this was the Cold War era—and they successfully convinced UDT that Fretilin was communist and urged them to break the coalition. UDT did so by launching the coup in August 1975, which was then used as an excuse by the Indonesians for invasion later that year.

Senator LIGHTFOOT—Can you name the right wing organisations that may have been involved in that destabilisation?

Dr Hill—You want me to name them?

Senator LIGHTFOOT—Yes. You are under parliamentary privilege.

Dr Hill—It was groups associated with the National Civic Council. Their literature was regularly going to the UDT people and they were quoting elements from it, as I found when I was doing research for my thesis. Again, it was very important at that stage that the coalition between all pro-independence forces keep together.

The Cold War aspect of foreign policy at that time also entered into Australia's calculations. I think that the concept that East Timor could be a little Cuba, as some journalists liked to refer to it, on our doorstep also frightened a number of politicians.

Another point I would like to make relates more to the present day, particularly the item about reconstruction and Australia's humanitarian and development assistance in East Timor. There seems to be a slight problem at the present moment with the level of recognition given to the CNRT by Australia and other governments, which does not seem to be sufficiently high for good cooperation to take place between the United Nations and the leadership of the Timorese people—what will undoubtedly become, after elections have taken place, a government.

I compare this with the situation in Namibia, which also is a country which suffered illegal occupation and had an act of self-determination in the form of an election. The liberation movement there, SWAPO, was given significant recognition to carry out, in cooperation with the United Nations, many of the functions that it needed. I think this is indicative of the way that the whole New York agreement between Portugal and Indonesia has proceeded; that unfortunately, due to lack of political will by the international community—and, I could almost say, led by Australia—the Indonesian occupying power has been able to get away with, at the international level, an extraordinary amount of power and rights within the territory that it illegally occupied.

While the Indonesian army is no longer there, I think we are still left with a legacy of this, which is that the Australian government had a tendency to view Falintil and the militias as if they were just two different groups of Timorese who had different opinions—both had guns and therefore both needed to be demobilised—whereas the history of Falintil is very different to that of the militias. Of course, the Falintil will argue that their enemy is not the militias but the Indonesian army, and that in fact had it not been for the activity of Falintil over the 23 years the Timorese people would not be in the position they now are to exercise their rights to self-determination.

So I think that there is a need for the international community and Australia to consider giving a higher level of recognition to the CNRT as representatives of the Timorese people so that they can work much more closely and effectively with the United Nations bodies which are currently in their country. But there seems to be some obstacle in them getting

access to the sorts of resources that they need in order to mobilise civil society within East Timor and to work out and then begin to implement some of their policies.

The only other thing I might mention is military training in Australia of the Indonesian forces. This is another issue on which I have had long debates with my colleagues on the ALP foreign affairs and defence policy committee, because I did not believe that bringing individual troops to Australia to carry out training would train them in democratic procedures, as many of my colleagues argued. In fact, they argued that coming to Australia to do a course with an army which operates in a democracy subject to an elected parliament would somehow infuse them with democratic values and they could go back and bring about change.

Since adult education and training is my field of study, I am very aware of the fact that you cannot change the culture of an organisation by bringing individuals out of their situation, giving them some training and then sending them back. The change of culture needs to come partly from the top and partly from the bottom and be worked on within the organisation. I think that we have wasted a large amount of taxpayers money if it was believed that we could make a contribution to democratising the Indonesian army by the methods that we have used.

Also, sadly, I think it is a pity to put so much taxpayers money into military training. This sends the wrong message to the Indonesian civilians that we do not put money into other forms of training in joint activity between other areas of Australian society and Indonesian society who could very much benefit by joint training. I am thinking particularly of areas like appropriate energy technology, such as solar power, engineering, small-scale development. Much good could be done in many other fields other than the military. I understand there may be a beginning of some joint training of human rights lawyers, but I think that we do need to build up the people-to-people relationships between Australia and Indonesia and look at our relations with Indonesia in the long term. I think I will stop there now and people can ask questions.

Senator WEST—You have given us a fairly detailed historical perspective. I am wondering what you think the future is?

Dr Hill—I think that East Timor can have a very bright future, particularly given the high motivation of its people. The way that they have had to struggle for their independence shows that they do value it. I think that in the short term there will be extreme difficulties; one of those is with the education system. They are extremely short of teachers, and all the students who were studying in Indonesia and who were in the middle of courses have been thrown out of Indonesia, so they will all be back in Timor and there will be a bit of chaos. But, I think that, interestingly also, some of the ideas that the CNRT has for making links with groupings in Australia—particularly with local governments, with hospitals and schools, and with ordinary Australians to assist them with small items that they require in their development—could lead to a change in the way that we think about development assistance. I think that AusAID has become used to seeing development in other countries in terms of large-scale projects managed by highly paid consultants, and I think that the CNRT objective is to try to make their future development strategy much more people oriented. So I think that in the long term they have a bright future. I think it also very good that Xanana Gusmao

has advocated a policy of reconciliation with Indonesia, although, of course, many Timorese who have had family members killed will find it difficult to think of reconciliation with the Indonesian army.

One of the other issues is that, in terms of the strategic plan of the TNI to depopulate East Timor, there is still a lot that needs to happen in terms of unravelling that plan. In particular, there are a number of Timorese in West Timor and in other parts of Indonesia who are too frightened to return to East Timor. The work of the UNHCR has been made quite difficult, and I think that, until this issue has been solved and many more Timorese return to East Timor, things are going to be very difficult in relations between East Timor and Indonesia.

Senator WEST—How do you see the CNRT developing a grassroots structure and developing policies and identification of needs?

Dr Hill—The CNRT is made up of a number of parties and other groupings. I am not very familiar with its structure inside East Timor. I have not been into Timor since 1975. I know that in the diaspora they have succeeded in mobilising lots of their highly educated members and they have taken part in the World Bank mission. I think also that bodies such as the Catholic Church have played a major role in getting activities happening at the grassroots. The challenge, as in any country, is to link up what happens at the national level with what happens at the local level. They have some advantages there in being a relatively small country, and if some form of education provision can be put in place fairly quickly to bring back a sense of normality and also to get people working together I think they will have a good basis.

Senator WEST—Don't you think they might need some food, a health system and some shelter first?

Dr Hill—I understand that the World Food Program of the United Nations and the various other agencies of the UN are in Timor, and this is what I mean about the problems with cooperation with these bodies. It is important that imported food not continue too long and undermine the local agricultural economy. There is a danger that exporting countries might see all the UN money that is going into East Timor as being a way of creating markets for their goods which will then hold back the development of agriculture in East Timor. This often happens after droughts and after food shortages. Every effort should be made to ensure that crops are planted.

Senator QUIRKE—I will just take that point a little further before I get on to some other issues. As I understand it, East Timor is now in the wet, and agriculture as such will not commence until the wet has largely finished. Further, I understand that the scale of the destruction is such that, with bridges and everything gone, it will be a three- to five- year program of rebuilding to get agriculture up and running in East Timor. How self-sufficient was East Timor before?

Dr Hill—In the days of the Portuguese, which is the time I am familiar with, there was not poverty and starvation in East Timor. There was a fair amount of imported food in the capital which was Portuguese style food used by the middle class. I would not have thought

that it would take three to five years to re-establish agriculture. There is not a problem of land—it is a very fertile country—and the population is even less than it was before. I would not have thought it would take that long to re-establish the crops as they were because there is not a huge amount of cash cropping and it is largely food production.

Senator QUIRKE—You said that during Portuguese times there was no great poverty there. On the last figures that I saw, for under Indonesian rule, East Timorese were living on about \$US50 per capita per year, which means they had about five per cent of the per capita of the rest of Indonesia. What was it during Portuguese times, or was it just more evenly spread?

Dr Hill—Yes, and the other thing is that, while people did not have a large income, they did not have a lot to spend their money on. In other words, a lot of goods and services were produced through the subsistence sector or the non-cash sector. You cannot necessarily judge the standard of living by simply looking at the cash income in small island states—I know this in the Pacific. Of course, once you do not have food growing and you then have to buy food, cash does become very important.

Senator QUIRKE—I have asked a number of witnesses today about where we go from here. Much of your evidence is the mistakes of the past, which deals with terms of reference of government policy and failures of government policy since 1975 or, for that matter, even before then. Do you see the events in East Timor and East Timor itself as a once only, or do you think it is the start of an unravelling of Indonesia as we have known it since 1945?

Dr Hill—My view is that East Timor was never really part of Indonesia; it was, in fact, an illegal occupation by a neighbouring country. Even if one does accept that East Timor was part of Indonesia, it is still regarded by everyone as a special case because it was not part of the Dutch East Indies. There is another case which had an act of self-determination which went to the United Nations, and that is West Papua. The people of West Papua have seen a window of opportunity and are mobilising their forces to reopen the act of self-determination that took place in the 1960s because, by modern standards, that was clearly not democratic at all; there was not one person, one vote. Should that happen that would, in a sense, be a case of justice.

I think that in Australia we need to get rid of our fears of Indonesia so-called ‘breaking up’. I know that one of the arguments that was always put to us in the 1980s was that if you supported independence for East Timor you were giving the green light to the break-up of Indonesia. In fact, what they were saying was that the Timorese people had to remain oppressed so that the rest of Indonesia did not fall apart. I do not think this is a matter for Australia. If West Papua should become independent, if Aceh, for example, should become independent, I do not think it will necessarily be a cause for disaster. The view was always put that you need Jakarta and the army to keep a lid on the volatile mix of people in the Indonesian archipelago. I am not saying that I advocate the breaking up of the Indonesian archipelago, but if some parts of it were to be removed from control of Jakarta I do not think that would necessarily be a great disaster for Australia.

Senator QUIRKE—This is just out of my own curiosity about this: when did the Dutch conquer West Timor? Originally, all of Timor was Portuguese.

Dr Hill—Yes.

Senator QUIRKE—I wonder if you have any idea when the Dutch moved in there and why they did not take Ambeno?

Dr Hill—The struggle between the Dutch and the Portuguese for the island of Timor happened several centuries ago, and the reason that Oecussi remained Portuguese is because the Timorese and the Portuguese living there were strong enough to fight back the Dutch from that particular area. You will see that the border between East and West Timor is not a straight line at all as in West Papua. It represents the areas the Portuguese were pushed back to and where the Dutch could not take over. So those borders there were created by military encounters between the colonial powers.

CHAIR—Thank you very much, Dr Hill. The questions I wished to ask were covered by my colleagues. We will take what you said into consideration when compiling our report. We do appreciate the time that you have given to us this afternoon. Thank you very much.

[3.41 p.m.]

DOWNIE, Ms Sue (Private capacity)

CHAIR—I now welcome Ms Sue Downie. The committee prefers all evidence to be given in public, but should you at any stage wish to give any part of your evidence in private you may ask to do so and the committee will consider your request. I note that a submission has been put to the committee today. Is there any objection to this being made a public document? There being no objection, it is so ordered. I now invite you to make an opening statement and then we will proceed to questions.

Ms Downie—Thank you for the opportunity to talk on East Timor. I apologise that my written submission was not made earlier. I was not aware of the procedure.

CHAIR—That is fine.

Ms Downie—As I said, I am speaking in my private capacity on the basis of having worked in Cambodia for six years as a correspondent before, during and after the UN peacekeeping operation, and having been a UN accredited observer in East Timor for the ballot; also on the basis that I am writing a book on the peacekeeping mission in Cambodia and I am doing a PhD on peacekeeping and development. I am not an Indonesia specialist and I am not an East Timorese specialist.

CHAIR—That of itself is not necessarily a disadvantage in coming before the committee. I say that genuinely to you because we have had some witnesses who have drawn parallels in some way to the processes that have unfolded in East Timor vis-a-vis the processes in Cambodia. So what you have to offer us might not be out of context with our inquiry.

Ms Downie—I am not a member of any political party or any advocacy group. I am coming to this completely neutrally. The theme of my presentation is comparisons between Cambodia's UN mission and the UN mission in East Timor with a view to lessons learnt that can be drawn from Cambodia into East Timor.

Three important points provide a background for this. Firstly, the UN mission in East Timor will be the second time in history that the UN has created a new state—the first being Israel. Secondly, of the UN's 49 peacekeeping missions in the past 50 years only three have been in South-East Asia. The first, ironically, was West Timor in 1962—now Irian Jaya—the second was Cambodia in 1991-92 and the third is the current mission in East Timor. Thirdly, the UN mission in East Timor that began only a couple of days ago with the arrival of Sergio de Mello is only the fourth time in history that the UN has given itself the authority to assume complete responsibility for the administration of a country or a territory. The first was West Irian, the second was Cambodia, the third was Croatia in 1997.

No two UN missions are the same—they are shaped by regional politics and recent history as well as political, social and cultural features—but there are lessons, positive and negative, that can be drawn from one mission that help in the planning and implementation of subsequent missions. I draw comparisons with Cambodia not only because it is another

mission in South-East Asia and it is recent but because it reminds us that the problems, reactions and requirements of East Timor are not unique. Lessons can be drawn for the UN's attempts to facilitate peace and, very importantly, for good governance that will follow the restoration of peace.

I am not going to dwell on the past. I am a futurist. I am going to look at the next three to five years. As the senator said, that is the expected time frame for rebuilding or building East Timor. Also, I am a practical person, so I am going to look at the lessons learned that can be incorporated.

For me the most important stage of a UN mission is not necessarily the election, which is often seen as the end point, but reconciliation and rehabilitation or rebuilding—in this case state building—which are very important and should be incorporated in the planning phase of a UN mission. The planners and the Department of Peacekeeping Operations in New York should be taking into account now issues such as reconciliation and state building, capacity building, and not just looking at it as a peacekeeping operation.

Therefore, the peacekeeping operation should not be seen as a separate component to be followed by a restoration-rebuilding component. They must be integrated. They must be linked so that there is cohesion, there is linkage. This will ultimately lead to a more sustainable long-term process in East Timor.

One of the unique aspects of the Cambodia mission was that UNTAC—the UN Transitional Authority in Cambodia—was the transitional authority and, as such, supposed to control the administration in Cambodia. However, it failed to do so fully. In the context of lessons learned for East Timor, I suggest two reasons for that failure. Firstly, the people working for UNTAC did not fully understand the workings of the Vietnamese installed State of Cambodia—SOC—government administration. They did not fully understand the extent to which SOC controlled the administrative apparatus right through the country from the highest level, from the state council to the village level. This may be relevant to the UN mission in East Timor—called UNTAET—because they have to unravel the remnants of the Indonesian installed administration.

Secondly, UNTAC had a policy of controlling the administration in Cambodia—they said, 'This is what we are going to do' - but they did not have a strategy. Subsequently, people arrived from New York, from Brazil, from Europe with no experience in Cambodia and were asked to control the administration with very little background and without a plan, without a strategy. It is going to be very important in East Timor to have people who have some kind of specialty, commitment and understanding and are prepared to thoroughly research and know the administration, the social systems, the cultural systems, the political systems.

Interestingly the then Secretary-General, Boutros Boutros-Ghali, who ultimately was responsible for UNTAC, admitted that UNTAC's civil administration component, which was supposed to control the administration:

. . . turned out to be nearly impossible to achieve because of language problems, lack of enforcement measures and inadequate experience on the part of UNTAC personnel with the kind of bureaucratic structures and procedures employed by the SOC.

This is very relevant to the forthcoming mission in East Timor. Let us just hope that the planners for the current mission take note of the former Secretary-General's summation of the Cambodia mission's failure to control the administration.

Two shortcomings of the UNTAC mandate may be relevant to UNTAET. Firstly, UNTAC did not have the power to implement its authority. For example, when UNTAC chief Yasushi Akashi asked SOC to remove one particularly obstinate governor of Battambang, Prime Minister Hun Sen simply said, 'No, I am not going to do it,' and there was nothing Akashi or the United Nations could do about that. Secondly, part way through the Cambodian mission the Security Council gave UNTAC the authority to 'arrest, detain and prosecute persons accused of politically motivated criminal acts and human rights violations', but there was no means to do it. For example, SOC's politically controlled courts refused to hear the suspects that UNTAC had arrested.

So UNTAC was put in the unprecedented and embarrassing position of having to detain those untried prisoners that they had arrested for longer than was permitted under their own rules—very embarrassing for the UN. Mind you, this was the first time the UN had ever set up a prison and the first time the UN had ever employed a special UN prosecutor for this task. All I am saying is that there has to be an assurance that the UN mission in East Timor has the appropriate mandate. If, for example, they are to detain people, that requires a prison, rules and a prosecutor.

In Cambodia the UN could have laid the foundations for developing a state. Cambodia had suffered 20 years of physical, social and cultural destruction. Billions of dollars were spent—\$1.6 billion on UNTAC directly, and billions in other areas as well, especially after the peacekeeping operation. The foundations for developing a state could have been part of the peacekeeping operation and, at second best, could have followed on from the peacekeeping operation. Instead, the UN regarded the election as the end point, rather than part of the process. Therefore, it did not give sufficient consideration to the post-election state building phase, and they departed before the foundations were in place.

In East Timor the UN will have the opportunity to plan and implement strong state building measures. In East Timor the UN is actually going to be building a state, not rebuilding. For me the priority is the establishment of rule of law, despite what Dr Hill and others have suggested. I am not criticising Dr Hill; we all come from our own backgrounds. For example, she says priority should be education. If you ask an agronomist, he will say agriculture should be the priority. But my argument is that without rule of law you cannot build schools, because they will be vandalised. There is no point in training teachers if they are going to be corrupt.

CHAIR—We have had that put loudly and clearly to us.

Ms Downie—So for me the priority is rule of law. That involves setting up a police force—

CHAIR—I am sorry to interrupt you there but, as I understand it, the establishment of the rule of law of itself is not necessarily a short process. While some people might have, with all good meaning, a program which wants to accelerate everything, really until you have that rule of law established, if you try to implement all of your other programs—apart from those which are basic necessities—then you stand the chance of ruining whatever good actions you might put in place.

Ms Downie—Indeed. I could not put it better myself. That is exactly what I am saying. For example, there is no point in installing traffic lights if people are going to ignore them. There is no point in building schools if they are going to be vandalised. You have said it. But, as you also say, it is going to be a long, slow process. That will mean first adopting rules and laws and training police, court officials, prosecutors, prison officials and officers. That is in addition to—and perhaps at the same time as—re-establishing and rebuilding the shattered infrastructure.

CHAIR—I am sorry to interrupt you again—I do not normally do this to a witness—but wasn't that one of the problems in Cambodia, that rule of law was not established properly in the first instance, therefore leading to problems down the track? Am I correct?

Ms Downie—Exactly; 100 per cent.

CHAIR—If you want to comment on that, feel free to do so, and I promise not to interrupt.

Ms Downie—This is one of the strongest points I am making, and I make it on the basis of what happened in Cambodia. Rule of law was not established, and perhaps that is one of the reasons Cambodia is in the state it is in now, despite more than \$1.6 billion being spent on the mission. It will take a long time—you have suggested three to five years; it is perhaps even longer; I am suggesting perhaps one generation—before everything is back to the state it was before.

Apart from re-establishing the physical infrastructure, the new administration is going to have to look at things like establishing a political system, undertaking administrative reform, revamping the tax system and the financial system, formulating foreign policy, drafting laws, and training teachers, health workers, independent journalists, et cetera. If East Timor's leaders follow the democratic process—and there is every indication that they intend to—they will have to consider new concepts that they have not dealt with before, such as public consultation and participation, drafting a constitution, establishing a multi-party system, and the role and function of an effective opposition, since there has not been one until now.

They will also have to address three very important points—which I think Cambodia's current administration, current leaders, have failed to do—that is, impunity, nepotism and corruption. This comes back to rule of law. Without rule of law you cannot combat those three issues that have caused such problems in Cambodia.

One of the lessons from Cambodia is that the UN mission should not end with the election of a new parliament. The election should not be the final end point. The ultimate goal of UNTAC was the election. Once that was accomplished, UNTAC just patted

themselves on the back and went home, with the exception of a very small group who are working on operation paymaster.

UNTAC's mandate ended three months after the election, when the resulting constituent assembly passed a new constitution and transformed itself into a legislative assembly. So you had 120 newly elected MPs but virtually no consideration given to what would happen the next day, least of all in the next months or years. There was no plan and, therefore, no mechanism for the UN to assist the new government. They cut and run; finished their mission and went home.

What was going to happen in the new parliament? What was the role of the new MPs, who months earlier had been farmers, restaurateurs, taxi drivers? They had no experience of being an MP or witnessing a good parliamentary system. So, as well as not participating themselves, they had not even been able to witness it. There are parallels here with East Timor.

Very importantly, what was going to be the role and function of the parliamentary opposition? There was no assistance given to the Cambodians to establish this. I am saying I hope that the East Timor mission is not going to end with the election and without political development as part of the plan.

Just as a final point, the mission in East Timor will represent the UN's fourth attempt at conducting a ballot and taking control of a state's administration. The UN has a lot of electoral experience. They have provided electoral assistance to more than 70 missions in the past four or five years. The UN is going to be generating a new state and they are in a unique position to show that they have the will and the ability to implement or reject lessons accumulated over the past 50 years.

It will be not only the UN doing this but also the international community. Australia, of course, is an important part of that. They are going to be combining skills in peacekeeping, balloting and state building to develop solid foundations for sustainable political, social and economic development in East Timor.

My message to the government can be delivered through aid agencies and directly through the UN mission. Australia will have, as has been the case in all previous UN missions, very senior positions. Message one is to incorporate in the planning stage these development issues. By that I mean political, social and cultural development as well as economic development and that the peace keeping mission does not equal election, full stop.

Participatory development is very important. As Xanana Gusmao has called for, I think there will be inclusiveness by the UN of the East Timorese. I was very heartened yesterday to hear that Sergio de Mello had met with Xanana Gusmao and they had discussed this. I think there will be a good result from that. Sergio de Mello, by the way, has not only been Undersecretary of Humanitarian Affairs in the UN, but also responsible for the repatriation of the refugees in Cambodia. Not only are there comparisons but there is a continuity in personnel in the form of the administrator in East Timor. Sergio is a very good operator.

My second message is that development must be sustainable long-term development and that requires a slow, step by step approach. It is not something that can come in two years and perhaps not even five years. Cambodia was subject to a 'coup' in 1997 when the coalition government fell apart. I questioned at the time: was the house UNTAC built falling apart? If it was, was it because they had not built solid foundations? I believe very strongly that had UNTAC been spread over a longer period, using the same number of person years and the same number of dollars, giving the Cambodians more time to digest these concepts that they were not familiar with like democracy and human rights, the house that UNTAC built would not have fallen over in July 1997. It was too much too soon.

My message here for East Timor is that, if billions of dollars are dumped in there quickly without the East Timorese having the ability to absorb those dollars, it is not going to be sustainable. UNTAC had 22,000 personnel and it was a 22-month long operation. Sergio de Mello said at the time he could have done it with 5,000 if he had been able to choose the 5,000. That is a very important point. Big numbers or dollars are not important. It is the quality that counts. If Sergio could have run UNTAC with 5,000 he could have done a better job than with 22,000. That is my bottom line.

I just add two quick points for the record. I have heard in many public forums, and not only today, since the ballot that the militia activity has been regarded as war. For me it has not been because it has been one-sided. War requires two opposing forces. Falintil sat on their hands; they literally sat on their guns. So I think the use of the word 'war' is inappropriate in this context.

The second point is that the word 'genocide' is creeping into the media and popular debate. What the militia did in East Timor does not fit the legal definition of genocide. It fits many other descriptions, but it is not genocide according to the legal definition.

The third point is that INTERFET is not a peacekeeping operation. It is a multinational peace enforcement mission led by Australia whereby contributing countries pay their own way, whereas the peacekeeping mission will be under the UN control and will be paid by the UN. It will include a peacekeeping component as well as electoral administration and humanitarian components.

CHAIR—I think we accept that. There are a number of terms used in this whole environment which people just seem to grab on to, not necessarily having due regard to the proper terminology that should be used. I hear what you say. I think we have had experts who have put us correct on those. I am not taking you to task there. I think that was very good that you pointed that out.

Senator QUIRKE—It is probably bad for me to ask this because this is going to be a decision hopefully that the East Timorese will make. But if a legal system is to be in place on the first day after the United Nations leaves there, then it is going to be based on some sort of law. Do you think it will be based on Indonesian law or on Portuguese law as some sort of transition period when presumably the East Timorese will make their own mind up as to what precedents they are going to follow? How much influence have the Portuguese had in this place, vis-a-vis the Indonesians?

Ms Downie—I repeat my qualifier. I am not an Indonesian expert nor am I a legal expert. But the important point, and this is where my participatory development thrust comes from, is for the East Timorese to decide what legal system they want. I imagine it would be, as was the case in Cambodia, an amalgam of components of different legal systems. For example, the draft press law in Cambodia which I was involved in writing was an amalgam of different laws from other countries.

The East Timorese have the advantage of being familiar with the Portuguese system and the Indonesian system. They may take components of each as well as perhaps from other legal systems. Correct me if I misheard you, but you mentioned the day the UN leaves. I sincerely hope that this is in place long, long, long before the UN leaves.

Senator QUIRKE—But therein lies the problem, doesn't it? If we are to let the East Timorese finally, after three or four centuries, sort their own problems out and put their own systems in place, then they are going to have to do it themselves. If it is done during the UN period—and some system is going to have to be put in place during the UN period in East Timor—it is going to be a decision or a series of decisions over which the East Timorese are going to have very little influence. It is going to be made in New York, Geneva or somewhere else. It may well be that certain Timorese elites and people who probably will be part of the new government will be consulted but, at least in the initial period, it is going to be set up by agencies other than an independent East Timor government.

Ms Downie—I agree that it will not be the independent East Timorese government because that will come only after the election. In this interim period, the UN is the transitional administration. It concerns me somewhat that you are suggesting that the decision will be made in New York or Geneva. Why would it not be made in East Timor with large East Timorese input? That is what I would assume. The East Timorese may not be legal experts or have a great deal of experience in this area but they are in the wonderful position of having the world's experts at their fingertips through the UN. Not only have they got access to the UN Electoral Division, Department of Politics in New York but they have got experts from all over the world wanting to come and help in East Timor. I sincerely hope that the East Timorese make a considerable contribution to what legal system they use, drawing on expertise from outside.

CHAIR—You are referring really to such basic simple things, as I think you said earlier, as obeying a set of traffic lights, if there were such things, and I know that. But in terms of property ownership or in terms of currency transactions, undoubtedly what you are putting to us is not necessarily all the complexities of the law but the very rudimentary elements of the law that are necessary to keep a society in a civil state. Is that what you are putting to us?

Ms Downie—Exactly, yes.

CHAIR—Undoubtedly, as in our system, the body of the law will develop over time as the courts prevail and take over.

Ms Downie—Yes. The most basic laws have to be in place immediately and that covers things like traffic lights—

CHAIR—Property ownership.

Ms Downie—property and respect for the police, so that day-to-day functioning can take place.

CHAIR—The power to prosecute.

Ms Downie—Exactly. Then, ultimately, they will build layer by layer upon that until ultimately they will get to things like the foreign investment law and perhaps more sophisticated laws. That will come progressively, I hope with East Timorese input and UN specialists or international specialists assisting them.

CHAIR—Taxation laws.

Ms Downie—Yes. I have a whole list here of what—

Senator QUIRKE—A new tax system.

Ms Downie—Yes. Banking system.

Senator QUIRKE—The GST. The GST ET. Chairman, all yours.

CHAIR—I was making notes on what you were saying and one word I kept writing was the word ‘education’. Can you in some way contrast the Cambodian experience with the experience in East Timor? We have heard there are high illiteracy rates in East Timor. In some areas it can be as high as 90 per cent. That should not be taken as the norm but 50 to 60 per cent is not uncommon in terms of illiteracy amongst the population. Were those the sorts of rates that were experienced in Cambodia? It seems to me that, if the people are to have a real say in the emergence of their nation, unless there is some very rudimentary education there, then the evolution will be totally dominated by the intellectual elite and the very people whom the process was supposed to advantage will be left behind the process. Was that part of the problem in Cambodia that might be repeated in East Timor?

Ms Downie—Yes. There were similarly high illiteracy rates in Cambodia. In addition to that Cambodia is largely an oral society—very few people read and write. They rely on the spoken word particularly through the pagodas but also more recently through radio. On the flip side, East Timor not only has high illiteracy rates but also three languages to contend with. Of course, which language they adopt as the official language is going to be one of the most important considerations in the immediate future.

For example, I was meeting last night with the President of the International Federation of Journalists. We were talking about how to develop journalism in East Timor and we agreed that among the most important things is not only to have newspapers, but to decide what language they were going to be in. If radio is going to be used, as it was extensively by the UN in the lead-up to the referendum, again, in what language?

So East Timor has a double problem—high illiteracy and then the three-language problem. But I do not believe that it is necessarily the case that the political debate will be

dominated by the educated elite because the experience in the lead-up to the ballot proved that the ordinary East Timorese people understood what the ballot was about and which way they were going to vote. The 98.3 or 98.6 per cent turnout was staggering and showed that everybody in the country knew what it was about. The message reached them. That was largely due to the efforts of the UN but also to CNRT and their network. When you consider that in Australia where voting is compulsory we are lucky if we get a 92 or 93 per cent turnout, 98 per cent is pretty amazing.

I do not believe that the ordinary people will be excluded because of lack of receiving information. The ability is there as long as the UN or other agencies set up radio stations and are able to transmit, given the networks in the villages. It is proven that it can be done.

CHAIR—All right. Whilst we are on radio, what is the role therefore of Radio Australia? There were two issues we mentioned in our interim report and Radio Australia was one. We called upon the government to re-establish the footprint of Radio Australia clearly into that area of the archipelago and back into Indonesia itself. Radio Australia, as a stridently independent broadcaster of government, did not necessarily reflect or broadcast Australian government policy or Australian government directives in the same way as a number of so-called government broadcasters.

How important is that, both from the perspective of the East Timorese themselves and from our own perspective, having an international responsibility as a good international citizen to facilitate diverse views being put out there into the airwaves throughout our region?

Ms Downie—I should put my cards on the table immediately by saying that I am a former RA correspondent, so I am biased towards RA. I think they have done a fantastic job.

CHAIR—I am biased as well, but people know that.

Ms Downie—I was disappointed that your recommendation on RA appears on the last page of your interim report and not higher up.

CHAIR—It is there because that is where recommendations invariably end up, at the end of the report—

Ms Downie—I am simply saying I agree with it, I think it is very important.

CHAIR—because people are most likely to read it there.

Ms Downie—Yes. The importance of RA for the East Timorese is that they will have access to information about what is happening in their own territory, in Indonesia and the rest of the world. So its importance is as a method of receiving news, local and international. Ditto for the Indonesian population. I am going one step further to say that if the transmitter from Darwin, for example, is re-established, that would allow broadcasts into far greater areas of South-East Asia, including Cambodia. That is a side product, an extra benefit, that is not directly related to reaching the people of East Timor.

CHAIR—Actually, we have been told that the Cox Peninsula is not necessarily the best place from which to transmit to East Timor; that if another site were to be established, you would have to do it not at Cox but at some other site.

Ms Downie—Agreed.

CHAIR—They are boosting the signal now from Shepparton, but we are told that that has its limitations as well.

Ms Downie—Not only that, but re-establishing Darwin would lighten the load on Shepparton, so Shepparton could then beam into East Timor and Darwin could beam into other parts of Indonesia and the rest of South-East Asia. There are advantages, and Darwin is indirectly related to reaching East Timor.

CHAIR—Just on the Cambodian experience, how important, in your view, was Radio Australia beaming into Cambodia?

Ms Downie—Extremely important, and I will give you one example. Probably the most important was in July 1997 during the fighting, the so-called ‘coup’—again, I use inverted commas for legal reasons. I was there at the time and the only access to news we had, and this is the international community, was BBC and CNN. It was usually BBC, CNN, Radio Australia and Radio Japan. We were at a disadvantage because we could not receive RA at that time. Secondly, the Cambodians could not—the only source of information they had in Khmer was VOA, Voice of America. In some sectors, VOA was not regarded as neutral, certainly not as neutral as RA. At that time, the Cambodians had no neutral source of information in Khmer language to know what was going on in their own country, least of all what was happening next door and in the rest of the world. So it is extremely important in Cambodia, and very sorely missed.

CHAIR—The other factor in East Timor when it comes to the issue of rule of law will be the fact, as we have been told in evidence, that there are some 13 clans or tribes so it is not a homogeneous nation as such. How does that contrast with the situation in Cambodia and how important, as opposed to the CNRT, for example, will the various clan leaders be? I do not know to what level the various clan leaders are involved with the CNRT.

Ms Downie—Firstly—and, please, this is not a criticism, I am just shooting off the top of my head—to say there are 13 clans does not mean that there are 13 separate groups that are not linked together; they are, very much. Australia has 150-something ethnic groups and we are still linked together; we are one nation.

CHAIR—Yes, but it has been drawn to our attention that there is a level of violence and rivalry between those which does not necessarily happen—

Ms Downie—If you have reconciliation and rule of law you overcome that, just like in Australia—you have Greeks and Turks living side by side in Australia, whereas in their respective countries they might be fighting. Secondly, one of the important things to consider vis-a-vis CNRT in the future is that CNRT is a coalition of many factions, and while it served their purpose to be a coalition in the lead-up to the ballot and at least during this first

phase of the UN mission, there will come a point—and I hope this happens—where that coalition will break apart and they will form individual political parties that will contest the election in a multiparty system. So there will be, I hope, political—

CHAIR—It would be better for it to disband rather than for it to break up, wouldn't it?

Ms Downie—All I am saying is that it is a loose coalition that was brought together for a purpose; that purpose is about to be served out. The ultimate aim of building civil society and a democratic system in East Timor is a multiparty system. You only have that if those parties that are currently in CNRT fragment and compete against each other in the election.

CHAIR—If I can go to the education side, you spoke of it taking probably a generation. I would presume that built into that is the fact that in that generation the educational needs of many East Timorese will be covered, enabling them to get to a standard whereby they can then cope with the full processes of a democracy. Is that basically what you meant?

Ms Downie—Yes, although I hope that by the use of the word 'education' you are talking about not just a structured formal education system but a general education, for example, political awareness and developing a civil society, which requires education outside the formal school or college structure. So in that sense, yes, I am expecting it to take a full generation. That is based largely on experience in Cambodia where, even with billions of dollars and external personnel coming into Cambodia, they still have no real appreciation or understanding of the parliamentary system, of what is required and how to implement features of a civil society. Part of that is because the political elite have not embraced it.

But the reason I am suggesting a generation—and I am assuming that to be 25 years—is that it takes time to undo systems that you are used to, that have been part of life for so long. It also takes a long time to gain experience. For example, are there any East Timorese who could sit down now and write a foreign investment law? There may well be; there are a lot of East Timorese—and we must not forget this—who have been educated outside the country and they are going to be incredibly valuable when it comes to rebuilding administrative and social structures. But to have a lot of experience and to change a mind-set and to reverse the past takes a long time. It still has not been achieved in Cambodia.

CHAIR—Right. That said, that raises one fear that has come my way during this whole inquiry. That is that a lot of people outside are wanting to impose a solution to the East Timorese problem, in the broadest sense, in a whole range of issues and, whilst it may be done with the best of intentions, it may well be at a pace that the East Timorese community are not able to absorb.

It may well mean that people whose best intentions were meant to be put to good use are in effect dissipated. Now that could be by way of resources, it could be by way of facilities, it could be by way of a whole range of things. It may well, in some ways, frustrate the processes externally so that people who have over a long term supported the democratisation process and the independence of East Timor will say, 'Things aren't going fast enough.' They will think that the transitional arrangements, therefore, are as much a burden as they are a help to the East Timorese. How do we overcome this, or don't we?

Ms Downie—Firstly, if anyone says things are not going fast enough, I would toss them out. If things are not going fast enough, that means that the East Timorese are not ready for it to go any faster, and that is really important. The fundamental basis of sustainable development, or one of the pillars of sustainable development, is participatory development. You must include the people that your development is for. If they are not able to absorb dollars or expertise at the rate that donors want to give it, the pillar is not going to be strong enough, it is going to fall down. Why did the house UNTAC built in Cambodia fall down? The foundation was not strong enough. There was very little participatory development, very little participation and consultation with the Cambodians. It was a superimposed, top-down, Western concept that the Cambodians were not ready to receive.

CHAIR—Is that one likely problem that the East Timorese will face, that many people have a Western democratic solution to their economy, their political, social and other development, which might not necessarily fit with their view as to how they should develop?

Ms Downie—Yes, I agree. There are times when the Western model is not necessarily the best, the biggest model is not necessarily the best, and it is up to the East Timorese to decide what model they want and the best way for them to decide that is to expose them to various models, and then they will come back and say, ‘This is the one that we want.’ By saying that, I can give an example of bringing East Timorese to Australia, to the States, to Britain, to India, anywhere, and letting them see how other systems work. What kind of tax system do they want? What kind of foreign investment? What kind of phone system? What kind of education system? What kind of banking system? What kind of parliamentary system do they want? If it is imposed from above or outside, it is not going to be sustainable and it is not going to be long term.

What is the point in piling all this money and effort into East Timor if in 10 years time it is falling down? I do not think it is going to fall down, but it is not going to be as strong and vibrant and sustainable as it could be if more effort was put in at the beginning. Slowly, slowly; step by step. If anyone says, ‘Things are not going fast enough,’ there is a good reason for that. It is not being absorbed at an absorbable rate. It is probably a good thing that things are not going fast enough because it is probably a Westerner who is saying that, and probably one who does not understand the political, social and cultural structures of East Timor.

CHAIR—I have one other question. Should there be an elected advisory body first, then an elected legislative body later before UNTAET leaves—that is, to give some experience in government, but also to get grassroots people into parliament and not just the CNRT?

Ms Downie—Yes, and I hope that not only would there be some kind of administrative East Timorese authority but that there is in fact an election and an established parliament and then a period for settling down, getting familiar with it, and then the UN leaves. That was the problem in Cambodia: the UN left as soon as the new parliament and the constitution were ratified and there was no follow-up. ‘Hey, we’re new MPs, what do we do here?’

One possibility in Cambodia that was not taken up was, instead of having a 12-member supreme national council, SNC, which was composed of the senior members of each of the four factions, it was suggested that there be a 35- or 50-member administrative interim

council made up of a variety of people from academic backgrounds, business backgrounds, political parties, legal people, and that they be the interim administration of East Timor—this is in addition to the UN—until an election is held. So there would be a kind of interim East Timorese administration where they make the decisions. They are the ones who work with the UN in deciding what kind of reforms they are going to have, what kind of systems they are going to implement, how much aid they are going to receive and from whom.

CHAIR—Any further questions? There are no further questions from any of my colleagues. Thank you very much. I found that a very good experience for the committee. For myself personally it has reinforced a couple of notions that have been in the back of my mind. We will take what you have said into consideration when we draft our final report and, undoubtedly, hope that the information you have given to us will be listened to by others.

Ms Downie—Thank you.

CHAIR—Thank you very much for your time. We stand adjourned.

Committee adjourned at 4.36 p.m.

