



Submission No 64

Inquiry into Australia's Relationship with Timor-Leste

Name: Dr Richie Gun

Organisation: Australia East Timor Friendship Association SA Inc

Joint Standing Committee on Foreign Affairs, Defence and Trade
Foreign Affairs Sub-Committee



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Mr Nick Champion MP
Chair
Foreign Affairs Sub-Committee
Parliament House
Canberra ACT 2600

ATTENTION : MR JOHN CARTER, INQUIRY SECRETARY

Dear Sir

RE : PARLIAMENTARY INQUIRY INTO AUSTRALIA'S RELATIONSHIP WITH TIMOR-LESTE

The Australia East Timor Friendship Association SA Inc. wishes to congratulate your Sub-Committee for initiating the above inquiry. We believe that it is very timely to review Australia's relations with Timor-Leste given that Timor has now had 10 years of independence after a very long and bitter struggle.

The East Timorese people were very supportive of Australian troops during World War 2 and there is a strong friendship between the peoples of the two nations.

We are aware that Timor-Leste is the poorest nation in our region while Australia is the wealthiest. Given that Australian Governments over many years have not always behaved in a neighbourly manner towards East Timor, the Association believes that this inquiry gives Australia an opportunity to build a closer friendship and a greater generosity towards our tiny northern neighbour and our reliable World War 2 ally to redress the past wrongs.

Enclosed is a submission to the **Inquiry into Australia's Relationship with Timor-Leste** from our Association.

The submission has been prepared by the AETFA Committee. It explores many aspects of the relations that have existed between Australia and Timor-Leste from the beginning of the Pacific War during World War 2 until the present time and makes recommendations as to how we can better improve the relationship.

Another submission was prepared by Dr Richie Gun, the current AETFA Chairperson, who has worked at the Bakhita Clinic in the Ermera District of Timor-Leste for about 6 weeks each year for some time. It seeks Australian support for the National Family Planning Program of Timor-Leste.

You should have already received a copy of Dr Gun's submission.

Members of the AETFA Committee are prepared to meet with members of the Sub-Committee to discuss our submissions and to elaborate on specific details if this is considered necessary.

We trust the Sub-Committee will give these submissions its sympathetic support.

Yours sincerely

Dr Richie Gun
Chairperson

Bob Hanney
Secretary

Andrew (Andy) Alcock
Information Officer

PARLIAMENTARY INQUIRY INTO AUSTRALIA'S RELATIONSHIP WITH TIMOR-LESTE

SUBMISSION FROM THE COMMITTEE OF THE AUSTRALIA EAST TIMOR FRIENDSHIP ASSOCIATION SA INC

1. BACKGROUND:

The Australia East Timor Friendship Association SA Inc (AETFSA) is an organisation that seeks to build friendship between the people of Australia and Timor-Leste.

The objectives of the association are:

to work for the human rights and ongoing self-determination of the East Timorese people

to assist the Timorese to rebuild their country and their lives;

and

to promote public awareness in Australia of the history, culture and contemporary situation in East Timor.

AETFSA-SA takes an active role in advocacy and fundraising, including

- support for the just sharing of the Timor Sea oil and gas resources and a just maritime boundary between Australia and Timor-Leste
- justice for victims of Gross Human Rights Abuses in Timor-Leste and the region by:

a) seeking compensation from the Indonesian, the United States and the Australian governments

b) seeking the establishment of an International Criminal Tribunal to try high-ranking members of the Indonesian military and government accused of committing heinous crimes 1975 – 1999

c) seeking an end to Australian military and security links with the Indonesian Armed Forces (TNI) and Police until Indonesia ceases its repression in West Papua and in other parts of the Indonesian archipelago

- support and fundraising for the work of the Bakhita medical clinic in the Ermera district through the participation of Dr Richie Gun
- support and fundraising for the Working Women's Centre in Timor Leste

- support and fundraising for APHEDA (Union Aid Abroad) projects directed at vocational education for youth in Timor-Leste
- Promotion of East Timor's exports including coffee and crafts
- Provision of information about East Timor (books, music, videos etc)
- Support for Timorese students studying in South Australia

AETFA was originally known as the Campaign for an Independent East Timor, SA Inc (CIET) when it was founded in May 1975. It's organisation's main role during the 24 year illegal occupation by the Indonesian military (TNI) was to promote the independence and human rights of East Timorese and the withdrawal of Indonesian troops and the human rights of the East Timorese.

The name was changed to AETFA in 2002 to recognise that fact that Timor-Leste had finally won its independence.

2. HISTORY OF AUSTRALIA'S RELATIONSHIP WITH TIMOR-LESTE

2.1 WORLD WAR 2

During WW2, East Timor was a Portuguese colony known as Portuguese Timor. Portugal, at the time, had a fascist regime, but was a neutral power during the War.

The reason why the Allies placed Australian commandos there was to prevent enemy airfields being established in the islands to the near north of Australia and to have a small guerilla force to tie down as many Japanese troops as possible to take the pressure of other Allied troops in other parts of the Asia Pacific region.

The East Timorese were very supportive of the commandos and were of great assistance to them, but at great cost to themselves. They carried their equipment, provided much needed food and shelter; alerted the Australians of the presence of enemy troops; helped them to gather supplies dropped by the RAAF, the US Air Force and the RAN; and in some cases, assisted in the fighting.

The Australians had less than 400 and were outnumbered by an enemy of about 15,000 initially, but this number was later increased to 20,000. During the fighting, Australia lost about 40 soldiers killed in action, while the Japanese lost about a 1,000.

When the Australians were evacuated in 1943, some estimate that between 40,000 – 50,000 Timorese were killed by the Japanese military in reprisal for their support of the Australians. In addition, a further 30,000 died because they were caught between combatants or had their villages bombed or attacked. The loss of about 70,000 people out of a population of 500,000 was an extremely high sacrifice to make by the East Timorese.

To the disgust of the Australian commandos who fought in Portuguese Timor, Australian governments never assisted the East Timorese following the death and destruction they suffered during the war.

2.2 OCCUPATION OF EAST TIMOR BY THE INDONESIAN MILITARY 1975 to 1999

The full-scale invasion of East Timor occurred on the 7 December 1975.

From October of the same year, the TNI was conducting incursions into East Timor with the assistance of Timorese mercenaries. On 16 October, 5 Australian based media workers were killed by the TNI and mercenaries in the town of Balibo. These men are now known as the Balibo 5.

Many years later in 2007, there was an inquest into the death of one of the men, Brian Peters, in the NSW Coroner's Court as he had been a resident of NSW before going to Timor.

Mark Tedeschi QC, in his closing statement to the inquest, stated:

"There is incontrovertible evidence, including eyewitness accounts, that Indonesian troops deliberately killed the Balibo five newsmen. At least three of the journalists were shot after an order was given by Captain Yunus Yosfiah and the fifth man was stabbed by officer Christoforus Da Silva. It is highly unlikely the Captain would have made the decision to kill the newsmen without the sanction of his superior officers. There is enough evidence to refer the case to the Commonwealth Director of Public Prosecutions to consider prosecuting two unnamed people for the war crime of wilful killing."

The NSW coroner investigating held that "The Balibo Five ... were shot and or stabbed deliberately, and not in the heat of battle" in order to silence them from exposing Indonesia's 1975 East Timor invasion.

On 9 September 2009, it was announced that the Australian Federal Police were launching a war crimes probe into the deaths of the Balibo Five, but the public has heard nothing since then.

AETFAs acknowledges that it is the people of East Timor who suffered greatly because of the Indonesian invasion and occupation. The reason for mentioning this incident is that it illustrates what lengths Australian governments were prepared to go to hide the coming invasion and the brutal nature of it. It may well be that examination of this event and the release of important Australian government documents may assist Timor-Leste in gaining justice for its people who suffered.

Immediately after the invasion, the United Nations General Assembly and Security Council passed resolutions condemning Indonesia's actions and calling for immediate withdrawal.

The governments of the United States, Australia, and United Kingdom were supportive of Indonesia throughout the occupation.

Australia and Indonesia were the only nations in the world to recognise East Timor as a province of Indonesia, and soon afterwards began negotiations to divide the resources found in the Timor Gap.

The invasion and suppression of East Timor's independence movement, however, caused great harm to Indonesia's reputation and international credibility. The support of the invasion by the US and Australia governments also damaged the international reputation and credibility of those nations.

Shamefully, during the years of occupation, all Australian governments:

* acted as an apologist for the Indonesian dictatorship and the TNI

After the 1991 Santa Cruz Massacre of 1991, then foreign affairs minister, Gareth Evans, tried to ameliorate the embarrassment for the Indonesian dictatorship by referring to it as an “aberration” despite the fact that there had already been numerous massacres conducted by the TNI before that time.

* attacked and poured scorn on those who demonstrated against Indonesian human rights abuses in East Timor and other parts of the region and supported independence for East Timor

* ensured that the TNI received Australian funding while it was committing genocide and human rights abuses in East Timor, Aceh and West Papua

* formulated an oil and gas treaty with the Indonesian dictatorship which divided up East Timor’s oil and gas resources in the Timor Sea without consulting the East Timorese.

Most would be aware that this action flouted international law. It is illegal for a state to be involved in taking another nation’s resources when that country is under illegal attack or occupation.

According to Associate Professor Clinton Fernandes, of the University of NSW :

“In the second half of the 1970s, Indonesia’s war against the people of East Timor caused the largest loss of life relative to population since the Holocaust. [Reputable and widely used demographic techniques](#) have shown that 30 per cent of East Timor’s population died during the war.”

It should be added that Clinton Fernandes unsuccessfully sought to have Australian documents pertaining to Australia's role throughout the time of Indonesian occupation released in 2012. Nicola Roxon, the then attorney-general, refused the request citing security reasons. Many of the documents should have been released because they are more than 30 years old.

Many human rights workers and East Timor solidarity activists believe that the release of these papers is crucial in helping to win justice and compensation for the Timorese after their 25 years of suffering.

2.3 AUSTRALIA'S ROLE DURING THE PERIOD OF THE EAST

TIMOR INDEPENDENCE REFERENDUM

Internationally, many were excited when Australia played a crucial role in sending a UN peace-keeping force to East Timor to force the TNI out after the East Timorese voted overwhelmingly for independence. This was a necessary step the world watched while the TNI and its militias unleashed a punitive wave of murder and destruction on the Timorese that resulted in the deaths of up to another 2000 civilians and the wiping out of 80% of the nation's infrastructure.

Former US president, Bill Clinton, suspended military aid to Indonesia and encouraged the Australian government of John Howard to take a pivotal role in sending a peace-keeping force to Timor. In addition, the Australian government received many calls from the solidarity movement, the Catholic Church and angry citizens enraged about the violence and destruction occurring in East Timor.

Clinton Fernandes described Australia's role in the peace process as being a reluctant saviour in his book, *Reluctant Saviour: Australia, Indonesia and the Independence of East Timor*. AETFA believes that this a very accurate description of Australia's role.

Lansell Taudevin, a former AusAid worker in Indonesia and East Timor tried to warn the heads of his agency and Australian military intelligence about the build up of arms to militias that was being organised by the TNI during the lead-up to the referendum.

Alexander Downer, the then Australian Foreign Minister, had been describing the TNI personnel working with the militias as "rogue elements" and refused to acknowledge the fact that it was TNI policy to cause as many problems in the lead-up to the referendum and to trash East Timor if the people voted for independence.

In fact, Downer argued, despite evidence to the contrary, that the UN-conducted referendum only needed a international civilian police protection for the exercise and not an international peace-keeping force.

When Taudevin was ignored, he wrote the book, *East Timor – Too Little, Too Late*, describing what happened. Downer sacked him.

It should be noted that John Howard boasts that he persuaded Dr Habibie, the president following the downfall of Suharto to hold a referendum, however, he and Alexander Downer advised the Timorese to vote to remain with Indonesia – advice which they courageously ignored.

The East Timorese were jubilant to be rid of the mass-murdering TNI after the UN International Force in East Timor (UNIFET) pushed it out over the border into West Timor. After years of betrayal on Australia's part, it had finally done something significant to bring peace to the tiny nation.

Since then, Australian organisations and Australians of goodwill have poured into East Timor to assist the people to rebuild their shattered lives and nation. There is a very strong bond between ordinary Australians and East Timorese, however many have not forgotten how Australian governments for many years betrayed the Timorese people.

2.3 A AUSTRALIA' S MILITARY AND SECURITY ROLE IN TIMOR-LESTE

Australia withdrew its troops from Timor-Leste in 2012 after a long term presence in the country since 1999. While there has been some respect for the ADF's role in Timor-Leste, there was some controversy over the Australian Government refusing to be subordinated under the the U.N. International Stabilisation Force (ISF) in 2006. This was understandably a sore point with the Timorese Government and with other members of the UN as well.

Reports in the Australian media in mid-2006 claimed that the Australian forces in Timor prior to the civil unrest problems that occurred in that year had not been adequately training the F-FDTL (FALINTIL- Forcas de Defesa de Timor-Leste), the East Timor Defence Force, despite the fact that this was part of their role.

There were suggestions that the ADF was ordered by the Department of Foreign Affairs to specifically not train the soldiers of Timor-Leste so as not to upset Indonesia. To what extent this lack of training contributed to the reported anarchy and the conflict between sections of the Army and Police Force in 2006 is open to speculation. However it highlights the conflict of interest between supposedly supporting Timor Leste's Defence Forces while at the same time supporting the Indonesian military (TNI) in West Papua and other regions within the archipelago where they are committing human rights abuses..

2.4 HUMAN RIGHTS

Many East Timorese would be grateful if Australia was to call for an international tribunal to try the many alleged war criminals in the ranks of the Indonesian military (TNI) and to seek compensation from the TNI from its victims. It could well be that this would be also be sought by the people of West Papua, Aceh and and parts of Indonesia itself, who have suffered at the hands of the TNI.

Often Timorese people are impatient with their government which has refused to adopt the recommendations of the Commission for Reception, Truth and Reconciliation in East Timor (CAVR) in relation to seeking justice and compensation for the victims and families of the TNI. This has not happened because the Timor Leste Government is all too aware that it leads a very small nation, and that its former occupier, the Indonesian Republic is far more populous and powerful.

It also realises that Indonesia is a client state of the US and that Australian leaders rarely dissent from what US leaders demand.

When the 2007 findings of the inquest conducted by the NSW Coroner 's Court into the deaths of the five Australian – based journalists at Balibo in 1975 were released, it found that the Indonesian Special Forces had deliberately killed the five. This news was welcomed, not only by supporters of Timor-Leste and the then president, Jose Ramos Horta, but also by a human rights group in Indonesia. It considered that this was a first step to obtaining justice for the many victims of the TNI.

Another important step Australia should take would be to cease all cooperation with and aid to the TNI and KOPASSUS until all officers accused of serious violations against human rights have been brought to justice. The Australian Government could also raise this issue in the UN and seek a global ban on all military cooperation with and aid to KOPASSUS and the TNI.

Experts in international law advise us that seeing such outcomes is highly unlikely, but AETFA

would argue that international action was taken on the human rights abuses that occurred in Rwanda and the former Yugoslavia. Why is it that the people of Timor-Leste cannot also have justice after the trauma its people have suffered?

2.5 OIL & GAS

The shameful position that Australian governments took on the invasion of East Timor by the TNI was largely due to the so-called “national interest” in the oil and gas reserves in the Timor Sea.

The negotiations that occurred between the Fraser and Keating governments to strike a very unfair deal with the Indonesian occupiers came to nothing after world opinion caused the TNI to leave East Timor.

The Australian author and journalist, Paul Cleary, served as an adviser to the T-L government during the 6 years of Timor Sea oil negotiations between Timor-Leste and Australia. His book describes some very shameful actions that the Australian government took when the Howard Government attempted to bully T-L out of its fair share of the oil and gas resources in the Timor Sea.

Then PM John Howard withdrew Australia from the UN Convention on the Law of the Sea (UNCLOS) and sought to have bilateral negotiations with the new T-L Government directly.

UNCLOS defines Exclusive Economic Zones (EEZs) which are areas that extend from the edge of the territorial sea out to 200 nautical miles (370 kilometres; 230 miles) from a nation's coastline. Within this area, the coastal nation has sole exploitation rights over all natural resources. The EEZs were introduced to halt the increasingly heated clashes over fishing and oil rights of nations competing for resources

In the case of the Timor Sea, Timor-Leste had the right to all the natural resources between its coast to the median line between the Australian and T-L coasts; Australia had the right to all the Sea's resources between the median line to its coast.

This was not acceptable to the Australian government which wanted more than its share allocated by UNCLOS.

These negotiations are described in Cleary's book *Shakedown—Australia's Grab for Timor oil*, and they illustrate the harsh actions taken by the Australian government. The description puts Australia in a very poor light indeed.

2.6 AID

While many Australians might argue that its government, its people, NGOs, the Australian Defence Force and service groups have rallied to assist Timor-Leste since it gained its independence, there is now concern that the current Australian Government intends to cut its aid program so that funds can be diverted to pay for Australia's program to detain asylum seekers.

AETFAs would argue, along with Tim Costello, the Chief Executive of World Vision, when he described the money-shuffling as a sleight of hand that would deprive the most needy overseas.

"Moving it away from critical, in some cases life-saving aid," he said. "Pinching from the aid program to prop up what some regard as a botched immigration policy is really a haemorrhaging wound that keeps haemorrhaging."

Marc Purcell from the Australian Council for International Development agreed.

He said the Government promised extra foreign aid as part of its bid for the UN Security Council seat.

"I guess there would be a degree of cynicism on the part of developing countries in the UN to see Australia now not even in the Security Council seat yet, a week off it and we're misredirecting those funds for overseas aid to domestic purposes," he said.

The intended cuts for Timor-Leste mean that there will be \$A 10 million less for projects in that country. This is extremely unfair as Australia is the richest country in the region and Timor-Leste is the poorest. It is still recovering from the Indonesian occupation and will keenly feel the effects of such a cut.

In fact, given the history of the relations between the two countries, AETFAs would argue that there is a case for Australia increasing its aid money to Timor-Leste.

3. SUMMARY:

Over the past 70 years, AETFAs would argue that the people of Timor-Leste have been a far better neighbour to Australia than Australia has to them. Since the Australian high profile involvement in UNIFET and further peace keeping exercises and the involvement of so many Australians involved in the development of our northern neighbour, there is a special bond between the peoples of both nations.

The sacrifice that the East Timorese made during World War 2 to support the Allied cause and Australia, in particular, must never be forgotten.

AETFAs believes that to strengthen these ties of friendship, Australian governments into the future should be very generous in its assistance to the development of our neighbour, the Democratic Republic of Timor-Leste.

4. RECOMMENDATIONS

4.1 JUSTICE & COMPENSATION

That the Australian Government seek support from other member states of the UN to establish an international tribunal to bring to justice those TNI personnel who were involved in genocidal actions and human rights abuses in Timor-Leste

That the Australian Government negotiate with the Indonesian Government to ensure that Indonesia compensates all victims of crimes committed by the TNI in Timor-Leste.

If the Indonesian Government refuses to cooperate in such a process, that the Australian

Government cease all forms of military cooperation with the TNI (including aid, sales and joint exercises). And in any case the Australian Government should cease its support of the Indonesian military and police who are devastating the population of West Papua in their quest to rid this nation of its people, language and culture (much in the same way that white Australia committed physical and cultural genocide against our indigenous people).

That the Australian Government, to follow up the 2007 Inquest into the death of Brian Peters, expedites the probe being conducted into the deaths of the Balibo 5 by the Australian Federal Police as this is an important way of getting justice for those men as well as the Timorese people.

That the Australian Government release all documents that relate to official Australian involvement in the TNI occupation of East Timor to assist gaining justice for the people of Timor-Leste.- in particular the records relating to the mass starvation of Timorese in the late 1970s.

4.2 BILATERAL RELATIONS

4.2.1 EQUAL RELATIONSHIP BETWEEN AUSTRALIA AND TIMOR LESTE

That the Australian Government in all its relations with Timor Leste respects the sovereignty of this nation eg. by not bullying the TL Government re the maritime boundary and the division of maritime resources, and by not subjecting Timor Leste to insecurity by supporting the Indonesian Military, who had subjected their people to 24 years of terror, and are currently doing likewise in West Papua.

4.2.2 OIL & GAS

That the Australian Government again become a signatory to the UN Convention of the Law of the Sea (UNCLOS) and cease taking oil and gas from the area north of the median line between the coastlines of Australia and Timor-Leste.

This will mean repealing the unfair current Certain Maritime Arrangements in the Timor Sea (CMATS) and renegotiates with the Timor-Leste Government on a fairer sharing of the oil and gas resources in the Timor Sea .

That the Australian Government assist the Timor-Leste Government to have an oil processing plant established in the country to help with further development and to provide badly-needed job opportunities.

4.2.3 AID

That the Australian Government not reduce its funding of aid programs to Timor-Leste to fund the detention of asylum seekers

That the Australian Government, given the history of betrayal, ensures that it continues to give a high priority in its aid budget to Timor-Leste.

12

4.2.4 MILITARY TRAINING

That the Australian Government ensures that the ADF provides F-FDTL, the Timor-Leste Defence Force, with the highest levels of military training so that it is well prepared should a foreign power again try to invade.

It is unacceptable that the strong relations that Australia has with Indonesia should be a reason not to adequately train the F-FDTL. After all, the people of Timor-Leste sacrificed much during World War 2 to assist Australia. Australia should not be attempting to make this nation more vulnerable vis a vis its large neighbour.