

CHAPTER 1

INTRODUCTION

1.1 The Senate referred the matter of East Timor to the Committee on 30 November 1998. As a first step, the Committee advertised the inquiry in the national press and called for written submissions to be lodged with the Committee. A total of 101 submissions was received, details of which are contained in Appendix 1. The Committee began conducting public hearings on 19 July 1999.

1.2 In view of the dynamic and dramatic events that took place in East Timor in September 1999 following the popular consultation, the Committee presented an interim report to the Senate on 30 September 1999. In that report, the Committee presented its conclusions and recommendations on matters that it believed should not be held over to the end of the inquiry.

1.3 Subsequently, the Committee continued its hearings, the final one being held on 10 April 2000. Details of the hearings are contained in Appendix 2. The Hansard transcripts of evidence taken at the hearings are available on the Internet (<http://www.aph.gov.au/hansard/>).

1.4 The Committee had wanted to visit East Timor to see for itself the destruction wrought after the popular consultation and to speak to Interfet and local authorities. However, the Committee's application to visit East Timor was rejected by the President of the Senate. One member of the Committee and one participating member, who contributed to the inquiry, visited East Timor on two occasions, once as an election monitor and the other time with another parliamentary committee.

1.5 The popular consultation, as stipulated by the 5 May 1999 tripartite agreement signed by Indonesia, Portugal and the United Nations, took place on 30 August 1999 and, in contrast to the militia violence which had preceded it, was marked by a remarkably peaceful atmosphere, high voter turnout and efficient organisation. The result of that ballot was announced on 4 September, with 78.5 per cent of East Timorese voting for separation (in effect, for independence) rather than for autonomy within Indonesia. The announcement of the ballot result was followed by the outbreak of a campaign of violence and destruction across East Timor.

1.6 In the days after the announcement of the result of the popular consultation, the Indonesian military put into operation plans to transport large numbers of East Timorese to West Timor and other parts of Indonesia. This was accompanied by an unrestrained rampage of killing, looting and burning throughout the territory by the militias, encouraged and assisted by the regular armed forces and police. An undetermined number of independence supporters, including their children, were

murdered.¹ The rest of the population, estimated to be 600,000 by the Red Cross, fled to the mountains, leaving the burnt out remains of Dili and other towns and villages deserted.² By 26 September, the East Nusatenggara refugee co-ordination centre in Kupang had registered 232,672 East Timorese in West Timor.³

1.7 This premeditated action by the militias and the TNI was in breach of the undertaking, given by the Indonesian Government in the agreement of 5 May 1999 with Portugal and the United Nations, to preserve peace and security in East Timor in the interim phase between the conclusion of the popular consultation and the start of the implementation of its result, regardless of the outcome, and to guarantee the security of the personnel and premises of UNAMET (United Nations Assistance Mission to East Timor).

1.8 The United Nations Security Council passed resolution 1264 on 15 September 1999, with the co-operation of the Indonesian Government. Resolution 1264 established Interfet (International Force for East Timor) with a mandate to restore peace and security in East Timor and to facilitate humanitarian assistance operations. Interfet, under the command of Major General Peter Cosgrove, deployed to Dili on 20 September and progressively expanded its territorial coverage, until by mid-October it had established a presence across all of East Timor, including the Oecusse enclave.

1.9 On 19 October 1999, the Indonesian People's Consultative Assembly (MPR - *Majelis Permusyawaratan Rakyat*) voted to formally renounce Indonesian sovereignty over East Timor, and on 20 October Kiai Haji Abdurrahman Wahid was elected President of Indonesia following the resignation of President Dr B.J. Habibie. The following day, Megawati Soekarnoputri was elected Vice-President.

1.10 On 25 October 1999, the United Nations Security Council passed resolution 1272 establishing UNTAET (United Nations Transitional Administration in East Timor). Interfet continued to maintain peace and security throughout East Timor while UNTAET began the task of establishing a civil administration and building the institutions of government. Mr Sérgio Vieira de Mello, the United Nations Transitional Administrator and the Secretary-General's Special Representative, took up duties in East Timor on 19 November. Responsibility for maintaining peace and security was transferred according to schedule from Interfet to UNTAET on 23 February 2000. Major General Cosgrove handed over responsibility for fulfilling the United Nations military mandate to UNTAET force commander, Philippines Lieutenant General Jaime de los Santos.

1 Mr Mark Plunkett, *Committee Hansard*, 15 September 1999, pp. 516-7.

2 Toni Pfanner, head of the International Committee of the Red Cross, Jakarta, 19 September 1999.

3 Mark Riley, Mark Dodd and agencies, 'They're free to go home, Alatas vows' *The Sydney Morning Herald*, 29 September 1999.

1.11 Interfet achieved its mandate in East Timor. There was very little loss of life. Interfet itself suffered no losses in action of force members' lives in spite of operating in a difficult and occasionally hostile environment. Its only casualties were a New Zealand soldier killed in a vehicle accident and an Australian soldier who died of illness. By the end of October 1999, peace and security had largely been restored to all of East Timor, including the Oecusse enclave. Humanitarian assistance agencies were able to move freely throughout the territory, and the work of reconstruction had begun. In this respect, Interfet had fulfilled its obligations as set out in Security Council Resolution 1264, 'to restore peace and security in East Timor, to protect and support UNAMET in carrying out its tasks and, within force capabilities, to facilitate humanitarian assistance operations'.⁴

1.12 This was a significant achievement in view of the situation in early September 1999. That this outcome was achieved with a minimum use of force was a tribute to the professionalism and dedication of the leadership and members of Interfet. They conducted themselves to the highest military standards and, in a short time, achieved outstanding results.

1.13 While Australia took a pivotal role in assembling and leading Interfet, it was a fully regional and international effort. Interfet had defence force contingents from 20 states deployed or committed, including key regional states such as Thailand and the Philippines, as well as others including Brazil, Kenya, Jordan, New Zealand, France, Fiji and the United Kingdom and the United States. Although Japan was not able to participate in Interfet owing to constitutional limitations, it greatly facilitated the participation of developing countries through its \$US100 million contribution to the Interfet trust fund.

1.14 The role played by Indonesia must be noted. The indefensible shortcomings of Indonesia's response to events in East Timor in the immediate post-ballot period have been well documented. But, after agreeing to the passing of Security Council Resolution 1264, Indonesia took some important steps to facilitate the establishment of an independent East Timor. As Interfet established its presence in East Timor, Indonesia withdrew its troops. The independence vote in the MPR was taken in a dignified manner without rancour or bitterness. Initial problems over management of the border region were resolved co-operatively, and Indonesia's own Human Rights Commission, Komnas-HAM, showed determination to investigate the events surrounding the ballot.

1.15 Australia's relationship with Indonesia suffered significantly as a result of developments in East Timor, although much working level contact of direct benefit to both sides proceeded relatively unaffected. Mr John Dauth, Deputy Secretary of the Department of Foreign Affairs and Trade (DFAT) told the Committee that:

4 Budget forecasts of the net cost of sending Australian troops to East Timor were: 1999-00 - \$897 million; 2000-01 - \$898 million; 2001-02 - \$721 million; 2002-03 - \$679 million; 2003-04 - \$686 million; United Nations total reimbursement - \$372 million. Total net cost to Australia \$2,984 million. *Budget papers*, 9 May 2000, reported by AAP.

We are confident that, over time, the relationship could be rebuilt. But the Government's view is very clearly that this will only be done on the basis of mutual effort and mutual benefit. In the future that relationship will be stronger, in our view, for the fact that it will not constantly be undermined by East Timor in the way in which it was for the past 25 years.⁵

1.16 The situation of the displaced East Timorese remaining in West Timor continued to be the most pressing humanitarian problem. The Government of Indonesia indicated that those wishing to return to East Timor should be able to do so, but there was clear evidence that militias were still intimidating refugees. The United Nations, Australia, the United States and many other countries have pressed Indonesia strongly to bring the militias under control and promote secure access to all refugee camps in West Timor.⁶

1.17 An agreement on the definition of the border signed on 12 January 2000 reduced the likelihood of unintended infringements. On 11 April, General Jaime de los Santos and the Indonesian Commanding Officer in West Timor, Major General Kiki Syahnakri, signed a memorandum of understanding on border issues regarding security, boundary crossing, passage of refugees, humanitarian assistance and related matters. General de los Santos said that this agreement was 'a continuation, a transfer, of the excellent relationship which TNI and Interfet enjoyed ... It will result in a far stronger understanding of each other's position and a much improved ability to work together in the border areas'.⁷

1.18 Although a significant number of East Timorese have returned to East Timor, about 120,000 remain in refugee camps in West Timor. Continued oppression, harassment, intimidation and a campaign of disinformation by East Timorese militias have restricted the flow of refugees back to East Timor. Despite many undertakings by the Indonesian Government to restrain militia activity, the Indonesian military and police in West Timor have done little to comply. In fact, militia violence increased during the year, culminating in September 2000 with the deaths of three United Nations humanitarian staff in Atambua, which resulted in the withdrawal of all United Nations humanitarian staff from West Timor. Although aid workers have not yet returned to West Timor, there is evidence of Indonesian authorities taking a firmer line with the militias.

1.19 The positive attitude of the East Timorese leader, Mr José Alexandre 'Xanana' Gusmão and the new Indonesian Government towards reconciliation has been encouraging. Geographic and economic realities dictate that Indonesia and the new state of East Timor become good neighbours.

5 Mr Dauth, *Committee Hansard*, 6 December 1999, p. 991.

6 Mr Dauth, *Committee Hansard*, 6 December 1999, p. 991.

7 UNTAET briefing, 11 April 2000.

1.20 The scale of damage to essential infrastructure in early September 1999 was massive. Between 60 and 80 per cent of public and private property throughout the country was destroyed.⁸ It is difficult enough for any 'less developed' country to begin its life as a newly independent state, let alone one that has been denuded of many of its essential facilities, services and housing. Therefore, capacity building has been a key challenge in East Timor. UNTAET has been undertaking a massive task in this respect and key aid donors, including Australia, have played their part.

1.21 The establishment of a civil administration in East Timor has been another challenge. Initially, much of the effort was devoted to security and the restoration of peace. With that goal largely achieved, the focus turned to developing the civilian administration and establishing the institutions of government. Australia welcomed Mr Vieira de Mello's intention to consult and work closely with Xanana Gusmão and other representatives of the East Timorese people in preparing East Timor for full independence.

1.22 The future of East Timor will be in East Timorese hands and, in the meantime, UNTAET, the United Nations assistance agencies, bilateral donors and non-government organisations must assist them to make the most effective use of humanitarian and reconstruction assistance, and to guide them in making the best possible decisions about East Timor's political and economic future. The resolution of the many complicated issues in building an East Timorese nation will take time, patience, goodwill and expertise. Australia has been participating in the overall development planning co-ordinated by the World Bank and the United Nations, and working closely with UNTAET and the East Timorese people.⁹

1.23 The burden of restoring peace and security to East Timor, and of building an independent state is one for the international community as a whole to share, especially those states which have a history of involvement with East Timor and its aspirations for independence.

1.24 As required by its terms of reference, the Committee also examined Australian policy towards East Timor, mainly from about 1974 onwards. The Committee noted the early release in September 2000 of selected documents relating to East Timor from the period 1974-76 from the files of the Department of Foreign Affairs and Trade and the Department of the Prime Minister and Cabinet. As mentioned at the outset of the inquiry, the Committee did not examine the matter of the deaths of five Australian and British journalists at Balibo, East Timor, in October 1975.

8 Barry Wain, 'Will Justice be served in East Timor?', *The Asian Wall Street Journal*, 17 April 2000.

9 Mr Dauth, *Committee Hansard*, 6 December 1999, p. 992.

