

East Timor Faces the Future

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The long struggle for East Timorese independence, the 500 Year *funu*,² has been won. The last battle is not yet over, and the painful residues of colonialism and war will scar East Timorese society and culture for years to come, but for the people of East Timor, the taste of freedom is in the air. This chapter surveys the most important problems facing East Timor in its trajectory from Indonesian colony to United Nations temporary protectorate to full independence, assesses the initial months of post-Indonesian rule, and examines some of the choices for, and conflicts likely to emerge in, the transition era.

Towards an East Timorese State

On October 20, 1999, Indonesia formally acknowledged the end of its colonial rule by an act of the Indonesian People's Consultative Assembly (MPR) accepting the outcome of the referendum on independence and revoking East Timor's status as Indonesia's 27th province.

The United Nations, which operated initially through UNAMET (United Nations Assistance Mission in East Timor) and the Security Council-approved peacekeeping force, the International Force in East Timor (InterFET), established a United Nations Transitional Administration in East Timor (UNTAET). Security Council resolution 1272 of October 25, 1999, created UNTAET and gave it the following mandate:

- (a) To provide security and maintain law and order throughout the territory of East Timor;

- (b) To establish an effective administration;
- (c) To assist in the development of civil and social services;
- (d) To ensure the coordination and delivery of humanitarian assistance, rehabilitation and development assistance;
- (e) To support capacity-building for self-government;
- (f) To assist in the establishment of conditions for sustainable development.

UNTAET is expected to remain in control of East Timorese affairs for at least two years, possibly three or longer, as a governing authority whose formidable objective is to make itself redundant. Its mission is to prepare the people of East Timor for independence after five hundred years of Portuguese colonialism followed by a quarter century of Indonesian conquest and devastation. UNTAET's other tasks -- providing the security required to restore the war-shattered social and economic life of East Timor, protecting East Timor against threats of direct or indirect Indonesian military intervention or sabotage, assisting hundreds of thousands of refugees in resettlement, furnishing administrative and financial support -- are subsumed within this larger mission.

Among the critical issues confronting the UNTAET interim administration is its relationship to the umbrella organization of the East Timorese resistance, the National Resistance Council of Timor, CNRT, and to the people of East Timor more generally.

Article 1 of Security Council resolution 1272 states that UNTAET "will be endowed with overall responsibility for the administration of East Timor and will be empowered to exercise all legislative and executive authority, including the administration of justice." In article 8 the Council called on UNTAET

to consult and cooperate closely with the East Timorese people in order to carry out its mandate effectively with a view to the development of local democratic institutions, including an independent East Timorese human rights institution, and the transfer to these institutions of its administrative and public service functions.

UNTAET quickly established the National Consultative Council empowered to advise the

Transitional Administrator on all matters of policy. The Council was intended to be "the primary mechanism through which the representatives of the people of East Timor shall actively participate in the decision making process during the period of the United Nations Transitional Administration in East Timor, and through which the views, concerns, traditions and interests of the East Timorese people will be represented."³ The Council in turn established sectoral committees dealing with specific issues.

Two months later, the Transitional Administrator reported to the Security Council:

Through the NCC and its sectoral committees, UNTAET has set about building the regulatory framework necessary to underpin the administration of East Timor in all areas, including the economy, local governance, justice, public and civil services. In addition to the first regulation, which defined the legal framework applicable in East Timor during the transitional period, and the second, which established the National Consultative Council, regulations have been enacted to establish the Transitional Judicial Service Commission, a Central Fiscal Authority, the Public Services Commission and a Central Payment Office. Regulations concerning the registration of commercial enterprises, the use of currencies, the new legal tender, and the licensing of foreign exchange bureaux have also been passed.⁴

In building a transitional state structure, UNTAET's logical partner is CNRT, which led the struggle for independence that culminated in the August 1999 referendum. (Indeed, in that referendum, which offered such powerful testimony to the unity of the East Timorese people, the symbol of CNRT was used on the ballots to represent the option of independence.)

In the first months of UN authority, CNRT officials complained about inadequate administrative involvement of the East Timorese, noting that "there seems to be a neo-colonialist attitude." Mario Carrascalão, vice-president of CNRT, declared that, "We need the UN to help create conditions in which life is possible, a democracy, and not deal with the people as if it were a dictatorship."⁵ While Carrascalão subsequently defended the preliminary views of the World Bank assessment team of which he was a senior member, CNRT leader José "Xanana" Gusmão

expressed disquiet at the aggressiveness of external policy formulation, and at the failure of the World Bank and UN to listen to the population of East Timor.⁶

While Security Council resolution 1272 calls for preparation in self-government and democratic local institutions, the real prospects for democracy in East Timor will ultimately depend on the political practice of CNRT. One important positive indicator in this regard is the "Magna Carta concerning Freedoms, Rights, Duties and Guarantees for the People of East Timor" adopted at the East Timorese National Convention in the Diaspora, in Peniche, Portugal, on April 25, 1998.⁷ The document displays CNRT's impressive commitment to building an East Timor that will be a model of social democratic constitutional democracy with strong protection for human rights. Another positive indicator is the responsible leadership provided by CNRT in the face of Jakarta's attempted sabotage of the referendum and the killings, expulsions, and destruction orchestrated by the Indonesian military prior to and especially following the balloting. Nevertheless, it is important to recognize the domestic and international pressures, and the historical residues of colonialism, that have so often led post-colonial governments in the periphery to choose authoritarian options limiting popular sovereignty.

Important issues face CNRT itself, aside from improving relations with its recent external enemies and establishing its position vis-à-vis UNTAET. CNRT is a broad front of political parties and individuals that united in the independence struggle. Important differences of opinion within CNRT and beyond in the wider East Timorese society, whose diaspora has now spread through several countries, will inevitably come to the fore in the post-independence era. The East Timorese today are comprised of communities and individuals with diverse resources and historical experiences. CNRT worked throughout the 1990s to build a structure that combined a capacity for effective decision-making with a respect for and acknowledgment of the diversity within the pro-self-determination forces in East Timorese communities around the world. CNRT devoted considerable efforts to reconciling differences of opinion and overcoming lingering antipathies from earlier days to build the broadest possible unity in the run up to the election.⁸ Equally in the last years of Indonesian rule, CNRT consolidated a complex two-way flow of

information and decision-making structures reaching from Cipinang Prison in Jakarta where Gusmão was confined, to East Timor and beyond to CNRT external leadership and the ever-increasing numbers of impressive activists and intellectuals emerging from East Timorese diaspora communities around the world.

The assumption that CNRT -- in the absence of the common colonial enemy -- would constitute a single unified body should be replaced by the more realistic one that CNRT would become the medium through which the diversity of East Timorese political opinion will be represented. A serious challenge to the assumption of CNRT as the natural representative of East Timorese quickly emerged from younger East Timorese political activists and community group representatives. Members of CNRT National Political Commission were criticized by activists in the urban-based resistance movement who felt excluded from the UNTAET-sponsored consultative process dominated by older CNRT elites.⁹

A key task for UNTAET is the establishment of a constitutional framework for East Timorese independence. Many members of the former Indonesian regional assembly who were elected and appointed under military rule fled the country; moreover, the constitutional make-up of the regional legislature mirrors the preoccupations of central control and organicism from the 1945 Indonesian national constitution. Without assessing the proposed models for assemblies, it is important to bear in mind the negative lessons of the Palestinian Authority (PA), the executive body headed by Yasir Arafat. In a short time the PA has come to disregard the authority of the legislative branch of the state. Legislation has been simply ignored, as have legislators' attempts to require that executive agencies limit their actions to domains specified by the legislature.¹⁰

A second question is the structure of administration. Unfortunately, East Timor's historical legacy in this area is a dismal one: the combined effects of Portuguese authoritarian rule and neglect on the one hand and Indonesian bureaucratism and violence on the other. Here perhaps it will be important to remember some of the successes of the brief period of Fretilin administration in 1974-75 which were marked by a willingness to invent new structures based on a closeness to the people.¹¹ Whether the democratic potential inherent in that short-lived

experience of a guerrilla movement can be resurrected and adapted to peacetime rule is a formidable challenge.

A third question about the self-governing state concerns the role of courts, especially their role in defending the rights of individuals against the power of executive government. In this respect, too, Palestinian experience has been extremely bitter, with judges who were critical of the procedures of the Palestinian Authority either forcibly removed or their decisions simply ignored. The task for an independent East Timor will be to find a way to make the ideals of the Magna Carta concrete, so that first and foremost citizens feel secure and confident in their everyday lives.

A fourth question relates to the role of women in the new East Timorese state. Timorese custom -- which included polygamy and *berlake*, a form of bride price paid to a woman's parents before marriage -- and Catholicism both consigned women to a second-class status. The years of struggle against Indonesian aggression and the dislocation resulting from Jakarta's scorched-earth policies both contributed to undermining the subordination of women. Fretilin outlawed polygamy and *berlake* -- though changes were slow -- and in guerrilla-controlled zones, women experienced new freedoms and responsibilities.¹² There was equality, too, in suffering. Women were among those who fought and died as guerrilla soldiers and many were the victims of gender-specific violence perpetrated by the Indonesian authorities and the militia: rape and other forms of sexual abuse, sexual harassment, forced "marriage," forced recruitment as sex "slaves" or "comfort women," and forced sterilization.¹³ Post-referendum violence left an estimated 60,000 female-headed households, with husbands or fathers either dead or outside East Timor.¹⁴

The 1998 Magna Carta explicitly committed CNRT to equality between men and women. On September 28, 1999, Gusmão told a press conference that women held leadership positions in East Timor -- they are two of the seven members of CNRT's National Political Commission, for example -- and that CNRT aimed to promote gender equity.¹⁵ Grassroots women's groups -- Fokupers, Gertak, ET-WAVE, and the Organization of Timorese Women (OMT) -- have addressed such issues as women's employment and domestic violence. Women are three of the

11 Timorese members of the National Consultative Council, one of three on the Transitional Judicial Services Commission, and three of the first ten judges and prosecutors to be appointed in East Timor.¹⁶ It remains to be seen how the new influence and prestige of the Catholic Church in East Timor will affect women's rights, but so far we might note that the Church seemed to be no impediment to a targeted condom distribution campaign in Dili in March 2000.¹⁷

A final core political issue concerns CNRT itself. In her chapter, Sarah Niner has traced the long and difficult history of efforts to transcend the historic splits between Fretilin and the Timorese Democratic Union (UDT) dating back to the mid-1970s.¹⁸ Gusmão's extraordinary personal standing and the political skills of CNRT leadership generated the unity required for victory under conditions of Indonesian repression. However, CNRT has no underlying principle of unity beyond opposition to Indonesian rule. Both at the level of personal relations between CNRT leaders originally from different parties and differing orientations to emerging policy issues, conflicting viewpoints must be expected. Class (including, for present purposes, position in traditionally-legitimated cultural and economic elite structures), language, and orientation to the outside world will be immediate points of friction. New challenges of the transition to self-government and internal strains within diverse sectors of the movement will transform CNRT. Other political bodies may well emerge, including quite possibly, parties representing the one in five people who voted for autonomy within Indonesia. At that point, UNTAET's task to establish representative political structures will become both urgent and delicate.

Issues of Policing and Demilitarization

Gusmão and his colleagues have shown great sensitivity to important questions about how security in the territory is to be established and maintained. Apart from citizens' concerns about security, a self-governing East Timor will face three additional problems, each of which is capable of being exploited by opponents of independence. These are the issues of armed rebellion, revenge, and obstacles to demilitarization after two and a half decades of war.

The first issue is the possibility of renewed violence and intimidation by pro-Indonesian militia forces. Militia groups and their Indonesian military masters still control most refugee

camps in West Timor holding about 90,000 East Timorese as late as March 2000. Foreign observers estimated that perhaps half of this number wish to return to East Timor, but are being prevented from doing so by militia violence and intimidation.¹⁹ Within East Timor, militia violence was limited and rapidly contained by InterFET and, after February 23, 2000 by UNTAET's peacekeeping force. Indonesian military forces, after an initial period of tolerance, if not outright support for cross-border militia attacks on InterFET soldiers, worked more or less effectively to limit border hostilities.²⁰ Yet the capacity for militia violence remains real, if controlled for the present, as militias based in West Timor still have large numbers of TNI-supplied weapons.

The inability of InterFET, and subsequently UNTAET, to resolve the problem of East Timorese refugees held captive in West Timor, reveals the limits of UN-sponsored efforts to resolve issues of the Indonesian invasion and violence in East Timor. On the positive side, since fall 1999 Indonesian-sponsored militia attacks across the border or within East Timor have been sharply reduced and the security situation within East Timor has improved considerably.

Second, it is inevitable that, after all the suffering flowing from war and colonial occupation, many East Timorese will feel extreme bitterness towards Indonesians in the territory, and more importantly, towards those East Timorese whom they regard as collaborators and perpetrators of crimes of violence. It is well to remember how fierce such feelings can be. After the end of World War II in Europe, some 30-40,000 French citizens held to be collaborators with the Nazi occupation (which was only four years in duration, compared to 24 years of Indonesian occupation) were summarily executed by French resistance forces.²¹ And if such feelings of retribution are likely to be strong, fear of this retribution may well evoke anticipatory violence. The ability to heal the wounds of war and bring an end to the cycle of killing will constitute one of the most difficult challenges for both the transitional administration and its East Timorese successor.

Gusmão and Ramos-Horta have stressed the need to eschew revenge in order both to forge unity and to build a society based on compassion. After the violence and terror that was inflicted

on the East Timorese people and particularly the pro-independence majority by the Indonesian military and its paid militias, this will be an extraordinarily difficult task, but a crucial one. The first step is to forget the straight-forward dichotomy of "collaborator" and "patriot" altogether. In 24 years of Indonesian occupation, the families of even the most ardent supporter of independence will have had to make accommodations and compromises with Indonesian authority just to survive. Lives are not always lived politically. CNRT's great achievements as a resistance movement were its appeal to unity and its avoidance of terrorism. The challenge for the future will be to maintain this stance against the inevitable frustration of chaotic peace and job shortages, especially as refugees with a militia background, and their families, return home.

The third security issue that CNRT will have to face is a product of two decades of war. Will it be possible to overcome the habits of violence and secrecy necessary for survival under alien occupation? And will it be possible for Falintil fighters to make the transition to the demilitarized East Timor that CNRT has envisaged? Even more difficult, will militia fighters -- who, whatever their motivations, were effectively the losers in the war for independence -- make such a transition?²² Again, the Palestinian solution of transferring former PLO fighters to the police force of the Palestinian Authority illustrates dimensions of the problem, as police violation of human rights has been widely recognized as part of the reason for popular antagonism towards the PA.

CNRT has indicated that it will aim in the long term for a demilitarized East Timor without an army. Short-term there is the expectation by the United Nations peacekeeping force that all armed East Timorese will surrender their arms.

As the threat of Indonesian military (TNI) support for or toleration of cross-border militia incursions faded in the months following the August 1999 elections, Gusmão called for a quick reduction in the size of the UN-sponsored military force.²³ It remains to be seen whether the noble ideal of an East Timor without an army is feasible. Even a militarized police force could threaten East Timor's fragile democratic development, especially if, as at least one set of foreign advisers has suggested, there is also an independent intelligence service.²⁴ The mildest response

one could give to the suggestion for an independent intelligence service is that it needs rather more thought about issues of control and oversight. Under the best of circumstances, the transition of Falintil forces into an effective police force, with or without participation of former militia, remains a difficult challenge for both UNTAET and CNRT.

Justice and Reconciliation

Another critical issue for the new East Timor is the question of responsibility for war crimes and crimes against humanity. In practical terms this involves East Timor, Indonesia, and the United Nations. Within East Timor itself this will be an issue for UNTAET, which moved rapidly to establish East Timorese courts. However, the attitude of CNRT will be crucial. Gusmão's remarkable capacity to take the long view by trying to overcome the traumas of invasion and war will be stretched as the evidence of the crimes of the last months of Indonesian rule come to light.

For the Timorese there are two basic sets of issues in facing the question of trauma. The first is whether they choose to face the criminal past through a legal framework of crime and punishment, through trials under law, or whether they opt, as did South Africa after an analogous experience, to deal with trauma through public inquiry predicated on goals of reconciliation. The latter course involves public testimony by victims, and, to a substantial degree, public expressions of remorse by the perpetrators of crimes, with the possibility of criminal prosecution for the unrepentant. The model of the South African Truth and Reconciliation Commission would appear consonant with the reparative inclinations of Gusmão and Bishop Carlos Filipe Ximenes Belo. While Gusmão has spoken of his interest in such a commission, however, Belo has stressed the need to balance reconciliation with justice. For Belo, reconciliation with militia members who show remorse is possible, but he has stressed that the international community must stand by its responsibility to try the senior Indonesian officers who orchestrated the terror. The reconciliation approach, while painful and difficult for numerous victims and their families, holds the potential to minimize future divisions while permitting the airing rather than the burying of long suppressed grievances. Above all, it invites the prospect of encouraging citizens

to move from anger and grief to face the difficulties of confronting what must be a common future of a people that has been ravaged by colonial rule and protracted war.

But if truth and reconciliation seem appropriate for redressing the crimes of low-level Timorese such as militia members, the question of prosecuting war crimes by high-ranking Indonesian officials is more complicated. Major international players -- the United States, China, Britain, and Secretary General Kofi Annan -- have called for permitting Indonesia, rather than any international body, to conduct trials of those responsible for the atrocities, with an international tribunal to convene only if Jakarta fails to take adequate action. This position makes sense in terms of respecting and supporting Indonesia's moves toward democracy. It ignores, however, the fact that the crimes committed were committed not against Indonesians, but against people that the United Nations recognizes as victims of illegal Indonesian aggression and occupation, as well as against the international community itself which had organized the August 30 referendum. In any event, both Indonesia and the Security Council have restricted the time-period of their concern only back to January 1999, thus exempting Suharto-era crimes from examination. And, unsurprisingly, neither Jakarta nor any of the members of the Council have called for an investigation into state crimes: specifically the providing of military, economic, and diplomatic support for Indonesia's brutal rule in East Timor. The troubling question remains whether Indonesia's fledgling democracy is capable of mounting a fair investigation of the nation's most powerful military leaders, a formidable to challenge to any society, and above all one long dominated by the military.

Beyond criminal trials, there is the question of pressing financial compensation claims against Jakarta. Aceh was promised compensation by the Habibie administration for criminal acts committed by Indonesian military forces during the New Order period, and East Timorese leaders will have to decide whether they wish to press comparable claims. But Indonesia's financial situation is now much worse than it was a few years ago, so the prospect of significant compensation is much reduced. And the resentment in Indonesia that raising such claims may provoke could well poison whatever limited chances of a new start may exist.

These factors suggest the likelihood that East Timor will seek reconciliation rather than reparations or financial compensation from Indonesia or the powers that supported Indonesian aggression. The harsh reality is that East Timor is likely to get more in aid by throwing itself on the mercy of the rich nations than by pressing reparations claims, however just.

If this view seems likely to prevail within East Timor, there may be other considerations for those outside. (See the chapter in this volume by Richard Falk.) International human rights organizations have long argued that it is essential to establish the precedent that crimes against humanity cannot be committed with impunity.²⁵ The behavior of the TNI-controlled militia in East Timor was so blatantly horrific that there is a degree of international expectation that responsible Indonesian officers will be held accountable. Even if an international war crimes tribunal for Indonesia is not in the cards, the demand to bring to trial those guilty of crimes against humanity serves an important educational and political point. And going beyond the positions of most human rights groups and calling for the indictment of officials of the U.S. government which armed and trained the killers, of the Australian government which conspired with Indonesia to deprive East Timor of its right to Timor Gap oil, and of the Japanese government which bankrolled the Indonesian regime -- this too might serve to illuminate some issues of responsibility, though the chances of any such indictments are unfortunately nil. Likewise, the call for reparations from those governments that backed Indonesia may be another way to make the point about responsibility, even if the prospect for reparations is no greater than it was in the case of U.S. destruction in Vietnam, Laos, and Cambodia.

Language

A key issue before the new government is language with its implications for identity and educational policy. There are three widely spoken languages in East Timor today -- Tetum, Indonesian and, less broadly, Portuguese. Most East Timorese are necessarily multilingual, and there are substantial cross-overs of vocabulary from one language to another. Benedict Anderson has pointed out that for Indonesian nationalists "at the turn of the century, the language of the colonizer, Dutch, was the language through which it became possible to communicate across the

colony and to understand the real condition of the country. It was also the language of access to modernity and the world beyond the colony."²⁶

One important effect of a quarter century of Indonesian colonization of East Timor has been to create an Indonesian-speaking and -reading young generation able to reach out to the Indonesian archipelago and beyond. Moreover, since Tetum only recently acquired a written language, and written Tetum was never effectively integrated into formal education, the written language for those within East Timor is effectively Indonesian. The language issue is complicated by the fact that documents of the external resistance leadership were either in Portuguese or English. The firm foundation of widely spoken Indonesian is likely to be sustained by the consequences of proximity and convenience, by its use as a language of business in neighboring areas, and by the availability of a much wider written literature than exists in Tetum, which is only the most widespread among indigenous languages. And given that so much of East Timor's human capital is today in the form of young people schooled in Indonesian, dispensing with that language would represent a squandering of a scarce resource.

But Tetum has also become a language of East Timorese nationalism: a nationalism deriving both from its indigenous roots and from its association with membership in the Catholic Church. "[T]he decision of the Catholic hierarchy in East Timor to use Tetum, not Indonesian as the language of the Church," Anderson notes, "has had profoundly nationalizing effects. It has raised Tetum from being a local language or lingua franca in parts of East Timor to becoming, for the first time, the language of 'East Timorese' religion and identity."²⁷ After the Suharto government required that all Indonesians belong to one of a limited number of officially recognized religions in the early 1980s, the size of the Catholic Church in East Timor swelled considerably. As a result, the nationalist implications of the Church's use of Tetum was magnified still further.

The situation linguistically is further complicated by the fact that Portuguese, English, and Indonesian have emerged as critical languages in the East Timorese diaspora. Economists João Mariano Saldanha and Helder da Costa estimate the number of Timorese outside East Timor and Indonesia at 15-20,000, with the largest concentrations in Australia, Portugal, Macau and

Mozambique.²⁸

An important potential resource for staffing the East Timor government and contributing to economic development, is the East Timorese living abroad, some of whom have had education as well as job training and experience. Returnees would also likely retain strong links with relatives and associates in their former host countries and some would have access to financial remittances from abroad. In short, these English- and Portuguese-speaking returnees may well have a presence stronger than their numbers would suggest. Furthermore, English will inevitably be bolstered by the long-term presence of a multi-national United Nations administration and peace-keeping force and other international agencies, whose dominant language will be English. Within days of a World Bank advisory team entering the country, senior CNRT leaders were criticizing what they saw as a presumption by the Bank and other multilateral agencies that English would be the effective language of administration.²⁹ In January, a crowd of Timorese job-seekers rioted when they learned that UN jobs required some knowledge of English.³⁰

The CNRT Magna Carta states that Portuguese will be the official language of an independent East Timor, and invokes the country's "Judeo-Christian" identity. In February 2000, CNRT announced that Portuguese would be the official language of independent East Timor. Explaining the decision, Gusmão maintained that East Timor owed its independence to Portugal, or rather, to the cultural identity formed through Portuguese colonization. "If the Portuguese left many years ago, the Dutch would have taken this area and we would have become Indonesia. We have them to thank for our identity."³¹ This points to the ambiguities of the Portuguese colonial experience for East Timor. Prior to 1975, education -- however limited -- combined the Portuguese language and the teachings of the Catholic Church. And after 1975, it was exactly the "Judeo-Christian heritage" of East Timor that was often invoked by resistance forces as the key to identity in the face of Indonesian attempts at forced assimilation. Thus, ironically, the relationship with Portugal -- the historic colonial power -- helped to create the East Timorese national identity that was so central to the modern anti-colonial struggle against Indonesia.

Portugal's offer to subsidize the entire East Timorese government budget for at least two

years, and possibly three, and Portuguese financial contributions illustrate the continuing bonds between the former colonizer and East Timor. But if Portuguese linguistic and cultural nationalism is still alive, particularly among the Portuguese-educated older generation, only time will tell whether the Portuguese state has the will and the resources to compete linguistically and in other ways with Indonesian, Tetum, and English as the language of an independent East Timor.

Gusmão's powerful speeches to crowds in Dili on his return to East Timor in October 1999 after seven years of prison and exile were in Tetum. Two decades of education in Indonesian language in East Timor, the "nationalization" of Tetum through the expanded and invigorated Church, and the development of a rich cultural life in other languages such as Indonesian and English have all changed the medium through which East Timorese identity is articulated. The language issue is thorny and potentially divisive in education, administration, cultural affairs, and economic policy.³² Indeed, the first editorial in East Timor's first Tetum language newspaper charged that CNRT language policy was "clearly a matter of a tiny minority trying to impose their will on a majority."³³

In any event, the choice of an official language is hardly the only decision. There are also questions of the language of instruction in school -- at the primary, secondary, and tertiary levels. And the "language(s) of government" need not be the same as the language of the nation. If the language challenge looms large in East Timor, it should be noted that many other post-colonial nations, from India to Nigeria to Mexico to Taiwan, have confronted similarly painful language choices involving the language of the colonizer and multiple indigenous languages. For East Timor, though, there have been *two* colonial languages, and perhaps a third, English, is currently emerging.

Law

The first regulation promulgated by UNTAET continued in force Indonesian laws prevailing in October 1999, until UNTAET issues legislation to the contrary, with the exception of certain unacceptable Indonesian laws such as the anti-subversive and national security laws.

From the beginning of post-Indonesian administration, the clash of legal systems will be felt.³⁴ Even if the most egregious cases of coerced legal settlements under Indonesian colonial law are set aside, will contracts and titles that were written freely under Indonesian law, where there was no coercion involved, be considered valid? Where Indonesian law and colonial Portuguese law differ significantly, which, if either approach, will be followed? If Indonesian law is to be followed as an interim step, then for how long where significant tensions between legal systems arise? Will norms from other legal systems, including non-formalized indigenous norms, gain acceptance? These are issues of system and process.

Urgent questions with legal ramification arise that affect the livelihood of the people of East Timor. What should happen to the substantial property owned by Indonesian political and military elites, such as the Suharto family?³⁵ What is the status of property and other contracts dating from the Indonesian occupation period where some element of coercion or outright expropriation is demonstrable, even if the coercion was not exercised by the present beneficiaries? One approach would be to restore the pre-invasion status quo. In all but the simplest and most blatant cases of theft, however, this might produce a moral and practical quagmire detrimental to economic recovery and contributing to social conflict, leaving, for example, farmers uncertain of the rights to their land.

Oil

The most significant legal question facing the new state, certainly in terms of its long-term economic and revenue implications, is also unfortunately among the most urgent: the rewriting of the Timor Gap Zone of Cooperation Treaty. The Timor Gap is the region between Australia and East Timor. The critical issue is the division of the rights to the oil and gas reserves in the sea bed.³⁶

Before Indonesia's invasion of East Timor in 1975, Portugal and Australia had failed to reach agreement on the position of the sea-bed boundary. After Jakarta took over the territory, Indonesia and Australia saw an opportunity to conclude a lucrative agreement.

International law has two general ways of dealing with maritime boundaries. Customary

practice was to consider various aspects of underwater topography -- in particular, the deepest point of a trough. Using this approach, which Australia favored, would place the boundary line close to Indonesia and put most of the sea bed within Australia's jurisdiction. But customary practice has been superseded by recent developments in the international law of the sea which instead take the median line -- the line equidistant between the two countries -- as the boundary. This was the view favored by Indonesia. But though Jakarta had recent international law on its side, its eagerness to legitimate its conquest made it willing to settle for less -- and Australia knew this. As Canberra's ambassador to Indonesia secretly advised his government (in a cable that was later leaked), "a treaty on the oil and gas-rich seabed could be more readily negotiated with Indonesia than with Portugal or independent Portuguese Timor."³⁷

The Timor Gap Treaty (TGT), signed by Indonesia and Australia in 1989 after 12 years of negotiation, declared that the resources of the sea bed between the median line and the deepest point of the trough -- that is, resources located in waters that prevailing international law would have awarded entirely to Indonesia -- would be shared equally between the two countries. The terms of the treaty were no abstraction. Oil and gas with a potential gross yield worth many billions of dollars have been discovered so far in the sea bed between East Timor and Australia, precisely in the area north of the median line referred to by the treaty as Zone A. Thus, Indonesia, in return for Australia's formal recognition of its annexation of East Timor, negotiated away huge potential revenues. But, of course, Indonesia had no legal right to negotiate for East Timor's resources in the first place, given that its occupation of the territory was illegal and recognized by no nation except Australia. Now that Indonesia has withdrawn from East Timor, the critical question concerns the status of the TGT. If a revised treaty were concluded based on the standard median line principle, the newly independent East Timor would be entitled to all, not half, of the oil and gas revenues from Zone A.

The matter was temporarily resolved when UNTAET and the Australian and Indonesian governments announced an agreement under which Indonesia withdrew from the treaty, UNTAET took its place as a representative of East Timor, with East Timorese revenues to be

consigned to a trust fund that would be administered by UNTAET. José Ramos-Horta announced CNRT's acceptance of the agreement, which left the original division of revenues intact to the advantage of Australia, saying that in two years' time the treaty would be reviewed.³⁸

The question remains whether CNRT leadership has the capacity to renegotiate the treaty in the face of expected Australian opposition and procrastination. The Australian government has called on the new nation to completely accept the provisions of the TGT, simply replacing references to "Indonesia" with "East Timor" where appropriate. In the past, Gusmão and Ramos-Horta have stated that they would "honour the Timor Gap Treaty."³⁹ Geoffrey McKee, an Australian oil and gas industry consultant, argues that what they really meant was that they would "honour the rights of the Timor Gap Contractors," that is, place no impediment in the path of the investment by production companies, but leave open the right to negotiate with the Australian government over the seabed boundary, and hence the disposition of revenues.⁴⁰ Indeed, in November 1999, East Timorese leaders stated that maritime borders between East Timor and Australia would have to be renegotiated.⁴¹ There is, however, what McKee describes as the "uncertainty factor": fundamental renegotiation of the Treaty with Australia could take years, during which period not only might investors be scared off, but East Timor would get no hydro-carbon revenues at all, at a time when it will be desperate for funds. An added complication is that Indonesia may claim some right to the oil resources by arguing that *West* Timor is as close to the Timor Gap as East Timor, and closer than Australia. Australia and the oil companies might prefer to deal with Indonesia than East Timor, effectively leaving the East Timorese out in the cold.⁴²

A last aspect of the oil issue with legal implications concerns the positions of Indonesian contractors under the existing TGT, and would-be Portuguese contractors and their possible East Timorese partners. Indonesian politicians and business representatives have called on the Wahid administration to resist what they regard as effectively unilateral Australian renegotiation of the Treaty: "The Australians seem to be determined to dominate the Timor Gap oil field."⁴³ The fact that some existing Indonesian Timor Gap contractors may have secured their positions through

close relations with the Suharto family,⁴⁴ and that these positions were in any case gained through Indonesian illegal occupation of East Timor, does not alter the fact that the Australian government is trying to take advantage of the present situation to achieve dominance and maximize profits.⁴⁵ In principle, it would be in the interest of an independent East Timor to seek to balance a potentially overweening Australian presence with contractors of different flags.

Clearly there is a good chance that substantial oil revenues will come to an independent East Timor in the next decade. Moreover, the employment provisions of the Timor Gap Treaty provide a path to skilled work for some East Timorese, with sufficient support for training. East Timorese companies, private or public, will potentially profit from association with foreign oil companies. And yet the promise of an oil boom, or even a mini-boom, brings its own dangers. Under Indonesian occupation, there were plenty of East Timorese who learned the arts of corruption at the corporate level. There is as yet no East Timorese state competent to directly protect the rights of East Timorese citizens in relation to oil. And oil has a phantasmagorical quality to it, the apparent answer to a people's prayers, which has all too often produced vast personal fortunes but very little real social change benefitting the majority.

The Missing and the Dead

The most catastrophic aspect of Indonesian rule was the appalling number of East Timorese deaths. Long before the terror campaign leading up to and after the August 30, 1999, ballot, Indonesian rule had exacted a terrible toll.

Prior to 1999, a figure of 200,000 dead as a result of the Indonesian invasion was very widely quoted, in most instances without a source or a specification of the time period during which these deaths were said to have occurred. The figure in fact originated in a 1980 study by the Australian researcher John Waddingham, based on a careful analysis of data from Portuguese, Catholic Church, and Indonesian sources. The essence of Waddingham's analysis, which stressed the great uncertainties inherent in the work, was that given Indonesian population figures of 523,000 East Timorese in June 1979 and the known 1975 population of 663,000, some 133,000-170,000 people were unaccounted for, depending on assumptions concerning the accuracy of

Portuguese and Indonesian census procedures. Factoring in East Timor's population growth rate of 1.7% per annum prior to 1975, the number missing by 1979 could have ranged from 177,000-217,000.⁴⁶ While Waddingham's analysis was derided at the time by the Indonesian government and pro-Indonesian writers, there has been no serious analysis contradicting or significantly modifying his findings.⁴⁷

Waddingham's analysis, it must be stressed, estimated the numbers unaccounted for and presumed dead for the period from December 1975 to mid-1979. This included the period of the invasion itself, Fretilin's recovery and establishment of effective bases and tactics for guerrilla operations in the following year, and the ferocious Indonesian counter-insurgency campaigns of 1977-79 with U.S. training and aircraft that nearly broke Fretilin as a guerrilla force. Hundreds of thousands of people were driven from their mountain villages to coastal camps, famine and disease were rampant, and the mountains turned into free-fire zones. Against this background, Waddingham's careful analysis was highly plausible, and consistent with refugee accounts. There are no systematic data for East Timorese deaths for the period 1980-1999.

The death toll from the violence following the August 30, 1999, referendum is still (March 2000) unknown. In early November, the InterFET commander announced that 80,000 people still remained unaccounted for. Many may be in the mountains, hiding in West Timor or elsewhere in Indonesia. "There is always speculation about a fourth fate for some of these people," Major-General Cosgrove said.⁴⁸ Few bodies have been found, but this by no means resolves the issue, for a few days later an InterFET officer, Lt.-Col. Nick Welch, stated that "Bodies were taken from here, taken to the sea about 30km, weighted and dumped in the sea."

Plagued by inadequate numbers of forensic staff, InterFET nevertheless spent the months following the vote in searching for the bodies of murdered East Timorese. By February more than 300 bodies had been found, and reports of gravesites suggest well over a thousand dead.⁴⁹ To this toll must be added the hundreds of East Timorese who have died of disease in refugee camps in West Timor -- and continue to do so -- a consequence of the violence and displacements following the referendum.⁵⁰ But given the reports of bodies dumped at sea and the

possibility that many others may decay in East Timor's tropical climate, it seems clear that any final estimate of the numbers killed in September 1999 must await a careful population count, something that has not yet been done. There are some very rough figures: UN officials estimated a pre-ballot population of 880,000 of whom 750,000 people had been forced from their homes in September 1999, some 500,000 within East Timor and about 240,000 driven or fleeing to West Timor and elsewhere in Indonesia.⁵¹ Another UN report stated that by early March, about 150,000 refugees had returned to East Timor. 90,000 remained in camps in West Timor, and 10,000-30,000 were thought to be in other parts of Indonesia.⁵² Each of these figures, however, has a considerable margin of error, so at this point it remains impossible to distinguish between the missing and the uncounted.

Reconstruction and Economic Development

Beyond the killings, the militia rampage of September 1999 caused horrific destruction. And this destruction came on top of economic conditions that were abysmal to begin with. The World Bank described the situation *before* the post-referendum devastation:

...East Timor was one of the poorest areas in East Asia. Indonesian Government figures indicate a per capita GDP of under US\$395 in 1997. Approximately 50% of households are clustered around the poverty line. Key social indicators were at extremely low levels, with life expectancy estimated at 56 years, only 41% of the population literate, primary school enrollment at 70% and secondary school enrollment at 39%. Provision of social and economic infrastructure was also low before the crisis, with only 29% of households having access to potable water, and only 22% with electricity. Only 49% of villages were accessible by paved road before the crisis.⁵³

After the September violence, however, these grim conditions got far worse. Per capita income was estimated to have fallen by half.⁵⁴ Almost 700,000 displaced East Timorese were found to "need full food rations for six months."⁵⁵ "Up to 50% of the homes in Dili and the western part of East Timor" were "damaged or destroyed."⁵⁶ In March 2000, there were a total of 20 doctors to care for the entire population of 800,000 people.⁵⁷ "With virtually every hospital

and clinic destroyed," reported the Australian Broadcasting Corporation that same month, "easily-treatable diseases are now going untreated and people are dying for want of simple medicines available in any Australian pharmacy."⁵⁸ Half a year after the ballot, 80% of the working population was still without visible means of support.⁵⁹

The dramatic effects of the final weeks of Indonesian destructiveness before leaving the colony added yet another terrible burden at the end of a long war of resistance. Centuries of Portuguese colonial underdevelopment and extraction were followed by 24 years of Indonesian destruction and further siphoning off of East Timor's resources. However, as Saldanha and da Costa show, both the final years of Portuguese rule (1960-75), which they style "the ethical economy," and the years of "uncertain development" under Indonesian rule (1980-95), had significant developmental impact whose legacy continues.⁶⁰ They date the foundations of a modern economy to the last fifteen years of Portuguese control, noting the creation of infrastructure, trade, and financial institutions as well as the promotion of agriculture and tourism, through an injection of state resources. To be sure, many of these fragile gains were destroyed in the initial years of Indonesian onslaught, both in the first months, and then notably in the great famine of 1977-80 which followed a new Indonesian strategy of warfare supported by U.S. counter-insurgency aircraft and other military aid. In addition to the lives lost, livestock was devastated, and the agrarian economy destroyed as the Indonesian military cleared the population from the mountains to lowland concentration camps. Over the next decade and a half, however, substantial Indonesian funds were invested in infrastructure, particularly roads, but also in education, health, and agriculture. Indeed, these developmental efforts produced a flow of migrants from Indonesia who secured the most lucrative jobs in both the private and state sector, contributing to widening income inequality. Very substantial amounts of the more than US\$110 million annual budget for East Timor either went directly as wages to the bloated Indonesian bureaucracy, or disappeared through channels of corruption large and small.

Saldanha and da Costa do not shrink from highlighting the daunting economic prospects facing the people of East Timor.⁶¹ They, and Saldanha in his chapter for this volume,

nevertheless offer cautiously optimistic prognoses for East Timor's economic prospects. They point particularly to East Timor's resource endowment, oil being the most important, followed by coffee (the traditional dominant export), coconuts and other agricultural products, as well as the potential for tourism. They also look to foreign remittances as potential sources of income and foreign exchange capable in the short run of overcoming dependency and producing a viable economy.

Constâncio Pinto, CNRT representative to the United Nations in an October 22, 1999, interview⁶² stressed the importance of Portugal to East Timor's future. Pinto stated that the East Timor currency will be the escudo, a decision, he explained, that was heavily shaped by Portugal's agreement (as mentioned above) to fund East Timor's budget during the transition period, and one reinforced by the fact that the Portuguese currency is far stronger than the Indonesian currency previously in use. The escudo would also give East Timor access to Western Europe, a useful counterweight to the likely overwhelming U.S. and Japanese economic influence. Contrary to CNRT's original hope, however, UNTAET has adopted the U.S. dollar as East Timor's official currency. Although the decision was reportedly taken by the National Consultative Council, CNRT was critical, preferring the Portuguese escudo, and by extension, the euro.⁶³

Like all poor countries, East Timor receives economic advice from the world's financial institutions. Some of this advice will no doubt be valuable, but some will certainly be directed to getting East Timor to adopt the neo-liberal model that places the interests of multinational investors above those of one's own people. Already, Gusmão has accused the World Bank of at times trying to impose its own views.⁶⁴ In the face of their severe socio-economic problems, CNRT leaders will need great vigilance and vision to resist the neo-liberal pressures from diverse quarters.

Such issues have emerged quickly. The World Bank preliminary survey team made the sensible point that the new state could not afford to replace the very large numbers of Indonesian civil servants and called for a substantial reduction in the civil service. After ten days in the

territory, it proposed a primary emphasis on agricultural recovery, particularly through coffee exports.

We have an opportunity here to restore the agricultural cycle back to its normal situation if it's acted upon quickly. If the programs for the distribution of seeds and tools do not get underway quickly, then you would be in a situation of aid dependency for a longer period.⁶⁵

One wonders if the whirlwind tour allowed the Bank team time to observe the extremely widespread loss of one key element in Timor's shattered agricultural economy: buffalo for ploughing and hauling, a fact long recognized by both CNRT and independent aid groups. Increasing productivity and the urgent distribution of seeds and tools are desirable goals, and coffee is an important crop and source of foreign exchange, particularly given that in East Timor it is "produced almost entirely by small-holder farmers, employing several thousand people."⁶⁶ But a January 2000 report from the UN's World Food Programme underlines the dangers inherent in an export-oriented strategy: the one place in East Timor with confirmed malnutrition-related illness

is the case of Lasaun in Ermera, which is an area historically prone to malnutrition, because of a number of reasons. This goes back to geographic vulnerability. They get cut off in the wet season. They are a community that relies on cash crops as opposed to food crops; their main product is coffee.⁶⁷

Another issue is the apparent sense of superiority among some UN officials: "East Timor has 'no leadership class'," one UN official lamented, adding: "How are we in the UN going to find 500 competent people who can come and run the country?" Presumably the multiple skills required to sustain 24 years of resistance and survival and the construction of social movements are not among the job descriptions.

In the aftermath of the destructive decolonization of East Timor, the country's political leaders will have to develop both appropriate policies and community and administrative structures to address the tremendous rehabilitation, infrastructure reconstruction, and economic

development challenges it faces. A critical part of the process is the new village and subdistrict councils that have been forming in each of East Timor's 442 villages since March 2000 as the core of a community empowerment project promoted by the World Bank and by CNRT. These democratically elected village councils will consist of one man and one woman elected from each hamlet, with a similar gender balance for the subdistrict councils. The councils will administer grants, initially \$5,000-15,000 rehabilitation grants designated for rebuilding infrastructure from meeting halls to water systems. They are expected to play a leading role in planning, attracting local funding, and other forms of support for subsequent development projects from within the village community.⁶⁸

One important issue will be whether or not CNRT will attempt to build on the initiatives in village-level agricultural cooperatives undertaken by Fretilin in the first year of its brief existence.⁶⁹ The importance of this history lies not so much in the question of cooperatives as such as the manner in which village-level economic and social transformation is approached. Given the disastrous consequences of recent decades of war and dislocation, and the range of development advice that CNRT and UNTAET can be expected to receive from the IMF, the World Bank, and other donors and prospective investors, a critical question will be the extent to which economic approaches will be rooted in the indigenous social structures and based on forging close bonds with rural producers which served Fretilin and CNRT so well in the long years of resistance.

While real practical problems and the sheer difficulty of UNTAET's task are obvious, the capacity of UN agencies to recognize the achievements and encourage the further development of capacities of differing sectors and levels of East Timorese society will be central to its success.

Conclusion

This review has alluded only to some of the most pressing questions facing East Timor. If the problems are daunting, there are perhaps also reasons for hope. One of the most encouraging aspects of the last phase of the Indonesian period in East Timor's history was the impressive

work that was commenced by East Timorese intellectuals and activists, including those in Indonesia and in the wider diaspora. Activists working under excruciatingly difficult conditions inside East Timor itself have displayed a keen sense of sophistication and commitment to justice and social development. With the coming of independence, these, together with the efforts of the United Nations and foreign NGOs promise to provide a critical resource for the new country. Resistance over two decades, sustaining military, political, and cultural opposition in the face of overwhelming power, have honed valuable political skills and the recognition of the importance both of social and economic development in the villages and towns of East Timor and of linkages to supporters in the international community.

Politics is always a matter of inventing the future on the run. There is no perfect plan. But the most extraordinary resource of this small and beautiful country is the remarkable courage, resilience and hope of its people.

Notes

1. We are very grateful to Ben Anderson, Russell Goldflam, Geoffrey Gunn, Geoff McKee, and John Waddingham for suggestions and comments on earlier drafts.
2. See Geoffrey C. Gunn in this volume.
3. UNTAET Regulation No. 1999/2, Dec. 2, 1999, <http://www.un.org/peace/etimor/untaetR/etreg2.htm>.
4. Briefing to the Security Council by Mr. Sergio Vieira de Mello, Special Representative of the Secretary General for East Timor, "On the situation in East Timor," New York, Feb. 3, 2000. This document is available at <http://www.reliefweb.int>, the website of the UN Office for the Coordination of Humanitarian Affairs.
5. "Top E. Timor official says UN acting like dictator," Reuters, Nov. 10, 1999.
6. Paul Daley, "Gusmão wary of bank's policy push," *Sydney Morning Herald*, Nov. 10, 1999.
7. The full text of CNRT Magna Carta is available at http://www.easttimor.com/cnrt/cnrt_0025.htm.

8. For details of the composition of the National Resistance Council (CNRT) and its National Political Commission see *East Timor activists agree on statutes for new council*, at <http://www.easttimor.com/cnrt/cnrt.htm>.

9. See Yayasan HAK, "From 'Scorched Earth Operation' to 'Humanitarian Operation,'" Dili, Jan. 10, 2000, available at <http://etan.org/news/2000a/fromscor.htm>.

10. Edward Said, *Peace and Its Discontents* (New York: Vintage, 1995); Ibrahim Shehadeh, *Abuses of the Palestinian Security Forces (March 1996-June 1996)*, Gaza Center for Rights and Law, July 1996; Mouin Rabbani, "Palestinian Authority, Israeli Rule: From Transitional to Permanent Arrangement," *Middle East Report* 201 (Fall 1996); Yifat Susskind, "Palestinian Political prisoners," *Middle East Report* 201 (Fall 1996); Amnesty International, *Palestinian Authority Defying the Rule of Law: Political Detainees*, MDE 21/03/99, April 1999; Palestinian Society for the Protection of Human Rights & the Environment, "Judicial independence in PNA-controlled areas (Reality and ambitions)," 1999, <http://www.lawsociety.org/Reports/Files/Judind.htm>.

11. See Jill Jolliffe, *East Timor: Nationalism and Colonialism* (St. Lucia: University of Queensland Press, 1978); and Helen Hill, *Fretilin: The Origins, Ideologies and Strategies of a Nationalist Movement in East Timor*, MA Thesis, Monash University, Melbourne, 1978.

12. Constâncio Pinto and Matthew Jardine, *East Timor's Unfinished Struggle: Inside the Timorese Resistance* (Boston: South End, 1997), 47.

13. See, for example, East Timor Human Rights Center, *Violence by the State Against Women in East Timor: A Report to the UN Special Rapporteur on Violence Against Women, Including its Causes and Consequences*, Prepared by Dr. George J. Aditjondro (Newcastle University, Australia), Nov. 7, 1997, Ref: R 7/97; Miranda E. Sissons, *From One Day to Another: Violations of Women's Reproductive and Sexual Rights in East Timor*, East Timor Human Rights Center, SR 2/97, Melbourne 1997.

14. Charles E. Costello, testimony before the Asia and the Pacific Subcommittee of the House International Relations Committee and the East Asia and Pacific Affairs Subcommittee of

the Senate Foreign Relations Committee, Feb. 10, 2000.

15. UN Press Briefing, Press Conference on East Timor by Xanana Gusmão and José Ramos-Horta, Sept. 28, 1999.

16. United Nations Transitional Administration in East Timor, Dili, March 8, 2000, <http://ww.reliefweb.int>.

17. UN Transitional Administration in East Timor, "UNTAET Humanitarian Pillar Situation Report 04 to 06 Mar 2000," March 6, 2000, <http://ww.reliefweb.int>.

18. See also José Ramos-Horta, *Funu: The Unfinished Saga of East Timor* (Lawrenceville, N.J.: Red Sea Press, 1987, 1996), 29-39.

19. UN Administrative Committee on Coordination/Sub-Committee on Nutrition (ACC/SCN), March 3, 2000, <http://ww.reliefweb.int>.

20. In early March UN peacekeeping forces in western East Timor came under fire four times in 24 hours on March 3. UN authorities regarded as "a deliberate and coordinated effort" apparently unimpeded by Indonesian military forces. Associated Press, March 3, 2000.

21. Noam Chomsky and Edward Herman, *After the Cataclysm: Postwar Indochina and the Reconstruction of Imperial Ideology* (Boston: South End Press, 1979), 38-39.

22. See the comments by CNRT Representative to the United Nations and North America, Constâncio Pinto: *The Future of East Timor: An Interview with Constâncio Pinto, October 28, 1999*, on Asia Society web site, <http://www.asiaSource.org/news/>, accessed Nov. 3, 1999. Pinto does not, unfortunately, address the issue of militia fighters.

23. "Xanana wants fewer UN peacekeepers," LusaNews (Portuguese wire service), Dili, Nov. 10, 1999.

24. "Planning target 11.10 Establish an East Timorese Security Intelligence Service. Indonesian actions against the interests of East Timorese need to be detected. Infiltration of Indonesian intelligence and military personnel need to be detected." East Timor International Support Group, *Discussion Paper about planning for an independent East Timor*, at <http://www.com/html/notices4.html>. This very long and detailed compilation is comprehensive

and pluralist in its general approach. Consequently, the unquestioned recommendation of the need for an intelligence organization without discussion of restraints is all the more surprising.

25. See, for example, Amnesty International, "East Timor. Demand for Justice," Report - ASA 21/191/99, Oct. 28, 1999, available at <http://www.amnesty.org/ailib/aipub/1999/ASA/32119199.htm> (accessed Nov. 16, 1999).

26. Benedict Anderson, "Imagining 'East Timor,'" *Arena Magazine*, April-May 1993, 7.

27. Anderson, "Imagining 'East Timor,'" 7.

28. João Mariano Saldanha and Helder da Costa, *Economic Viability of East Timor Revisited: Outlook for the 21st Century*, East Timor Study Group (ETSG) Working Paper 1. This was one of a number of papers at CNRT, Strategic Development Planning Conference, Melbourne, April 5-9, 1999. See CNRT site at <http://www.ozemail.com.au/~cnrt/confer.html> (accessed Oct. 10, 1999). Saldanha and da Costa's paper is a basic resource for future economic planning.

29. See David Lague, "Portugal's legacy a stumbling block for East Timorese," *The Age*, Nov. 5, 1999.

30. Joanne Collins, "Violence erupts among Timorese job applicants," Reuters, Dili, East Timor, Jan. 15, 2000.

31. "East Timor Chooses Portuguese As Official Language," Associated Press, Feb. 11, 2000.

32. See Geoffrey C. Gunn, "Language, Literacy and Political Hegemony in East Timor," in *The Politics of Multiculturalism in the Asia/Pacific*, ed. David Myers (Darwin: Northern Territory University Press, n.d.), 117-23.

33. "Shadows," (Editorial) *Lalenok*, Dili Jan. 18-25, 2000 (editor-in-chief: Virgilio da Silva Guterres), <http://etan.org/et2000a/january/15-21/18etfir.htm>.

34. East Timor International Support Group, *Discussion Paper about planning for an independent East Timor*, has a useful brief listing of legal issues.

35. For a review of property holdings of Indonesian political and military elites and their East Timorese allies, see George Aditjondro, "Unmasking the interests behind the pro-Jakarta

militias," APCET website, <http://www1.qzn.skyinet.net/~apcet/views-militia.htm>, accessed Nov. 8, 1999.

36. The following section draws in part on Australian Government, Department of Industry, Science and Resources, *Submission to the Senate Foreign Affairs, Defense and Trade References Inquiry into East Timor*, June 21, 1999, <http://www.isr.gov.au/resources/timor-gap>, and unpublished work by Geoffrey McKee. A short article by McKee will appear in a forthcoming issue of *Inside Indonesia*.

37. Cable of Aug. 17, 1975, in J. R. Walsh and G. J. Munster, *Documents on Australian Defence and Foreign Policy, 1968-1975* (Sydney: Hale & Iremonger, 1980). The Australian government went to court to ban this book.

38. "East Timor to renegotiate oil and gas -- Horta," Reuters, Jan. 30, 2000.

39. See, for example, CNRT *statement on Timor Gap oil*, July 22, 1998, <http://etan.org/et/1998/july/july14-21/21CNRoil.htm>: "CNRT supports the rights of the existing Timor Gap contractors and those of the Australian Government to jointly develop East Timor's offshore oil reserves in cooperation with the people of East Timor."

40. Phillips Petroleum, however, has indicated its strong preference for the provisions of the Treaty to remain in place: "We need the legal surety of the treaty to remain in place along with its economic and fiscal terms *and we are confident it will remain in place.*" (authors' emphasis) *The Australian*, Oct. 27, 1999, 41.

41. Paul Tait, "East Timor backs gas project but warns on treaty," Reuters, Darwin, Nov. 10, 1999.

42. See "East Timor May Be Sidelined in New Timor Sea Discussion," Stratfor, Commentary, Feb. 18, 2000, <http://www.stratfor.com/asia/commentary/0002182346.htm>.

43. Ferdi Tanoni, Chairman of the Communication Forum of businessmen from East Nusa Tenggara, East Timor and Australia, "New govt expected to ratify Timor Gap," *Indonesian Observer*, Oct. 29, 1999; "Indonesia's E Nusa Tenggara to lobby for share in E Timor Gap," *Antara*, Feb. 28, 2000.

44. For suggestions to this effect, see George Aditjondro, "Unmasking the interests behind the pro-Jakarta militias."

45. Asia Pulse, "Timor Gap oil could be a source of new conflict: analyst," Sept. 27, 1999, APCET website, <http://www1.qzn.skynet.net/~apcet/views-timorgap.htm>. This is most noticeable in the attitude of the Northern Territory government, the part of Australia with closest relations with both East Timor and Indonesia. The NT capital of Darwin has been the main Australian base of both the relief efforts and the peace-keeping operations. The extremely conservative Northern Territory government, after many years of completely ignoring the East Timor issue and local East Timorese refugees, overnight became vociferous not only in support of East Timorese self-determination, but also in its willingness to help with relief efforts. One of the authors (Tanter) observed letters sent directly by the NT government to large numbers of businesses in Darwin and elsewhere in Oct. 1999 urging them to combine sympathy with self-interest, and to not "miss their chance" in East Timor. The NT government views Timor Sea oil and gas development as "providing substantial impetus to the Territory economy." The NT government's "vision" involves Darwin as a regional offshore service center; "reasonably priced gas" to power mining and processing activities; value-added oil and gas processing; direct and indirect job creation; and gas supplies for southern Australia. See Northern Territory Government, Department of Mines and Energy, *Major Projects: Timor Sea*, July 1, 1997, <http://www.nt.gov.au/majorprojects/timorsea.shtml> (accessed Nov. 5, 1999).

46. See John Waddingham, "East Timor: how many people missing?" *Timor Information Service*, no. 28 (Feb. 1980); reprinted with further comment in Australia, Senate Standing Committee on Foreign Affairs and Defense, *Inquiry into East Timor, Transcript of Evidence*, 1982, 697-714.

47. Waddingham refuted important criticisms of the 1980 study in his Senate testimony, *Inquiry into East Timor....*, 710-714. Note that even Indonesian government figures are horrific: in Nov. 1979, Foreign Minister Mochtar Kusumaatmadja acknowledged 120,000 East Timorese dead since 1975. (John G. Taylor, "East Timor: Contemporary History; A Chronology of the

Main Events since 1974," in *East Timor at the Crossroads: The Forging of a Nation*, ed. Peter Carey and G. Carter Bentley [New York: Social Science Research Council/Honolulu: University of Hawaii Press, 1995], 240.)

48. "General asks for word on fate of 80,000," *The Australian*, Nov. 4, 1999.

49. Briefing by de Mello (see note 4); Carmel Eagan, "Mass vanishing remains a mystery," *The Australian*, Jan. 8, 2000.

50. Refugees International, "East Timorese refugees in Indonesia," Feb. 23, 2000, <http://www.reliefweb.int>; letter from NGOs to President Clinton, Jan. 27, 2000, <http://www.etan.org/news/2000a/01ngo.htm>.

51. "UN Mission's Representative Francis Deng Shares Findings," UN Press Release, March 1, 2000, <http://www.reliefweb.int>.

52. "Reunion of divided East Timor families to resume this week," Agence France-Presse (AFP) March 1, 2000; UNTAET Humanitarian Pillar Situation Report Feb. 29 to March 1, 2000, <http://www.reliefweb.int>.

53. East Asia and Pacific Region - The World Bank: Background Paper Prepared For The Information Meeting on East Timor, Sept. 29, 1999, 3. <http://www.worldbank.org/html/extdr/offrep/eap/pdfs/etimor/reconstruction.pdf>.

54. Robert Garran, "World Bank rounds up cash cows for E Timor," *The Australian*, March 1, 2000.

55. *United Nations Inter-Agency and Non-Governmental Organization Preliminary Assessment of Needs for Humanitarian Assistance for East Timorese: September 1999 - February 2000*, Oct. 1999, <http://www.notes/reliefweb.int>. The assessment reported "almost total crop loss for 490,000 DPs (Displaced Persons) and partial crop loss for a further 150,000 persons; externally displaced persons have not planted during last harvest and have no food stocks left. If the October/November planting season for maize and rice is successful (i.e. sufficient seeds and rains), most of the displaced persons could be reasonably self-sufficient after the next harvest, in March. However, lack of seeds and lack of land preparation are likely to be

major constraints."

56. East Asia and Pacific Region - The World Bank: Background Paper Prepared For The Information Meeting on East Timor, Sept. 29, 1999, 3.

57. "WHO," Agence France-Presse, March 7, 2000.

58. "Disease emerges as new, deadlier threat in East Timor," Australian Broadcasting Corporation Transcript, 7:30 News with Kerry O'Brien, March 10, 2000.

59. Briefing by de Mello (see note 4).

60. Saldanha and da Costa, *Economic Viability of East Timor Revisited*.

61. Saldanha and da Costa, *Economic Viability of East Timor Revisited*.

62. Pinto, *The Future of East Timor*.

63. "East Timor: CNRT drops euro plan for dollar," *Financial Times*, Jan. 25, 2000.

64. Paul Daley, "Gusmão wary of bank's policy push," *Sydney Morning Herald*, Nov. 9, 1999.

65. "World Bank to recommend Smaller Govt Budget For East Timor," *Dow Jones Newswires*, Nov. 9, 1999.

66. Mark Dodd, "Fine coffee offers sweet smell of trading success," *Sydney Morning Herald*, Feb. 28, 2000.

67. Press briefing by Kerren Hedlund of the World Food Programme, Dili, UN Transitional Administration in East Timor, Jan. 28, 2000, <http://www.reliefweb.int>.

68. UNTAET Regulation No. 2000/13, "On The Establishment of Village And Sub-District Development Councils For The Disbursement of Funds For Development Activities," March 10, 2000, <http://www.un.org/peace/etimor/untaetR/Reg0013E.pdf>. Some leading UN officials in East Timor are said to be reluctant to promote the community empowerment project, and CNRT has been frustrated at the slow pace of the project's implementation. See Mark Dodd, "UN Staff Battle Over Independence Policy," *Sydney Morning Herald*, March 13, 2000, and Joanna Jolly, "Respect for UN Mission is Falling, Warns Local Adviser," *South China Morning Post*, March 15, 2000.

69. See John Taylor, "The Emergence of a Nationalist Movement in East Timor," in *East Timor at the Crossroads*, 21-41; and Hill, *Fretilin*. Taylor especially stresses Fretilin's success in articulating its political campaigns with indigenous social structures and value systems.