

East Timor and Australia- Twenty-five years of the policy debate

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This is the latest in an ongoing series of articles on the crisis in East Timor. This article is by James Cotton of the Australian Defence Force Academy.

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INTRODUCTION

East Timor and Australia-
twenty-five years of the policy debate
James Cotton

"Indonesia's incorporation of East Timor is the greatest difficulty in the relationship between that country and Australia."

-- Joint Standing Committee on Foreign Affairs, Defence and Trade, Parliament of the Commonwealth of Australia, as cited in "Australia's Relations with Indonesia" (Canberra: AGPS, 1993), p. 95.

Australian interests in East Timor

The issue of East Timor loomed large in the foreign and security policy debates in Australia in 1999. The social and political crisis which gripped Indonesia following the economic meltdown in Asia was justifiably a topic of major concern and prompted preparations for security contingencies as well as programs of economic and political support. Yet

it seemed that almost as much attention was devoted to a territory of some 14,874 km² with a population of around 800,000, a minor part (albeit unwillingly) of Indonesia since 1976. To understand why East Timor was the focus of such attention it is necessary to consider first the various Australian interests-and interested publics-that have been involved.

Although not a major issue in earlier times, economic interest in East Timor is as old as Australian federation. While it was far from a profitable business, the first oil concession sought by an Australian business dates from 1905. In more recent times, seabed oil and gas reserves in the Timor Gap have proven sufficiently large to justify a program of exploration and recovery. The bulk of the proven reserves are of gas, of which there is presently an excess of world supply, but longer term this will comprise a significant resource. Most of the fields are in the area of joint exploration as defined by the 1989 Timor Gap treaty thus necessitating an accord with whatever authorities control the territory. With a change in the political status of the territory, new arrangements will have to be negotiated.

Timor has been a concern to Australians for reasons of security for as long as it has been a subject of commercial interest. Rumours of Portuguese plans to abandon or Japanese intentions to acquire East Timor were recurrent in the decades before World War II. A small Australian expeditionary force was sent to pre-empt Japanese occupation in 1941, and a bloody guerilla campaign-in which many Timorese supporters of the Australians lost their lives-ensued. In 1975-the year of communist victories in the Indochina states-a powerful factor conditioning some attitudes to the political forces emerging in East Timor was the conviction that they might seek to establish a communist aligned regime, thus perhaps offering a foothold for a Russian or Chinese presence 500 km from Australia's shores. From 1998 the spectre of a disunited or 'Balkanised' Indonesia has similarly haunted policy makers. An independent East Timor might open the way to other regions seeking a separate political identity. The resulting disorder might generate refugee flows as well as military uncertainty. In May 1995, a boat carrying 18 East Timorese asylum seekers arrived in Darwin, the first 'boat people' to arrive from the territory.

East Timor has also functioned as something of a test for the notion of regional engagement and especially the long-standing policy of seeking closer relations with Indonesia. A stronger identification of Australia with the region means little without a comprehensive accord with Indonesia, and to this end aid, investment, security and political ties have all been sought by successive Australian governments. An influential Indonesia lobby has argued in favour of a realist acceptance of the 'New Order' as the only basis for fruitful cooperation. And yet Jakarta's policy in East Timor has run counter to so many of the fundamentals held by Australians regarding good governance and humanitarian values. The army was used as an instrument of rule, the human rights of those who contested Indonesian sovereignty were systematically violated, political and even cultural expression were constrained. Every crisis in the

territory stirred debate on the desirability and morality of seeking systematic accord with such a regime. And the range of opinions expressed on the issue was exceedingly broad, with some alleging that critics of Indonesia were engaged in a 'vendetta', while others characterised Australian policy as nothing less than 'Finlandisation'.¹

The question of East Timor has, in the process, become a major item in domestic politics. Timor has provided the substance for major differences that have been as much inter- as intra-party, differences which are as important now as they were in the 1970s. Even within the Labor Party, the Whitlam policy of 1975 was soon regarded as acquiescing in Indonesian occupation and was repudiated after a bitter internal debate, and from that time until the recognition by the Hawke government in 1985 of Indonesian sovereignty, differences between the party leadership and some members of the rank and file were pronounced. The Timor Gap treaty, and the policy adopted towards East Timor refugees, who the Labor government insisted were citizens of Portugal and thus ineligible for refugee status, continued to keep the issue alive in the party. In opposition, Andrew Peacock was critical of Whitlam's policy, though as Foreign Minister (from November 1975) he rapidly accommodated to the control of the territory by Indonesia at a time (in 1978) when strategies of forcible resettlement and resultant famine were being used in an attempt to break the resistance led by the pro-independence Fretilin movement. In the 1998 elections the emphasis accorded to human rights issues in the Labor Party platform, and especially the statement in support of 'self-determination' for the East Timorese, moved the party again towards potential disputation with Indonesia as well as with its own record.

There is a sense in which Foreign Minister Alexander Downer's energetic efforts to contribute to a settlement of the issue are in the activist mould of his predecessor. This marks a continuation across administrations of differing party complexion of the strategy whereby Australia's interests, especially in matters of regional concern, are furthered by devoting exceptional resources to issues neglected by others, or where the country possesses some special expertise. At the same time they are in marked contrast since, while Downer similarly acknowledges the vital importance of the relationship with Indonesia, his recognition of the legitimate aspirations for self-determination on the part of the people of East Timor is strongly at variance with many of the policies pursued by Gareth Evans when Foreign Minister.

Australia's concern with East Timor therefore also reflects unease and disquiet regarding past failures. From the first, Australian eye witnesses and East Timor hands, including Jill Jolliffe, Roger East, Greg Shackleton, Michael Richardson and most importantly Jim Dunn, provided sophisticated and influential accounts of events in the present territory.² The presence of East Timorese refugees in the country (including Xanana Gusmao's immediate family) has served to remind Australians of those failures, just as it has also focussed attention on each new outrage by the Indonesian administration, of which the 1991 Santa Cruz cemetery massacre was the most prominent prior to the collapse

of the 'New Order'. The Balibo incident in 1975, and the widespread belief in the journalistic community that the Australian government knew almost immediately that Indonesian forces were directly involved in the deaths of the journalists there but withheld this information in the interests of better relations with Indonesia, has undoubtedly encouraged interest in the Timor issue among the media.

In all, the Timor issue has been able to mobilise many interest groups and publics. For some in 1999, the focus was upon the security impact of the creation of a new and aid dependent close neighbour, or upon the consequences that a new political status for East Timor would have for the regions of Indonesia as that country proceeded in its uncertain way to the reordering of the political system in the post-Soeharto era. All of these matters are of the greatest importance for Australia, and the choice of policy to deal with them and their implications has been a major national priority. But for others, the Timor debate was not so much about the future but about the past. Its focus was on the record of successive governments in their handling of the Timor issue, but especially on the role then Prime Minister Gough Whitlam played-or did not play-in the events which led to the occupation of East Timor by Indonesian forces in December 1975. It was also, to that extent, focussed not primarily upon Timor but upon Australia, and thus on the success and failure of leaderships and political institutions.

Debating Australia's past role

While the remarks of President Habibie in June 1998, that Indonesia was considering granting special status to East Timor, and the pro-independence demonstrations that ensued in the territory itself stimulated this second debate, it had proceeded almost from the time of Indonesian annexation. Like a water course that slows to a trickle but never quite disappears beneath the sands, the debate was kept alive through the 1980s by internal Labor Party disputation, the public reaction to the Timor Gap treaty of 1989, the Santa Cruz Cemetery massacre of 1991, and the new testimony that appeared in 1999 on the fate of the five Australian-based newsmen killed in Balibo in October 1975. Internal party dynamics played their part. It received perhaps its greatest impetus from the statement of Labor Foreign Affairs spokesman Laurie Brereton, who reflecting upon his party's record on the Timor issue, had the following judgement to offer:

"it is a matter of enduring regret that Whitlam did not speak more forcefully and clearly in support of an internationally supervised act of self-determination as the only real means of achieving a lasting and acceptable resolution of East Timor's status. At best Whitlam's approach was dangerously ambiguous, and by mid 1975 increasingly unsustainable."³

Whitlam's response was an acerbic attack on an individual he described as 'a shallow, shabby, shonky foreign affairs spokesman'.⁴ At the same time, documents appeared in the public domain providing further details of Whitlam's diplomatic dealings with Soeharto, most notably a letter

written to the President in February 1975, and the record of the Whitlam-Soeharto exchange in Yogyakarta in September 1974.⁵ Both have been extensively analysed, and as more of such material becomes available this analysis will be repeated.

To some degree, there is room for differences of opinion on the pragmatics of these exchanges. When, for example, Whitlam says in February 1975 that 'no Australian Government could allow it to be thought ... that it supported' Indonesian 'military action against Portuguese Timor', it could be alleged that this referred to the appearance of the matter as opposed to its reality, which could be different, an issue which has moved many Australian columnists to comment.⁶ This interpretation is supported when the likely extent of Whitlam's knowledge of Indonesia's campaign to orchestrate integration is taken into account. But setting these matters aside at this stage, what is readily apparent in these and the other records like them is that Whitlam's preferences were clearly stated and evidently grounded in principles of national policy he regarded as important and which he believed or hoped would be understood by his interlocutors.⁷

Whitlam made it clear that he believed the best course for Timor after Portuguese control was relinquished was to become part of Indonesia. At the same time he held that the future of Timor should be a matter for the people themselves to decide through an act of self-determination. The principles in question were, respectively, the recognition of Indonesia's national aspirations and claims in a manner consistent with a post-colonial approach to regional policy on the part of Australia, and an affirmation of the importance of self-determination.

Both of these principles were advanced because they were desirable as general rules. Self-determination accorded with the egalitarian inheritance of the Labor Party as well as comprising one of those yardsticks which Dr H V Evatt had sought to apply to the workings of the United Nations, thereby defending the role of smaller countries and populations against the claims of the major powers.⁸ But self-determination was a difficult principle to apply in a territory so poorly prepared for independence. Moreover, Whitlam's critical if not disparaging remarks on the predominant role of mestiço political leaders in East Timor suggested that he believed that an act of self-determination would hardly lead to a result which truly reflected the opinions of the majority.

Anti-colonialism, on the other hand, provided a much clearer standard for Australian policy. Indonesia was a state formed after a long and bitter struggle against colonialism during which Australia (under a Labor government) played a positive role in pressuring the Netherlands to relinquish its claims. Indonesia was an important actor in the non-aligned world, and whatever shape the Southeast Asian region would assume in the future would depend significantly upon choices made in Jakarta. Friendship with Indonesia-however favourable this was to Australia's material interests-was therefore also an affirmation of Australia's

determination to support a post-colonial world order. Moreover it was Whitlam's personal assessment, an assessment he repeated in his statement on the UDT (Timorese Democratic Union) coup of 11 August 1975, that East Timor was 'in many ways part of the Indonesian world'.⁹ This assessment had some historical basis; what was of greater significance was that it was held by an individual with a keen historical sense who was inclined to pay especial attention to historical claims.

Lest this position not appear as one of principle, it should be seen in the context of the contemporary alternative. For long the Australian government supported the presence of the Netherlands in Irian Jaya because it was considered that this was of strategic advantage to Australia. The claims of the inhabitants for self-determination were not stressed, and Indonesia's assertion that it represented the decolonised successor state to all the territories of the Netherlands East Indies was rejected. Whitlam criticised this view as a perpetuation of a colonial arrangement, and supported the acquisition of Irian Jaya by Indonesia. He seems to have seen East Timor in the same light. As early as 1963 he referred to Portuguese East Timor as 'an anachronism' and warned that 'we would not have a worthy supporter in the world if we backed the Portuguese.'¹⁰

In 1974 both of these preferences could be stated without any apparent contradiction between them. With the emergence of indigenous political movements in the territory, and especially the rise of Fretilin (Revolutionary Front for an Independent East Timor), along with a hardening of Indonesian resolve to influence the outcome in East Timor, a choice presented itself. Sufficient material is available to show that the government was very well informed on Indonesian military operations inside Indonesia. Material from the highly classified US National Intelligence Daily, the sources of which were available to Australia under the UKUSA intelligence sharing agreement (and which indeed depended in part on Australian intelligence assets) showed that by the end of August 1975 Indonesian determination to invade East Timor was clear, and all that was wanting was an appropriate pretext.¹¹ Knowing that an Indonesian campaign of de-stabilisation was underway, and that an attempt to assess East Timorese opinion on the issue of integration with Indonesia would be unlikely to produce a positive result, the principle of self-determination was abandoned.

There were differences between Whitlam, Foreign Minister Willesee and Ambassador Woolcott on the equanimity with which these developments should be received; there was also the fact that with regard to this aspect of national policy, if not others, the Prime Minister was determined to have his head. But the drift of policy was clear enough. It must nevertheless have come as a great surprise to the Indonesian leadership that the deaths of the journalists at Balibo in October 1975 did not elicit a stronger reaction.¹² By this stage, however, Australia was immired in a domestic political crisis so grave as to unseat the government in the following month.

In the framing of policy towards Indonesia, Richard Woolcott, who became

Australian Ambassador in March 1975, played a major role. Woolcott penned Whitlam's first remarks, after he had won the 1972 election, on the subject of the intended reform of foreign policy,¹³ and his advice from Jakarta was a powerful influence upon the Prime Minister's policy. Woolcott's views, as he unashamedly admitted, were based upon a pragmatic or realist approach to international affairs. By August 1975, if not before, he had formed the view that 'it is Indonesia's policy to incorporate Timor', a point he repeated in many of his cables to Canberra. That being so, he advocated a policy of 'disengagement' and allowing 'events to take their course'. And this would have a payoff, as he noted, in the form of presenting an opportunity then to negotiate the closing of the Timor Gap and reap the reward in the form of energy supplies. The basis of the policy advice he was offering was therefore clear. As he candidly admits: 'I know I am recommending a pragmatic rather than a principled stand but that is what national interest and foreign policy is all about.'¹⁴ So strongly held was Woolcott's view that nothing should be done to deter the Indonesian invasion since this would provoke a rift with Jakarta that, when transmitting to the Indonesian government the Ministerial Statement to the Senate by Willesee on 30 October 1975 (on the eve of the Indonesian landing at Dili) which referred to 'widespread reports that Indonesia is involved in military intervention in Portuguese Timor', he deleted this passage.¹⁵

In the diplomacy of states it is rare for realism and idealism to be mutually supportive. But in this instance, the advice that Woolcott was proffering on pragmatic grounds and the principles which caused Whitlam to prefer the outcome of an Indonesian East Timor happened to coincide. If Australia was never in a position to assert a claim to be a 'party principal' in the resolution of the Timor issue, why did self-determination loom so large in Australian diplomacy? This raises the question of the assumptions that Whitlam brought to the discussion with Soeharto of the question of 'self-determination' for East Timor. Here, perhaps, Whitlam's chosen principle was seriously at odds with the realities of power in Jakarta. It should be recalled that Indonesia's own record on self-determination was not impressive. Australian forces were committed to the defence of the Borneo states of Malaysia in 1964 when Indonesia did not recognise the consultative processes of the Cobbold Commission which had been used to determine that the inhabitants of Sabah and Sarawak wished to join the federation. As well as the direct infiltration of Indonesian forces into Sarawak, Jakarta, in an operation masterminded by the military, also used money and other inducements to create a fifth column, the task of which was to destabilise the political order. The fall of Sukarno led to an improvement in Indonesia's relations with its Southeast Asian neighbours and the end of 'confrontation' with Malaysia, but the realisation of another of Sukarno's projects, the incorporation of Irian Jaya through an extremely dubious 'Act of Free Choice' conducted in 1969, demonstrated that his successor was committed to many of the same methods and instruments.

Indeed, there was a direct connection between the Irian Jaya and East Timor cases, a connection of which Whitlam must have been aware by the

end of October 1974.¹⁶ The engineering of the 'Act of Free Choice' had been the task of Ali Moertopo, of Kostrad's Special Operations-OPSUS. So successful had Moertopo been in inducing and pressuring the Irianese representatives that in the 1969 musjawarah (consultation), all 1025 delegates voted unanimously for integration, a result of North Korean finality. Even Cobbold in Borneo had conceded that 20 per cent of the populations of Sabah and Sarawak were not in favour of membership of Malaysia under any circumstances. Moertopo went on to organise the GOLKAR victory of 1971, a further instance of the importance accorded to public opinion in the 'New Order'. In October 1974 Moertopo was given the responsibility of negotiating with Portugal on Timor's future status, and in secret talks in Lisbon seems to have succeeded in convincing the then government of the rationale for integration. Australia was briefed on these developments through the Australian Embassy in Lisbon. By December that year OPSUS had launched a campaign of propaganda and intimidation against anti-integrationist groups in East Timor, the details of which were freely discussed in the Australian press, where the first public warnings of the possibility of a direct Indonesian military invasion were published. Moertopo's plans suffered a setback when during a second meeting with the Portuguese in March 1975, in the context of an alliance of UDT and Fretilin, Lisbon stated its preference for a three-year transition to possible independence under Portuguese auspices. The OPSUS response was to attempt to win over some members of the UDT leadership, and this seems ultimately to have been successful. The UDT coup of August is likely therefore to have been a further installment in the campaign of de-stabilisation, though Soeharto hesitated when the resultant disorder seemed to offer an excuse for direct intervention. These details were well known to the Australian government and its advisers.

Even setting these specifics aside, Whitlam knew only too well that Soeharto presided over a military regime that had come to power during an orgy of blood letting which had claimed the lives of at least 500,000 civilians. The political practice of the 'New Order' was far from consultative, and it cannot be supposed that the incorporation of a lightly inhabited portion of an island at the extremity of the nation-however, in practice, it was achieved-would have led to its inhabitants being treated with any greater attention to their wishes than was the case in oil-rich Aceh or timber-rich East Kalimantan. Albeit with the advantage of hindsight, the modern reader of the Whitlam-Soeharto exchanges cannot but be struck by the fantastical element in proceedings that saw the Australian Prime Minister taking the time to extract a solemn undertaking from the Indonesian leader regarding the latter's observance of a policy far removed from his experience and inclinations. Soeharto's thought processes at this time can only be the subject of speculation, but he might well have drawn the conclusion that given Whitlam's familiarity with his record what was being asked of him was to have Indonesia act with the appearance of conformity with the principle of self-determination. The fact that Indonesia bothered to stage an 'act of integration' of 31 May 1976-Australia refused to dispatch an envoy to attend on the grounds that as the UN was not involved its status was doubtful, though one from New Zealand was present-whereby East Timor's

leaders agreed to Indonesian sovereignty may be seen in this light. Whatever the reservations the Australian government had regarding this charade, Prime Minister Malcolm Fraser on an official visit to Jakarta in October acknowledged that a merger had taken place, though de facto recognition of East Timor's status as Indonesia's twenty-seventh province was to wait until January 1978.

Accommodating to integration

Timor remained an issue for successive Australian governments for several inter-related reasons, and the remembrance of what was and was not achieved in this period has also become an element in the contemporary debate. Though the precise dimensions of the tragedy are still disputed, the early impact of Indonesian rule was a disaster for the inhabitants. A combination of deliberate policy, whereby the military occupation sought to separate the Fretilin guerillas (now under the command of their military wing, Falintil) from food supplies, as well as neglect, saw many East Timorese die of hunger and disease. In 1979 the Indonesian Foreign Minister, Mochtar Kusumaatmadja estimated the number of dead as a result of the war at 120,000. Journalists who were permitted to travel in some parts of the island in October 1979 published photographs depicting widespread malnutrition. The refugee East Timorese community helped publicise these events, and a number of human rights and relief organisations kept the issue of Indonesian mis-rule before the Australian public. The Australian Campaign for Independent East Timor, for example, under an energetic leadership including communist Denis Freney, helped maintain a radio link based near Darwin which was the sole means by which Fretilin made its point of view known to the outside world in 1976.¹⁷

Mr Whitlam, having retired from the Labor leadership, took a personal interest in the issue. In February 1982 he spent four days in the territory on a tour organised by the Jakarta CSIS (Center for Strategic and International Studies), the think-tank maintained by Ali Moertopo, publishing an account of his experiences which presented a generally positive image of the improvements that had been made under Indonesian administration. Indeed, he went so far as to chastise the Apostolic Administrator of Dili, Mgr Costa Lopes, for warning of the danger of renewed famine if Indonesian policies were not altered, lest this prejudice future Indonesian funding. Later in the year Whitlam appeared at the UN General Assembly Fourth (Decolonisation) Committee, arguing the case for withdrawing the issue from the business of the United Nations. He received a very critical reception from some African delegations, and was cross questioned in a notable exchange by Jose Ramos Horta, then Fretilin representative. Each year until 1982, the UN General Assembly had voted (albeit with a diminishing majority on each occasion) to support the claims of the East Timorese for self-determination; in 1983 a further vote on this question was deferred to allow the Secretary-General the opportunity to convene negotiations between Indonesia and Portugal. Meanwhile, a series of leaks of papers revealed more of the inside record of the government's dealings with Indonesia prior to December 1975.

Despite the preponderance of Indonesian military force, Fretilin-led guerilla resistance continued into the 1980s.¹⁸ During the election of 1983, 'self-determination' for East Timor was Labor Party policy. Prominent members of the party, including Tom Uren, who had become deputy parliamentary leader after the 1975 elections, had argued the case for taking this view, and it had been adopted by Bill Hayden when he became opposition leader after Whitlam's failure to win office in the elections of December 1977. On his first visit to Jakarta as Foreign Minister, however, Hayden signaled his intention to abandon this position on the grounds that a more constructive relationship with the Indonesian leadership would give the government more leverage to raise human rights and other issues of concern. As a means to reconcile party opinion, the dispatch of a study group to visit the territory was negotiated with Indonesia. In July, former Defence Minister Bill Morrison led a delegation to East Timor which concluded positively on Indonesia's record. Though the tour was conducted during a cease-fire arranged the previous month, the itinerary of Morrison's group was entirely controlled by the military, and the members did not visit any Fretilin-held areas, despite being invited to do so.¹⁹ The cease-fire lasted until the following month, when a new offensive was launched. Despite the continuing violence, in August 1985 Prime Minister Bob Hawke recognised Indonesian sovereignty over East Timor. This is perhaps an instance of the phenomenon whereby parties in opposition can afford to be more outspoken than when faced with the responsibilities of government. While opposition foreign affairs spokesman in 1974-75, Andrew Peacock was critical of Whitlam's concessions to Indonesia, but as a member of the Fraser cabinet he accepted the fact of Indonesian control.

In 1979, following Australia's acceptance of the Indonesian occupation, negotiations had begun on the question of closing the Timor Gap. Under the Hawke government, these negotiations reached the point where joint exploration for hydrocarbon deposits was considered as a way of bridging the different views the two nations took of their respective rights to the resources of the sea-bed.²⁰ Upon assuming the position of Foreign Minister in 1988, Gareth Evans expressed the determination to add 'ballast' to the relationship between Australia and Indonesia, and to this end concluded the 'Timor Gap "Zone of Co-operation" Agreement' which was gazetted in February 1991 after a highly publicised signing ceremony held in an aircraft flying over the area in question.

This step underlined Australia's acceptance of Indonesia's sovereignty over East Timor, and further stimulated criticism from domestic critics who continued to dispute that policy. Within weeks it also induced Portugal to initiate proceedings against the legality of the Agreement before the International Court of Justice (ICJ). Portugal argued that it violated Portugal's rights as administering power, and also infringed upon the rights of the East Timorese to self-determination. The Australian counter to this claim was to assert that if there was a dispute about the status of the Agreement, it was between Portugal and Indonesia and not with Australia. After a lengthy case the Court found that there was in fact a dispute between Australia and Portugal, but

judgement on this dispute could not be given since it depended upon a prior assessment of the legality of Indonesia's role as a party to the Agreement. As Indonesia had not consented to such a role for the ICJ, no decision could be offered. However, the ICJ took the opportunity to observe that Portugal's contention that the right of peoples to self-determination was 'irreproachable' in international law and usage, and consequently 'the Territory of East Timor remains a non-self-governing territory and its people has the right to self-determination.'²¹

Meanwhile, a further event had contrived to keep the Timor issue before the Australian public. On 12 November 1991, a memorial procession at the Santa Cruz Cemetery was attacked by Indonesian troops after independence banners were unfurled. On that day Dili was hosting a visit by the UN Special Rapporteur on Torture, Pieter Koojimans, who was holding talks with the local military leadership. The official death toll was first placed at 19, and later revised to 50, but local activists claimed that there were as many as 273 deaths with hundreds injured, and 255 subsequently disappeared in large scale arrests. Not only were a number of foreign journalists witness to the event-two US journalists were beaten by the military at the scene-but an Australian-based human rights activist Kamal Bamadhaj was killed.²² The findings of the 'National Commission of Inquiry' established by President Soeharto after an international outcry was a public relations disaster for Jakarta, and tough talking from the military command in Dili on future manifestations of dissent added to Indonesia's problems. The Santa Cruz killings also stimulated a further review of past Labor Party policy on East Timor, with Prime Minister Hawke agreeing to meet a Fretilin delegation, and Gough Whitlam criticising the government's handling of Indonesia while defending his own record.²³

These events, which were captured on a widely screened film by a visiting British journalist, Max Stahl, brought to international attention the extent to which the resistance to Indonesian rule had moved from a guerilla to a civil focus. This change was identified with the rise to leadership of Xanana Gusmao²⁴, who founded the National Council for Maubere Resistance (CNRM) in 1989 as an umbrella organisation for all anti-integrationist groups. Gusmao's meeting with Australian journalist Robert Domm in September 1990 was the first such contact in 15 years, and did much to maintain Australian interest in the question.²⁵ Similarly, his arrest in November 1992 and later sentencing demonstrated that the resistance was still active. An influential documentary on conditions in East Timor by John Pilger struck a particular chord in Australia.²⁶

At this time the efforts of the United Nations to convene an all-inclusive dialogue in East Timor, which was first initiated in 1983, began to bear fruit. As a result of this diplomacy, not only did Indonesia agree to improve the human rights situation in the territory and facilitate visits by human rights representatives, but Indonesian Foreign Minister Ali Alatas held direct talks with East Timorese spokesman Jose Ramos Horta in October 1994. A meeting of East Timorese groups from across the political spectrum was convened at Burg Schlaining

in Austria in June 1995, producing an accord on steps to improve material and spiritual conditions in East Timor and to facilitate greater contact between members of the diaspora.²⁷ The following year, the former chairman of the National Crime Authority, Tom Sherman, reviewing the record of the Balibo incident at government behest found that the death of the journalists in October 1975 was most likely the result of their being caught in cross-fire during a firefight. Though Sherman considered some new evidence, his findings did not satisfy those who held that the full record was still not available. But the joint award in October 1996 of the Nobel Peace Prize to the Bishop of East Timor, Carlos Filipe Ximenes Belo and Jose Ramos Horta demonstrated that influential elements of international opinion were still unconvinced of Indonesia's insistence that the troubles in Timor were no more significant than 'a pebble in Indonesia's shoe'.²⁸

Though all these developments continued to remind Australians that most East Timorese remained unreconciled to Indonesian rule, the decisive shift in Australian opinion and policy was occasioned by the regional economic crisis which broke in 1997 and which issued in the demise of the Soeharto regime.

East Timor and the collapse of the 'New Order'

The collapse of the Soeharto regime in Indonesia prompted a wholesale reassessment of the policies and institutions of the 'New Order'. By the middle of 1998 this reassessment had extended not merely to a questioning of the central role of the armed forces in the state, but also to the consequences in some of the more far-flung regions of the nation of using the military as a vehicle for rule from the centre. Regarding Aceh and East Timor especially, there developed an awareness among more sophisticated leaders that the methods of the past could not be sustained but indeed constituted a very sorry legacy to be overcome. Thus President Habibie, after little more than a month in office, offered East Timor 'special status' with wide autonomy though still within Indonesia. Since July 1976 East Timor had been officially the nation's twenty-seventh province, though in practice largely a fiefdom of the armed forces.

On the one hand, East Timorese campaigners for independence were emboldened. At the same time, facing dissention and civil disorder from Aceh to Ambon, and no longer guaranteed a political role in the emerging post-Soeharto political order, the Indonesian armed forces were forced to reassess their role and the extent to which they could rely upon old methods. The relaxation in the political atmosphere and the emergence of independent political movements raised the prospect that such developments might also be seen in East Timor.

The demise of Soeharto also led many Australians to question the modalities that had been chosen to cultivate closer relations with Indonesia. It should be recalled that as late as December 1995 the Australia-Indonesia agreement on enhancing security was hailed by some specialists as marking a new era in which Australia was seen to be

accepted as an equal player through participating as a partner in the weaving of the highly personalised and vague web which seemed to characterise the Asian way of security. And there was some substance to this position, given Indonesia's central role in ASEAN as well as its strategic location. Emblematic of these modalities was Australia's acceptance of the occupation of East Timor. Successive Australian leaders and politicians had been prepared to acquiesce in Indonesia's occupation and annexation of the territory. While some adopted the pragmatic and realist position expounded by former Ambassador to Jakarta, Richard Woolcott, others were reluctant to ignore the tragic record of ABRI activity in East Timor but did so for the greater good of maintaining harmonious relations with Australia's major northern neighbour.

In keeping with a new emphasis upon human rights, the Labor Party platform for the federal elections in October 1998, repudiating the Hawke-Evans-Keating legacy, incorporated once again a statement in support of 'self-determination' for East Timor. The espousal of this policy was more than electoral expediency, since it marked a revisiting of an issue of great sensitivity that had divided the party and dogged successive leaderships. Though the Labor Party did not win office, it was instrumental in a decision by the Senate at the end of November to convene a wide-ranging inquiry into all aspects of the Timor issue.

The approach taken by the Coalition government, both before and after the election, also demonstrated a preparedness to take a new approach. In June Ambassador McCarthy undertook a visit to Dili, and in the following month he met Xanana Gusmao in Cipinang gaol. Here the government had been anticipated by the private sector. BHP, the largest Australian participant in the exploitation of Timor Gap oil and gas had already made contact with Gusmao, their representative in Jakarta being relocated when this was censured by the Indonesian authorities. In August, Downer himself appealed publicly for Indonesia to release Gusmao so that he could play a direct role in addressing the Timor problem. For their part, Indonesia announced that all combat troops had been 'withdrawn' from the territory, though leaked military documents later demonstrated that troop levels had not been reduced.

Following the elections, Foreign Minister Alexander Downer took the lead in re-evaluating Australia's approach to Timor. Downer's activism invites comparison with that of Gareth Evans in the region. Where Evans was determined that Australia would make a difference in Cambodia, Downer has grasped the importance of the Timor issue. This is a strategy with many merits, and also accords with Australia's other interests, as well as constituting something of a break with the policies of the Fraser administration. And yet it is also a strong practical repudiation of the Evans record given that the Hawke-Keating governments negotiated the two major instruments through which Australia identified its national interests closely with the Soeharto regime-the Timor Gap Treaty and the 1995 'Agreement on Maintaining Security'. The contrast with Evans is all the more evident when it is recalled that he was a strong advocate of a world order based upon common security and on the United Nations and its

regimes. Although it predated his stewardship of foreign policy, on each of the occasions between 1975 and 1982 when the UN General Assembly voted on the Timor question, Indonesia was condemned. And most analyses concede that in incorporating the territory forcibly and without regard to a test of the opinions of the population, Indonesia violated fundamental principles of international law as well as the obligations of nations as defined in the United Nations Charter. Just as Gareth Evans had realised that Australia in 1989-90 was faced with a historic opportunity to help craft a resolution to the long-running Cambodia conflict, so Downer appreciated that Australia could make a similar contribution to the resolution of a conflict of far greater significance to the security of the nation and of much greater moment for domestic political debate.

In late November, in the context of growing disorder and uncertainty in Dili, Downer stated that a resolution of the issue must involve the leaders of the East Timorese themselves. The Australian military attaché in Jakarta made the first visit to East Timor since 1984, on this occasion to investigate claims that villagers had been massacred at Alas. The appearance of armed militias led to charges-later admitted as correct by military commanders-that ABRI was distributing weapons to anti-secessionist elements.

At this time Department of Foreign Affairs officers embarked on a review of possible outcomes in East Timor. The opinions of refugee and political leaders were sought on the future shape of an autonomous or independent East Timor, and what it would need in resources and infrastructure for a measure of security and viability. When it was determined that even a nominal connection with Indonesia would be unacceptable to most of the inhabitants, the decision was taken to seek to influence policy in Jakarta more directly. Meanwhile, in the Department of Defence, contingency plans were formulated for a possible relief delivery or international peacekeeping role for Australian personnel.

In December the National Security Committee of the Cabinet considered the many security, economic and political issues involved and the extent to which Australian interests would best be served by a new intervention. The Prime Minister undertook to write to President Habibie to suggest that a new formula be found to permit eventual Indonesian dis-engagement from the territory if that outcome was in accordance with popular sentiment. While praising Habibie's commitment to reform, Mr Howard suggested that a possible model for a resolution of the problem was to be found in the Matignon accords, which provided for a future referendum among the population of New Caledonia but only after the realisation of a lengthy program of development of local political institutions and confidence building. This letter was delivered to the President by Ambassador McCarthy on 21 December.

At the time President Habibie rejected the parallel with New Caledonia, a reaction which was hardly surprising given that it implicitly equated Indonesian conduct in East Timor with French occupation of territory on the other side of the globe from the metropole. It should be recalled

that each schoolday children across Indonesia read passages from the national constitution which identifies colonialism as the most reprehensible political practice.

Not discouraged, Downer pursued this initiative, suggesting in an official release on 12 January 1999 that the East Timorese should be permitted an act of self-determination after a substantial period of autonomy. The timetable thus enunciated was consistent with that proposed by the CNRM in East Timor. Though other influences were clearly at work, this 'historic shift' in Australian policy helped prompt a change of mind in Jakarta. On 28 January Foreign Minister Ali Alatas made the first public reference to the possibility of complete independence for the territory if autonomy proved unwelcome or unworkable.

At this point events began to move very quickly. United Nations brokered talks involving Indonesia and Portugal produced a draft settlement plan, though differences on provisions for a referendum, a future constitution and an interim UN presence prevented the principals from signing the document. In an extraordinary personal intervention, Habibie, while rejecting a referendum, announced that whatever the result Indonesia wished to be free of the Timor problem by the year 2000. The Timor issue then became drawn into the chaotic contest for the June parliamentary elections. While Amien Rais was not opposed to a separate East Timor if that were the wish of its inhabitants, he warned of the danger of a civil war and urged the necessity to create mechanisms for an orderly transition process. Megawati Soekarnoputri, on the other hand, played the patriotic card, rejecting any form of separatism as inconsistent with broader national unity. However, Dewi Fortuna Anwar, Habibie's foreign affairs adviser, offered the view that an independent East Timor would be welcome as a member of ASEAN.

A further element in the formation of Australian policy was the publication of a new installment of the Sherman Report on the deaths of the five Australian-based journalists in Balibo. Largely as a result of new revelations from an East Timorese (interviewed by Jonathan Holmes for the ABC program, 'Foreign Correspondent') who claimed to have participated in the incident as an irregular with an Indonesian force, Sherman found that the troops who had occupied Balibo and killed the journalists were 'under the control of Indonesian officers'.²⁹ There was some irony in this finding in that it fell to Information Minister Yunus Yosfiah to release the Alatas statement that Indonesia might contemplate independence for the territory. The then Captain Yunus was named by Sherman as the officer in charge of the infiltration unit which was most likely to have been responsible for the murder of Shackleton and his colleagues.

Foreign Minister Downer led a delegation which conducted a two-day Ministerial Meeting in Bali. He then traveled to Jakarta for talks with President Habibie, and a meeting with Xanana Gusmao. The official account of the meetings referred to a closeness of views between the parties on the way ahead for Timor. Indonesia would not simply abandon Timor without

taking constructive steps, meanwhile Australia was given permission to reopen its consulate in Dili, closed in 1971. Australia and Indonesia would cooperate in establishing an international 'contact group' to help coordinate funding and assistance to the territory. In the still hypothetical-eventuality of an independent East Timor emerging, Australia would expect that in regard to the status of the Timor Gap treaty it would assume the role of successor state including membership of the joint Timor Gap Authority. The royalties earned by Indonesia and Australia in 1998 were around \$US1.1 million each, although this sum was due to grow larger as planned increases in the level of production were realised. Other reports indicated that Mr Downer had discussed the possibility of generous civil aid to a new administration in East Timor.³⁰

Following his talks in Indonesia, Mr Downer traveled to Portugal for consultations with Foreign Minister Jaime Gama. Again there was a good deal of accord on the need to encourage institution building in the territory. Prior to the meeting, the Portuguese government announced that it was prepared to assume the responsibility for funding the administration of Timor during a possible transition period. A government spokesman indicated that in talks with the Indonesian side, the government budget in the territory was revealed to be in the region of \$US100 million. While Portugal as a member of the EU would expect some help from Brussels, if necessary it would provide the whole budget.³¹ Australia announced a commitment to contribute 'within its capacity' to an international program of relief. Portugal also agreed to the stationing of an Australian diplomat in Lisbon to maintain liaison while the two governments took the lead in efforts to deal with the problem.

The two sides differed, however, on the desirability of a UN intervention involving the dispatch of a peacekeeping force. While Portugal took the position that such a force was needed ahead of any longer term political settlement, the Australian view was that the future status of the territory had to be determined first, otherwise peacekeepers would be sent to a situation where there was no peace to keep. However, contingency planning was already underway in the Department of Defence for the commitment of Australian personnel to what was assumed would be a multi-national force with extensive responsibilities for keeping order, maintaining infrastructure, and institution building. In light of the experience of commitments in Cambodia and Namibia, the personnel were likely to be engineers and technical specialists, though the participation of combat troops was not excluded. The cost of such a force was thought to be high, given that it took around \$A60 million each year to keep the 300 Peace Monitors in Bougainville.³² And the belief that the UN would soon request troops was reinforced by the reported remarks of a UN official, Tamrat Samuel, on a visit to Dili.³³

The need for some form of international intervention was underlined by the precarious state of civil order. The appearance of armed 'militias' in the territory, including Halilinitar led by Joao Tavares (former bupati of Bobonaro), Mahidin led by Cancio Lopes de Carvalho, as well as

Besi Merah Putih, and Pana led to a sharp deterioration in the security of the territory.³⁴ The use of militias, raised by the Interior Ministry but attached to territorial or combat military groups, has been a long-standing practice in East Timor. Now these and other groups declared themselves in favour of integration, and were provided with additional arms so that they might terrorise the populations in their areas. Through February attacks on civilians emptied whole villages, and roadblocks staged by armed gangs led to beatings and murders. The background to these tragic developments was complex. It is evident that some groups who had cooperated with Indonesia during the 'New Order' era were seeking to maintain their hold over their regions, yet others were hoping to create personal fiefdoms or exploit the climate of disorder for gain. And some analysts considered that while the government in Jakarta was talking as though East Timor was a problem to be discarded, not all in the armed forces were so committed to abandoning (or abandoning in an orderly fashion) an adventure which had been so costly in treasure, lives and prestige. Indeed, prominent militia leaders were dispatched to Jakarta by the military as part of a pro-integrationist delegation for talks with President Habibie in February, thus giving them a measure of respectability. Australia became directly involved when the leaders of two militias threatened to 'sacrifice' the life of an Australian to emphasise their implacable opposition to independence. In response, most Australian aid workers and residents left Dili at the end of February.

The Australian caution on the question of participating in a peacekeeping force was the consequence of both general and specific factors. As the experience of Somalia demonstrated, without a longer term political objective, an intervention force may end up as simply another participant in a civil war, and thus prey to uncertainties regarding its mandate and ultimately likely to suffer an erosion of political will. Quite apart from this more generally applicable point, Australia's high profile in the events of 1998-99, especially given that for so long the country had been one of the few to recognise Indonesian sovereignty, had led to some doubts of Australia's good faith. By ensuring that an intervention, when it came, was broadly supported and consisted of participants from many nations, such uncertainty or hostility would likely be dispelled.

The focus of attention then shifted to negotiations being conducted between Portugal and Indonesia under UN auspices. Up until this time, Indonesia had resisted the proposal that the East Timorese be consulted directly on their future, on the grounds that this would sharpen divisions within the community and lead to disorder. At a press conference in New York, conducted on 12 March, UN Secretary-General Kofi Annan was able to announce that all parties had agreed that 'a method of direct ballot will be used to ask the people of East Timor whether they accept or reject' a proposal for autonomy, the details of which were soon to be provided by the Indonesian government.³⁵ Though it was clear that there were still some obstacles in Jakarta to be overcome-bearing in mind that autonomy was proposed as long before as June 1998-this was nevertheless a significant breakthrough. The conditions necessary for the conduct of such a vote would require a UN presence, including a role for

armed forces, and the Secretary-General suggested that UN personnel would be in place by June 1999.

Once again, the issue of Australian participation was raised, and once again policy regarding Timor became a major element in the domestic political debate. The chief difference between government and opposition related to the precise role that Australian personnel would play. If the procedures for a ballot could be agreed, then there would be a role for Australians to advise and assist in ensuring that the result was an accurate reflection of public opinion. The government's position was that in advance of any possible political settlement, the use of Australian military forces as 'peacekeepers' was likely to have disastrous consequences. Once the future political shape of the territory was defined, Australian and other forces would have definite tasks, including—depending upon the precise outcome—the disarming of the 'militias' and the keeping of civil order. The opposition's view was that without a third force to prevent the violence and intimidation which was becoming commonplace in parts of the island, no ballot could hope to produce a fair and accurate result. It followed that the presence of such a force was necessary ahead of the ballot. Implicit in the government's position was the belief that relations with Indonesia were a much more weighty issue than the fate of East Timor. The government was concerned not just with the problem of handling an Australian contribution in such a way as to minimise the offence to Indonesian sensibilities; it was also apprehensive that a rapid severing of Timor's ties with Indonesia would become the signal for other regions—Aceh, Maluku or Irian Jaya—to follow suit. But to prepare for any contingency, the Defence Minister announced that a brigade of Darwin-based troops would be upgraded to a state of 28-day readiness, thus doubling the forces available for deployment at short notice.³⁶

On 15 March the ABC's 'Four Corners' screened a documentary on the terror that had accompanied the emergence of the armed militias, especially in the western border regions but also in Dili. The message of this and other reports seemed to be that the pro-independence movement was taking great pains to remain unprovoked by the beatings and killings that had accompanied the rise of the militias, but there were clearly limits beyond which the population would abandon restraint. At the same time, media reports from Ambon particularly, indicated that in parts of Indonesia, society had seriously fragmented to the point where something akin to tribal warfare was emerging. The inference from the Timor evidence, however, was quite different. Whereas in so much of Indonesia civil society was at the point of breakdown, in East Timor it seemed extraordinarily strong and resilient in that it could deliver such a concerted and relatively successful campaign of non-violence. In this outcome, the role of the Roman Catholic Church as a focus for community solidarity cannot be underestimated.³⁷ Ironically Indonesian promotion of panca sila—which requires all Indonesian citizens to profess a recognised faith—as much as the brutality of the military administration, have driven the Timorese to identify with the church. Some figures suggest that as many as 85 per cent of the population regard

themselves as members of the church. This suggests that the outcome in East Timor may yet be more hopeful than in some other parts of the archipelago.

If East Timorese society has established a remarkable coherence, East Timorese elites have demonstrated a surprising if still limited capacity to work together even despite the divisive events of the past. Even before the collapse of the 'New Order', the UN initiative of 1993-94 had brought together a range of political forces, including individuals affiliated with UDT and other groups who had cooperated, at one time or another, with the Indonesian occupation, along with elements of Fretilin. After the fall of the Soeharto regime, a series of meetings with wide representation convened in London, Melbourne and elsewhere sought to produce a blueprint for a new East Timor. However, talks in Jakarta between Xanana Gusmao and pro-integrationists were unsuccessful after details were publicised of the help the latter were continuing to receive from the Indonesian administration. If such strengths as East Timorese civil society and elites possess are to be brought into play, therefore, armed conflict must be minimised. With some elements of the Indonesian armed forces reportedly unconvinced of the central government's case for autonomy, intervention from a third force may yet be needed.³⁸

A new departure in policy

While the case for Australian participation in intervention in East Timor is strong, even compelling, experience suggests that it may be less than fully successful, irrespective of the cost expended. The comparison with PNG is instructive. Although Australian colonialism was far from ideal as a preparation for independence, Australia's record was better than that of Portugal in East Timor, and the decolonisation that was realised in 1975 proceeded in an orderly fashion. Yet despite its resource riches and a generation of assistance for development, PNG is a fragile and in places a very disordered state. Violence is endemic in some parts. A subvention from the Australian government, of around \$A300 million annually is still required. And to complete the picture, it should be recalled that in 1999 one of Australia's continuing commitments is to meet the additional cost (of about \$A60 million annually) of maintaining a peace monitoring force in Bougainville. Timor is certainly smaller but also poorer; the divisions among its population are both greater and less-many share the same language and religion, though 24 years of Indonesian occupation have led to some deep political divisions. In 1998-99, Australian aid to East Timor was budgeted at \$A6 million, making Australia the largest donor of bilateral aid. To make an impression on the political, social and economic problems confronting the territory, at least ten times this amount will need to be found for an extended period, quite apart from the sums necessary to support the multi-lateral team that will be required to manage the political transition.³⁹ The commitment to Timor will be a major new departure in Australia's regional policy.

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