FROM OCCUPATION TO INDEPENDENCE:
EAST TIMOR AND THE STRUGGLE FOR FREEDOM
FROM INDONESIA

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The paper examines as a case study the territory of Timor-Leste (East Timor), the small half-island located about four hundreds miles north of Australia and east of Java, Indonesia.

In particular the focus is upon the evolution and progression of the territory from colony to independent nation-state and the patterns of conflict and settlement that have marked the disputed and contested area and its people. A central narrative is that, while independence for East Timor looked most unlikely in the late 1990s, a confluence of developments and factors combined to enhance the prospects and reality of this outcome in 1999.

The paper examines a number of themes including: the historical and geo-political context; the brief interregnum between de facto Portuguese decolonisation and Indonesian re-colonisation; the invasion and occupation of the territory by Indonesia; referendum and independence for East Timor; post-conflict matters of justice; the international dimension; and the comparative dimensions of the East Timor case study.

The East Timorese experience is not typical but nevertheless an examination of it can contribute to an understanding of how various factors might and do impinge upon settlement and non-settlement of international conflicts. Among these factors are the geo-political situation, role of the international community, the impact of violence, the activity and strategy of the military, the agency of key actors, the passage of time and circumstance, and the questions of legitimacy and popular participation.

The paper examines these factors in the context of patterns of conflict and settlement in East Timor and beyond.
**BIOGRAPHICAL INFORMATION**

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INTRODUCTION

The following paper examines as a case study the territory of Timor-Leste (East Timor); the small half-island located about four hundred miles north of Australia and east of Java, Indonesia. The particular focus is upon assessing the evolution and progression of the territory from colony to independent Nation-state and the patterns of conflict and settlement that have marked the disputed and contested area and its people. A central narrative is that, while independence for East Timor looked most unlikely in the late 1990s, a sequence of developments and factors combined to enhance the prospects and deliver the reality.

In order to furnish a historical and geo-political context, the first section provides some background on the evolution of the territory over the years as one form of colonialism (Portuguese) gave way to another (Indonesian). The second section discusses the brief but important interregnum between the two colonial periods and explains the emergence of nascent political parties in the territory, leading to civil war and Indonesian takeover. The third section examines the nature of Indonesian rule and occupation of East Timor. The section outlines the excessive brutality of the occupation and contextualises the issue of violence during this period. Throughout the period (1975-1999) accusations of genocide were levelled against the Indonesian state in view of the scale and nature of the killings that took place in East Timor. The fourth section focuses on the path to independence of East Timor, assessing why it took place and what were the circumstances of the 1999 settlement that signalled the end of Indonesian rule. A key theme here is to explore the factors that worked for East Timor in 1999, against a background of previous stalemate and a setting of unlikely progress hitherto. The fifth section focuses briefly on the aftermath of independence for the territory, highlighting the unfinished business of justice deliverance as a cause for concern. The sixth section discusses the ambivalent role of the international community in East Timor’s occupation between the years 1975-1999. A central theme here is that the crisis of East Timor was and remained a product of international politics and considerations, rather than an ethnic, religious or ethno-religious conflict. The conclusion draws some appropriate lessons, observations and comparisons from the East Timorese case study in order to situate it in a wider, comparative context.

EAST TIMOR: A PORTUGUESE COLONY

Following a Popular Consultation (or referendum) in 1999, the country known currently as Timor-Leste or East Timor was admitted to the United Nations as an independent and sovereign state in 2002, emerging from a quarter of a century of Indonesian domination, itself preceded by several centuries of Portuguese rule. The territory covers the eastern side of the island of Timor and has a population of approximately 1 million inhabitants. East Timor’s inhabitants—deriving originally from a mixed, Austronesian, Malay and Pacific Islander culture and incorporating Portuguese and, to a much lesser extent, some Chinese elements—are
predominantly Catholic (around 90%) though some of these adherents practise a mixed form of religion that includes animist customs.

Historically, the Timorese territory has been at the confluence of trade and colonialism, involving different empires and powers. As early as the 1300s, the Ming Dynasty chronicles some records of trade in sandalwood between the island of Timor and China. Portuguese traders arrived two centuries later in the early 1500s and established a coastal foothold in Oecusse (Ambeno) on the north western side of the island. The Portuguese authorities claimed the whole of the island in 1520. Thereafter, Dutch-Portuguese imperial rivalry led to Portuguese dominance in the east and the Dutch dominance in the west of Timor, in 1769 the former moved their capital from Oecusse to Dili, the current capital of East Timor (Farram, PhD). This de facto partition of the island was consummated a century later in 1859 when Portugal and the Netherlands signed a border treaty, albeit with the enclave of Oecusse remaining in the Portuguese emprise (Cristalis, 2009; Farram, 1999; Taylor, 1999). The border treaty was modified in 1893 and finally settled in 1916. The partitioning of Timor was therefore a slow and protracted process, as territorial disputes between the Dutch and the Portuguese and involving local rulers were commonplace.

Neighbouring West Timor has about 1.6m inhabitants; the population consists of people mostly of Malay, Papuan or Polynesian descent. Within the Republic of Indonesia, West Timor forms part of the province of Nusa Tenggara Timor, an area which includes the islands of Flores and Sumba. With regard to ethnicity, about half the population of West Timor come from the major ethnic group, the Atoni community, whose members are not conspicuous in neighbouring East Timor. In contrast to the situation in East Timor, the dominant religion in the west of the island is Protestantism (over half the population), although there is a small Muslim population (around 8 percent) and a significant Catholic contingent (about a third of the population). Members of the latter grouping are particularly prevalent in the border areas and in the Portuguese enclave of Oecusse (or Ambeno-Oecusse), where Atoni ethnicity is common. The largest ethnic group in East Timor are the Tetun (Tetum or Belunese speakers) whose members live on both sides of the border. Unsurprisingly then, family and other connections transcend the border and the division of the island should not be portrayed primarily or simply as an ethnic or religious divide.

As one leading authority concludes:

There would appear to be nothing natural, or inevitable, about the borders which came to describe East Timor and West Timor. Once they were defined, however, the borders took on a solidity which they have retained until today (Farram, 1999: 39).

In the west of the island however, the Dutch authorities promoted the use of the Malay language, the basis for modern bahasa Indonesia, a factor that enhanced eventual integration into the Republic of Indonesia following decolonisation. In contrast, the Portuguese popularised a form of Tetum in their East Timorese colony
Farram, 1999: 39). Dutch and Indonesian influences were notable for their absence in Portuguese Timor.

Portuguese colonisation was built on indigenous tribal kingdoms which the colonial authorities adopted as a model of indirect rule. Christianity penetrated the territory at elite level, with local chiefs prepared or "encouraged" to convert, although Catholicism was often combined at a popular level with a respect for longstanding animist beliefs. With future Indonesian occupation as a marker, Portuguese rule in East Timor, the most remote of its overseas provinces, was sometimes described retrospectively as "benign". Yet, between 1894-1913, intermittent anti-colonial revolts led by local chieftains were put down forcefully, with some 25,000 Timorese killed in the process. Greater losses of life took place when, during WWII, Dutch, British and Australian troops disregarded the territory’s neutrality and the ultimate consequence was a loss of 40,000-60,000 Timorese lives at the hands of the Japanese invaders and occupiers. Nevertheless, as Robinson (2010: 6; see also Dunn, 1996: 19) explains, "largely because of the absence of any meaningful nationalist movement in East Timor at the time, the Portuguese managed to return without much difficulty after the war". However, the post-war return to Portuguese rule experienced, in 1959, another armed uprising in East Timor which was put down forcefully with the help of indigenous militias (Chamberlain, 2010).

In 1945, Indonesia had declared its independence from the Dutch colonial authorities and—under President Sukarno’s leadership—became a Republic in 1950, with West Timor serving for a time as a zone of Dutch loyalty. By the mid-1960s, the Major-General Suharto-led “counter-coup” in Indonesia against alleged communists, had left at least half a million and possibly a million dead over a two year period. Anti-communism, decolonisation and national security became the hallmarks of the emergent Indonesian state. In 1968, Suharto became president of Indonesia—replacing Sukarno (1945-67)—but showed no initial or subsequent signs of trying to appropriate East Timor as an Indonesian territory. One factor here, of course, was that the respective regimes in Jakarta (Suharto) and Lisbon (Salazar, Caetano) shared a common anti-communist philosophy. With Portugal as the ruling force in East Timor, the Indonesian regime showed few open signs of staking a territorial claim to the area as part of the broader decolonisation process, even though support for any autonomous independence movement in East Timor attracted some Indonesian sympathy and encouragement. According to Dunn, Sukarno’s anti-colonial presidency never really challenged Portuguese rule in East Timor since the focus in the 1960s was mainly on the confrontation in Malaysia (1962-66) and securing Indonesian hegemony in the former Dutch colony of Irian Jaya (or West Irian), thus “during the decade in which aggressive anti-colonialism was the preoccupation of the Indonesian foreign policy, Portuguese rule in Timor survived by default” (Dunn, 1966: 28). The incorporation of the emergent middle-class in East Timor into the colonial administration greatly reduced the availability of that cohort to take leadership of or to declare active solidarity with any discontented elements within the territory. Thus nationhood building was very limited at this stage.

**INTERREGNUM**
Circumstances changed radically for East Timor in the mid-1970s as the Portuguese empire dissolved after the so-called “Carnation revolution” of 1974. 1974-5 can be seen as an interregnum period in East Timor, as one empire gave way to another colonial occupation, with a brief and troubled phase of Portuguese fin de régime collapse and East Timorese ascendancy, awakening and independence sandwiched uncomfortably in between. In the short interregnum nascent Timorese political associations or parties were permitted to form by the new more liberal-left regime in Portugal and they quickly made their presence felt. The party developments that took place within this period had significant consequences for the fate of the fledgling East Timorese state and for the post-occupation settlement that followed on from second phase decolonisation in 1999.

Three main associations were at the fore of new party development, although there were others, some of which re-emerged following the withdrawal of Indonesia in 1999. However none of the minor parties had more than a few members and they played no part of consequence in the interregnum period. The first party of note to emerge was the Timorese Democratic Union (UDT), founded in May 1974 by mestizos, small holders, and officials from the administration. The party leadership was quite conservative, representing “the more prosperous citizens, the administration and the wealthier planters” (Dunn, 1996: 53). Initially, the party supported a progressive autonomy under the Portuguese flag but soon, inspired by the less conservative voices within and conscious of the need to compete with the more radical Fretilin party without (see below), the UDT opted for the more ambitious goal of an independent East Timor, albeit via federation with Portugal to begin with.

The second main party followed just a week or so after the UDT in the form of the Timorese Social Democratic Association (ASDT). Like its predecessor, the party leadership drew from the ranks of officials within the administration, from largely “full-blooded Timorese” individuals—although the organisation’s most influential voice, José Ramos-Horta, was a mestizo. The party stood initially for an independent East Timor, albeit achieved via a process of decolonization that might last several years in order to lay the economic and social foundations of any new state. Within a few months, the party changed its name to the Revolutionary Front for the Liberation of East Timor (Fretilin), signifying a somewhat more radical turn (CAVR, 2005; Dunn, 1996; Taylor, 1999).

The third party, Apodeti (the Timorese Popular Democratic Association) supported the cause of integration with Indonesia and was used by the latter’s forces as a vehicle for this end and as an orchestrated mechanism for dividing the Timorese people and their representatives. Indeed, as Taylor (1999: 28) explains, it was very much an Indonesian creation from the start and some of its members enjoyed training in West Timor prior to the 7 December 1975 invasion. Both of the main parties attracted thousands of supporters, while Apodeti never recruited beyond about three hundred members in 1974. The latter party drew its leadership from the colonial administration, traditional elites, customs officers, and members of the small Moslem community in Dili. Some of these local notables went on to play support roles in the Indonesian occupation and administration of East Timor As
Taylor (1999: 28) sums up: “Effectively, there were two genuine political parties vying for popular support, and one created by Indonesia for its own purposes.”

As late as 1974, Fretelin representative Ramos-Horta received verbal and written assurances from the Indonesian Foreign Minister Adam Malik that his country had no territorial ambitions as regards East Timor. Also, Suharto was on record as saying the same thing. There is evidence too to suggest that Suharto was not necessarily a great advocate of moving on East Timor. According to Dunn (1996: 163, 199-200), Suharto was reticent to invade East Timor as late as 11 September 1975, for fear of losing forthcoming military aid from the USA, being seen to have territorial ambitions in South-East Asia and for generally negating good relations with other states, including Portugal. At the same time, Suharto was not fully aware of the preparation that his military elite had already made as regards East Timor. It was not until the end of September 1975 that the Indonesian president, reassured of his backing from Washington and Canberra notably, responded to pressures from his generals to invade the territory.

It would appear that the Indonesian military literally called the shots regarding the decision to invade. In particular, a relatively few individuals from the military elite, with key roles in the Indonesian intelligence, propaganda and secret services controlled and/or drew upon the military, propaganda, special operations and secret service arms of the Indonesia state in order to foster the goal of incorporation of East Timor into the Republic of Indonesia, with anti-communism, territorial integrity, regional security and aggrandisement serving as the ideological and practical vehicles here. Via an operation known as “Operasi Komodo”, these military elites were key in subverting nascent East Timorese politics, fomenting divisions within Timorese society and even sponsoring in 1975 a UDT coup against Fretilin. From the brutal beginning to the bitter end the military remained centre stage (Robinson, 2010).

The interregnum period of 1974-5 was marked by a rapid succession of developments culminating in Indonesia’s full-scale invasion of East Timor on 7 December 1975. The sudden collapse of Portuguese rule was accompanied by Lisbon’s inability to create a suitable timetable for decolonisation. A loose Fretelin-UDT coalition emerged in January 1975 but quickly broke up. Some local elections did take place in East Timor in 1975 as part of Portugal’s decolonisation process and Fretelin won these comfortably against their UDT rivals. Shortly after, UDT—alarmed at Fretilin’s success and convinced by Jakarta’s propaganda of the party’s dangerous movement to the left—launched a coup in East Timor. The context for the coup was summed up later by the East Timor truth commission report:

Covert Indonesian intelligence operations, high-level contacts with leaders of the East Timorese political parties, and the military training of East Timorese in West Timor exacerbated the rising tensions between the political parties, and were probably decisive in UDT’s decision to launch its armed action (CAVR, 2005: 58).

A three-week civil war ensued in August 1975 with some 3000 deaths as the outcome. All groups committed atrocities—this is recognised by both sides and
included in the CAVR report (CAVR, 2005: 54-62). Unsurprisingly too, the rivalries created in the interregnum period sowed the seeds of distrust among Timorese parties and people in the future. Fretelin emerged victorious and defeated UDT and Apodeti activists fled across the border where they were made to sign a petition in favour of integration with Indonesia—a document that was used later by Indonesia as proof of the “free” choice of the Timorese people (Matsuno, 1998). On 28 November 1975, conscious of an Indonesian build-up, Fretelin declared independence for East Timor. This was the convenient trigger for a full-scale Indonesian invasion to take place on 7 December—though the decision to do so had been taken by the military months before this date.

Following invasion and occupation, Indonesia promptly concocted a puppet Regional People’s Assembly in Dili which unanimously approved a petition for integration. Moreover, as intimated above, the Indonesian state drew a contested, pseudo-legitimacy for its occupation by bullying and bribing elements in East Timor to support integration. Shortly after, Suharto formally incorporated the occupied territory into the Republic of Indonesia’s as its twenty-seventh province. The United Nations never recognised the legitimacy of Indonesian occupation of and rule over East Timor and Portugal remained the official, recognised authority at the international level. Indonesia and Australia were the only states to formally recognise Indonesian East Timor (DFAT, 2000; Dunn, 1996; Fernandes, 2004). From the outset then, Indonesian rule lacked legitimacy and popular support. Of course, many countries accepted Indonesia as a viable economic, trading power—a country they could “do business with”, even though they might have reservations about Indonesia’s occupation and human rights’ record in East Timor from 1975-1999.

INVASION AND OCCUPATION: THE RE-COLONISATION OF EAST TIMOR

From the outset, Indonesian occupation was a brutal experience for the people of East Timor. Here is not the place to go into the macabre detail of occupation and the CAVR (2005) report does a good job of summarising, detailing and quantifying many of the crimes against humanity perpetrated by the Indonesian armed forces and their counter-insurgency proxies and militias. During the course of occupation, killings and deaths were so frequent and part of a deliberate strategy of terror and control that analysts spoke of genocide in depicting what was taking place in the territory (Jardine, 1995; Pilger, 1998; Robinson, 2010). The CAVR report provided an actual minimum estimated figure of 102,800 conflict-related deaths, including 18,600 killings and 84,200 deaths due to hunger and illness between 1975 and 1999. Actual figures were thought widely to be much higher though and the CAVR report stated that it could be as high as 183,000 (CAVR, 2005: 73). There was found to be a high concentration of deaths due to hunger and illness during the early years of occupation and invasion (1975-1980), whereas 1999 marked a high point for killings as the Indonesian military and its proxy militias tried to thwart the self-determination process and outcome in that final year of occupation (see below) (CAVR, 2005: 44). As well as the fatalities, displacement affected about half the population and detention, torture, ill-treatment and sexually-based violations were widespread practices. The vast majority of killings and abuses were perpetrated by
the Indonesian military and their counterinsurgency proxy forces, notably the militias created to assist in the process of terrorising the population and contesting the resistance forces, who were responsible for some of the killings and abuses too. The figures above were not contested seriously and the President of Indonesia admitted—via his acceptance of the report of the 2008 Indonesian-East Timorese bilateral Commission on Truth and Friendship (CTF)—that his country’s armed forces were to blame for the violence of 1999.

The course and character of the occupation varied over time. For instance, the early couple of years saw about half of the population forcibly displaced or in part choosing to migrate to the interior to live under the protection of Falintil, the armed wing of the resistance. The resistance enjoyed the backing of most of the population and this was confirmed by the result of the Popular Consultation (or referendum) that took place in 1999, leading to independence for the territory (see below). From 1977 onwards, Indonesian policy was to gather up and place the civilian population in transit or resettlement camps where conditions were terrible, starvation and abuses were prevalent. Civilians were also drafted into the military’s counterinsurgency operations, most notably the 1981 “fence of legs” sweep operation aimed at flushing out the resistance forces across the half island. Thereafter, in the 1980s, the Indonesian strategy included the provision of more prosecutions and trials, with standards of procedure well below internationally accepted levels though, and torture and detention remained prevalent too. In the 1990s various auxiliary forces, paramilitary units, youth vigilantes and militias were mobilised to support the military and the cause of integration, culminating in the scorched earth and enhanced militia activity of 1999 (see below) (Nevins, 2005).

Undoubtedly then, violence was part and parcel of Indonesian military occupation in East Timor. Robinson (2010: 233) suggests that the “systematic use of terror was perhaps the most conspicuous element of Indonesian strategy in East Timor from 1975-1999”. As to why the occupation was so violent and punitive, various reasons have been put forward. For instance, the Indonesian military’s campaigning in East Timor can be seen as a continuation of the ruthless struggle against the Indonesian Communist Party and alleged communist influences throughout Indonesia in the 1960s. The campaigning here had been very widespread and fatalities had been numerous. The military’s anti-communist crusade was not the only example of the organisation’s ruthless activity. There were also punitive campaigns by the Indonesian military in territories elsewhere, notably in Aceh, Bali, Irian Jaya (West Papua), Java and Malaysia.

As Robinson (2010: 232) again explains:

The common pattern of violence in all these areas reflected standard Indonesian military doctrine, which in turn stemmed from certain distinctive features of the New Order state that emerged following the anti-Communist military coup and massacres of 1965-66. These included the unquestioned political dominance of the army, the solidification of a state ideology obsessed with security and national unity, the systematic use of terror for internal security, and the articulation of a military doctrine
of total people’s defence that entailed the mobilization of the civilian population to wage war on the state’s internal enemies.

To emphasise the point, the Indonesian military’s brutality did not begin in East Timor, but was part of the process by which the post-colonial Indonesian nation-state was constructed and imagined—and, unfortunately, did not end there. In 2010, human rights organisations lobbied American President Obama urging him to not resume the suspended military aid programme to Indonesia. Deprived of East Timor, the military (including some of the same personnel and regiments who were active in Timor) have turned their attention to West Papua, another troubled half-island with an active, separatist, resistance movement. Here is not the place to examine Papua, except to say that Irian Jaya too was brought into Indonesia’s colonial ambit in disputed circumstances in the 1960s.

In the above context, Robinson (2010:13) locates the practice of excessive violence in the Indonesian controlled territories and argues that the history, practice and memory of violence can significantly increase the likelihood of future violence. The culture of violence and impunity for human rights abuses, embedded in the armed forces, and coupled with their prominent role in the authoritarian decision-making regime of Suharto’s Indonesia made the practice of violence more likely to happen in occupied East Timor. Also, propaganda, brutalization, training, conditioning and stereotyping of “the other” have a part to play here. Nor, from start to finish of Indonesian occupation, should the violence (e.g. from local militias) be seen as spontaneous or ad hoc either, but rather there were enough signs to interpret it as systematic, planned, institutional and orchestrated.

Fretilin and its military wing Falantil proved to be quite resistant to Indonesian rule for a surprisingly long time, inflicting numerous casualties on Indonesian forces, thus holding up operations and expectations to bring the territory quickly under Jakarta’s authority. Indeed, in the early years of Indonesian occupation, a large percentage of the population was deemed to be under the protection of the resistance in the interior of the territory (Dunn, 1996; Robinson, 2010). In these circumstances and given Falantil’s widespread support—actual, implicit or imagined—within the Timorese populace, the Indonesian military machine took revenge on the local people as well as on more direct opponents of the occupation. If wanted individuals could not be found by the Indonesian military then friends and family were liable to be targeted (CAVR, 2005). Such practices were unlikely to endear the local, civilian population to their occupying masters. Some observers too have pointed to the poorly paid situation of Indonesian troops in East Timor, who appropriated the goods and provisions of the local population, thereby creating a poor basis for engaging with the Timorese people (Dunn, 1996). Also, the largely Muslim occupiers had no empathy or dialogue with their largely Christian and/or animist victims, who did not speak their language, share their culture/religion or welcome their “liberation”. Thus although the imposed conflict can be seen largely in political and Cold War ideological terms, the religious factor has not been absent from the patterns of conflict. Notwithstanding these observations, the conflict in East Timor should not be seen as an ethno-religious one. East Timor was not occupied because of its Catholic tendencies or the ethnicity of its inhabitants.
The early years of the occupation were shrouded in much secrecy as the Indonesian regime controlled and monitored any movements into the territory. According to one key source, “it was a closed territory for the first thirteen years of the occupation as the Indonesian military used every means at its disposal to subdue the people of East Timor” (CAVR, 2005: 13). Moreover, international humanitarian aid agencies were not allowed to operate in East Timor until 1979 despite famine and many deaths arising as a result of Indonesia’s resettlement programme. Meanwhile, outside of East Timor, opposition to the situation built up in favour of access, change and redress. In the mid-1980s, for instance, Portugal increased lobbying on behalf of the people of East Timor and projected their cause onto the European Community’s agenda, with that organisation adopting a critical Common Position in 1986. Undoubtedly the key event that opened up East Timor’s plight to the world’s eyes and condemnation was the Santa Cruz Cemetery massacre of 1991 and the regime’s callous and duplicitous attitude to the whole affair (source). A cortege of funeral marchers in Dili were attacked by the military and the authorities attempted to put the blame for the two hundred and fifty or more killings on the victims. However, the events were filmed secretly by Max Stahl and his footage reached the global media, notably in the format of David Munro and John Pilger’s documentary film “Death of a Nation”. The latter provided massive ammunition for those in the international and global human rights community and the resistance to strengthen the campaign against the occupation. Writing in the mid-1990s, after Santa Cruz, Dunn claimed that the plight of East Timor had become a cause celebre: “What has changed significantly is the massive growth of non-government support for the East Timorese throughout the world.”

A significant factor in keeping alive the struggle for independence was the activity of the resistance movement and this process included both military and nation-building aspects. After initial resistance to occupation, the Fretilin movement suffered great losses in 1975-80, forcing a reorganisation of counterinsurgency activities from a fixed bases’ approach to mobile guerrilla unit warfare, plus establishment of clandestine networks in concentration camps and population centres behind enemy lines (Carey, 1995: 6-8). As Budiardjo and Liong (1984: 68-69) explain, a strategy of “reliance on the strength of the people” was put into practice and counterinsurgency was successful enough to elicit in 1983 a ceasefire agreed between the Indonesian military and resistance leader Xanana Gusmao (Budiardjo and Liong: 68-69).

In mid 1983, a reorganisation of Falintil, the armed wing of the resistance, enabled Gusmao to bring UDT and other elements into a broader movement under his leadership of the newly formed National Council of Maubere Resistance (CNRM). Broadening of the resistance movement continued thereafter and contributed to the nation-building process. In effect, the whole period of Indonesian occupation served as a time of nationhood development and imagining. By the mid-1990s an All-Inclusive Intra-East Timorese Dialogue and meetings were taking place, bringing together pro-integration and pro-independence elements and the Catholic Church in East Timor was doing likewise. But independence or autonomy for East Timor seemed a distant prospect at this stage.
TOWARDS THE AGREEMENT AND INDEPENDENCE: A “BITTER DAWN”

On 21 May 1998, President Suharto resigned dramatically after three decades in office. The context of his resignation was the economic crisis that then swept through the Asian economy and severely hit the fragile construct of Suharto’s highly personalised and weakly structured crony capitalism. Also, massive devaluation of the Indonesian currency took place, again undermining the capacity of the regime. At the same time there was trouble on the streets in the form of unprecedented rioting in Jakarta—including around 1200 deaths—and widespread demands for democratisation of the authoritarian regime. As Suharto’s authority and prestige evaporated amidst serious political and economic difficulties with Western backers and business investors, the President resigned and handed over the reins of power to Suharto loyalist and vice-president B J Habibie.

From the start there were signs that the military elite were unhappy with their new leader, especially given his early voiced sympathy for reform of the Indonesian New Order. As Bourchier (2000:27) pointed out, the “majority of the officer corps strongly disliked Habibie and were dismayed when Soeharto handed power to him in May 1998”, though others in the military may have seen him to be a safe pair of hands at the time of crisis (Taylor 1999). Particularly distasteful to the military though were Habibie’s hastily articulated plans for dealing with East Timor. Within weeks of taking up office, Habibie had announced special-territory status for East Timor, declared an amnesty for 16 East Timorese political prisoners and was mooting the possibility of releasing the captured and imprisoned Xanana Gusmao (Hainsworth, 2000b: 197).

The Indonesian President was prepared to offer the East Timorese what he perceived to be “wide ranging autonomy” in exchange for an end to the demands for independence. However, wide-ranging autonomy and special status—“a Vichy arrangement run by quislings”, according to John Pilger (quoted in Hainsworth, 2000b: 197)—was some distance away from the goal of independence and would provide no guarantees against military authoritarianism in East Timor. Under continuing pressure from the international community and the business world, Habibie did come round to accommodating in part the ever-growing pressures for change over East Timor. In fact, by mid-1998, the media had been reporting that officials in Dili were engaging with the independence movement in an unofficial dialogue. By August, the foreign ministers of Indonesia and Portugal were meeting with the United Nations’ Secretary-General to see how the autonomy option might be progressed. By early 1999, moreover, the Habibie administration was offering more than special status. The new scenario and Habibie’s initiative were summed up by one commentator as follows:

Having canvassed the idea of autonomy soon after coming to power in mid 1998, on 27 January 1999, he surprised the world, and many in his own government, by announcing that if Timor did not accept autonomy his government would be prepared to countenance an early move to independence. The reasons behind this historic decision have been the subject of much speculation. However the evidence points to it having being motivated by a desire on the part of the President and a number of his
close advisers to get rid of what had become a perpetually embarrassing and expensive albatross (Bourchier, 2000: 25).

The cost of managing East Timor was reported widely to be around $1 million per day, as well as the considerable loss of thousands of military lives and prestige, and the barrage of global criticism and condemnation that the Jakarta regime was subjected to (Hainsworth, 2000b). For a cash-strapped and internationally pilloried regime, East Timor had become an expensive and embarrassing nuisance for Indonesia. In the words of the Indonesian Minister of Foreign Affairs about East Timor, what began as a “pebble in the shoe” became a millstone around the neck of Indonesia (Alatas, 2006). The change of heart in Jakarta was seen though as a massive turnaround. The Indonesia Human Rights Campaign described it as a “thunderbolt” (Tapol Bulletin, No.151, March 1999), whilst The Guardian’s correspondent defined it as “a U-turn that would have been unthinkable before autocratic President Suharto was forced from office” (The Guardian, 24 January 1999). Again, The Financial Times’s Sander Thoenes contended that it has become more difficult for Indonesia to hold out against international criticism of its policy towards the territory as economic crisis has forced the government to rely more on foreign aid (Financial Times, 28 January 1999; see also Hainsworth, 2000b).

Following Habibie’s January 1999 announcement, negotiations went ahead for East Timor’s Popular Consultation or referendum. The so-called May 5 Agreements consisted of a set of three agreements and documents. The first one declared that voters in East Timor would be asked to accept or reject an offer of an autonomy package; the second one made it clear that rejection of special autonomy would signify independence for East Timor; and the third one dealt with security matters for the poll (see attached). The question on the ballot paper (in four languages—Tetun, Portuguese, Indonesian and English) on 29 August 1999 asked the voters:

Do you accept the proposed special autonomy for East Timor within the unitary State of the Republic of Indonesia?

OR

Do you reject the proposed special autonomy for East Timor, leading to East Timor’s separation from Indonesia?

Whatever the verdict here, the military was reluctant to let go of one of its prized possessions, especially if this might serve as a bad example for other restless territories of Indonesia, such as Papua and Aceh. The former Indonesian military intelligence head, Major General Zacky Anwar Makarim, is reported to have told Xanana Gusmao, “as a military man, as an intelligence officer, as a veteran, I cannot accept losing East Timor” (quoted in Bourchier, 2000: 29). Also, the military’s prominent place in the Indonesian state would be dealt a blow if the decision were made to cut the links between Indonesia and East Timor, especially at a time when oil exploration and extraction in the Timor Sea was at an advanced stage. These considerations contributed no doubt to the Agreement on Security which was a part of the May 5 Agreement. Basically it gave to the Indonesian
forces of law and order the responsibility for overseeing the security situation for the referendum, instead of enabling United Nations’ peacekeepers or personnel to fulfil this role. Given the track record of the Indonesian military, this was hardly a reassuring measure for the Timorese people, but Indonesia was reluctant to do otherwise and the international community were not keen to force the issue.

However, following Habibie’s initial statement on autonomy for East Timor, the Indonesian military’s strategy had been to encourage the mobilisation of pro-integrationist armed militia groups. The latter were armed, orchestrated and activated by the military in the year or so leading up to the referendum. The result of the referendum was decisive: on a remarkable 98.6 per cent turnout, 78.5 per cent voted for independence. The outcome of the vote served to further unleash the integrationist forces into a pre-planned scorched earth and revenge-seeking campaign in which many more people were killed, displaced or intimidated. The situation came to a head when, amidst a glare of global media reporting, some fifteen hundred internally displaced persons and UN personnel were in effect corralled in the United Nations Mission in East Timor (UNAMET) compound in Dili, with the building and its occupants in great danger of being overrun by the military/militias. After over a further week of external procrastination from the international community and internal mayhem on the ground in East Timor, key member states of the United Nations agreed finally to put pressure on the Indonesian government to accept a peacekeeping force. The UN Security Council authorized the immediate deployment of a multinational force whose presence quickly brought an end to the violence and to Indonesia’s involvement in ruling East Timor. The International Force for East Timor (INTERFET)—consisting of troops from several nations, including Australia, New Zealand, Thailand and the Philippines—duly began its operations within a few days and quickly brought calm to the territory. Thereafter, East Timor became a nation-state in waiting under the temporary jurisdiction of the UN, more specifically under the United Nations Transitional Administration in East Timor (UNTAET), prior to full and formal independence and UN membership in 2002.

Both the Indonesian military and their militia proxy fighters can be seen as “spoilers” in the process of second phase decolonisation in East Timor. As Stedman suggests, albeit largely from the perspective of external actors, spoilers view the settlement emerging from peace processes as contrary to their power, worldview and interests (Stedman, 1997: 5). In East Timor, the military played the role of de facto insider spoilers. According to Stedman (1997: 8): “An insider spoiler signs a peace agreement, signals a willingness to implement a settlement, and yet fails to fulfil key obligations to the agreement.” As a rule, the Indonesian military practices of divide and rule, institutionalised terror, and recruitment of militia or counterinsurgency forces had proved effective in preventing a settlement that carried legitimacy. For a time, the spoilers had their way in East Timor, but ultimately they went too far and provoked a global reaction that deprived them of the victory that they anticipated they could deliver. Again, concludes Stedman (1997: 6): “The crucial difference between the success and failure of spoilers is the role played by international actors as custodians of peace.”
So often in the past, international actors had failed the East Timorese. In 1999, eventually, the pattern was different. As Robinson (2010: 2) explains:

In response to mounting public outrage, in mid-September the United States and other key governments finally took steps to rein in the Indonesian army and its militia proxies, cutting military ties to Indonesia and threatening to suspend economic aid.

The resources that had stood the Indonesian regime well for twenty-four years and ensured military control of the territory were of little use ultimately when they were turned against United Nations’ personnel and the glare of the world’s media. Moreover, 1999 was not 1975: the world had moved on.

**UNFINISHED BUSINESS: JUSTICE MATTERS**

Inevitably, given twenty-four years of occupation and the scorched earth finale to Indonesian rule, independence for East Timor brought its own problems and challenges. Here is not the place to assess the decade of developments since Indonesian withdrawal, but one key aspect merits some brief consideration. The issues of truth recovery, justice and reconciliation—dealing with the past and moving on to the future—remained to be tackled as in many other post-conflict states. There was no shortage of initiatives forthcoming to address these matters. For instance, two UN Security Resolutions in late 1999 called for investigations into the violence of that year. Three separate and prompt investigations by a UN Commission of Inquiry, a team of UN Special Rapporteurs and Indonesia’s own Human Rights Commission reported respectively that crimes against humanity had taken place and that the Indonesian military was to blame. Thereafter, in 2001, Indonesia set up the Ad Hoc Human Rights Court to look at cases in East Timor and eighteen individuals were indicted for crimes against humanity—but twelve were acquitted initially and the rest were acquitted on appeal. With UN assistance, in 2000, East Timor set up its own Special Panels for Serious Crimes to try serious crimes against humanity and UNTAET also brought in a Serious Crimes Unit to focus on the crimes committed in 1999. Some 391 individuals were indicted and 50 (low-ranking militiamen) were sentenced to imprisonment. What all the above initiatives had in common was that none of them proved capable of catching “the big fish”, who remained at large in an uncooperative Indonesia. In May 2005 too a UN Commission of Experts attacked the credibility and failure of the Ad Hoc Court in Jakarta (La’O Hamutuk, 2007).

Undoubtedly, the mechanism that enjoyed the greatest support and participation among the Timorese people and within the human rights community at home and abroad was the CAVR, East Timor’s truth commission. The institution was born in 2001 as a result of a National Council of Timorese Resistance (CNRT) initiative, in consultation with the local community and various experts. Its aim was to establish truth, justice and reconciliation in the aftermath of a bitter quarter of a century conflict. It has garnered much respect and confidence from the Timorese people, NGOs and the international community and provided a post-conflict narrative of what happened in East Timor between 1974 and 1999 (CAVR, 2005; Stanley, 2009).
In contrast, the 2005 Commission on Truth and Friendship (CTF) was seen widely as an undisguised attempt by the Indonesian and Timor-Leste leaders to draw a line under the past and move on, including a provision of amnesty for perpetrators of human rights abuses. Moreover, the focus of this bilateral enterprise was only on 1999 rather than the whole period of occupation. Critics of the CTF argued that reconciliation with Indonesia was being put above the cause of justice (Hirst, 2008; Stanley, 2009). Early prison releases and pardons in East Timor for those who were serving sentences for human rights violations only served to confirm this viewpoint. The UN refused to recognise the CTF and human rights organisations too expected nothing positive to come from it. In the event though, the findings of the report in 2008 offered some positives: the role of the Indonesian military was recognised by both sides; no amnesties were actually recommended; and in effect the door was still left open for prosecutions and further processes to address impunity (CTF, 2008; Hirst, 2009; Tapol, 2008).

As regards other processes, the CAVR report recommended that the United Nations be prepared to set up an International Tribunal should other measures be deemed to have failed in delivering a sufficient degree of justice. In the absence of results too (i.e. prosecutions and punishments for those in command positions), the call for an International Criminal Tribunal (ICT) took centre stage. Indeed, this option had been on the agenda since 1999 and was recommended by most of the justice-seeking bodies and initiatives mentioned above (Amnesty International 2009). However, with the passage of time and the ongoing attempts to build bridges with Indonesia, the ICT option lacks the support of East Timor’s leaders and key countries in the international community, still less Indonesia, have not exhibited enough political will to make it happen. The end result though is that the pursuit of justice remains on the agenda.

INTERNATIONAL DIMENSIONS: SOME REFLECTIONS ON THE ROLE OF THE INTERNATIONAL COMMUNITY

From start to finish, 1974-5 to 1999, the international dimensions to East Timor’s occupation were paramount. In fact, East Timor’s crisis was the product of international considerations and interests. Broadly speaking, there were three significant aspects and phases through which the international dimensions became manifest in different ways over time.

First, the international community, in the form of the United Nations General Assembly immediately adopted a resolution (Resolution 384 [1975]) calling on Indonesia to withdraw without delay. A few days later the UN Security Council (UNSC) followed suit (Resolution 384 [1975]) and repeated the call for withdrawal in 1976 (Resolution 389[1976]). Moreover the General Assembly passed regular resolutions between 1976 and 1982 calling for self-determination in East Timor. However, those countries that had the capacity to translate these resolutions into action were not prepared to do so and instead they supported Indonesia. For reasons of Cold War realpolitik and trade, leading members of the international community, including the USA, Australia and the UK, were prepared to accommodate and even welcome Indonesia’s occupation of East Timor. In this
context, Jackson (2010: 231) has made the argument that “state terrorism is frequently enabled, at least in part, by the military, economic and diplomatic support, tacit approval or even the calculated indifference they receive from influential international actors”. Significantly, one of the recommendations of the CAVR report (to the international community) called on members of the UNSC,

particularly the US but also Britain and France, who gave military backing to the Indonesian Government between 1974 and 1979 and who are duty bound to uphold the highest principles of world order and peace and to protect the weak and vulnerable, assist in the provision of reparations to victims of human rights violations suffered under during the Indonesian occupation (CAVR, 2005: 159; see also DFAT, 2000; Hainsworth, 2010a).

Second, another dimension of the international community’s activity was the way in which NGOs, human rights organisations and global civil society became more and more aware of and engaged with East Timor’s plight after 1975. Key landmarks here included the international reaction to Santa Cruz, the publicity surrounding the Nobel Peace Prize awards to Ramos-Horta and Bishop Belo, and the global campaigning for humanitarian intervention at the time of the 1999 referendum and its outcome. Again the recommendations of the CAVR report (to the East Timor Government) put on record its recognition of this dimension: “The Government of Timor-Leste, with the support of the United Nations, honours the contribution of international civil society to the promotion of human rights in Timor-Leste…” (CAVR, 2005: 159).

The third dimension or phase amounted to a de facto synthesis when the UN and key member states, ex-Indonesian allies that is, coalesced with the drive of global civil society and the resistance movement—at a time of accentuated human rights crisis in East Timor and ailing economic problems in Indonesia—to move swiftly towards an endgame for the concept and practice of Indonesian East Timor. Key developments here were discussed above – notably Suharto/ Habibie change over, the economic crisis in Asia and the behaviour of the Indonesian military and its proxy militias to thwart a settlement and defy the UN. Timing therefore was all-important: what was thwarted in 1975 (i.e. phase one decolonisation and independence) became more viable in 1999, but at great and tragic cost in the interim and in the form of a “bitter dawn” (Cristalis, 2009). As Robinson (2010: 19) also suggests,

the decision to intervene militarily in East Timor in mid-September 1999 stemmed from an unusual, but temporary, confluence of historical trends and political pressures that briefly altered the calculus by which key states assessed their national interest, making inaction more costly than humanitarian intervention.

In view of the above then, it is no surprise that the CAVR report placed considerable emphasis on the role of the international community. The recommendations of the report included an assessment of and appeal to the international community, with an aspiration too that lessons might be learnt more widely in future conflict situations throughout the globe:
The conflict in East Timor was not primarily an internal conflict but one of foreign intervention, invasion and occupation that caused the people of Timor-Leste great suffering and loss and violated international law and human rights which the international community was duty bound to protect and uphold. While these relationships have evolved since the intervention of the United Nations in 1999, there are a number of steps to be taken which will assist the building of this new nation and its international relations and to ensure that Timor-Leste’s experience is not repeated in other situations (CAVR, 2005: 158).

Amongst the recommendations here inter alia were the request that the report gets distributed widely at all levels in the international community; states having military programmes with Indonesia make their apologies to East Timor; permanent members of the UNSC and businesses corporations deemed to have profited from the situation provide reparations to East Timor; and indicted Indonesian military officers face visa and frozen bank account restrictions (CAVR, 2005: 158-159).

CONCLUSIONS

So what does the Timorese example tell us and how might it be compared with other processes? The East Timorese experience is not typical, but Robinson inter alia makes a good case for showing how an examination of the occupation and conflict might “contribute to broader scholarly and public debates about political violence, genocide, international humanitarian intervention and transitional justice”. Robinson (2010: 3) sees the recent history of East Timor as,

…in some respects emblematic of many of the most important political and legal developments of the final decades of the twentieth century…East Timor has lived in the crosshairs of the central ideological and geopolitical challenges of each of the last several decades, including the struggle for decolonization, the tragic consequences of cold war ‘realism’, the problems of militarism and extreme nationalism, debates over humanitarian intervention and UN trusteeship, and the emergence of new regimes of international law and justice.

Certainly, there were some factors and developments that made the settlement more likely than not in 1999. For instance, agency in the form of moral and political leadership was an important factor: Nobel Laureates Bishop Antonio Belo (representing the Catholic Church) (on the Church see Archer, 1995; Carey, 1995; 1988; Smythe, 2001) and José Ramos-Horta (mobilising the diaspora and engaging with the international community) and Xanana Gusmao (unquestionably the leader, unifier and strategist of the resistance movement) all made long and weighty contributions to the eventual settlement. Moreover, by way of emphasis, Gusmao and Ramos-Horta carried their success into the independent nation-state, virtually monopolising the presidency and prime ministerial posts in post-settlement East Timor. Central to Gusmao’s contribution, standing and success was, inter alia, his capacity to unify the resistance, internally and externally, with the creation of the CNRM (National Council of Maubere Resistance) in 1988; the action of stepping down from Fretilin in the mid-1980s; and, not least, the advocacy of restraint when appropriate in 1999. The latter approach represented a judicious example of pragmatism rather than militancy—in the difficult days when openly striking back
against the militias and military would have enabled the latter to concoct a civil war narrative in East Timor, in order to pose as the restorer of law and order i.e. the military status quo. Fretelin too, led by another strong figurehead, Manu Alkatiri (premier 2002-2006) provided continuity and leadership stretching from the interregnum to the resistance to the independence of East Timor, when Fretilin emerged as the overwhelmingly successful party (55 seats out of 80) at the ballot box in the first popular elections in 2002.

A further key figure, according to Robinson (2010) was UN Secretary-General Kofi Annan, who played a proactive role in securing the settlement, spurred on by the experience and memory of other, failed, settlements or non-interventions in Rwanda, Srebenica and elsewhere. According to the same author, in some circumstances, humanitarian intervention was also the “flavour of the month” in the 1990s what with the International Criminal Court coming to fruition and significant developments elsewhere. As Caplan (2004: 206) explains, the role of the international community did not stop here. Examining post-conflict intervention in Kosovo and East Timor, Caplan referred to the ‘new interventionism’ – ‘one of the boldest experiments in the management and settlement of intra-state conflict: the United Nations administration of war-torn territories’. In fact, UN administration and missions for East Timor continued for the next decade in one form or another and at time of writing are still in evidence.

A key factor in the nature of the settlement in East Timor was the authoritarian, militarised and brutal manner in which the territory had been invaded and occupied between the years 1975 and 1999. This reality left precious little space for an agreement that could satisfy all sides so, in effect, a zero-sum outcome was a characteristic of the 1999 settlement. As indicated above, that Indonesia was in the critical global eye was largely due to the tenacity and skill of the NGOs, churches and international civil society, that kept the cause of East Timor centre stage—not least after Santa Cruz, a watershed in highlighting the gravity of the Timorese cause to the wider world.

A further factor, and a sign of the changing times since 1975, was the ending of the Cold War. In 1975 it was easier for Indonesia to “sell” the occupation to members of the international community, such as the USA, Australia and the UK, and to rely on them to keep relatively quiet thereafter. In the mid 1970s, developments in Vietnam, Cambodia and China all prompted western powers to adopt an anti-communist narrative as regards parts of Asia. When Fretilin made its presence felt in East Timor in the mid-1970s, the Indonesian military-influenced regime and its Cold War backers saw the territory as a suitable case for treatment. Once Fretilin was painted by Indonesian propaganda to be a dangerous and unacceptable revolutionary communist threat to Indonesia’s national security, with links to China and Vietnam, then the likelihood of Indonesian state violence was enhanced. Fretilin’s ascendancy provided the convenient alibi for “justifying” Indonesian military excesses, though the generals had planned to move on East Timor anyway.

But in 1999, the same key states which had made things easier for Indonesia hitherto turned against their ally at a time when it was vulnerable to economic
change and crisis and became the belated recipient of international action due to the harsh occupation of and post-referendum mayhem in East Timor. At various levels then, international intervention was high as regards East Timor—often for the worse but ultimately for the better. So, what really worked in and for ET was not simply one thing but rather a complex and conjunctural mix of factors and variables.

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