

ใศกนฏกรรณชองดิมอร์ตะวันออก

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ในช่วงท้ายของศตวรรษที่ 21 นี้ โลกเผชิญกับความเปลี่ยนแปลง ในหลายด้านทั้งการเปลี่ยนแปลงตามธรรมชาติที่ส่งผลกระทบต่อในทางลบ อันเกิดจากการทำลายสิ่งแวดล้อมของมนุษย์ การเปลี่ยนที่ส่งผลกระทบต่อวัฒนธรรมความเป็นอยู่ และสภาพการดำรงชีวิตของมนุษย์โลก นอกจากนี้โลกก็ยังคงเผชิญกับภาวะสงครามทำลายล้างเผ่าพันธุ์ถึงสองครั้งสองคราซ้อนกัน ซึ่งส่งผลกระทบต่อมนุษยชาติโดยตรง

อย่างไรก็ตามถึงแม้ว่าเหตุการณ์ต่างๆ เหล่านี้ ดูเหมือนจะดำเนินไปคจกฏธรรมชาติในการคัดสรรผู้เข้มแข็งให้อยูรอดในภาวะคจลยภพ แต่มนุษยชาติในฐานะอารยชนก็คงไม่พึงปรารถนาต่อกฎการคัดสรรนี้ของธรรมชาติเท่าใดนัก

เหตุการณ์ใศกนฏกรรณในดิมอร์ตะวันออก เกิดขึ้นภายหลังจากเกิดวิกฤตการณ์ในโคโซโวไม่นานนัก ด้วยมีสาเหตุจากความขัดแย้งทางการเมืองต่างเผ่าพันธุ์กันระหว่างเจ้าของดินแดนเดิมและผู้รุกรานในฐานะที่เข้มแข็งกว่า แม้ว่าจะมีความพยายามทั้งจากหน้าและฉากหลังจากความพยายามของกองทัพอินโดนีเซีย ในการพยายามยุติการขอลแยกเป็นเอกราชของดิมอร์ตะวันออกแสดงให้เห็นชัดเจนนว แม้วชาวดิมอร์จะแสดงความประสงค์โดยชัดแจ้งจากการลงประชามติว่าจะขอแยกตัวเป็นเอกราชจากอินโดนีเซีย แต่เมื่อถึงสถานการณ์หนึ่งกฎเกณฑ์ที่นานาประเทศตกลงกันไว้มักจะ

ถูกละเมิดหากเป็นกรณีพิพาทระหว่างรัฐที่มีความเข้มแข็งของกองทัพทหารแตกต่างกันโดยสิ้นเชิง ดังเช่นกรณีนี้เป็นต้น จากการยึดครองทั้งดินแดนและกอบโกยทรัพยากรธรรมชาติของอินโดนีเซียอย่างไร มนุษยธรรม ในที่สุดแล้วประชาคมโลกมีอาจยอมรับการเช่นฆ่าล้างเผ่าพันธุ์มนุษย์ชนด้วยตนเองเป็นข้อพิสูจน์ให้เห็นว่าไม่ว่าประเทศใดในฐานะสมาชิกประชาคมโลก หากดำเนินนโยบายว่าด้วยการเชิดชูเผ่าพันธุ์ตนเองทำลายเผ่าพันธุ์อื่นย่อมต้องถูกกดดันจากนานาอารยประเทศให้ยุติการกระทำนั้นเสีย

เหตุการณ์ความไม่สงบในดิมอร์ตะวันออกชี้ชัดให้เห็นความจริงว่าการที่มนุษยชาติได้วิวัฒนาการตนเองเข้าสู่การปกครองในระบอบประชาธิปไตยได้อย่างสมบูรณ์แล้ว จะไม่มีวันถอยหลังกลับไปสู่นวทางเสื่อมดังเช่นนวทางเดิมในอดีตได้ เพราะนั่นหมายถึงการย้อนยุคอยู่อย่างโดดเดี่ยวในสังคมโลกนั้นเอง

ความคิดในการผนวกดินแดนดิมอร์ตะวันออกเข้าเป็นส่วนหนึ่งของประเทศอินโดนีเซียเกิดขึ้นภายหลังจากที่โปรตุเกสประเทศผู้ล่าอาณานิคมได้คืนเอกราชแก่อินโดนีเซียและดิมอร์ตะวันออกพร้อมกัน ขณะนั้นนายพลซูฮาร์โตก้าวขึ้นสู่อำนาจจากการโค่นล้มรัฐบาลของซูการ์โน ประธานาธิบดีซูฮาร์โตปกครองอินโดนีเซียแบบรวบอำนาจเบ็ดเสร็จเด็ดขาด จึงเข้ายึดครองดิมอร์ตะวันออกโดยไม่สนใจต่อกฎบัตรสหประชาชาติว่าด้วยสิทธิการมีเอกราชปกครองตนเอง และดำเนินการยึดครองมาอีกหลายทศวรรษ ชาวดิมอร์ผู้รักชาติถูกดำเนินนโยบายขั้นเด็ดขาดรุนแรง ในฐานะ “กลุ่มผู้ก่อการร้าย”

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และประเทศติมอร์ตะวันออกก็ถูกขึ้นบัญชีเป็น “รัฐผู้ก่อการร้าย” จากนโยบายของนายพลซูฮาร์โต เหตุผลของการยึดครองประเทศ หมู่เกาะนีโอที่ 32.350 ตารางกิโลเมตรนี้ ก็ด้วยเป็นดินแดนที่ประกอบด้วยทรัพยากรธรรมชาติอย่างอุดมสมบูรณ์ โดยเฉพาะน้ำมัน นายพลซูฮาร์โตและบริวาร ได้เข้ามาครอบงำผลประโยชน์จากการจัดตั้งบริษัทค้าขนาน้ำมันร่วมกับบริษัทในประเทศตะวันตกสร้างความร่ำรวยอย่างมหาศาลนานหลายทศวรรษตลอดยุคเรืองอำนาจ

กระบวนการเรียกร้องเอกราชของชาวติมอร์ตะวันออก เป็นที่รับรู้ของชาวประชาคมโลกโดยเสมอมา แต่ไม่มีความสำเร็จอย่างเป็นรูปธรรมชัดเจน แม้แต่องค์พระสันตะปาปา จอห์น พอล ที่ 2 ประมุข ฝ่ายคริสตจักร ทรงกล่าวว่า พระองค์และสำนักวาติกัน มีอาจทรงยอมรับการยึดครองดินแดนติมอร์ตะวันออกของกองทัพ อินโดนีเซียได้ ภายหลังจากพระองค์เสด็จเยือนกรุงดิลี เมื่อเดือน ตุลาคม ค.ศ. 1989

ความพยายามของประชาคมโลกในการที่จะเห็นติมอร์ตะวันออก เป็นประเทศเอกราชประสบความสำเร็จเมื่อสหประชาชาติได้ยื่นความช่วยเหลือ โดยการส่งกองกำลังนานาชาติรักษาสันติภาพในติมอร์ตะวันออก เข้ามาดูแลความสงบเรียบร้อยภายหลังเกิดเหตุนองเลือด ฆ่าล้างเผ่าพันธุ์ จากความขัดแย้งภายหลังการลงประชามติการขอแยกตัวเป็นเอกราช

ประสบความสำเร็จ ทำให้กองทัพอินโดนีเซียต้องถอนกำลังและ ยุติการสนับสนุนชาวติมอร์เชื้อสายอินโดนีเซียผู้ฝักใฝ่อินโดนีเซีย เหตุการณ์จึงเริ่มยุติบทบาทนาฏกรรมในติมอร์ตะวันออกอันสะเทือนขวัญมนุษยชาติทั่วโลก

เราคงไม่อาจปฏิเสธได้ว่าความสำเร็จในการคืนเอกราชให้ ชาวติมอร์ตะวันออก เกิดจากการประสานความร่วมมือจากหลายๆ ฝ่ายในประชาคมโลก อันประกอบด้วยชาติมหาอำนาจในสมาชิก สภาความมั่นคงถาวรแห่งสหประชาชาติ เช่น สหรัฐอเมริกา ฝรั่งเศส และอังกฤษ เป็นต้น ประเทศเพื่อนบ้านเช่น ออสเตรเลีย หรือ แม้แต่ประเทศไทย ฟิลิปปินส์ ที่ร่วมส่งกองกำลังรักษาสันติภาพ เข้าร่วมในปฏิบัติการครั้งนี้ด้วย และที่เห็นอย่างเด่นชัดก็คือ บทบาทของสหประชาชาติภายใต้การนำของเลขาธิการสหประชาชาติ นายโคฟี อันนัน (Kofi Annan) ในการดำเนินบทบาท “good offices” และคอยเชื่อมโยงโน้มน้าวระหว่างอินโดนีเซียและ ติมอร์ตะวันออกให้ประสบความสำเร็จในข้อตกลงสันติภาพและ อีกประการหนึ่ง แสดงให้เห็นชัดเจนว่านับแต่เนิ่นนโยบายต่างประเทศ ของประเทศออสเตรเลีย เพื่อนบ้านต่างทวีปของอาเซียนจะให้ความสำคัญอย่างยิ่งยวดกับอินโดนีเซียและดินแดนบริวารณ แปซิฟิกตอนใต้มากกว่าที่เคยดำเนินมาในศตวรรษที่ผ่านมา

The East Timor Tragedy

■ Chou Norindr*

Indeed at the end of this millenium many natural castastrophes coupled with local wars and atrocities contribute to decimate or damage the environment, the cultures, the habitations, the as well as the mankind. These phenomena occurred by virtue of the natural selection law and for establishing the natural equilibrium.

Nevertheless events occurring in East Timor soon after the Kosovo crisis prove that some political regimes such as the military-led Indonesian regime try to utiliza the usual means such as : scorched earth, repression, killing and genocide, deportation in order to encounter the natural process of the humanity towards the democracy and hinder the aspiration of the East Timorese people like of Aceh, Ambonese, Kalimantan (Irian Jaya) people to live independent and free from foreign yoke. But such criminal practices cannot be achieved because of the pressure of the civilized countries and governments. Once again the events of East Timor demonstrates the fact that humanity having reached the democratic revolution cannot step backward no matter how certain regimes continue to be stick to the obsolete and backwadr policy.

I. *Annexation and Looting of East Timor by Indochina*

1. *Geography of East Timor*

Timor is a small archipelago of 32,350 sq.km. measuring 470 km in length and 110 km in width. Administratively Timor island is divided into western and eastern parts called West Timor and East Timor.

Timor is an island of the Malay Archipelago. It is surrounded by other islands such as : Northeastwards, Roti and Saval islands and through the Roti Strait, the Lomblem, Pantar and Ombai islands, and across the Ombai Strait, the Kissar island. Southwards, Australia is distant about 500 kms, and 1,000 km separates the Southwestern point of Timor from Java.

East Timor is a colony of Portugal since the 16th century which is recognized as an administrative power by the United Nations Organization, occupies an estimate area of almost 19,000 sq.km. and comprises the eastern half of the island with 265 km in length and 92 km of maximum width and an area of 16,384 sq.km. and

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the enclave of Ocussi-Ambeno that is distant 70 km from Batugadi, with 2,462 sq.km. and a coastline 48 km long.



Many people of East Timor are of Melanesian stock and race with customs and traditions like those of Papua New Guinea and other people of South Pacific.

While West Timor is inhabited by Atoni tribes, East Timor is inhabited by Belos tribes and Caladi, and the Central Crest is inhabited by Malays and non Malays with more than 20 languages and dialects. Dili is the capital of East Timor.

The East Timorese people estimated in 1995 at around 850,000, belong to the Maubere culture and share also the cultural heterogeneity. They believe in myths, legends, and superstitions.

East Timor has rich natural resources such as : wood of its forests, good quality coffee, off-shore oil and gas(with reserves equivalent to these of Kuwait) mines (marble), and fishes.

2. The New Order of Suharto in East Timor

The New Order proclaimed by general Suharto after he toppled the President Sukarno is characterized by a crescent militarization of all

spheres of social life, economy and by a very centralized political direction based on the military elite of Java. That consisted in the control of the opposition and the elimination by force of all opponents to Suharto by implementing the “**State terrorism**” (According to the words of the Nobel Prize winner Jose Ramos-Horta)¹

To this end the military mastered the creation of an authoritative corporate state, expurgating and then controlling parties and syndicates as well as carried out an expansionist policy in Kalimantan, East Timor by applying thus the Javanist nationalism by aping the ancient “**spices policy**” of Dutch and Portuguese colonizers. Of course Suharto avoided to mention this important point in his so-called Panca Sila Principle. The second aspect of the Suharto Panca Sila Principle is the brutal and bloody elimination of all claims of other ethnic minorities for their self-determination and independence such as : Aceh, Kalimantan, Ambonese, East Timorese people².

The Suharto New Order is based on the Panca Sila principle, that is : Belief on God, humanitarianism, nationalism, democracy and social justice³.

Even though it is called Panca Sila it has a quiet different meaning from the traditional Panca Sila prevailing among the political international arena which means the Five Principles of Peaceful Coexistence among the 10 Peace pillars adopted by the Non-Aligned Countries at the Bandung Conference of April 1954 governing the relationship between nations viz. Peaceful relationships, good neighborhood, non-interference in each other's internal affairs, arbitration, non-aggression.

After having strengthened his power in large parts of Indonesia general Suharto carried out the

expansionist policy in occupying Kalimantan (Irian Jaya) and East Timor on 7 December 1975.

This action of general Suharto was illegal because it broke the international law in the sense that it constituted a violation of peace and order of the world by virtue of the chapter VII of the UN charter, and second, it infringed the UN General Assembly Statement of December 1960 about the rights of dependent countries to recover their full independence. This illegality was corroborated by the condemnations by the UNO, by both the General Assembly and the Security Council which annually since 1975 issued resolutions urging Indonesia to withdraw from East Timor.



In this respect the UNO still considered East Timor as a dependence of Portugal which was the administering state. On the other hand the UNO urged Indonesia to implement the UN statement about their rights to be emancipated and to get their independence. As it is mentioned in the

Security Council resolution 384(1975) on 22 December 1975, the Security Council “recognizes the inalienable rights of East Timor to self-determination and independence in accordance with the principles of the Charter of the United Nations and the Declaration on the granting of independence to colonial countries and peoples contained in the General Assembly resolution 1514 (XV) of 14 December 1960. - “Calls upon the government of Indonesia to withdraw without delay all its forces from the territory”⁴.

The following year general Suharto, defying the UN, annexed East Timor on 17 July 1976 and stated that East Timor was integrated into Indonesia and became its 27th province. In addition he said that from now on East Timor belonged to the internal matter of Indonesia. Thus, it is no longer appropriate for UNO to discuss on East Timor. This unilateral statement of the Indonesian government was according to the international law null and void because of the absence of consent of Portugal which was an administering state of East Timor, of the East Timorese people as well as of the recognition of the UNO and any state non-member of the UNO. As we know the Security Council as well as the General Assembly were told by the East Timorese witnesses that the East Timorese people expected to be independent.

It is noteworthy that even the fifth and sixth Conferences of Heads of State or Government of Non-Aligned Countries, held at Colombo and Havana in 1976 and 1979 respectively reaffirmed the right of the people of East Timor to self-determination and independence⁵.

As for it, the UNO seemed to recognize “de facto” the legitimacy of the Frente Revolucionaria

de Timor-Leste independente (FRETILIN) as a Liberation Movement of East Timor, it its struggle for self-determination and independence because in every occasion where the General assembly had, like on 24 November 1981, to discuss the “**Question of East Timor**”, it used to invite the representative of this Front to take part to the gathering as witness providing information dealing with the Question. The General Assembly even recommended that the Security Council should take all effective steps for the implementation of its resolutions 384 (1975) and 389 (1976) with a view to securing the full exercise by the people of East Timor of their right to self-determination and independence”⁶.

It is noteworthy that the “**de facto**” recognition of Indonesia’s rule over East Timor provoked a litigation between Australia and Portugal. That concerned the complaint of Portugal against Australia to the ICJ after Australia signed on 11 December 1989 an agreement with Indonesia about the exploitation of offshore oil and gas of East Timor.

Because, in signing with Indonesia such bilateral agreement Australia infringed the international law and the resolutions of the UN Security Council and General Assembly on East Timor. By doing so Australia recognized to Indonesia the right to invade and occupy a dependent country belonging to the administering state such as Portugal which did not abdicate its sovereignty over East Timor. Such stand was against the UN General Assembly Declaration on the granting of independence to colonial countries and peoples on 14 December 1960.

Otherwise, Australia was intended to recognize the aggression act of a state member of the UNO such as Indonesia and infringed ipso facto

the duty of a UNO member. But from the beginning its stand regarding East Timor Australia was motivated by the fear of the establishment of a new Cuba in the Timor Sea that is close to its Northern territories by the FRETILIN supported and helped by the communist countries in the world. Therefore, it thought it was better to let the Suharto Indonesia the duty of eliminating the abovementioned threat by allowing it to occupy East Timor. Was it not true that Suharto Indonesia in East Timor was beneficial to the Australian security than an communist East Timor representing a great danger for the Australian security? That is why Australia recognized de facto the sovereignty of Suharto Indonesia on East Timor and expected through this recognition to gain economic advantages and to share them with Suharto Indonesia. The move of Australia was dictated by its economic interests because Australia was aware of the existence of gigantic offshore reserves of oil and gas in a 24,000 square mile area of seabed known as the Timor Gap. Unit now about \$3 million of taxes were distributed to each government (Australian and Indonesian governments). As regards oil and gas, oil companies said they formed very large reserves of gas in the area jointly



administered by the 2 countries and were planning to invest \$ 1.5 billion to exploit it⁷.

This strategic calculation of Australia dictated its successive governments to treat Suharto with favor by recognizing his annexation of East Timor. That was the "**raison d'être**" of the bilateral agreement of 11 December 1989 between Australia and Indonesia called the Treaty on the Timor Gap paving the way to the joint development of oil and gas reserves in the Timor Sea. This Treaty laid down the basis for a bilateral cooperation by creating a zone of cooperation between the two countries which was divided into three areas :

Area A is to be exploited jointly by Australia - Indonesia Zone cooperation. By virtue of this Treaty the two countries created an Authority to develop the zone which is divided up into 14 "**contracts blocks**", that were put out to tender to oil companies.

It was forecast that Australia will produce the first oil from East Timor's offshore oil reserves will begin in the next few days (from July 1998)⁸.

Area B (closest to Australia) is administered under Australia's exploration and taxation regime, with Indonesia receiving 10 per cent of the gross resource rent tax revenue from successful oil discoveries.

Similarly, **Area C** (closest to Indonesia) is administered under Indonesian jurisdiction, and Australia will receive 10 per cent of the company tax receipts from that area.

The Area A is to be exploited jointly by Australia and Indonesia : the Australia Indonesia Zone of cooperation.

This the largest of the 3 areas and it is thought to contain the largest reserves. The 2 countries set up an Authority to develop the zone.



Therefore, the Portuguese-Australian dispute before the International Court of Justice had an economic background that is the East Timor's rich oil and gas reserves.

Portugal's arguments :

Portugal complained that Australia, by negotiating with Indonesia over the delimitation of the Timor Gap, recognized East Timor as a province of Indonesia and so had divided up Portuguese territory. It said that Australia had operated contrary to the dormant thought not dead-UN Security Council resolutions of 1975 and 1976, which declared Indonesia's 1975 invasion of East Timor to be illegal under the UN charter and called for Indonesia to withdraw. Indonesia has ignored that instruction and Australia has cooperated in dividing up territory which the UN still regards as Portuguese. Because the UN still regards Portugal

as the administering authority of East Timor. Australia ought not to have colluded with Indonesia in the dividing up of Portuguese territory⁹.

Portugal said that Indonesia had violated 2 important clauses in the UN Charter, mainly its article 2 which compels member states to refrain from threatening to use force against the territorial integrity or political independence of any country¹⁰.

Australia's arguments :

As Indonesia denied the compulsory jurisdiction of the International Court of Justice and was absent to its procedure Portugal cannot bring the litigation to this Court.

Portugal had a lack of standing in this matter because of its lack of involvement in East Timor affairs since it fled the island in 1975.

Australia had to negotiate with Indonesia in order to look after its own economic development. It argued that it was not recognized by the International Law to treat Portugal as the sole country entitled to exercise power over East Timor because Portugal had in fact no power over East Timor since 1975¹¹. In the absence of a specific UN resolution requiring non-recognition of Indonesian control over East Timor. Australia was not prevented from negotiating with Indonesia to sort out Australia's own resources in the Timor Gap¹².

International Court of Justice's judgement :

Even though the ICJ decided that it could not comment on the merits of the case, it decided nonetheless to reaffirm the East Timorese's right to self-determination, territorial integrity and permanent sovereignty over its national resources¹³.

This is the triumph of politics over morality because Australia negotiated with a country that had taken over East Timor by force¹⁴.

By virtue of his Panca Sila principles Suharto sent on 7 December 1975 10,000 - 15,000 Indonesian troops to East Timor for invading and occupying East Timor which was a Portuguese colony. Once incorporated to Indonesia East Timor constituted main concern for Indonesian generals who had to tackle the security problem. Successive Indonesian military commanders had to implement the Timorese independence movements like they suppressed the communists in the aftermath of the victory of Suharto in Java (600,00 communists killed). For achieving their goal they carried out many tactics including the terror, the subversion, the corruption, the pressure, forced resettlement of Timorese population in more than 400 strategic camps in aping the Philippine pattern, in accordance with the "dividing for reigning" tactics. All these tactics aimed to serve the design of Suharto about the Indonesianisation of all conquered territories by enhancing the Bahasa Indonesia.

Implementing the subversion of East Timorese population the Indonesian generals strove to destroy the nascent Timorese associations and parties such as :

Timor Democratic Union (UDT), ASDT/ Fretilin (Revolutionary Front of Independent East Timor), Falintin led by the writer Jose-Ramos Horta (Special representative of the National Council of Maubere Resistance, CNRM), Jose Alejandro Xaxana Gusmao (also commander of the armed force), Apodeti (Timorese Popular Democratic Association, Kota (Klibur Oan Timur Aswain), Timorese Democratic Labour Movement, Democratic Association.



They strove to divide them for weaken them and to recuperate among them after having used corruption and pressure elements turned into Indonesian cause. While in their efforts to “**break their back**” they successfully killed leaders of the independence movements such as : Nicolao Lobato on 31 December 1978 and arrested other leaders such as : Xavier do Amaral on 30 August 1978 (the 2 leaders of ASDT/FRETILIN) and his successor Jose Alejandro Xaxana Gusmao on 20 November 1992, they favorized the pro-Indonesian Timorese leaders from APODETI and UDT like Lopes da Cruz to set up a Provisional Government of East Timor which invited Indonesia to proclaim its sovereignty over East Timor on 13 January 1976¹⁵.

Establishment of pro-Indonesian paramilitary militias :

General Suharto's son-in-law Major general Prabowo Subianto, while Commander of East Timor, set up the first militia armed groups who were entrusted with the tasks to defend the integration of East Timor into Indonesia, as well as to hinder the activities of the pro-independence Timorese and even to suppress them by all means.

These militia groups consisted in :

- The Haitinar group led by Joao da Silva Tavares.
- Forum for unity, democracy and justice led by Basilio Araujo..
- Aitarak militia based in Dili led by Eurico Guterres.
- Mahadi militia group based in Suai and Ainaro led by Cancio de Carvalho.
- Besi Merah Putih based in Liquica.
- Saka based in the viillage of Laisorulai in Bacau district.
- Pamuda Panea Sila Two¹⁶.

As the last events in East Timor proved these militia groups carried out terrorism and killings in order to sow terror among East Timorese supporting or claiming their independence from Indonesian government in its policy of integrating and Indonesianizing the East Timor.

During the occupation of East Timor there were serious abuses of human rights by the Indonesian authorities as denounced by Amnesty International. East Timor was the theatre of breaking the human rights characterized by arbitrary and atrocities because the Indonesian authorities practiced against East Timorese : arrests without warrants, long detention without trial, torture and ill-treatment of prisoners, isolation of prisoners in cells, denial of access to lawyers, of medical care for detainees, forced resettlement in strategic villages, stravation, arson, rape, looting, destruction of villages, etc.... . All these ill practices of the Indonesian authorities constituted the breach of human rights and looked like genocide¹⁷.

In order to strengthen the Indonesian power in East Timor the Suharto regime resorted to



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In order to strengthen the Indonesian power in East Timor the Suharto regime resorted to

manipulation of fraudulent elections for getting only pro-Indonesian and pro-integration representatives of East Timor to the Indonesian parliament. Thus, during the 1982 and 1987 general elections held in East Timor the Indonesian soldiers compelled the Timorese to vote in the government party that means the GOLKAR which won with 99.5%.

This ratio of results approaching 100% means obviously that the Indonesian authorities used to organize fraudulent elections¹⁸.

Therefore, unable to suppress the Timorese resistance the Indonesian regime resorted to practice the genocide against the East Timorese people and this in conformity with the famous counter-guerrilla principle "to empty the water for killing fishes". Thus, the genocide organized by the Indonesian regime achieved to kill by various means around 200,000 Timorese, according to the International Red Cross estimate in 1979-1982¹⁹.

The most important massacre carried out by the Indonesian Army occurred on November 12, 1991 in which 271 unarmed East Timorese civilians (mostly young people) were brutally killed by the Indonesian Army while staging a peaceful demonstration in Dili's cemetery of Santa Cruz. 382 were wounded and 250 more people just disappeared.

3. Looting of East Timor by Suharto Family

The Suharto New Order is characterized by a crescent militarisation of all the spheres of social life, economy, and by a very centralized political direction based on the military elite of Java. The military mastered the creation of an authoritative corporate State, expurgating and then controlling parties and syndicates²⁰.

Therefore, New Order of Suharto in East Timor means the looting of the Timorese natural resources by the Suharto monopoly corporate. In some sense East Timor was victim of its rich natural resources because they attracted the covetousness of the Indonesian generals.

In the aftermath of the Indonesian invasion and occupation of East Timor, the famous coffee production fell in the hands of :

- 3 Indonesian generals : Benjamin Murdani, Dading Kalbuadi, Sahala Rajagulgul. They created the P.T. Denok Hernandes International, which monopolized the business buying at very low prices the coffee cultivated by the Timorese of resettlement camps.

- The Bakrie Brothers is a society of a son and half-brother of Suharto with a family of Arabian ancestry.

- P.T Nusa Bhakti from the wife of the dictator and the P.T. Liambau from his son-in-law.

The Suharto-Osorio-Soares business complex.

The association between Suharto and Osorio-Soares led to setting up the Osorio-Soares companies.

Gil A.N. Alves was the brother-in-law of the governor who became the main business partner of various companies owned by or linked to Indonesia's first family.

2 companies were opened in May 1997 by Titiek Prabowo, the wife of major general Prabowo Subianto and a second daughter of Suharto such as :

- PT Dilitex a weaving plant with an investment of US\$ 575 million on 200 hectares of land.

- A salt factory which will produce 1,360

tons of iodised salt per year on 12 hectares in Manatuto, Abilio's home district.

The Dilitex factory is a joint venture between Yayasan Hati, Titiék Prabowo's Maharani Group and the Texmaco Group²¹.

The last group is controlled by a top Indonesian businessman of Indian descent, Marimutu Sinivasan²².

Gil Alves assisted other Suharto family business in the territory. His coffee export licence served the president's eldest daughter's instant coffee company in East Timor.

He also managed the branch office of PT Arha, the alcohol monopoly company of Suharto's grandson Ari Haryo Wibowo²³.

PT Anak Liambau Group is directed by a retired Indonesian civil servant, Bob Mahulette.

Suharto family companies :

The eldest daughter of Suharto, Tutut owns an instant coffee factory in Dili under the name of PT Citra Inskopindo Persada. For the last 6 years this company has produced 1.2 tons of instant coffee per year²⁴ Tutut's coffee business entered even the US market.

Puskud Timor Timur (East Timor's cooperatives coordinating body) coffee also exported to Australia and several Asian countries in cooperation with Tutut's PT Citra Inskopindo.

Tutut and her younger brother Tommy also planned to open a 25,000 hectares sugarcane plantation on the SouthWest Coast, stretching from Betano in the district of Manufahi to Ilimor in the district of Viqueque. They planned to build a large sugar mill in Manufahi with an investment of nearly Rp 500 millions.

This new company, PT Putraunggul Sejati planned to produce 162 tons of sugar and 8 tons of molasses per year.

Another Suharto linked company in East Timor was PT Fendi Hutani Lestari, directed by one of Suharto's golf buddies, Bob Hasan and planned to open nearly 50,000 hectares of plantation forest in an area covering 11 villages in 3 sub-districts of Viqueque²⁵.

This top Indonesian businessman ran a company, PT Nusamba which was 80% owned by the 3 charities headed by Suharto himself. Suharto's eldest son, Sigit Harjojudanto owned 10% of Nusamba's shares, as did Bob Hasan. So Nusamba was also most likely a shareholder of PT Fendi Hutani Lestari²⁶.

Tutut diversified her activities and deeply entrenched in Portland cement in partnership with a former member of Fretilin Abilio da Auraujo giving birth to PT Semen Timor Loro Sae with an investment of US\$ 512.8 million and producing 2 million tons of cement per year.

Another conglomerate owned by Suharto's relatives and cronies planned to build a cement distribution terminal near Dili,

PT Maluku Dinamika Semen constructed a large cement factory on the island of Seram in the Moluccas²⁷.

This company was a member of the Djajanti Group which was headed by Sudwikatmono, Suharto's foster brother who owned 10% of the shares in the group. The president of the cement company is the 27 years old Isfan Fajar Satryo, fifth son of Indonesia Vice-President retired general Try Sutrisno²⁸.

Sempati Airlines was a joint venture of Suharto's youngest son, Tommy Suharto, with Bob

Hasan's PT Nusamba and Yayasan Tri Usaha Bhakti, a foundation owned by the Indonesian army.

Tommy Suharto had other interests in maintaining Indonesian control over East Timor, namely oil and gas resources in the Timor Sea. His aircraft charter company, PT Gatari Air Services, which rented aircraft and helicopters to oil companies, waited for the last 6 years to serve the oil and gas rig in the Timor Sea²⁹.

His own oil company, Humpuss Petrogas, formed a joint venture with a Norwegian supplier of offshore drilling facilities, Aker Maritime, and his oil tanker fleet might also be used to ship the oil from the Timor offshore and onshore wells to their potential buyers³⁰.

His elder brother Bambang Trihatmojo, got involved in the gigantic fields of Natuna in the South China Sea³¹. The wealth of general Suharto was estimated to 3 billion dollars. That means he was richer than the former deceased president of Philippines Ferdinand Marcos. It is obvious that this wealth was built on blood and bones of East Timorese people as well as of Indonesian people. That is the reason why general Suharto could not let the East Timorese people enjoy their freedom and independence in spite of repeated urges of the United Nations. Therefore, if ever he abandons his East Timorese domain he will lose his economic and financial empire.

II. Nightmare and Hope of East Timorese People

1. Nightmare

As the East Timor question had never quitted the UNO agenda since the occupation and annexation of this island by Indonesia, its interest has been renewed by a statement of the Pope John Paul II in October 1989 to Dili, saying that the

Vatican could not accept the annexation of East Timor by Indonesia. The papal visit contributed to



sensitize the world opinion to East Timor Question.

Thus since the annexation of East Timor by Indonesia the UN Secretary General strove to settle this problem by resorting to the good offices with the view to lead Portugal as administering power, Indonesia as invader and representative of Fretilin and other East Timorese petitioners, to find a just, comprehensive and internationally acceptable solution to the question of East Timor., that means a cease-fire, namely the peace and the end of Indonesian Occupation. In this respect the cease-fire occurred in 1983 but was broken some months later after the agreement between Fretilin and Indonesian government. Therefore, the endless repression-resistance process went on in the aftermath of the papal visit to East Timor with many East Timorese killed and wounded. As the world situation has changed with the end of the Cold War following the collapse of the communist bloc the situation in East Timor should be settled under

new favorable conditions.

That is the reason why on 5 May 1999 in New York (UNO Manhattan Building) MM. Ali Alstas and Jaime Gama, respectively minister for foreign affairs of Indonesia and Portugal, in the presence of UN Secretary General Kofi Annan (as witness), signed in New York an agreement to undertake negotiations on a special status based on a wide-ranging autonomy for East Timor. This agreement in 7 articles laid down the constitutional framework of a popular for determining their future. That means the East Timore people had in accordance with the provisions of this agreement to choose either their special autonomy or the transition towards their independence under the auspices of the United Nations whose "Secretary General shall, subject to the appropriate legislative mandate, initiate the procedure enabling East Timor to begin a process of transition towards independence"³².

It is noteworthy that the abovementioned agreement is followed by an appendix regarding "A constitutional framework for a Special Autonomy for East Timor". This appendix forecast the establishment of a Special Autonomous Region of East Timor (SARET) with an autonomous government, in case of approval of the electoral consultation organized by the Indonesian government and the supervision of the United Nations through the United Nations Mission in East Timor (UNAMET) headed by Ian Martin, Special Representative of the Secretary-General for the East Timor popular consultation.

According to the decision of the UN Security (Resolution 1262-1999) of 27 August 1999 a UNAMET team who ought to arrive on 21 June 1999 in Dili, East Timor to organize and conduct a

popular consultation in order to ascertain whether the East Timorese people accept or reject the proposed constitutional framework providing for a special autonomy for East Timor within the unitary Republic of Indonesia had its mandate extended until 30 November 1999. It should incorporate the following components :

a) "an electoral unit as set out in the report of the Secretary-General,

b) a civilian police component of up to 460 personnel to continue to advise the Indonesian police and to prepare for the recruitment and training of the new Timorese police force,

c) a military liaison component of up to 300 personnel as set out in the report of the Secretary General to undertake the necessary military liaison functions, to continue to be involved in the work of the East Timorese bodies established to promote peace, stability and reconciliation, and to provide advice to the Special Representative for the East Timor popular consultation on security matters as required, pursuant to the implementation of the Agreements of 5 May 1999,

d) a civil affairs component to advise the Special Representative for the East Timor popular consultation in monitoring the implementation of the Agreements of 5 May 1999 as set out in the report of the Secretary-General,

e) a public information component to provide information on progress made towards implementation of the outcome of the ballot, and to disseminate a message promoting reconciliation confidence, peace and stability"³³.

As it is stipulated in the article 56 of the agreement of 5 May 1999 that : "The United Nations Secretary-General shall have the responsibility

and authority to monitor and verify compliance with this Agreement. This Authority includes monitoring the election of members of the Regional Council of People's of Representatives of the SARET and verifying that such elections are free and fair..... " 34

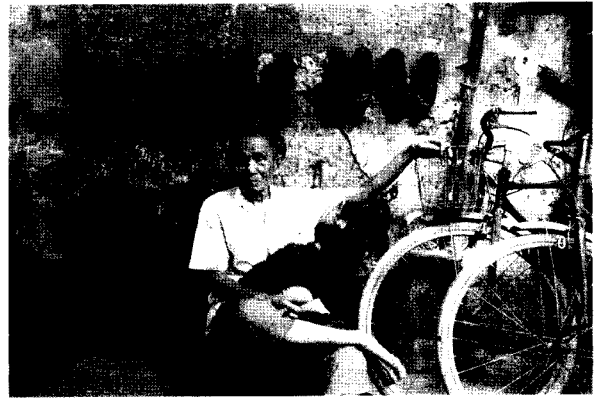
Therefore, the resolution of the Question of East Timor depended upon the joint efforts of the United Nations (through ambassador Jamsheed Marker, Personal Representative of the Secretary-General for East Timor), the governments of Indonesia, of Portugal, of the vote of the East Timorese people. But the ballot organization should depend upon the secured environment and the absence of threat, pressure and disorder. All this should be incumbent to the Indonesian government. As it is mentioned in the point 1 of the Agreement signed in New York on 5 May 1999 by the governments of Indonesia and Portugal and the Secretary-General of the United Nations stipulating that : " A secure environment devoid of violence or other forms of intimidation is a prerequisite for the holding of a free and fair ballot in East Timor"³⁵.

According to the provisions of the other agreement on 5 May 1999 between the governments of Indonesia and Portugal and the Secretary-General of the United Nations, "The ballot will take place on sunday, 8 August 1999, both inside and outside East Timor". The voters will have to decide between 2 questions :

- " 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?"

As scheduled the ballot was set up on 30



August 1999, instead of the 8 and provided the results of popular consultations with 451,792 voters in East Timor announcing : 21.5% in favor, 78.5% against proposed special autonomy. These results showed that 4 out of 5th of the East Timorese voted for their independence because they rejected the autonomy proposed by the Indonesian government. At the same time they consecrated the victory of the pro-independence partisans viz. the FRETILIN and its supporters as well as the defeat of the pro-autonomy partisans represented by the paramilitary militias groups. As said the statement of the Secretary-General Kofi Annan to the Security Council announcing the result of the vote of the popular consultation in East Timor : " The people of East Timor have thus rejected the proposed special autonomy and expressed their wish to begin a process of transition towards independence... I should like to thank both Indonesia and Portugal for their commitment and perseverance in this process. I am confident that the Governments will fulfill their remaining obligations under the 5 May Agreements. Let me assure both Governments that the United Nations will continue to work with them to ensure the implementation of the results of the consultation through a peaceful and orderly process. Let me

also assure the people of East Timor that the United Nations will not fail them in guiding East Timor in its transition towards independence”³⁶.

As for it the Security Council welcomed the successful popular consultation in East Timor and condemned violence before and after ballot. In the presidential statement S/PRST/1999/27 I the Security Council said that : “ The Security Council calls on all parties, both inside and outside East Timor, to respect the result of the popular consultation..... The Security Council now looks to the Indonesian Government to take the necessary constitutional steps to implement the result of the ballot, in accordance with the Agreements of 5 May 1999 (S/199/513, annexes I-III).... The Security Council condemns the violence in East Timor which both preceded and followed the ballot of 30 August 1999. It expresses its condolences to the families of United Nations local staff and others so tragically killed. It underlines the need for the result to be implemented in an atmosphere of peace and security without further violence and intimidation. In accordance with its responsibility for maintaining peace and security under the Agreements of 5 May 1999, it is for the Government of Indonesia to take steps to prevent further violence. It also looks to the Government of Indonesia to guarantee the security of UNAMET personnel and premises..... The Security Council requests the Secretary-General to report as soon as possible on the implementation of the ballot result, including recommendations on the mandate, size and structure of the United Nations presence in East Timor in the implementation phase(Phase III)³⁷.

Just after the announcement of the ballot result, in spite of the official denial of the Indonesian government, Indonesian troops in East

Timor acting in concert with their tools : the Paramilitary militias groups, carried out violence and atrocities aiming to massacring and mass killings equivalent to genocide including rape, torture, forced civilians to flee towards West Timor, without forgetting the arson of habitations. It is noteworthy to mention the violence they practiced against UNAMET personnel, Western newsmen and reporters and they massacred priests and nuns.

In the aftermath of the announcement of the ballot in favour of the independence of East Timor there were break of International Law characterized by many crimes against humanity equivalent to genocide. Atrocities in East Timor might remind the genocide in Bosnia-Herzegovina and in Kosovo due to its wide scale and its degree of atrocities.

According to the Report of the High Commissioner for Human Rights on the Human Rights situation in East Timor on 17 September 1999, the situation in East Timor from 3 September 1999 to 11 September 1999 where was convened the 4043rd meeting of the Security Council, was extremely dangerous.

It was said in this Report that :

“A dramatic increase in human rights violations in East Timor. Since the popular consultation results were announced on 3 September 1999 armed pro-integration militia members have erected roadblocks throughout Dili and controlled the streets. According to reports received from UNAMET, militia members were terrorizing and murdering unarmed civilians, burning houses ; displacing large numbers of people ; as well as intimidating threatening, and attacking personnel of international organizations”.

There are reports of 120,000 to 200,000

forcibly displaced persons (nearly one-fourth of the entire population). On 6 September, UNAMET was forced to evacuate all eight of their regional offices and evacuated a large number of international staff from UNAMET headquarters in Dili. UN vehicles carrying evacuees to the airport were fired upon. The ICRC was obliged to evacuate its expatriate staff to Darwin.

According to reports from Kalyanamitra, women were raped and sexually harassed by militia and Indonesian military in Dili between 7-10 September.

Journalists and observers have reportedly been forced at gunpoint by Indonesian police to evacuate their hotels and residences in East Timor and West Timor on 5 and 6 September and driven to the airport³⁸.

According to the Report prepared by UNAMET on 11 September 1999 to the Security Council it was stressed that the pro-autonomy campaigners and their Indonesian Government supporters undertook the destruction of East Timor since 4 September 1999 and an implementation of a scorched earth policy in East Timor under the direction of the Indonesian military.

The report went on by affirming that "It is clear that these crimes against humanity are part of a scorched earth policy. The reduction of East Timor to rubble, aside from teaching the East Timor a lesson and sabotaging their chances of a successful transition to independence, sends a warning to other potential breakaway regions of Indonesia... This destruction has not been conducted by frustrated and insecure civilians. That is the myth which the Indonesian authorities are striving to convey. The evidence for a direct link between the militia and the military is beyond any dispute and has been overwhelming documented by UNAMET over the

last four months. But the scale and thoroughness of the destruction of East Timor in the past week has demonstrated a new level of open participation of the military in the implementation of what previously a more veiled operation. This open military role has now been legitimized by the invocation of martial law"³⁹.

UN agencies and foreign missions in Jakarta confirmed that thousands East Timorese had fled to other parts of Indonesia. Many displaced persons have been transported by Indonesian military ships and aircraft to a number of locations within Indonesia, including Irian Jaya, Ambon, Sulawesi, Surabaya, and Bali. Approximately 100,000 displaced East Timorese are in West Timor and on the islands of Flores and Alor. Some 55,000 are located at a makeshift camp in Atambua and 22,000 in Kupang.

The responsibility of the Indonesian government in terror, violence and atrocities occurring in East Timor in the aftermath of the announcement of the results of ballot marking to large majority of East Timorese choosing their independence from Indonesia was engaged because Indonesian troops and Militia groups took part together to carry out these crimes targeting pro-independences Timorese in spite of repeated denials for foreign affairs to the media affirming that this government strove to safeguard order and law in view of well implementing the 5 May 1999 Agreement on East Timor. In this respect the UN fact-finding Mission registered many witnesses about these crimes against humanity.

In its report to the Security Council it affirmed as follows :

"The involvement of large elements of the Indonesian military and police in East Timor in

organizing and backing the unacceptably violent actions of the paramilitary militias has become clear to any objective observer and was acknowledged publicly by the Minister of Defense on 11 September. The repeated failure of the defense forces, in spite of their undoubted capability, to carry out the Government's obligations and assurances to provide security to UNAMET, international organizations and the population as a whole meant that the Indonesian authorities were either unable or unwilling to provide the proper environment for the peaceful implementation of the 5 May Agreement. The introduction of martial law on 7 September did not alter this stage of affairs. Cooperation between the Government of Indonesia and the international community therefore became essential for effective implementation ; and the Government's recognition of this on 12 September is to be welcomed. This cooperation must be directed above all to providing security, and basic needs to all sections of the East Timorese populations without discrimination and to the refugee population in East Timor⁴⁰.

The violation of human rights followed by genocide in East Timor reached its climax of gravity and compelled the Security Council to react though rather late in the view of stopping the mass killings and the defying the dispatch of a letter dated 6 September 1999 by the President of the Security Council addressed to the Secretary-General a 6 members UN Mission was formed for departing to Jakarta and Dili from 6 to 12 September 1999 : Ambassador Martin Andjaba, (Namibia) Head of mission, Ambassador Hasmy Agsm, (Malaysia), Minister Alphons Hamer (Netherlands), Presidency of the Security Council, Ambassador Danilo Turk (Slovenia), Ambassador

Jeremy Greenstock (United Kingdom), Francesco Vendrell (United Nations Secretariat), Deputy Personal Representative of the Secretary-General.

This Mission was "entrusted with the task of discussing with the Government of Indonesia concrete steps for the peaceful implementation of the 5 May Agreement (S/1999/513). The Mission was to welcome the undertaking by the Government of Indonesia to fulfil its obligations under the 5 May Agreement, but to note that the Government's efforts so far had not been able to prevent an intensification of violence in the territory"⁴¹.

The dangerous and explosive situation in East Timor attracted the attention of the amnesty International which called upon the Security Council to :

1. "Ensure that the UN fulfils its responsibility towards East Timor as a Non-Self-Governing Territory and as the Transitional Authority under the 5 May Agreements by deploying an adequate presence to fulfil the task required, in particular ensuring the protection of the human rights of all East Timorese and the provisions of assistance to them :

2. Place human rights protection as central to the mission of any UN peacekeeping force deployed to reestablish law and order and perform law enforcement functions. All personnel must apply and up-hold human rights and international humanitarian law standards ;

3. UN agencies and humanitarian and human rights organizations should have full access to areas where the displaced have gathered, including West Timor ;

4. Initiate a process of demobilization and disarmament of the militia groups, and implement

an effective system of weapons and firearms registration and controls in order to create secure conditions for UNAMET to fulfil its mandate ;

5. Ensure the security of UN and other associated personnel.

6. Establish full and unimpeded access to the territory for independent monitors.

7. Take steps to end impunity for those responsible for human rights abuse.... Appoint a Committee of Experts to gather evidence of wide spread or systematic violations of human rights and humanitarian law in East Timor and to make recommendations with a view to establishing individual responsibility for international crimes and bringing the perpetrators to justice ;

8. Re-deploy UNAMET throughout the territory once a sufficiently secure environment has been established.... in order to ensure a coordinated and effective response from the international community to the needs of East Timor in its transition to independence”⁴²

During the growth of violence and atrocities in East Timor which did not spare even members of the different international Organizations ; Red Cross, UNAMET, Care, etc...it is well-known that there were some indecision and imbalance among the permanent members of the Security Council because the latter was unable to gather in case of emergency for taking a decision about East Timor's situation. In view of justifying its incapacity in face of the extreme crisis in East Timor it resorted to refer to the foremost agreement for dispatching an international peacekeeping force in the island like in Kosovo.

As it is know from the outset arguing it has controlled the situation in East Timor after the emergency law has been decreed on 8 September

1999, the Indonesian government denied to the UNO to interfere in East Timor.

2. Hope

Nevertheless after having received pressure from the Western powers mainly from President Bill Clinton (USA), Jacques Chirac (France) and Tony Blair (United Kingdom) the Indonesian government changed its stand by making a statement on 12 September 1999 in which he expressed the readiness of Indonesia to accept an international peacekeeping force through the United Nations in East Timor. As for them President Bill Clinton and Australian Prime Minister John Howard stated “that if the Indonesian military cannot control its militia proxies, Indonesia stands to lose billions of dollars in aid”.⁴³

This new stand of Indonesia opened the way to the UNO to assume its responsibility in the peacekeeping in East Timor while the Security Council at its 4045th meeting on 15 September 1999 estimated that “the present situation in East Timor constitutes a threat to peace and security”. Therefore, referring to the Chapter VII of the Charter of the United Nations, it “Condemns all acts of violence in East Timor, calls for their immediate end and demands that those responsible for such acts be brought to justice”.... and “Authorizes the establishment of a multinational force under a unified command structure, pursuant to the request of the Government of Indonesia conveyed to the Secretary-General on 12 September 1999, with the following tasks ; to restore peace and security in East Timor, to protect and support UNAMET in carrying out its tasks and, within force capabilities, to facilitate humanitarian assistance operations, and authorizes the States participating in

the multinational force to take all necessary measures to fulfil this mandate”.... and it went on by “stressing that it is the responsibility of the Indonesian authorities to take immediate and effective measures to ensure the safe return of refugees to East Timor” and affirming that it : “Agrees that the multinational force should collectively be deployed in East Timor until replaced soon as possible by a United Nations peacekeeping operation, and invites the Secretary-General to make prompt recommendations on a peacekeeping operation to the Security Council.... This resolution foresaw the evolution of the situation in East Timor towards the normalization. By this text the Security Council” invites the Secretary General to plan and prepare for a United Nations transitional administration in East Timor, incorporating a United Nations peacekeeping operation, to be deployed in the implementation of the popular consultation (phase III) and to make recommendation as soon as possible to the Security Council.“The text of this resolution ended by saying that the Security Council should institute action for the investigation of apparent abuses of international humanitarian law on the ground in East and West Timor since 4 September”⁴⁴

And in a Press Release the same day it is know that the multinational force authorized by the security Council was placed under a unified command structure to restore peace and security in East Timor, to protect and support the United Nations Mission in East Timor (UNAMET) and to facilitate humaitarian assistance operations here.

Constituted of some 8,000 troops of which there were 4,500 Australian, 1,000 Thai, 1,000 Philippino, 850 New Zealandese, 650 Italian, 600 Canadian, 500 French, 420 South Korean, 250 British,

200 American troops (and other contributors such as : Argentina, Brazil, Fiji, Finland, Malaysia, Norway, Sweden, Singapore, China) the International Force for East Timor (INTERFET) was reassembled in Darwin and placed under the command of the Australian Major-General Peter Cosgrove assisted by a Thai officer as his deputy before being dispatched to East Timor⁴⁵.

The East Timor Peace Force moved from Darwin to Dili on 19 September 1999 in view of replacing the Indonesian troops entrusted with the task of keeping peace and order as well as of preventing the criminal activities of pro-Indonesian military militias. It was followed by UNAMET on 20 September. Therefore, the INTERFET and the UNAMET paved the way for the coming of a UN Peacekeeping Force entrusted with the mission to prepare favorable conditions for East Timor people to enjoy true independence in the very next future.

Conclusion

Like in Kosovo the UN Security Council and General assembly had the occasion to assume their peacekeeping role. In both cases the UN has to employ force for restoring peace and order in a devastated East Timor. The success of the UN was that of the Secretary-General who had to let playing his “**good offices**” and persuasion characterized by the fact-finding mission to Jakarta and Dili. Once again the UN had to rescue the pro-independence East Timorese massacrred by the pro-autonomy militias at the instigation of the Indonesian military chiefs. In fact the UN peacekeeping operation in East Timor was an operation aiming to prevent the crimes against humanity (genocide) and to compel the Indonesian government to abide by

and implement seriously the 5 May 1999 Indonesia-Portugal Agreement with the witness of the UN Secretary-General Kofi Annan. The reappraisal of Australian policy in the new international politics governing the nations marks the rising victory of the legitimate cause of small people to emancipation, independence and democracy. On the other hand the East Timor crisis marks the

realignment of the Australian foreign policy towards Indonesia and Sub-Pacific region. Freed from the fear of communism the Australian foreign policy aligns with the new international relations principles that means the principles supporting the cause of people struggling for their freedom and independence. That is the cause of the East Timorese people.



Bibliography

- 1) H. Lauterpacht : *Oppenheim International Law*, Longmans, London 1963.
- 2) Malcolm D.Evans : *International Law Documents*. Blackstone Press Limited, London 1994.
- 3) Rebecca Wallace : *International Human Rights*. Sweet & Maxwell, London 1997.
- 4) Anthony Clark Arend & Robert J.Beck : *International Law and the Use of Force*. Routledge. London & New York 1993.

Notes and References

- 1) BCC News, Asia-Pacific killers face Pinochet fate, October 6, 1999, 1.
- 2) *Aspects of the history of Indonesia*, 4.
- 3) *Background of East Timor*,2.
- 4) S/RES/384/1975 on 22 December 1975, 1.
- 5) General Assembly resolution 36/50 on 24 November 1981 on the Question of East Timor.
- 6) BBC News. Asia Pacific oil : Saviour of East Timor? October 7, 1999, 1-2.
- 7) General Assembly resolution on East Timor, 1977.2.
- 8) *Timor gap : oil and gas*, 1.
- 9) *The Timor Gap Treaty*, 10.
- 10) *Ibid.*,10.
- 11) *Ibid.*, 12.
- 12) *Ibid.*, 12.
- 13) *Ibid.*, 12-13.
- 14) Dr Keith Suter : *The Timor Gap Treaty*, 7-14.
- 15) As regards Jose Alejandro Xaxana Gusmao he was captured by the Indonesian armed forces on 20 November 1992. He was sentenced to life imprisonment in May 1993 after being found guilty under the article 108 of the Indonesian Penal Code (rebellion) Law No 12 of 1951, and article 106 (attempting to separate part of the territory of Indonesia).
The sentence was commuted to 20 years by President Suharto in August 1993. In 1995 Gusmao was placed in an isolation cell. In July 1997 President Nelson Mandela of South Africa called for the release of Xaxana Gusmao following the meeting with general Suharto, saying that this measure was essential to resolve the conflict in East Timor. (*Amnesty International Report ASA 21/58/97* August 1997 : East Timor-Xaxana Gusmao-A briefing, 1-2.
- 16) East Timor : Profile, The paramilitary militias.
- 17) *Amnesty International Report ASA 21/3/96*, 15 January 1996 : East Timor-The September and October 1995 riots : arbitrary detention and torture, 1-5.
- See also *Amnesty International report-ASA 21/11/96*, February 1996 : Indonesia and East Timor, 1-5.

- See *The Economist* September 11th 1999 : Who will rescue East Timor?
- 18) *Aspects of the history of Indonesia*, 5.
 - 19) *East Timor Chronology of events*.
 - 20) *Aspects of the history of Indonesia*, 4
 - 21) *Ibid.*, 1
 - 22) *Ibid.*, 1
 - 23) *Ibid.*, 2
 - 24) *Ibid.*, 2
 - 25) *Ibid.*, 3
 - 26) *Ibid.*, 3
 - 27) *Ibid.*, 4
 - 28) *Ibid.*, 4
 - 29) *Ibid.*, 4
 - 30) *Ibid.*, 5
 - 31) *Ibid.*, 5
 - 32) Agreement between the Republic of Indonesia and the Portuguses Republic on the Question of East Timor, article 6, 2.
 - 33) *S/RES/1262 (1999)*, 27 August 1999, 1.
S/1999/705, Report of the Secretary-General : Question of East Timor, 22 June 1999, 1.
 - See also *S/1999/862*, 9 August 1999, Report of Secretary-General : Question of East Timor, 1-3
 - See *S/1999/595*, 22 May 1999, Report of the Secretary-General : Questions of East Timor, 1.
 - 34) *Ibid.*, 10
 - 35) *Agreement Portugal-Indonesia, 5 May 1999*, 1
 - 36) *Press Releaes of the UN Security Council SG/SM/7119-SC/6722* on 3 September 1999, 1-2
 - 37) *Press Release Sc/6723, 3 September 1999*, 1-2
 - 38) *Ibid.*, 1-7
 - 39) *S/RES/1264 (1999)*, 15 September 1999 : Resolution 1264 (1999) adopted by the Security Council at its 4045th meeting on 15 September 1999
 - 40) *S/1999/976*, 14 September 1999 : Report of the Security Council Mission to Jakarta and Dili 8-12 September 1999, 4
 - 41) *S/1999/972*, 14 September 199, 1-3.
 - 42) *Amnesty International-News release-ASA 21/142/99*, 9 September 1999 : Indonesia/East Timor : Open letter to members of the UN Security Council from Amnesty Internationl's Secretary-General Pierrs Sane,3.
 - 43) Maggie Ford : East Timor : One thug, one vote, *Newsweek*, September 13, 1999, 14.
 - 44) *S/RES/1264 (1999)* 15 September 1999 : Resolution 1264 (1999) of the Security Council. 2
 - 45) Sanguon Suh & Tom McCawley : The nations. Indonesia keeping the peace, *Asiaweek*, October 1, 1999, 26-28-31-31.