



## Democracy at work in Timor Leste

15 July 2007

On June 30th, East Timor's citizens cast ballots in the first parliamentary election since independence in 2002. After an intense election campaign in which a record 12 parties and 2 coalitions competed criss-crossing this small and mountainous half-island nation to hold rallies and conduct door-to-door visits over 81% of the electorate turned out for a largely peaceful and well-run election day. Results indicate that 7 parties or alliances won seats in the new 65-member Parliament. This ensures a pluralistic policymaking process but, with no party winning the 51% needed for a parliamentary majority, the country now faces the challenge of forming a government that will have reasonable prospects for stability and durability over the next five year period.

After a tough first five years of independence, the Timorese are now examining the meaning of their constitution. Among political scientists and commentators, avid debate on the meaning and intent of Article 106 in the Constitution is racing over the internet. Political parties are positioning themselves as election results have been certified by the National Election Commission and ratified by the Court of Appeal. President José Ramos-Horta is faced with the challenge of applying the Constitution to current circumstances and interpreting both the language and intent of the Constitution in carrying out his duty to request formation of the next government.

On Friday 13 July, Ramos-Horta said there were four options for the future government: "One option, Fretilin forms the government alone but then falls; another option is the parliamentary alliance form the government and Fretilin goes automatically to opposition." The other options are an all-inclusive government led by Fretilin or an all-inclusive government led by the alliance.

By virtue of the votes cast on June 30, Mari Alkatiri's Fretilin gained 21 and Xanana Gusmão's CNRT 18 seats in the new Parliament, ASDT/PSD gained 11 and PD 8 seats, while three other parties have a handful of seats - none achieving the 33 required for a parliamentary majority. Fretilin, the party that led East Timor's long struggle for liberation won 29% of the vote - much less than the 57.8% in the 2001 election - and has argued that the Constitution provides for formation of the government by the party winning the most votes. While the Constitution does seem to allow for a minority government, Fretilin would then be required to forge perpetual parliamentary alliances to gain sufficient votes for approval of its annual budget and all proposed

legislation. In contrast, former president Xanana Gusmão's National Congress for Timorese Reconstruction (CNRT) won 24.1% of the vote, and has proposed an alliance with the Democratic Party (11.3% of the vote) and the coalition of Social Democratic Association of Timor (ASDT) and Social Democrat Party (PSD) (15.8% of the vote), which would achieve a narrow 51% parliamentary majority. Since the Constitution explicitly states that two rejections of annual budgets leads to dissolution of the government and new elections, a unified opposition sets up the ominous spectre of a short-lived government that could increase instability in a country still reeling from violent unrest triggered by last year's events.

East Timor President José Ramos-Horta said Friday (13 July) the country's new parliament will open its first session on July 30. The decision followed a daylong meeting between Ramos-Horta, the Fretilin leadership and the leaders of CNRT, ASDT/PSD and PD.

"The significant outcome of this daylong conversation is that we have agreed that the speaker of our national parliament, based on his prerogatives, will call the first session of the new legislative assembly for the 30th of July," Ramos-Horta told reporters after the meeting.

He said it is a priority for the country to have the legislature function and he expected a new government to be announced after the new parliament takes office.

Though not flawless, the government's administration of its first parliamentary election is a credit to East Timor, especially under the daunting circumstances of unseasonably heavy rains that complicated delivery and retrieval of ballot boxes, and a late amendment in the electoral law that shifted ballot counting from scores of polling stations to the 13 district centres. With this accomplishment, the greater historic challenge is formation of a stable government with a sufficient mandate and political legitimacy to deal decisively, transparently, and accountably with the country's immense challenges. This begins with resolving the complex and sensitive issues surrounding the ongoing political violence that took place in April and May 2006, while tackling the significant developmental needs of this young nation. As political parties carry out the high-level negotiation over coalitions, and authorities deliberate the Constitutional provisions for formation of a new government, ordinary Timorese wait for leaders to deliver on their hopes and aspirations and bring stability, safety, and prosperity to this young democracy.

[Sourced from Kyodo News and The Asia Foundation/Katherine S Hunter]

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#### Newsletter Supplement:

#### *Justice and reconciliation in East Timor Australia and the CAVR*

This 40 page booklet is included with the newsletter mailout (to financial members). It has been produced by UNIYA and AETA (Vic) to provide an understanding of the final report of the CAVR (Commission for Reception, Truth and Reconciliation) as it relates to Australia.

### AETFA NEWS

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## Balibo Five – at last some of the truth emerges

Clear evidence has emerged from the NSW coroner's inquest into the death of Brian Peters, one of the newsmen killed in Balibo in 1975, that they were deliberately murdered to stop the outside world knowing of the Indonesian invasion.

For over 30 years the Australian and Indonesian governments have maintained that they were killed in crossfire, although they knew this was a lie.

Counsel John Stratton SC told the court that there was overwhelming evidence that the killings were ordered by Yunus Yosfía, who went on to become a minister in the Indonesian Government.

Counsel assisting the coroner, Mark Tedeschi QC, recommended that two people be referred to the Commonwealth Director of Public Prosecutions for prosecution on war crimes charges under the Geneva Convention. Mr Tedeschi said the Coroner could be satisfied commanders General Benny Murdani (deceased) and Colonel Dading Kalbuadi had decided no foreign journalists were to be allowed to witness the attack.

Deputy Coroner Dorelle Pinch will hand down her findings on a date to be fixed. She has said she will name the people she considers responsible when she makes her findings.

A furore erupted when Coroner Pinch tried to get Jakarta Governor Sutiyoso, who was visiting Sydney, to testify. According to Indonesian war correspondent Hendro Subroto, Sutiyoso, then a Captain, was a member of "Team Susi", one of the Kopassus Commando Special Forces units deployed at Balibo. These units were identified as responsible for the deaths of Brian Peters and four other journalists in 1975. Sutiyoso could have been a valuable witness. However, the Department of Foreign Affairs and Trade intervened to dissuade Pinch from issuing a subpoena and Sutiyoso fled back to Indonesia. In craven fashion, NSW Premier Iemma rushed to apologise to him. (As Governor of Jakarta, Sutiyoso is in charge of police units with a record of brutality against democratic activists.)

When asked whether they will accept closure from a strong decision of the Coroner the

families of the journalists accepted that extensive progress had been made by this inquiry but felt the "closed court" sessions indicate there is an ongoing cover up from the intelligence community. However, enough evidence has come out to show that Australian intelligence eavesdropped the entire Balibo operation and reported their findings to the relative government officers. It seems that PM Whitlam and his ministers, under the sway of the "Indonesia Lobby", were blind and deaf to everything they didn't want to know. One of the deficiencies in the coronial inquiry was the lack of cross examination of Mr Whitlam who got away with denying all knowledge of the killings.

The provisions of the Lombok security treaty under which Australia and Indonesia agreed to cooperate on law enforcement could provide the opportunity and the means to prosecute those responsible for the journalists' deaths.

But don't hold your breath.

*Miriam Tonkin*

[Sources include Jefferson Lee, NSW activist.]

## LOMBOK TREATY - a high price for friendship...

Officially it's called the *Agreement on the Framework for Security Cooperation between Australia and Indonesia*. It sets out a framework for cooperation on defence (including military education and training, joint exercises, study visits and exchanges), law enforcement, counter-terrorism, intelligence, maritime security and preventing the proliferation of weapons of mass destruction.

However, one of its main purposes seems to be to prevent support for West Papuan independence in Australia. Article 2 states that:-

*The parties...shall not in any manner support or participate in activities by any person or entity which constitutes a threat to the stability, sovereignty or territorial integrity of the other Party, including by those who seek to use its territory for encouraging or committing such activities, including separation, in the territory of the other Party.*

Significantly, the Agreement does not even pay lip service to human rights let alone attempt to address the human rights aspects of security cooperation in a meaningful way. It fails to recognise that human rights violations are a major source of instability and motivation for separatist activities in Indonesia.

### Key provisions unenforceable

The word 'separatism' is not defined in the Agreement. It could therefore be argued that support for West Papuan self-determination, as opposed to independence, is permissible. (The Australian Greens have vowed to continue supporting self-determination.)

In any event, the Agreement specifically states that it does not affect the existing rights and obligations of either country under international law. On that basis, Australia would be obliged to allow West Papuan activists to express their support for independence in accordance with the internationally-recognised right to freedom of expression.

Paradoxically, it could also be argued that the Agreement breaches its own terms since security cooperation involves support for the Indonesian military, TNI (including the notorious Kopassus special forces), which, because of its willingness to use excessive force and reluctance to submit to civilian control, is the entity that poses the gravest threat to Indonesian stability.

Given its enthusiasm for non-interference, it is

ironic that the most recent violation of that principle was committed by Indonesia when it blatantly attempted to influence the outcome of the West Papuan asylum claims, a matter entirely within Australia's jurisdiction.

### Parliamentary Enquiry

The Australian Federal Parliament Treaties Committee recently conducted an enquiry into the Treaty and reported to Parliament in June.

AETFA and several members individually sent submissions to the committee urging that the Treaty be ratified only if certain conditions were met, i.e. West Papua be opened up to journalists and non-government organization, that a set of benchmarks be made to ensure that proposed "human rights training" for the Indonesian military is meaningful, and those responsible for crimes against humanity such as occurred in East Timor are brought to justice. Also that the Indonesian military command be dismantled and the armed forces brought under civilian control.

*Miriam Tonkin*

[sources include the Tapol Bulletin, January 2007]

# Indonesia treaty probe 'a charade'

Brendan Nicholson  
The Age, June 14, 2007

THE Government says it will not change the security treaty it signed with Indonesia late last year even though the Treaties Committee it set up is still examining the agreement.

When the Labor government signed its security pact with Indonesia in 1995, opposition foreign affairs spokesman Alexander Downer accused Prime Minister Paul Keating of treating Australians with "arrogant contempt": "Treaties and conventions (are) being signed, sealed and

delivered without any public scrutiny or debate whatsoever."

After its 1996 election victory, the Liberal Government introduced a system whereby a treaty would not be ratified until it was investigated. The Treaties Committee will table its report on the Indonesian agreement next week after months of public hearings.

In February, Ian Melrose, the businessman who paid for advertisements about the plight of 43 Papuan refugees who arrived last year, wrote to Prime Minister John Howard asking him to include in the treaty a clause that Indonesia must allow human rights to be

monitored. On March 22, an official from the Department of the Prime Minister and Cabinet wrote back: "The ... Government has no intention of amending the treaty."

An expert on Australian-Indonesia relations who lectures at the Australian Defence Force Academy said the committee "process was an elaborate charade that wasted public money and ... time".

Dr Clinton Fernandes said: "The Howard Government ... struck heroic poses about the need for public consultation when it came to office and now it's showing contempt for public opinion."

# Diplomat claims he was told to lie

Canberra Times  
19 May 2007  
Markus Mannheim

A senior diplomat who refused to break the law by lying about Australia's aid program was later denied an extension to his overseas posting in apparent retribution.

The Federal Government pulled the head of its aid program in East Timor, Peter Ellis, from the embassy in Dili after he insisted he would not lie to a local human rights group about why its funding was cut.

**Foreign Minister Alexander Downer decided in 2005 to strip Forum Tau Matan of a \$65,830 grant after learning the group had previously criticised Australia's approach to maritime boundary negotiations.**

**Forum Tau Matan and 12 other Timorese organisations signed a petition in 2004 that urged Australia to respect international law.**

The Australian Public Service Commission is now investigating claims that senior officials of the Department of Foreign Affairs and Trade and AusAID advised Mr Ellis to give the group false reasons for why its contract was broken.

Public servants who lie can be fined, demoted or sacked under Commonwealth law.

Mr Ellis says he refused the direction and AusAID took the unusual step last June of denying him a one-year extension of his posting.

He says the action cost him about \$100,000 in lost earnings and allowances.

The Canberra Times asked AusAID whether senior officers had told Mr Ellis to be deliberately dishonest in breach of the Public Service Act.

A spokesman initially refused to deny the claim, but said the Government's decision to break the group's contract took into account its public criticism of Australia.

The spokesman later said that neither the agency nor the Department of Foreign Affairs accepted the claim that Mr Ellis had been encouraged to lie.

He refused to comment on Mr Ellis's departure from East Timor, citing privacy reasons.

Mr Ellis says he was told his superiors had not endorsed an extension to his posting as they feared he might again refuse such instructions. Mr Ellis, a Tetum speaker whose experience was lauded by the East Timorese Government and the World Bank, has since left AusAID his employer for 10 years for work overseas.

He told The Canberra Times he felt he had to take a stand against senior bureaucrats' contempt for their own code of conduct.

"If public servants start disobeying legislation just because they think they know best and can judge for themselves when to be honest and when to lie, we're on a very slippery slope," he said.

"That principle is more important than any possible damage to my career. I didn't have any hesitation in drawing a line in the sand on something as clear as this."

He said he was disappointed but unsurprised by the official retaliation. He said the public service needed stronger protection for those who raised legitimate questions about their managers.

"Nearly all public servants have these fears. They see serious breaches of the code of conduct but don't report them because they know it means the end of their career.

"If I'd had kids and a mortgage it might have been much harder to stand up on the issue."

Opposition international development spokesman Bob McMullan said he had raised the matter with Mr Downer but received few details in response.

"There is a national interest in the [public service] code of conduct being followed and those that stand up for it being protected," he said. Mr McMullan said Mr Downer also needed to explain why he had cut the East Timor group's funding just six months after publicly praising it.

"If it was simply punishment for criticising Australia, it was an abuse of process and a misuse of taxpayer's money," he said. "If the original decision to fund them was meritorious, then the case for deciding on withdrawal was most improper."

Mr Downer referred inquiries to AusAID, but said in a statement he had confidence in the agency's handling of the matter. A request to interview the ambassador to East Timor, Margaret Twomey, was refused.

## **Politicisation of the public service looms as a real danger.**

Many senior diplomats have publicly disputed the archaic 'lie abroad for their country' wisdom, maintaining that good diplomacy is based on frankness and trust. The ineffectiveness of lying in diplomacy is one good reason for honesty, but more important is the corrosive impact lying by any public servant has on democracy at home. Any international case of political interest has the potential to become a domestic political matter, and if we were to accept State-sponsored lying overseas, who is to draw the line between lying for one's country and lying for the political Party that happens to be in power?

The temptations for even apolitical public servants to hide or amend the truth for the governing political Party are enormous. Accordingly, much of our governance tradition is built around safeguarding honesty and accountability. This is to allow Parliament to hold the Executive responsible for the actions of the Crown; and electors to choose the Parliament they want based on genuine information. Any corrosion of public servants' honesty threatens the very basis of our democracy and needs to be fought, tooth and nail.

Lying is not acceptable; the requirements for honesty and integrity laid out by law in the APS Code of Conduct are there for a reason and they need to be taken seriously.

[from Peter Ellis writing in New Matilda "Whistleblowing: Lying for your country", 30 May]

## Help East Timor Nurses!

### ANF reiterates urgent call to support East Timor nurses

Following a recent visit to Dili, ANF Federal Secretary Jill Iliffe said she is convinced more than ever of the urgency of the task to help East Timor's nurses.

Ms Iliffe said it was hard to describe how distressing she found parts of her recent visit.

"There are 82 nurses and their families (plus assorted livestock) living in single room tents in the grounds of the Dili National Hospital," Ms Iliffe said.

"The tents have been provided by the UN and are the igloo type containing two rooms (one either end). Up to four people live in one small room with no electricity or running water. The nurses use the patient's showers and toilets. Makeshift barbecues have been built and all cooking is done outside. Trenches have been dug around the tents to prevent flooding when it rains. The nurses have been living like this for nearly twelve months."

Despite the circumstances they were positive and cheerful and very grateful for the support they have already received, Ms Iliffe said.

"Many of the nurses are too frightened to return home to rebuild. Some are too disheartened because it is the second time they have lost everything. Most lost more than just their homes - motor bikes, mini buses, taxis which provided additional income. For a few who fled their homes, other people now occupy their homes. Many people in East Timor do not have title to the land on which their homes stood."

All the executive of the Association of Nurses of East Timor (AETL) except one have lost their homes. The AETL coordinator has been sleeping on the ground for nearly twelve months without a mattress or blankets and now has malaria. "We must put every effort into fund raising for the East Timor nurses to try to get as many as possible out of the IDP camp," Ms Iliffe said.

"We should start by helping those who are prepared to and who feel it is safe to rebuild. It may take time for other nurses to feel it is safe enough or to

establish title to their land. AETL and APHEDA are working with the ANF to try to work out how to best distribute the funds raised. We are trying to raise enough money for 82 houses. So far we have only enough for 12."

The ANF calls on ALL Australians to donate at least five dollars to help build these nurses' homes. Any Australian can donate via the ANF website at [www.anf.org.au](http://www.anf.org.au) All donations above \$2 will be tax deductible.

### Media inquiries

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### AETFA donates \$1,500 YOU CAN HELP TOO!

The AETFA Committee has allocated \$1,500 from its general fundraising towards the ANF/APHEDA *East Timor Nurses' Appeal*. We are also selling the *Entertainment Book* to raise additional funds for this cause. You can help by buying an *Entertainment Book* from AETFA, or donating via the ANF website at [www.anf.org.au](http://www.anf.org.au)

## Floods and Washouts: Urgent need to restore the Environment of East Timor

Rob Wesley-Smith  
July 4, 2007  
Darwin

The recent flooding and washouts which made delivery of election material difficult, let alone the direct impact on inhabitants show once again the need to restore the environment of East Timor.

Since 1999 the population has had to turn to using timber as fuel for cooking. Also the population is increasing rapidly and unsustainably, and some people on returning to their own lands after being

displaced by the Indonesian occupation have reverted to traditional slash and burn agriculture, which can be very damaging to the environment. There is a culture of burning rather than mulching, and this must stop.

Otherwise what we see increasingly is that rainwater hits bare soil and rushes off into streams and rivers as floods instead of soaking into the soil to feed crops and emerge later as springs. This also means dry season water supplies are drying up. All things impact on the total ecology - even reefs are at risk from mud dumped on them.

I hope the new President and Government when formed will place restoration of the environment into the urgent category, with side benefits of work schemes, assistance in rural areas for catchment management, at the same time we can achieve better food and timber supply and so improve people's health and standard of living.

Education and imaginative action are required.

*[Rob Wesley-Smith, an agricultural scientist and ecologist, is a long time supporter of East Timor.]*

## Friends of Alola in SA – over \$5,000 raised!

Following strong interest expressed in 2006 to establish an Alola fundraising group in SA, a small group came together to prepare a public event and fundraising activities around the planned visit of Kirsty Sword Gusmao in March this year.

Unfortunately events in Dili and elsewhere in East Timor caused Kirsty to postpone her visit to Australia, and a number of events in Adelaide had to be cancelled. Nevertheless the generosity of many of the people who had booked seats at the planned dinner with Kirsty in March saw to it that over \$1,000 was raised from an event that didn't take place!

But with some costs still outstanding, and with a number of items contributed for a Silent Auction, it was highly desirable to organise an event to realise more of the fundraising potential.

AETFA at the time had already begun to plan its Annual Independence Dinner event, but it was agreed to make this a joint Alola/AETFA event with fundraising activities to Alola.

The resulting well attended Independence Dinner at St Pauls Function Centre on 26 May was a congenial and informative night, raising a net 'profit' for Alola of over \$1000 from tickets,

donations and the 'Lucky Squares'. Another \$1500 was raised from the Silent Auction.

Overall, the various efforts, goodwill and generosity of some 200 plus South Australians ensured a net fundraising of \$5,100 dollars for Alola in less than 6 months.

Thank you all!

Mark Rohde  
AETFA committee member  
& former Friends of Alola treasurer