



## Timor-Leste – facing the future

### Disclaimer

In this issue we bring together various analyses and commentary about the 2006 crisis and the current and near future prospects of Timor-Leste. None of the various opinions expressed (including by AETFA committee members!) represent an official position on behalf of AETFA.

### So...in the Editor's Opinion

AETFA-SA came into existence in early 1975 as CIET-SA as a group of individuals dedicated to seeing that the people of East Timor should achieve independence. It was their belief, and that of the many who have since been a part of this and similar groups locally, nationally and internationally, that such an achievement was overwhelmingly the will and in the interests of East Timorese.

The history of the next 30 years seemed to confirm this view. The views that such an achievement was contrary to the interests of the peoples and nation-states of Indonesia and Australia (or any others) have on the other hand been shown to be murderously misguided.

Recent heartbreaking events have their roots in the frustration, trauma, injustice and impunity of these previous 30 years and more.

The will of the East Timorese was stated emphatically and unambiguously in 1999. The outcome of the 2007 parliamentary election in July was however somewhat more ambiguous than our own in November. But the resulting Coalition Government represents a reasonable and politically achievable approximation of Timorese will. Fretilin has labelled the new government unconstitutional. If this is a legally sustainable argument, Fretilin appears to have concluded that it is not in the interest of East Timorese to assert the letter of a flawed constitution.

The challenge is to analyse the past to inform policy and practice that will move East Timor towards sustaining the ambitions of its people. The task now is the transformation of East Timor to provide democracy, justice and a sustainable livelihood for its people.

Friends of East Timor can do more to help by respecting the complexity and difficulty of this transformation. Good intentions and righteous (and dogmatic) posturing can be far less than "good enough". Responding according to historic sectarian allegiances, formulaic analysis and sloganeering – well who does that serve?

The will and interests of the East Timorese is a real world phenomena, complex and confusing like everywhere else, and changeable. It can no longer be summarised in one word.

As sad as the strife in 2006 has been, I hope that the discussion and analyses that these pages present only a sample of will reveal some good cause for hope, optimism and enthusiasm.

And it is my hope that friends of the East Timorese will choose to act as advocates for the welfare of Timorese people rather than partisans in the struggle amongst the Timorese elite.

*Mark Rohde, Editor*

### Timor-Leste's Recent Election

(Comment from Oct 2007 newsletter of Mary MacKillop East Timor - see [www.mmiets.org.au](http://www.mmiets.org.au) for more information and news.)

Timor is divided into 13 districts and forms one large electorate. The first Parliament (2002-2007) had 87 members to help the nation get on its feet, but the new Parliament has 65 members.

Fourteen parties contested the election, a testimony to the considerable political savvy of the people and the willingness of many to put themselves forward to serve. With so many parties though, the vote was spread thinly and no single party received sufficient votes to govern in its own right.

The Fretilin Party gained 21 seats out of the 65, and the CNRT party (National Party for the Reconstruction of Timor-Leste) came next with 18. CNRT, whose leader is Xanana Gusmão, formed an alliance with three other parties giving this coalition 37 seats, a comfortable majority. Fretilin now has to learn to be the Opposition, a difficult role for any group which looks upon itself as the natural party of Government.

There are very positive signs for the next five years in Timor. The President, Mr José Ramos Horta, describes himself as "the President for the Poor". Talented people have been appointed as Ministers in many key areas, including Education. A serious flaw in the society is the absence of skilled persons in the middle management area, right across the board. Opportunities for training and education were denied the Timorese under both Portugal and Indonesia, an area where Australia can surely now help.

Our strong links with the Timorese people will undoubtedly grow, giving us the chance to acknowledge our extensive debts to them. We need to remember that there is only one nation on earth which lost at least 40,000 civilians as a direct result of befriending and helping Australian soldiers in war, and that nation is Timor-Leste. The people are grateful for our support and our prayers, and they pray for us.

*Susan Connelly rsj*

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### AETFA NEWS

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# Troubled East Timor could be tourism paradise

By Ed Davies

DILI, Aug 8 (Reuters) [abridged]

It has pristine beaches, lush highlands and an exotic cultural mix -- and lies just a few hours flight east of the Indonesian resort island of Bali.

But currently almost the only overseas visitors to East Timor are foreign troops, journalists and aid workers after Asia's youngest nation descended into turmoil last year.

"Now there are not so many tourists because of security," said Tito Labato, who had helped manage a privately run tourist information centre before it closed in March.

The centre had been arranging trips for about eight people a month to the mountains or for diving.

"But I think we will open again," he added cheerfully.

Security has improved since last year but sporadic violence, vandalism and arson persist, with an estimated 50 percent unemployment rate helping fan gang culture among bored youths.

Ann Turner, vice president of the Tourism Association of East Timor, said developing the sector was key for the young nation, since it could employ many people swiftly and provide careers.

"It (tourism) also tends to look to younger people for staff, exactly the people who need to

be taken off the streets and given some meaning in life," added Turner, a former journalist who launched a dive centre with her husband in 2001.

## VILLAGE-LIKE FEEL

The oil and gas sector will require specialised workers and will only be able to make a small dent in unemployment.

Despite still bearing scars from last year's violence and more bloodshed and destruction after the 1999 vote to break from Indonesia, the sleepy capital Dili is not without charm.

It has a village-like feel with goats and pigs wandering the streets and some attractive Portuguese buildings in the city, which sprawls along stretch of coast backed by scrubby hills.

There is little traffic, apart from the white land cruisers, part of the United Nations' expansive operations in the country.

## PYGMY SEAHORSES AND DUGONGS

East Timor offers spectacular diving with rare creatures ranging from pygmy seahorses to dugongs frequenting its waters.

Turner said that her dive centre, FreeFlow, had moved from catering for mainly NGO and UN workers to regular tourists, once word of the quality of the diving got around.

"Then 2006. All tourists cancelled, apart from one or two intrepid types," she said, adding that they were now starting to get bookings again.

She said tourist numbers were unclear given a

lack of data, but guessed overall East Timor arrivals were in the hundreds, or the low thousands, annually before the recent troubles. Turner observes that "high end, low volume" tourism was also being developed in coffee plantation and upland areas, as well as eco-resorts on nearby Atauro island.

During recent election campaigning a new party set up by resistance hero, Xanana Gusmao, referred to the importance of tourism, while Turner said the state budget for the Directorate of Tourism had been increased sharply this year.

In another encouraging move, the first national park has just been set up on the eastern tip of East Timor, covering 123,600 hectares (305,400 acres) of rich coral reefs and one of the largest intact lowland rainforests in the region.

## FEW HOTELS

But East Timor certainly faces challenges from a lack of tourist infrastructure.

"There are only a handful of hotels outside Dili, the transport facilities can be hard work and if you're intending to get off the beaten track you must be prepared to rough it..." a forward in the Lonely Planet guide to East Timor says.

For tourism to thrive East Timor clearly needs stability now.

## What do we want from the new Rudd Labor government? Starting a list...

*With the new Rudd government changing direction on Climate Change and relations with our neighbours, it should be a good time to engage with them on some of the specifics that we would like to see happening for Timor-Leste. AETFA committee member Bill Fisher collates some thoughts that have arisen in local discussion with ideas put forward by Rob Wesley-Smith (Darwin) and Jefferson Lee (Sydney).*

### 1. Scholarships:

The Australian Government (through AusAid's "Australian Development Scholarships") has offered 12 scholarships for 2007 to Timorese students for study in Australia (official figures from AusAid website). At the same time, the Cuban Government is providing 700 scholarships to Timorese students to study medicine in Cuba. Cuba's economy & GDP are a tiny fraction of Australia's. And Australia is Timor Leste's next door neighbour. This is a national disgrace!!! The Rudd Government should be shamed into action over this. Email the Foreign Minister, Stephen Smith: [Stephen.Smith.MP@aph.gov.au](mailto:Stephen.Smith.MP@aph.gov.au) or much better, write to:

Hon. Stephen Smith  
Minister for Foreign Affairs  
Parliament House  
CANBERRA ACT 2600

(Politicians take much more notice of letters than emails, especially if expressing your own feelings in your own words -- ie, not standard form letters)

### 2. Visas for seasonal workers:

The entire Pacific region has been asking for this initiative -- to provide vital revenue for their struggling economies and solve their chronic unemployment problems (Timor's youth unemployment is worse than most). New Zealand responded by providing some visas. The Howard Government blocked it completely. There is plenty of seasonal work available in northern Australia (eg fruit picking). Australia could start being a good neighbour instead of the region's colonial master. Also needed is visa-free access for medical emergencies.

### 3. Timor's education system:

PM Rudd promises a computer for every Australian student. How about as few as 5 computers for each Timorese school -- and solar battery chargers to power them? Should Timor have a 19th century education system while Australia has a 21st century system? Australia could easily provide good quality teacher-education in both Timor and Australia. Australia could easily provide hundreds of English language teachers in Timorese schools.

### 4. Cultural & Sporting exchanges:

Ideal way to build links between Timorese & Australians. Ideal way to improve facilities in Timor. Ideal way to improve relations between the "Eastern" & "Western" sides in the recent troubles in Timor.

### 5. Restoring Timor's environment:

Agricultural Scientist and long-time Timor activist Rob Wesley-Smith has drawn our attention to the

recent degrading of Timor's environment by topsoil erosion mainly due to the extensive cutting down of trees (using firewood for fuel instead of kerosene, which is in short supply). He has devised a plan to restore the environment with tree-planting and the construction of swales on the hillsides to slow the rainwater run-off in the wet season. The swales could be used for planting of food crops chosen by the local people with advice from agricultural experts. Australia could provide the expertise; the Timorese Government could provide the funding. Funding of such projects is not the problem (thanks to oil revenue); the problem has been coordinating the resources to make such ambitious schemes work -- and especially to consult local communities to get their engagement and "ownership" of the scheme. This is an ideal project for collaboration between Australia's Government and Timor's Government.

### 6. The Oil Industry:

(a) Restore aid to those NGOs that had their funding cut by the Howard Government because they dared to say Timor should control its own oil resources. (b) Mandate more employment for Timorese in their own oil industry; and provide scholarships to ensure Timorese employment at higher levels in the industry. (c) Negotiate undersea boundaries with Timor-Leste. At present the Timor Sea Treaty prohibits any decision on a boundary settlement for another 50 years (long enough to suck all those wells dry).

## After 1999...

Mark Dodd | *The Australian* | August 09, 2007  
(substantially abridged from an article titled  
Disunity in a state of siege)

...

Following the wave of arson and mob violence stemming from Xanana Gusmao being sworn in as Prime Minister, many who have followed the painful birth of this young nation are asking: Is East Timor heading down the road of a failed state? Will a new government led by Gusmao, a charismatic former president, guerrilla commander and resistance hero, be able to restore confidence, hope and a measure of prosperity for the troubled half-island state and its long-suffering people?

...

Tracking the origins of state failure in East Timor is not hard.

Humiliated by a resounding 78.5 per cent vote for independence in the UN-backed August 30 1999 referendum, vengeful Indonesians and militia proxies sacked the country, laying waste to the main towns, burning what could not be carted off, executing hundreds of youths and displacing three-quarters of the country's 900,000 population in the process.

The 21.5 per cent who voted for autonomy came mostly from the central and western part of the country.

No foreign army was willing to intervene and halt the rampage and the worst was over by the time a reluctant Australian-led international military coalition arrived to restore order.

Enter the UN global governors. ...

Under the wing of the UN Department of Peacekeeping Operations, UNTAET's De Mello did not benefit from the experiences of former UN Assistance Mission in East Timor staff, resulting in a significant loss of corporate knowledge and continuity in mission planning.

The pro-independence CNRT represented East Timorese sovereignty but had little role in decision making, apart from token consultation. Despite public appearances of solidarity, Gusmao and to a lesser extent Ramos Horta became disillusioned.

Emergency funds poured in from a swag of sympathetic global donors but UNTAET's response to reconstruction needs, employment generation and food distribution was slow and tardy.

UNTAET's centralist tendencies were evident. It opposed a World Bank-backed Community Empowerment Project that cost its outspoken advocate Jarat Chopra his job as head of district administration. Power would reside at the top.

Chopra later wrote: "UNTAET's inability to deliver basic services or tangible reconstruction and its failure to reduce unemployment (exceeding 80 per cent) cost it

the confidence of the people, perhaps the critical ingredient in any transitional administration." ... A parallel economy emerged due to the wide wage differences of UN international staff and East Timorese lucky enough to find work.

East Timorese anger grew over concerns about a lack of promised UN transitional training to run the new country.

"The unavoidable conclusion may be that the UN, despite its ability to monopolise the image of legitimacy, is ill-suited to administering territories in transition," Chopra says. "Just as it became evident in the 1990s that the UN could not command and control high-intensity military enforcement operations, so the same may be true of civilian governance."

[Following independence in 2002] Alkatiri's autocratic tendencies emerged. After gaining control of government (it had won 57 per cent of the vote in the 2001 elections) Fretilin politicised the civil service, appointing loyalists to 64 of the 65 sub district administrative posts across the country.

Like the UNTAET predecessor Alkatiri ran a highly centralised top-down decision-making apparatus with power vested in the Council of Ministers at the expense of the parliament.

Between 2002-2005, only two of 100 pieces of legislation passed by the Alkatiri administration were initiated by parliament.

The unfulfilled promise of a bonanza in cash from fraught Timor Sea oil and gas negotiations with Australia further fuelled civil unease.

There was increasing concern about issues of transparency. As first reported in *The Australian* in July 2005, a \$145,000 arms contract was awarded to Caval Bravo, a company run by Alkatiri's younger brother Bader. A family-owned construction company was also very successful in securing lucrative road and building contracts. In a country where unemployment and poverty was chronic, public dissatisfaction with the government took root.

Earlier this year, Ramos Horta told me he could not recall a single time when Alkatiri met with the Opposition party leaders. It was during this period the leaders of three Opposition parties left parliament: Democrat Party's Fernando La Sama in 2002; Mario Carrascalao, head of the Social Democrat Party, in 2004; and Francisco Xavier do Amaral, a founding member of Fretilin, in 2005. (All three are members of the new Gusmao-led coalition.)

Public anger with the government boiled over in 2005 when the Catholic Church threw its considerable support behind anti-government protests over its plans to outlaw compulsory religious instruction in schools in

a country that is 98 per cent conservative Catholic.

Trouble was also brewing in the security sector. Alkatiri's ambitious interior minister Rogerio Lobato had begun to build a formidable police apparatus to counter what he saw as a potential threat from the East Timor Defence Force, a successor organisation to the Falintil guerrilla force that lay outside government control and influence and whose senior commanders were loyal to then president Gusmao, no friend of Alkatiri.

When about 600 so called "petitioners" deserted the army in 2006, claiming unfair pay and conditions and ethnic discrimination by senior ranking eastern-born commanders, Alkatiri sacked the soldiers, mostly ethnic western-born Loromonu people.

Dili exploded into violence again in May 2006. An Australian-led peacekeeping force was sent to restore law and order after clashes between military, police factions and youth gangs in April. At least 37 people were killed and some 150,000 others forced from their homes.

In May last year Alkatiri was forced to resign.

An estimated 100,000 people, or about 10 per cent of the population, are still sheltering in refugee camps, too afraid to return or with no homes to go back to.

Former Australian UN military commander in Dili, Mike Smith, now chief executive officer of the respected aid agency AustCare, warns East Timor is not a failed state, but it could become one. "I think more than anything else, what's been happening there over the past 12 months or so has been a struggle for democracy.

"I still remain optimistic for East Timor because most East Timorese people I speak to genuinely do want peace."

He believes the new Gusmao-led Government and viable Opposition will be good for East Timor. But apart from political success, little has been achieved in reducing rampant poverty.

"My focus and AustCare's focus is to do what we can to capacity build and to try and help these people lift themselves out of poverty. The population is about a million people, of which more than 50 per cent are 18 years or younger. You have a huge and growing young population and the unemployment issue is real," Smith says.

This is Gusmao's challenge. Unlike Alkatiri, whose government failed to spend money, executing only 35 per cent of its annual \$160 million budget, Gusmao needs to pump the economy with oil revenue to help ease poverty.

## After the 2006 crisis: Australian interests in Timor-Leste

Bob Lowry *Strategic Insights* 38 – download the full 16 page report at [http://www.aspi.org.au/publications/publication\\_details.aspx?ContentID=144&pubtype=6](http://www.aspi.org.au/publications/publication_details.aspx?ContentID=144&pubtype=6)

In his report, *East Timor and security expert Bob Lowry, writing for the Australian Strategic Policy Institute, concludes Australia needs to work in cooperation with the Timor-Leste Government or risk another crisis like last year's riots. A condensed version appears below.*

### Australian interests

Australia has six broad security interests in Timor-Leste. [1] That no foreign military bases be established in Timor-Leste. [2] That Timor-Leste maintains mutually beneficial relations with Indonesia. [3] That the treaties and agreements regulating exploitation of the shared Timor Sea resources be honoured. [4] That adequate provision be made for the security of the off-shore resources in the Timor Sea. [5] That Timor-Leste become an effective partner in maintaining regional security, including the fight against transnational crime and terrorism. And [6] that Timor-Leste implements the full range of bio-security control measures relating to humans, animals and plant life.

### Foreign military bases

[Lowry concludes] the establishment of foreign military bases in Timor-Leste, by invitation or invasion, remains highly unlikely ... and should not influence or determine Australia's engagement in the area under present and foreseeable circumstances.

### Timor-Leste, Indonesia and Australia

[Cross border trade] has minor benefits for Indonesia because it is the primary supplier of imports, especially foodstuffs daily necessities and clothing to Timor-Leste. By contrast, exports to Indonesia are inconsequential because of Timor-Leste's limited productive capacity and relatively high labour costs.

Apart from a shared interest in the Joint Petroleum Development Area (JPDA), trade between Timor-Leste and Australia is minuscule totalling \$18.5 million in 2005–06 of which less than 3% was exports to Australia. Australia is Timor-Leste's major export market, mainly coffee, and second largest source of imports after Indonesia.

Timor-Leste is not central to Indonesia or Australia's primary economic or security interests... Nevertheless, because of the circumstances surrounding Timor-Leste's achievement of independence, Jakarta does expect that Australia will continue to play an active role in assisting Timor-Leste develop the capacity to manage its borders and fulfill its regional and international obligations as they affect Indonesia. This, of course, assumes a functioning and reasonably effective state.

### Timor Sea oil and gas

Timor Sea oil and gas revenues are critical to the viability of the Timorese state and central to its relations with Australia...

Under the agreements, Timor-Leste will receive 90% of the upstream tax revenues of fields in the JPDA and 50% of the Greater Sunrise field with the issue of sovereignty

rights and jurisdiction being set aside for fifty years without prejudice to the claims of either side. In addition, Timor-Leste also has the right to the fish stocks of the JPDA.

Oil revenues are Timor-Leste's only major source of government revenue. Consequently, while the economic value of Timor Sea oil and gas to Australia is relatively insignificant, and could be exploited regardless of the political situation in Timor-Leste, the most concrete means Australia has to influence Timor-Leste, and minimise Australian aid commitments, is to help them maximise the benefits from the oil revenues including helping to broaden its economic base.

### Security of off-shore resources

Timor-Leste could eventually contribute to these [security] activities in a limited way, primarily through the creation of effective policing services to detect and pre-empt threats to off-shore facilities by criminal or politically motivated groups. Primary responsibility will, however, remain with Australia, simply because of its greater capacity.

### Transnational crime and terrorism

To date, there is no indication that Timor-Leste has become a major target for transnational crime or terrorism and it is unlikely to do so... Nevertheless, having an effective justice sector in Timor-Leste would add depth to Australia's efforts and minimise the potential for friction with Indonesia.

### Biosecurity control measures

[I]t would add depth to Australia's preventive measures if Timor-Leste had effective control measures and could fulfill its obligations to the World Health Organisation for the monitoring and reporting of disease outbreaks.

### Summary

[Given that], while an anarchic Timor-Leste could become an irritation in Australia–Indonesian relations, both have larger interests to pursue in common... why did Australia go to Timor-Leste's assistance in mid-2006?

There are four reasons. First, it was invited to do so. Second, there was an expectation (from the UN, Indonesia, and the publics of Timor-Leste and Australia) that Australia help save what until then had been considered one of the UN's success stories. Third, Australia had made such a significant investment in the transition to nationhood and state building that it could not ignore the call for assistance without tarnishing its international image and credibility. And, underlying these reasons, it is more effective to pursue Australian interests in cooperation with a functioning and relatively effective state than to isolate or neglect it.

Consequently, given the cost of such interventions, it is also in Australia's interests that there be an effective and resilient state in Timor-Leste that can uphold its obligations to its own people, its neighbours and the region.

So why did the state collapse and how might Australia contribute to strengthening it?

## Why the state collapsed

### United Nations Independent Special Commission of Inquiry

The UN Report identified several specific reasons for the meltdown.

It found that the power imbalance between Fretilin and its political opponents meant that parliament was unable to fulfill its constitutionally designated legislative and oversight role, especially in relation to defence and security matters. The role and demarcation between the police (PNTL) and the military (F-FDTL) also remained contentious.

Compounding these shortcomings, the police force had been politicised and factionalised, resulting in deficiencies in the impartial application of the law, command and control, administration, procedures for police–military cooperation and the loss of public trust.

In summary, the Commission found that:

While recognizing that Timor-Leste is a fledgling democracy with developing institutions, it is the view of the Commission that the crisis which occurred in Timor-Leste can be explained largely by the frailty of the state institutions and the weakness of the rule of law. Governance structures and existing chains of command broke down or were bypassed; roles and responsibilities became blurred; solutions were sought outside the existing legal framework.

Contrary to some reports, the meltdown was not the result of an attempted coup d'état by the military or the police, although other peripheral unarmed parties, such as Colimau 2000 and the Committee for the Popular Defence of the Republic of Democratic Timor-Leste (CPD-RDTL), that took part in the demonstration triggering the collapse had long sought a change of government.

### Civil-military tensions

Neither the *Petitioners* nor the military command was vying for control in the first instance, although the crisis was exploited by others to obtain the change of government that subsequently occurred.

Nevertheless, the military does have a nascent 'Guardianship' ethos similar to the pre-1998 Indonesian military ... Many of its members have little respect for the rule of law, and even less for the police. The crisis has only hardened these pre-existing attitudes.

### Ethnic identity

The east-west divide that surfaced in 2006 has an anthropological basis and was a background factor in the founding of the police and the military but was mainly manifest in the capital, Dili, where people have gathered from all over the island. However, it was the government's failure to take responsibility for the administration and welfare of the police and military that allowed

this cleavage to grow to political significance before and during the crisis.

Nevertheless, the east-west divide is unlikely to become an unbridgeable political cleavage, given a modicum of good government. The party list proportional representation electoral system gives some assurance that the whole country is fairly represented in parliament at least. Effective resettlement programs and non-discriminatory employment and economic opportunities backed by effective oversight by parliament, the Ombudsman and NGOs, could also pacify many of the remaining tensions reasonably quickly, even though distrust and bitter memories of past suffering will linger.

#### **Weakness of governance**

Fretilin's dominance after the 2001 elections allowed it to subvert the parliament into a rubber stamp of government, but the emergence of four major parties from the 2007 elections gives some hope that the institutions of state might become more autonomous. Whether the new coalition government can remain united, and Fretilin can adjust to the role of loyal opposition, remains to be seen, but at least the foundations are in place.

Portuguese, the official language, is spoken by only about 10% of the population and this effectively bars most of the population from active participation in parliamentary politics and the justice sector. Any measures that alleviate this problem would boost security by making the justice sector more accessible, efficient and credible and allow people to participate more effectively in policy debate and in exercising social control over the abuse of power.

#### **Centrality of the state as a means to wealth**

The potential for the abuse of power is of growing significance given the centrality of the state as the means of access to wealth and resources. Non-oil per-capita income is less than US\$2 per day so there are very few tax payers and government revenues come principally from foreign aid and oil and gas revenues. Government is the major employer in the formal sector and has direct control of the income from the only significant economic resources. Consequently, there is an unhealthy scramble for government jobs, sinecures and contracts, and supplicants seeking government assistance for a variety of causes, some worthy and others less so.

### **Lessons for Australia**

The lessons for Australia from the 2006 crisis and examination of the causes are that poverty, poor governance and the military will be continuing threats to the state. In a more positive vein, there are no insoluble national political cleavages; the violence in 2006 was largely confined to Dili; the Resource Curse can be avoided; and it is not too late to tame the military, if it cannot be demobilised.

#### **Poverty**

Poverty was not the cause of Timor-Leste's problems in 2006 but when combined with one of the highest population growth rates in

the world, and virtually no non-oil investment since independence, it provides fertile ground for political and social unrest. Even if the forecast increases in government investment over the next few years do achieve the targeted 7–8% annual growth in GDP, the number of people in poverty will continue to grow for the next few years.

#### **Parliament and government**

The 2007 elections potentially free parliament to fulfill its constitutional legislative and oversight responsibilities, although it will require additional resources and considerable assistance to acquire the skills, support and facilities to do so.

The election of an activist president who has publicly stated his desire to exercise executive authority over the security agencies, contrary to the provisions of the Constitution, highlights unresolved tensions in the structure of government and ignores one of the key findings of the UN Commission. If respect for the separation of powers and the rule of law is to be upheld and the problem of divided responsibility is to be avoided, it is essential that this issue be resolved. The new government should be encouraged to adhere to the Constitution, and amend it if necessary, rather than adopt ad hoc changes setting an example that will inevitably be followed by others.

#### **Police**

Australia should monitor developments to ensure that PNTL is genuinely depoliticised and develops the professional leadership required to fend off political interference and contain the inevitable periodic outbursts of political and social unrest.

The presence of an international police force will allow time to revise police legislation, commence their depoliticisation, and begin to entrench a community policing ethos. However, it will be years before the PNTL matures and gains public respect. Consequently, providing PNTL with experienced foreign leadership (via the UN or direct appointment) able to instill professional standards and resist political interference is essential. Such arrangements should remain in place until after the next elections in 2012.

Although Australia should continue to be a major contributor to the professional development of PNTL, it should not seek to lead it because of political sensitivities in Timor-Leste.

#### **Military**

The first step in military reform is to separate the issue of veterans from that of defence. Veterans of the armed struggle and their spouses should be given adequate pensions and those ineffective veterans still serving in the military should be pensioned-off.

Defining the respective roles and responsibilities of the police and military along with related legislation, policy and crisis management arrangements will be critical in avoiding further clashes between the police and military and establishing a healthy and cooperative working relationship between

them, where necessary. If Timor-Leste has a military, it is unrealistic to expect that it can be excluded from providing assistance to the civil community or the civil power, its only conceivable role. It should not, however, become involved in routine policing.

### **Conclusion**

Advancing Australian interests in Timor-Leste is best achieved by cooperation with the government of that country. The alternative of isolation and neglect, would undermine the financial and material commitment Australia has made to Timor-Leste's security and development since 1999, and risk a return to crisis.

The path of cooperation assumes a functioning and effective state which the current UN mission supported by various bilateral programs is helping to resurrect.

In addition to monitoring general developments, it might be useful to devise a checklist, with policy boundaries, of those measures that Timor-Leste will need to implement to prevent a re-occurrence of the crisis of 2006, and closely monitor implementation. The areas where this might be applicable could include: the activation of the parliament's legislative and oversight functions; the resolution of constitutional tensions between the presidency and executive government; the adoption of an effective structure and process for managing national security policy and crisis management; amendment of the police law to take the minister out of the chain of operational control and provide operational autonomy to the police subject to parliamentary and judicial oversight; appointment of a foreign chief of police until after the 2012 elections to complement capacity development assistance; a national security review to clarify the role and responsibilities of the police and military; resolving the veteran and *Petitioner* issues; keeping the military small and out of routine policing; building cooperative links between the police and military, including exercising aid to the civil community and aid to the civil power; and the strengthening of political and judicial accountability mechanisms to prevent high-level corruption.

Recent political developments have provided Timor-Leste with a chance to reorder its political arrangements and depoliticise its bureaucracy and government agencies. The problems are not insurmountable and the financial and other resources are readily available either locally or from the international community. It is to be hoped that the new arrangements can overcome the challenges of unsustainable population growth, extreme poverty, and the paucity of human resources and physical infrastructure to provide a more secure and relatively prosperous life for its people. It would certainly be to Australia's advantage if it succeeded.

# East Timor Crisis Reflection Network

*Statement to the Secretary General of the United Nations, HE Ban Ki Moon.*

*Dili, 14 December 2007*

On behalf of ETCRN I would like to thank you very much for your visit to Timor Leste in order to have direct communication with Timorese Leaders, political parties and NGOs. This very important step demonstrates the real commitment of the UN to support Timor Leste now and in the future.

I would like to share ETCRN's point of view on UN Mission in Timor Leste from the United Nations Transitional Administration (UNTAET) period in 1999 until now. I would like to thank the UN efforts for our beloved country Timor Leste. Timor Leste was born from the UN womb and we are the UN's child. This is because the case of Timor Leste was constantly on the UN Agenda from the 1960s until 1999. UN through UNTAET also had important role in providing support for the foundation of the country as an independent nation in 2002. The UN was very much involved in the creation, establishment and formation of the Timorese Defense Force (FFDTL) and Timorese National Police (PNTL). We recognize that it was very important to support and to build a professional military and police for the respect of Human Rights and democracy in Timor Leste.

Even though we have reflected that in 2006 Timor Leste faced a deep and long time crisis with many divisions in the lives of Timorese including ethnic divisions, martial arts groups and rifts between political parties. Up until now all these divisions continue to exist forcing many people into IDP camps in Dili and in the Districts, when many people were injured and died and many houses were burned. Even now more than 100,000 Timorese continue to be displaced.

To deal with the crisis of April 2006 our government called for UN support and for the intervention of International forces to assist in maintaining security and law in order. Up until now the situation is unresolved and not secure. IDPs cannot return home and the communities in Dili and in some Districts continue to experience cycles of violence, despite the efforts of International and National Military and Police's attempts professionally to deal with faction fighting.

Based [on] these reflections I would like to write you to have the Security Council and the UN General Assembly consider these pressing issues:

1. There is a need to conduct an effective, impartial evaluation on the UN Missions in Timor Leste and the quality of support from 1999 to the present. This is important because the crisis of 2006-7 reflects not only on the people of Timor Leste but also on the UN. The UN disarming PNTL leaving them vulnerable to an armed attack resulting in many deaths and injuries in Caicoli on 25 May 2006. The question of professionalism in the UN needs to be examined in the context of the UN missions in Timor Leste which have provided training after training. In the end the Police, the Military Police and the Military fought each other and caused ongoing crises since January 2006 in our country. Justice is needed by the victims and families of the last two years.

2. There is a need actively to monitor UNMIT's mission in providing professional staff and advisors to Timor Leste. This is important to prevent unprofessional actions by UN staff that may cause mistrust regarding accountability and transparency. We have learned that some UN staff have committed crimes but they are not

responsible for their acts in Timorese law and order due to the UN's immunity which results in impunity.

3. There is a need actively to bring justice to Timor Leste regarding accountability for crimes against humanity from 1974 – 1999. UN Security Council needs to debate the CAVR Report, *Chega!* and to follow up the Report of Commission of Experts to guarantee that step by step the perpetrators of crimes against humanity can be taken to the courts that reflect international standards in their implementation of human rights law. Lessons must be learned from our difficult and painful past.

4. Lastly, there is a need to maintain a strong professional and effective UN Mission to continue assisting Timor Leste after February 2008 for the future. When, as we hope, the UN's mission is extended it will be urgently necessary to provide more support for security and defense to strengthen the rule of law and to provide order. This will only be possible through ongoing screening and training for the Police and the Military. The UN mission also needs to assist in monitoring the justice system by providing capacity building and additional human resources, to further assist in community livelihood development through UNDP and to partner more with Timorese NGOs to foster a more robust and participatory civil society. This assistance will be crucial for the resolution of the crisis which besets us.

Thank you very much.

Jose Caetano Guterres  
Coordinator of Coordinating Committee, East  
Timor Crisis Reflection Network

## Timor-Leste's Roadmap for Recovery

*Asian Analysis, ANU – December 2007*

In November 2007, Timor's newly-elected government released its roadmap for the rebuilding of the nation in the wake of the 2006 crisis which displaced 15 per cent of the population and transformed Timor's political landscape in the most significant manner since independence. The current Alliance of Parliamentary Majority (AMP) government, led by Kay Rala Xanana Gusmao were elected under a constitutional shadow and inherited a country marked by political and civil unrest.

The AMP Government is looking for quick runs on the board. Rumours abound that Fretilin will mount a challenge to the legitimacy of the Government and attempt to force fresh elections in early 2008. The National Recovery Strategy, *Hamutuk Hari'i Futuru*, ("Building a Future Together") is therefore a bid for political legitimacy and moral authority. But it is an ambitious agenda and does not differ greatly from previous initiatives under the Fretilin Government - many of which failed. What will make this initiative more successful?

The objectives of the National Recovery Strategy rely heavily on the state framework but notably border on quasi nation-building. The document identifies five convergent areas as

integral for recovery: (1) the return and resettlement of the internally displaced population; (2) social welfare support (including food security, health and education) for vulnerable groups; (3) stabilisation of the security situation, including the resolution of the Petitioner '561' and Major Alfredo Reinado (who has recently adopted the Petitioners' cause) crises; (4) economic development; and (5) building trust between the people and the government and strengthening communities at conflict.

Central to the success of the National Recovery Strategy - and its greatest weakness - is the whole-of-government approach. Government ministries are allocated one or more of the objectives with the Office of the Vice Prime Minister responsible for overall coordination. On paper it makes sense but as the former Fretilin Government and former Prime Minister and current President Ramos-Horta know only too well, without political will, it could very easily verge on the insurmountable. Garnering political will amongst a coalition of agendas could prove impossible rendering the National Recovery Strategy, like previous initiatives, moot.

Implementation of the roadmap is vital to the future stability of Timor-Leste but the National

Recovery Strategy gives no indication of addressing two vital components for long-term peace building. Land and property rights are omitted despite being critical elements of a sustainable and fair return and resettlement program for internally displaced and the wider community; and the inclusion of traditional reconciliation methods such as *Nahe Biti* ('stretching the mat') within the broader efforts to resolve the 2006 political crisis. What Timor-Leste desperately needs from its political leadership is the galvanisation of a national identity built on more solid foundations than the state apparatus.

With some of the crisis protagonists currently in government, the question of political will again rears its increasingly ugly head. At best, the National Recovery Strategy is an ambitious agenda which will keep humanitarian issues at the fore and the international community content. At its unintended worst, it is pure political rhetoric that will further frustrate an already disenfranchised populace.

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*(edited for space)*