Out of the Ashes: Destruction and Reconstruction of East Timor

Abstract for chapter 8

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'The popular consultation and the United Nations Mission in East Timor (UNAMET) – first reflections' is a personal account by the Head of UNAMET of the process which allowed East Timor to hold a popular consultation to determine its future.

The author begins with the Agreement of 5 May 1999 which provided that if the East Timorese rejected the proposed autonomy, there would be a peaceful and orderly transfer of authority to the UN, enabling East Timor to begin a process of transition to independence. This process started with the establishment and deployment of UNAMET which oversaw a total of 446 666 registered people voting. Prior to the ballot UNAMET attempted to get the opposing factions to 'lay down their arms', but the level of violence after the ballot was so great that UNAMET was forced to retreat, handing over responsibility to UNTAET.

The death and destruction in East Timor after the ballot provoked various questions which the author responds to, arguing that violence would have been reduced if the popular consultation had taken place with an armed international presence mandated to guarantee security.

Keywords

autonomy, B. J. Habibie, ballot, CNRT, Dili, Falintil, General Wiranto, human rights violations, IDP, independence, INTERFET, intimidation, militia, MPR, popular consultation, Secretary-General, Security Council, TNI, UNAMET, United Nations, UNTAET
Xanana Gusmão

The popular consultation and the
United Nations mission in
East Timor – first reflections

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On 22 October 1999, Xanana Gusmão, the independence fighter who had assumed the leadership of a seemingly broken Falintil two decades before, who had been captured by the Indonesian army in 1992 and sentenced to life imprisonment, returned to East Timor. Eight days later, he was present at Dili's Comoro airport as the last political and military representatives of Indonesia departed the territory it had invaded in 1975. With him were representatives of the United Nations and of Interfet, the Security Council-mandated multinational force led by Australia – the only Western country which had recognised *de jure* Indonesia's annexation of East Timor. The departing Indonesians left behind them a country devastated by their army and by the pro-integration militia it had created, and East Timorese grieving for murdered relatives and fearing for hundreds of thousands yet to return from their forcible deportation to West Timor – yet a people whose predominant mood was one of liberation.

On 5 May 1999, three agreements were signed in New York, bringing to a culmination 17 years of negotiations facilitated by the

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good offices of the UN Secretary-General. The overall Agreement between the Republic of Indonesia and the Republic of Portugal had annexed to it a constitutional framework for autonomy as submitted by Indonesia, and was supplemented by two further agreements signed by the Secretary-General as well as by the two parties: an agreement regarding the modalities for the popular consultation of the East Timorese through a direct, secret ballot; and a broad agreement on the security environment. The Agreements had been made possible by an unexpected departure from Indonesia's policy of steadfast opposition to any possibility of an independent East Timor on the part of the interim president, B.J. Habibie: on 27 January 1999, he had announced that if the people of East Timor did not agree to remain part of Indonesia on the basis of the autonomy plan then under negotiation, his government would recommend to the new Indonesian People's Consultative Assembly (MPR) following June elections that the law integrating East Timor into Indonesia should be repealed. The Agreements thus provided that if the East Timorese rejected the proposed autonomy, there would be a peaceful and orderly transfer of authority to the UN, enabling East Timor to begin a process of transition to independence.

Indonesia was insistent that the ballot must be held in time for President Habibie to present the result to the MPR immediately it was first convened, scheduled to be at the end of August. The modalities agreement therefore included a timetable culminating in a ballot on 8 August. This in itself faced the UN with an almost impossible organisational challenge. But the deepest scepticism regarding the Agreements related to their security provisions. In reaction to President Habibie's opening up of the independence option, pro-integration militia had been organised throughout East Timor, and had been killing and committing other human rights violations against pro-independence activists and presumed supporters. The pro-independence umbrella organisation, the National Council of East Timorese Resistance (CNRT), and East Timorese solidarity groups argued that security for the ballot could only be guaranteed by an international security presence and/or the withdrawal of the TNI (Indonesian Armed Forces) from the territory. The Agreements, however, left security in the hands of the government of Indonesia, whose police were to be solely responsible for law and order: the TNI as well as the Indonesian police were to maintain absolute

neutrality. The international role was limited to a number of UN civilian police officers to act as 'advisers' to the Indonesian police.

This was not because the UN was unaware of or unconcerned by militia violence. Indeed the level of concern was such that as the Agreements were signed, the Secretary-General presented a memorandum to the parties, setting out the main elements that would have to be in place for him to be able to determine that the necessary security conditions existed for the start of the operational phases of the popular consultation. These included the bringing of armed civilian groups under strict control and the prompt arrest and prosecution of those who incited or threatened to use violence, a ban on rallies by armed groups while ensuring the freedom of expression of all political forces and tendencies, the 'redeployment' of Indonesian military forces and the immediate institution of a process of laying down of arms by all armed groups to be completed well in advance of the holding of the ballot. But the judgment of the UN negotiators, Portugal and other key member states, was that any attempt to impose on Indonesia an international security presence would mean no agreement and no popular consultation.

Although the Agreements were signed on 5 May, it was not until 11 June (due to the US requirement to consult Congress) that the Security Council formally mandated the United Nations Assistance Mission in East Timor (UNAMET). The speed with which UNAMET was established on the ground was an administrative and logistical feat of which many thought the UN incapable. Four hundred UN volunteers were recruited to serve under the Chief Electoral Officer and his staff as District Electoral Officers for 200 registration and polling centres, along with some 270 civilian police and 50 military liaison officers – the latter a late addition not envisaged in the Agreements, whose role although confined to unarmed liaison with the TNI would prove invaluable. Together with an information component to conduct a public information campaign and a small political component to monitor the political and human rights conditions for the consultation, as well as administrative, logistical and security personnel, UNAMET's international staff at its peak numbered a little under one thousand.

The unusual speed with which UNAMET was deployed still could not enable it to be ready to open registration on 22 June, as required for an 8 August vote. But the Agreements required the Secretary-

General to ascertain, prior to the start of registration and based on the objective evaluation of UNAMET, that the necessary security situation existed for the peaceful implementation of the consultation process. By mid-June it was clear that this was far from being the case. Although the mission's presence and that of journalists and other international visitors led to a growing normalcy of life in Dili, UNAMET soon witnessed for itself the continuing activity of pro-integration militia, consistent with a flood of reports from around the territory. It became increasingly aware that the TNI was not merely complicit but giving direct leadership to the militia, and that because of this link the police were explicitly excluded from taking action against militia crimes. It confirmed for itself that the estimates of non-governmental organisations that over 40 000 persons were internally displaced were not exaggerated, and discovered that their number was continuing to grow as TNI/militia activity persisted in targeting pro-independence localities. The opening of registration was therefore postponed for three weeks, the UN stating truthfully that this was due both to logistical constraints and the security situation.

The Indonesians were told that the UN required the additional three-week period to be used to bring about a reigning-in of the militia. In fact this period saw direct challenges to UNAMET, as its personnel were subjected to militia attacks on its newly-opened office in the town of Maliana and on a humanitarian relief convoy passing through Liquiça. These well-publicised incidents evoked a strong response from the UN and key member states, but the decision on whether to go ahead and open registration on the postponed date of 13 July had to be taken in the context of clear evidence of continuing militia activity and impunity. The UN was concerned not to play into the hands of those who might want to prevent the popular consultation by intimidating its personnel, but the main concern was the continuing widespread intimidation and harassment of pro-independence Timorese. In particular, the fact that internal displacement was still growing, rather than internally displaced persons (IDPs) returning to their homes, raised serious doubts about the feasibility of the comprehensive registration essential for the consultation.

There were, however, indications of growing Indonesian responsiveness to international pressure, as undertakings were given to the UN and supportive governments at high-level meetings in Jakarta and President Habibie ordered key ministers, including General

Wiranto, the Minister of Defence and TNI chief, to visit Dili. A substantial further postponement would have rendered an August ballot impossible and perhaps imperilled the process, so it was decided to postpone the opening of registration only until 16 July, the latest date still consistent with a vote before the end of August. The Secretary-General publicly made clear that the opening of registration did not imply a favourable security assessment, but that on the contrary security conditions conducive to the consultation still did not exist, and there would be a further security assessment halfway through the 20-day registration period.

At the opening of registration, it seemed impossible that the IDPs, whose number we estimated by then at around 60 000, would be able to register (and then to vote at the same location, as the procedure required), even though the process had been designed to allow persons to register at any registration centre, irrespective of their place of normal residence. In this we underestimated the extraordinary determination and courage of the East Timorese: from the first day they came to register in numbers consistent with estimates for a comprehensive registration, and at mid-point we therefore felt able to continue registration despite the lack of action to address the militia threat. Our concern regarding IDPs continued, but as the end of registration approached it was clear that even they were registering, in part after risking a return to the regions from which they had fled and in part at their current locations. A total of 446 666 people registered, 433 576 in East Timor and the remainder at external registration centres in Indonesia, Portugal, Australia and elsewhere. This exceeded all expectations, and indeed surpassed the total registered in East Timor for the Indonesian election, even though a substantial number of those registered for the latter were ineligible for the popular consultation (being Indonesians without the connection to East Timor by birth, descent or marriage stipulated in the Agreements).

Meanwhile efforts were being made to promote reconciliation among pro-autonomy and pro-independence leaders, in a manner which would contribute to peaceful acceptance of the outcome of the popular consultation. The Bishops of East Timor convened a meeting between leading representatives of the two sides at the end of June, with limited success, although all committed themselves to respect the result of the ballot. Thereafter the leading role passed to UNAMET, and focused on reaching agreement on the establishment

immediately after the ballot of an East Timorese Consultative Commission, with equal numbers nominated by the two sides and a small independent element chosen by the UN. These efforts appeared to be successful, securing the commitment of hard-line pro-Indonesia political and militia leaders as well as more moderate pro-autonomy elements, although the former were to repudiate their commitment after the ballot.

Little success, however, attended efforts to promote 'the laying down of arms'. Under the Agreements, the key role was to be played by the Commission on Peace and Stability (KPS), established when General Wiranto visited Dili after militia killings in April. This was dominated by the military, and the UN was deliberately marginalised, despite the role envisaged for it in the Agreements. The KPS never commanded the confidence or full participation of the CNRT and Falintil. The TNI, while seemingly eager to achieve Falintil disarmament, persisted in asserting that there should be reciprocal disarmament of Falintil and the militia, and ignoring Falintil's requirement of reciprocity on the part of the TNI itself, which Falintil insisted should withdraw at least to its district-level barracks. The TNI's demand for the disarmament of Falintil and patently ludicrous claims that militia were disarming diverted efforts from what might have been achievable: a mutual laying down of arms. Falintil carried out a unilateral and largely genuine cantonment of its forces, undertaking that they would not move out with weapons from four cantonment sites. UNAMET sought to encourage some real reciprocity from the militia and TNI, and brokered meetings between TNI and Falintil commanders, and Falintil and militia representatives. Almost on the eve of the ballot, militia and Falintil commanders came together at UNAMET's headquarters to declare publicly that their men would be instructed not to move around with arms, and the Indonesian police and TNI chiefs pledged to enforce this – at last. But we proved right to have little confidence in the effect of these commitments. Falintil however throughout displayed remarkable discipline and restraint, determined not to be drawn into an open conflict that could be presented as 'civil war'.

The Agreements excluded Indonesian government officials from campaigning and required the absolute neutrality of the Indonesian armed forces and police; they allowed East Timorese government officials to campaign only in their personal capacity, without use of public funds and government resources, or recourse to pressure of

office. Local administrators had in fact been closely involved with the militia from the outset. When UNAMET arrived, a coercive and persuasive campaign to induce a pro-autonomy vote, involving the full resources of the state, was already under way, employing a range of methods: terror and intimidation, blood-drinking oath-taking ceremonies, forced attendance at public meetings, dismissals of or coerced pledges by public officials, financial inducements. UNAMET put to the authorities substantial dossiers of evidence of the systematic involvement of public officials and use of public funds in these efforts. Apart from some defence of the legitimacy of efforts to 'socialise' (i.e. explain) the autonomy proposal, this evidence and the fact that it contravened the Agreements were not denied. The involvement of public officials and public funds in the pro-autonomy campaigning became somewhat less blatant, but continued right up to the ballot.

Starting from a situation in which most pro-independence leaders were in hiding, UNAMET attempted to promote the conditions for the public functioning of the CNRT. Officials in Dili and most regencies accepted in principle the right of the CNRT to open offices and offered police protection, but it was only near to or after the commencement of the campaign that local CNRT leaders dared to risk this. Negotiations with pro-autonomy and pro-independence leaders gained acceptance of a Code of Conduct for an equitable, non-violent campaign, and the two sides co-operated in ceremonies signing the Code of Conduct and then launching the campaign. Regional campaign committees had some effect in avoiding clashes between rival campaign events. The CNRT limited the number of its public events and the profile of its campaigning, declaring its confidence in its overwhelming majority support.

Nevertheless, a level playing field was never close to existing, and the campaign period was marked by militia attacks on pro-independence campaigners. Pro-independence students who returned from Indonesia or Dili to establish themselves in the districts provoked the fiercest, sometimes lethal assaults, but several of the newly-opened CNRT offices were also attacked and closed. As the end of the campaign period and the day of the ballot approached, an upsurge in militia activity was evident.

The success of the poll on 30 August nevertheless surpassed all expectations. UNAMET's fears that polling stations might be unable to open in districts of the worst militia violence were not fulfilled,

and a small number of temporary closures were quickly resolved by co-operation between the Indonesian and UN police. An astonishing 98.6 per cent of those registered voted: indeed, UNAMET estimated that over half of them were already waiting to vote when polling stations opened. This was all the more remarkable in that thousands had again fled to the hills in response to recent militia violence: they came down to vote, in many cases returning immediately to the hills in anticipation of more violence after the ballot. When the count was completed early on 4 September, 78.5 per cent were found to have voted to reject, and 21.5 per cent to accept the proposed autonomy option.

Few doubted before the announcement that the extraordinary turn-out indicated a strong pro-independence majority. The pro-Indonesian hardliners began on polling day itself to prepare to reject the outcome by charging UNAMET malpractice, and went on to boycott the East Timorese Consultative Commission to which they had committed themselves. Violence too was immediate: two UNAMET local staff were killed at the close of polls in Ermera district, and two more were among other killings when militia went on the rampage in Maliana. Elsewhere, including in Dili itself, the announcement of the result was awaited as the signal for the beginning of systematic operations, in which towns and villages were sacked, public and private buildings destroyed, and those East Timorese who did not flee to the interior forced to accept their removal by land or sea to West Timor. A full accounting of the scale of the human rights violations committed must await the reports of the inquiries by the UN-appointed International Commission of Inquiry and by Indonesia's National Human Rights Commission, and the process thereafter of continuing investigation and prosecution. By the end of 1999, hundreds of killings had been documented, as well as accumulating reports of rape. The perpetrators were both Indonesian security forces and East and West Timorese members of militia, but the degree of planning and co-ordination of the operation implied its direction by the TNI, and the removals to West Timor were implemented by the police.

The post-ballot violence was initially portrayed in Jakarta as a spontaneous reaction to pro-independence bias on the part of UNAMET, whose local staff were among its first targets and victims. The perception of UNAMET bias, in so far as it was held in good faith

by some (rather than a deliberate tactic by others who fabricated charges designed to put UNAMET on the defensive), stemmed fundamentally from two factors: our responsibility to push for a level playing field challenged the grip the pro-integration forces had established prior to our arrival; and it was essential for UNAMET to reflect publicly the reality of the security situation (including the scale of internal displacement it had caused), deeply embarrassing as this was to the Indonesians and especially to the TNI and police. The majority of UNAMET's local staff no doubt favoured independence, but this merely reflected the population as a whole and was not the result of any intended bias in recruitment. Their role in the conduct of the ballot was heavily scrutinised by observers, and neither the independent Electoral Commission (which examined pro-integration complaints) nor international observers found any malpractice at all, let alone anything that could affect the outcome.

The key responses of UNAMET's public information campaign to the attempted intimidation of voters had been to emphasise that no-one would know how individuals or geographical areas had voted, and that the UN would remain in East Timor, as the Agreements provided, whether the outcome was autonomy or transition to independence. While the staff of the largest component, the electoral officers, would be withdrawn as soon as the ballot and the count had been completed, the civilian police and military liaison contingents (both of which were unarmed) would be strengthened in numbers, although their mandate would remain one of advice and liaison only, unless and until the UN assumed authority under the independence option. But the post-ballot violence compelled UNAMET to withdraw from the regions one-by-one, bringing to Dili those local staff it could. Prevented by militia violence from moving out of its Dili compound, UNAMET was helpless even to check the destruction of Dili. Its compound became the last refuge of well over a thousand IDPs, desperately fleeing attacks elsewhere, together with the official Portuguese Observer Mission and a few journalists. Most of the large press corps present for the announcement had been successfully frightened out by the militia immediately thereafter, doubtless as part of the well-planned preparations for the violence.

Meanwhile the pressure was mounting for the despatch of an international armed force. First the Indonesian government declared martial law in East Timor and sent additional troops from its strategic

reserve command, untainted at least by previous involvement with the militia. But martial law failed to check the violence, and its scale was further exposed when a delegation of Security Council ambassadors visited Dili: their visit and intensive diplomatic efforts by Secretary-General Kofi Annan culminated in the Habibie Cabinet's acceptance on 12 September of international 'assistance' to restore order. The multinational force was mandated by the Security Council on 15 September, to restore peace and security in East Timor using all necessary measures, and its Australian commander and first contingents landed five days later.

By 8 September the degree of risk for UNAMET staff in the Dili compound was judged to have exceeded any level of acceptability. The majority of international staff and all local staff in the compound were evacuated to Darwin on 10 September, but some 80 international staff volunteered to remain with the IDPs. Subsequently Australia agreed to grant temporary admission to the IDPs, and the Indonesian government and TNI were persuaded to allow their departure. On 14 September all but a dozen of the remaining UN personnel were flown out, together with over 1300 IDPs, to return progressively with the deployment of Interfet. When on 25 October the Security Council established a larger and longer-term UN presence, the United Nations Transitional Administration in East Timor, UNTAET subsumed UNAMET's remaining personnel.

The death and destruction which was unleashed upon East Timor after the ballot provoked three major questions, on the part of those of us who had sought to implement the Agreements as well as on the part of external critics. Why was the extent of the violence, of which there were many threats and warnings, not fully foreseen and pre-empted? Was it right for the UN to go ahead with the ballot in security conditions which in no way corresponded to the Agreements? Were the Agreements so fundamentally flawed that they should never have been sanctioned by the UN and become the basis of the popular consultation?

It has been suggested that such violence was not only predictable, but was foreshadowed by specific information received by UNAMET that it was being planned. From the arrival of UNAMET, we were deluged with written and oral reports of TNI/militia meetings allegedly planning specific attacks on pro-independence leaders or neighbourhoods, or on UNAMET itself. With a few exceptions, the

events failed to occur as predicted. UNAMET's reporting to the Secretariat, and the Secretariat's reporting to the Security Council, constantly emphasised continuing militia activity and TNI involvement. Many of the predictions were of violence to prevent the popular consultation, which were not borne out. There were also from early on highly public threats, well known to the international community and the media, that a pro-independence vote would unleash bloodshed. The difficulty was to assess the extent to which these threats were designed to affect the outcome without necessarily being likely to be carried out; or were serious on the part of those who made them but would not be carried out against a government desire to avoid international embarrassment; or were indeed deadly serious. Some violence was certainly expected, and this was reflected in the decision to reinforce the military and police components as soon as possible after the ballot.

We believed, however, that the TNI leadership would and could implement government policy sufficiently to check or prevent violence, at least on the scale which in fact occurred. There were positive indications supporting this belief, including the apparent co-operation of senior military and police officers during the registration and campaign periods and on ballot day, and the belated removal of a number of TNI officers whose involvement with militia was most blatant. The indications of a strong pro-independence majority were so clear to all international observers that we assumed that the Indonesians too had come to terms with this outcome, since otherwise violence to prevent the vote would be more rational than violence after it had become an established fact. It transpired that we had underestimated the extent to which Indonesians and pro-integration Timorese had believed that their efforts to induce a pro-autonomy vote could still succeed, or that the outcome could at least be close enough to be repudiated by charges of UNAMET bias. The underestimation of likely post-ballot violence was not the UN's alone: it was shared by most diplomatic observers, and even Xanana Gusmão, who gave strong public warnings of violence, has said that he did not foresee its extent.

Even if the scale of the violence was not foreseen, there could be no pretence that the conditions required by the Agreements for the consultation had existed at any stage. Was it wrong, as it would certainly be in most circumstances, for the UN to decide in August to allow a ballot to proceed when one side had had limited opportunity to

Right: Refugees (*Internally Displaced Persons*) camped in the church in Suai prior to the popular consultation
Below: Refugees gather outside a wrecked house in Suai

*District Parliament Building
(Dewan Perwakilan Rakyat
Daerah) in Gleno, Ermera,
destroyed in September 1999*

*Above: Destruction of the
market in Gleno; Pancasila
monument in foreground
Right: Burnt-out school
building in Manatuto; the
sign in foreground urges
support for Indonesia's
program of basic education*

campaign and violent threats from the other were prevalent? The apparent paradox is that it was the victims of violence who most wanted the ballot to go ahead. If it were postponed, it was unlikely that the opportunity could be recreated in better circumstances, or at all: the tenure of President Habibie, who almost alone in the Jakarta political elite was committed to allowing the East Timorese a genuine choice, was highly uncertain; and the world attention represented by a huge media presence and hundreds of international observers might be as unrepeatable as it was unprecedented for East Timor. The member states who had most closely supported the operation were unanimous in wanting the UN to proceed; and the CNRT leadership, while calling for an international security presence, preferred a ballot even without one to a postponement. The people of East Timor had shown during registration their determination to defy intimidation: the confidence that they would do so again proved to be well-founded.

There can be no disagreement that the people of East Timor would have been spared one more of the cycles of violence that have marked their history if the popular consultation had taken place with an armed international presence mandated to guarantee security, and the Agreements have been criticised for leaving the security responsibility to the Indonesian police. But it is equally clear that any attempt to insist on an international security presence would have meant no agreement. A stronger stance by key governments on the question of East Timor over time might have been able to change that reality, but the negotiators worked within the reality that existed in early 1999. What is remarkable is not that the Agreements could not include better security guarantees, but that they were ever reached at all: the other reality was that President Habibie's willingness to allow the independence option had little support inside or outside his own government, least of all within the TNI. Once the post-ballot violence erupted, the arrival of the multinational force seemed painfully slow amid the death and destruction in East Timor, but it came only sixteen days after the announcement of the result: this represented almost unprecedented speed, to which the efforts of the Secretary-General and the contingency planning of Australia made the key contributions. It was a bitter blow for the staff of UNAMET that they could not remain in the regions throughout, but UNAMET did remain up to and beyond the limits of acceptable risk for an unarmed mission, and the international attention to its situation helped to ensure that the

UN would fulfil its pledge to stand by the people of East Timor with the armed presence that had become essential.

Those with the most right to answer such questions and to judge the role of the UN in the popular consultation are, however, the people of East Timor themselves. At the end of 1999, even among the ashes of their homes and with relatives yet to return or be accounted for, there seems little uncertainty in their positive judgment.