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● link timor

News, analysis and action in support of justice for East Timor

No.49 May 2000

The challenges of transition

This issue of Timor Link highlights some of the pressing concerns facing the people of East Timor in this phase of transition to independence from Indonesia.

The East Timorese are dealing with competing pressures in relation to reconstruction after decades of under-development and the destruction visited on the country around the time of last August's Popular Consultation.

Top of the agenda is the return of the estimated 100,000 refugees in West Timor, and elsewhere in Indonesia. CIIR has mounted a campaign for their safe return, and is calling on governments to press Indonesia to:

- stop the militia activity in the refugee camps in West Timor and the border incursions by militia into East Timor;
- maintain adequate levels of humanitarian aid;
- stop the militias' campaign of disinformation and intimidation in the camps;
- separate out from the people in the camps the militias, former police and Indonesian army soldiers;
- allow the East Timorese refugees to go home immediately.

Justice

There is also a pressing need for processes which will lead to appropriate justice for the East Timorese. CIIR is concerned, with many other human rights organisations, as well as the East Timorese themselves, that Indonesian attempts to bring the military perpetrators of last year's violations in East Timor to justice will be long-drawn out and ultimately unsuccessful. Momentum should not be lost in preparations for an international tribunal should this failure begin to appear more likely.

We support ongoing strengthening of



Domingas Alves (right) stands in front of the ruins of her house, destroyed by militia in the run-up to last year's Popular Consultation. For many East Timorese today justice for past crimes is a key issue. The question is: who will deliver justice?

the capacity of the United Nations Transitional Administration in East Timor (UNTAET) on the ground to investigate human rights violations, and prepare evidence.

Meanwhile, CIIR will be monitoring developments in Indonesia closely as the attorney-general, Marzuki Darusman attempts to bring about reform of the Indonesian judiciary, so as to create the conditions for trials to go ahead. We talk to East Timorese from a consortium of non-governmental organisations, and the Protestant church, about their own attempts to deal with the challenges of reconciliation and reconstruction.

From CIIR's new office in Dili Milena Pires reports on moves towards reconciliation.

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Indonesian law on trial

Is an international or an Indonesian tribunal better equipped to try the military leaders responsible for human rights violations in East Timor? CIIR's Asia policy officer, Catherine Scott, assesses the arguments.

'We want Indonesia to gain credibility, but if it does not show the world it can handle this problem, it will face the full weight of international pressure which will lead inexorably to an international tribunal.'

*Richard Holbrooke,
US Ambassador to the United Nations,
Lisbon, 18 February 2000.*

On 18 February this year, the president of the UN security council, Arnaldo Manuel Listre, wrote to UN secretary-general Kofi Annan 'The members of the Security Council encourage Indonesia to institute a swift, comprehensive, effective and transparent legal process, in conformity with international standards of justice and due process of law.'

This statement represents the current framework for dealing with the perpetrators of last year's mayhem in East Timor, expressing the hope that the Indonesian government will be able to prosecute the military generals responsible for the human rights violations carried out last autumn. Those who hoped for sufficient political commitment from the international community to set up an international war crimes tribunal were disappointed, but an international trial may still be held if the Indonesians fail to deliver.

Sea change

A few months ago, the Indonesian military officers named in the report of the Indonesian Commission of Inquiry on Human Rights Violations in East Timor (KPP-HAM) were quietly confident of remaining safe from prosecution. In the past, being a member of the military was security enough, but the mood has turned against military impunity now, in Indonesia as well as abroad. General Wiranto, former supreme commander of TNI (Tentara Nasional Indonesia – the Indonesian armed forces), has been suspended from the government. The Indonesian attorney-general, Marzuki Darusman, former chair of the Indonesian human rights commission (Komnas-Ham), has committed his government to

an investigation and to a human rights court or special tribunal.

The UN secretary-general welcomed the developments, but said it is 'essential that those who committed the atrocities are brought to justice'. He maintains that if the trials do not go ahead, the UN security council may revert to an international tribunal.

The idea of an international tribunal — called for by both Mary Robinson and by a UN special commission of inquiry team, led by Sonia Picardo — is not supported by many Western governments. Opponents include the United States and Britain, and there are widespread fears that China and Russia will not sanction an international tribunal — although they might abstain in the security council.

Regional stability

In addition, governments are actively trying to bolster the new Indonesian president, Abdurrahman Wahid, as they see the potential break-up of the archipelago as threatening not only their economic interests but also regional stability. In the light of many other crises affecting Indonesia — financial scandals, secessionist struggles in Aceh and West Papua, and intra-religious violence in Maluku — the new president has a great deal to contend with.

The question now is whether Darusman can set up a human rights court which will meet minimum standards set by the international community, such as having impartial judges, protection for witnesses, and appropriate punishment for those found guilty. If not, the clamour for a war-crimes tribunal will resume.

Provision for a permanent human rights court is included in legislation about to be put before the Indonesian parliament. Although the court will not be retro-active, the legislation will enable ad hoc courts to be established to handle past crimes. These can be set up by presidential decree at the request of parliament. Also under the bill, witnesses will be protected and officers will be held accountable and tried for the actions of their subordinates.

East Timorese approaches

The National Council for Timorese Resistance (CNRT) has been keen to promote reconciliation both with the Indonesian people and president Wahid, with whom it has no quarrel. CNRT leaders Xanana Gusmão and José Ramos-Horta have stated many times that Indonesia should be 'spared the embarrassment' of an international war crimes tribunal, whereas East

Timorese human rights organisations called for an immediate international tribunal as well as an East Timorese tribunal to prosecute local perpetrators. They have also demanded witness protection, compensation for victims, action on refugees and disappeared persons, as well as investigation of crimes during the entire occupation period since 1975. However, Ramos-Horta added to this position with the following clarification on 22 March 2000:

In East Timor we are beginning, with UNTAET [the UN Transitional Administration in East Timor], to establish our own judicial system, which will soon be ready to try those in East Timor arrested for militia or criminal violence. But our brothers and sisters will have a harder time practising forgiveness here in East Timor if they know justice is not being served at the highest levels of power, through trials of those in the Indonesian military who are responsible for the nightmare of destruction East Timor has witnessed since 1975. This is also the only way to send a signal once and for all that the international community will not tolerate ongoing military aggression against innocent East Timorese civilians. For this reason, while we support the process of investigation and trials underway in Indonesia, we also encourage the international community to push forward with support for a tribunal. Such a tribunal would guarantee justice served against the masterminds of genocide in the Indonesian military high command if Indonesia cannot meet standard international norms of due process. The international community should clarify these standards now, and focus particular attention on the credibility of judicial personnel, witness protection, and military cooperation, and it should not allow selective immunity from prosecution.

Human rights officers under UNTAET in Dili are gathering forensic and documentary evidence, and interviewing witnesses for the Indonesian and international tribunals, should they happen.

There has been an extensive debate among solidarity organisations about which position to support. Groups which regularly work on Indonesian issues tend

Personal testimony

Time to come home

Dulce de Jesus Soares, an East Timorese refugee displaced into West Timor last year, spoke at the United Nations Commission on Human Rights recently about her experiences. Her story is typical of many others.

'On 12 April 1999, following the murder of a friend of ours, an Indonesian army officer threatened to kill my husband and me. The Indonesian military then forced us to sign a document stating we were in favour of autonomy. We thought that this would help protect the lives of our family, but really we were pro-independence, and everything we learned about pro-autonomy or militia activities we passed on to the independence leaders or to UNAMET.

Following the vote on 30 August, the Indonesian military and police, together with the militias, forced thousands of East Timorese to evacuate their homes and move into police compounds and other detention centres.

On 4 September, I and my family were at home in Maliana, near the border with West Timor, when the results of the popular consultation were announced. Indonesian soldiers came to our house and we were afraid that they knew we were working behind the scenes to support the pro-independence movement. The military told us that we should go quickly to the police compound so that we could be transported to West Timor. We were told that we had to leave because the situation in Maliana was no longer safe.

Refugee camp

But instead of going to the police compound, we drove to West Timor in our car. When we arrived in West Timor, we did not go to the refugee camp that was being set up by the Indonesian government because we were afraid that we would be harmed. Instead, we rented a house in a small village inside the city. The situation in the refugee camps was poor, with very bad health, sanitation and accommodation facilities.

Even though we were in a rented house, the militias came looking for people they thought were

pro-independence. Because we knew some people were taken by the militias and killed, we decided to move to a place where we were protected by the church.

In October representatives of the UNCHR came to Indonesia to help the refugees return to East Timor. We sent our relatives back to East Timor, but we stayed in West Timor because we were afraid people at home still thought we were pro-autonomy and might harm us. We decided not to go back until everyone had learned that we had been working behind the scenes for the independence movement.

Secret return

After meeting with pro-independence leaders and friends from home, and learning that it was safe to return, we decided to leave West Timor. However, we had to return secretly. We knew that the militia had killed many people who had tried to return to East Timor. We were afraid they would give us problems and try to kill us as well, so we approached the Indonesian soldiers at the border and told them we wanted to go across the border that night. They allowed it, but we had to pay them 2 million Indonesian rupiah. We paid and were able to cross the border safely.

There are still many other people in the camps in West Timor who are afraid to come home, or are not being allowed to leave by the militias and the military. The militias tell them lies, tell them they are not wanted in East Timor because they did not support independence. This is not true. Also, the Indonesian military demands payments from refugees before they are allowed across the border. Even to get your name on a list with UNCHR a payment has to be made to the militia. And when refugees are finally allowed to return home, the militias confiscate all of the materials provided to them by the UNCHR.

We, the people of East Timor, want all of our brothers and sisters to come home. We have left our political differences behind, and we are working together to build our new country. It is time that all East Timorese be allowed to join us.'

to think that Indonesia should be given a chance, claiming that the East Timor case is an excellent test of the new regime.

But East Timorese groups do not want East Timorese justice to serve as mere building blocks in the construction of a wider Indonesian democracy movement — they feel that their experience was too brutal and too important not to be given its own prominence.

Moreover, the likelihood of credible or timely results from the Indonesian justice system are low, according to the Indonesian Association for Legal Aid and Human Rights. The Association would also like the trials to take place in Indonesia but is concerned that Indonesia's criminal law does not provide norms that define or stipulate sanctions on international crimes. The Association insists that the crimes against humanity committed in East Timor should be tried using the norms of international law. It proposes the establishment of an ad-hoc extra-judicial national tribunal, with international characteristics — using international judges alongside Indonesian ones — which would pre-empt an international tribunal, and resolve the dilemma of incomplete criminal law and international pressures. It remains to be seen whether the political will exists in Indonesia for Marzuki Darusman to be able to push through with what is needed.

Groups which have worked exclusively on East Timor, plus legal groups and human rights organisations, tend to think that an international tribunal should be pressed for immediately, arguing that it is obvious that the Indonesian legal system will not deliver, and that it is the UN security council which should be put to the test. These groups point out that it does not need the unanimous approval of the security council for an international tribunal to be created — only nine of the 15 states must agree, although the permanent members do have a right of veto in non-procedural questions.

Preparedness

CIIR believes, with Amnesty International, that nothing should be done to close off avenues preparing for an international tribunal — such as limitations on the investigations by UNTAET's human rights unit, for example. It is reasonable to allow Indonesia time to bring about justice. But we are doubtful that the huge reforms necessary in Indonesia's legal system will be brought about in time to satisfy the pressing need for justice to be seen to be done. The fact that president Wahid has promised to pardon Wiranto even before he has been tried is not an encouraging sign.

For this reason, unless substantial process is made in the next three months, we will renew our calls for an international tribunal.

Weighing the scales of justice

Lucia Withers, of Amnesty International, warns against expecting too much too soon from the Indonesian government.

There are clear indications that the violent crimes that took place after the announcement of the Popular Consultation in East Timor in 1999 constituted crimes against humanity.

Three UN special rapporteurs, a UN International Commission of Inquiry (ICOI) and the Indonesian Commission of Inquiry on Human Rights Violations in East Timor (KPP-HAM) have found that the killings, rape, forced expulsion and other violations were widespread and systematic. Yet justice for the hundreds of victims and their families remains a remote prospect.

In their reports, both the special rapporteurs and the ICOI recommended the establishment of an international body to investigate and try perpetrators of human rights violations in East Timor. Amnesty International has also called for the establishment of an international criminal tribunal for crimes against humanity/war crimes committed in East Timor.

Indonesia has firmly rejected such an option and other governments are showing little support, preferring instead to place their faith in the Indonesian government's assertions that it will try its own nationals.

Important steps

According to UN principles, every state has the right to try its own nationals for war crimes and crimes against humanity. It is also true that the Indonesian authorities have taken a number of important steps towards investigating the events of last year in East Timor.

KPP-HAM published a summary of its finding which publicly identified 33 military and police officers, government officials and militia leaders whom it considered responsible. The Indonesian attorney-general has set up a team to carry out criminal investigations based on KPP-HAM's report. In the meantime, legislation on a new human rights court, which also provides for the establishment of an ad hoc court to try past violations, has been drafted.

The question is not so much whether Indonesia is willing but whether it is able to deliver on its commitments to bring to justice perpetrators of last year's violence. The investigation and trial of a senior military or government official would place considerable strain on even the most

robust judicial system with all the necessary safeguards guaranteeing independence and fairness. Indonesia's judicial system is currently far from robust, independent or fair.

Among the most obvious weaknesses are its lack of independence from the executive despite constitutional guarantees, and this makes it subordinate to, and vulnerable to interference from, the government; corruption is endemic at all levels; legal sanctions do not exist for cases in which the rights of defendants are violated; and there is no witness protection programme.

'The process of reform in Indonesia should be encouraged, but there is a delicate balance between encouraging good and thorough reform and placing such a level of pressure on the system that it collapses under the strain.'

These problems are not being ignored by president Abdurrahman Wahid's government, which has begun the process of judicial reform. However, the process will inevitably be slow, in part because of the sheer scale of the problem.

The draft legislation for the new human rights court, in which the most serious crimes including crimes against humanity and war crimes can be tried, is expected to go before parliament in May but still requires considerable revision before it would meet with international standards.

Delicate balance

The process of reform in Indonesia should be encouraged, but there is a delicate balance to be achieved between encouraging good and thorough reform and placing such a level of pressure on the system that it collapses under the strain. To test a fledgling judicial system on the legally complex and politically charged issue of crimes against humanity in East Timor brings with it enormous risks. It is

in no one's interest to see Indonesia fail in its efforts to bring perpetrators to account, nor for the reform process to be derailed by such failure. The people of East Timor would be denied the justice they deserve, but so too would the thousands of Indonesians who have also been victims to the abuse of power by the Indonesian state. The credibility of president Wahid's government would also be severely compromised by failure, with possible repercussions for political stability.

Not that the bringing to justice of human rights violators should be taken out of Indonesian hands per se, but there are no quick fixes to bringing to trial such serious cases, nor to reforming a whole judicial system. A process which falls short of international standards will serve neither the interests of justice or the broader objectives of strengthening Indonesia's judicial system.

By cooperating with the international community on investigations, the Indonesian government could contribute towards strengthening justice and accountability within Indonesia, while establishing domestic mechanisms to ensure that perpetrators of human rights violations, past and present, can eventually be successfully prosecuted nationally. Such cooperation would also enhance Indonesia's international credibility. More important, it will contribute to the development of a strong and independent criminal justice system.

As a first step, Indonesia must cooperate with the United Nations Transitional Administration in East Timor (UNTAET) in its investigations in East Timor. It has signed of a memorandum of understanding which provides for, among other things, the transfer of evidence and suspects between the two. In East Timor, UNTAET has established jurisdiction of crimes against humanity, war crimes and other serious criminal offences covered by international law. Investigations and trials in East Timor, though initially of more minor actors, will inevitably set the standard and begin to reveal the chains of evidence needed to successfully prosecute those responsible for issuing orders, designing policy and even tolerating last year's events.

The international community must encourage Indonesia in this cooperation and support it in its efforts to reform its own judicial system. It must not, however, sit back and allow Indonesia to make promises it cannot fulfil — to do so would be to betray not only the people of East Timor but also the people of Indonesia.

Reconstruction against the odds

The United Nations Transitional Administration in East Timor (UNTAET) has struggled to meet its objectives, says CIIR's Asia policy officer Catherine Scott. But reconstruction at the grassroots is slowly beginning.

A number of milestones have already been set down since the UNTAET was set up on 25 October 1999 by the UN Security Council (for details on its structure, see box, page 6). These include:

- a joint administrative structure established with CNRT
- US\$522 million pledged at the Tokyo donors' meeting in December 1999
- the handover from the multinational force, INTERFET, to UNTAET's military component
- the March 2000 accord with Indonesia securing a safe corridor between the Oecussi/Ambeno enclave and the rest of East Timor.

However, there have also been many problems. The administration has been inefficient, for example, and there is a lack of ready cash. Although governments were generous with their pledges at the Tokyo donors' meeting, few of these have been translated into real money so far. Some governments circumvented the system by paying money directly to the UNTAET Trust Fund in East Timor, but little hard cash has arrived there yet either. The fact that there was no banking system left after Indonesia withdrew has not helped, and it has taken time to sort out financial services. But the slow trickle of funds has led to some unfortunate compromises — for example, the human rights section of UNTAET has been put under the control of the civilian police (CIVPOL).

Criticisms

East Timorese non-governmental organisations (NGOs) have been critical of all the foreign operatives — UNTAET, the UN agencies and international humanitarian NGOs. In a document circulated by the East Timorese human rights organisation Yayasan Hak (*From Scorched Earth Operations to Humanitarian Organisations*) the NGOs complain that these agencies ignore their local knowledge and experience. In spite of the joint CNRT-UNTAET structures they feel marginalised, unconsulted and uninformed about the programmes and plans that guide the working practices of these organisations, and some of them even see the international presence as a

'fourth occupation'. They worry that they will become dependent on aid and there is resentment at the high salaries expatriates earn compared with local wages. They have called for better coordination between NGOs which must 'not just stop at rhetoric, but be realised in practice'.

Good practice

However, while in many cases the criticism is no doubt deserved, good practice and good development work is going unnoticed, and not every outside intervention in East Timor has been negative.

There has been positive feedback about Oxfam's water and sanitation work in the Suai area, and various Catholic agencies are supporting Caritas Dili to revamp the parish polyclinics, which were damaged last year — this has been welcomed too. The main message from the East Timorese to the development agencies is that they can cope with difficult situations — they have done so for years — but they do not want empty promises.

Agencies face difficult decisions balancing the tensions between meeting immediate needs and facilitating participation. But the East Timorese need to own their process, and be allowed to make mistakes.

Hopefully, as efficiency improves and basic infrastructures are repaired, collaboration will intensify and tensions diminish.

Problems

UNTAET has been struggling to address problems in all sectors, some that need urgent attention. Those include:

- **Refugees:** There are still 100,000 refugees in camps in West Timor, and the Indonesia government threatened in March to cut off aid supplies to them, although the aid has since been extended for three months. Many refugees are still there under duress, and in spite of high-level visits to the camps by foreign government representatives, as well as promises made by Indonesian president Abdurrahman Wahid to UN secretary-general Kofi Annan, repatriation rates remain slow.

- **Former Falintil fighters** remain cantoned in the Aileu region. Their needs must be addressed urgently and those wanting to must be resettled into the community and found appropriate employment.
- **Militia incursions:** A number of militias based in West Timor have crossed the border, parts of which remain difficult for UNTAET peacekeepers to patrol. It is thought that incursions are frequent, intimidating people who live nearby. UNTAET border control officers have confiscated hand grenades, bayonets, airguns and ammunition from returning refugees.
- **Legal System:** On 6 March UNTAET passed a regulation setting up courts in East Timor. Legal personnel — eight judges, four prosecutors and six legal defenders — are being trained. There is a backlog of some 100 cases, and prison space is woefully inadequate. Shortage of expertise, and logistical problems are slowing progress, but it is hoped that work can now start on reducing the backlog. First to be tried will be some 54 former militia members. In addition to the local legal staff, four international judges will assist, and all trials will be based on consensus of all judges. UNTAET has adopted an international law on genocide, crimes against humanity and war crimes as part of East Timor's legal code, which is based on Indonesian law insofar as that is compatible with human rights.

continued



Children waiting while their elders voted in Dili, August 1999.

Quick guide to UNTAET

Duration

Set up on 25 October; likely to run for 2-3 years

Special representative of the secretary-general

Sergio Vieira de Mello (Brazil)

Deputy special representative of the secretary-general for governance and public administration

Jean-Christian Cady (France)

Deputy special representative of the secretary-general for humanitarian assistance and emergency rehabilitation

Akira Takahashi (Japan)

Director of UNTAET/Jakarta

Lakhan Lal Mehrotra (India)

Force commander

Lieutenant General Jaime de los Santos (Philippines)

Chief military liaison officer

Brigadier General Rezaqual Haider (Bangladesh)

Chief of civilian police

Commissioner Carlos Lima (Portugal)

Strength

Military component: 7,512 (23 March 2000); authorised maximum strength: 8,950 troops and 200 military observers
Civilian police component: 933 (23 March 2000); authorised maximum strength: 1,640

Contributors of military and civilian police personnel

Argentina, Australia, Austria, Bangladesh, Bolivia, Brazil, Canada, Cape Verde, Chile, China, Denmark, Egypt, Fiji, France, Gambia, Ghana, Ireland, Jordan, Kenya, Korea (Republic of), Malaysia, Mozambique, Nepal, New Zealand, Niger, Norway, Pakistan, Philippines, Portugal, Russia, Senegal, Singapore, Spain, Sri Lanka, Sweden, Thailand, Turkey, United Kingdom, United States of America, Uruguay, Zambia, Zimbabwe.

Method of financing

Assessments in respect of Special Account. Proposed Budget (1 December 1999 – 30 June 2000) US\$386.3 million.

<http://www.un.org/peace/etimor/Untaet>

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On 6 April UNTAET and the government of Indonesia agreed to facilitate the transfer of people from one jurisdiction to another, allow for forensic experts to participate in exhumations, and ensure that representatives of the authorities can participate in legal proceedings and provide information and evidence.

Humanitarian needs

Reconstruction is beginning slowly, as humanitarian needs are gradually met by the official agencies and NGOs.

The World Bank's Joint Assessment Mission, begun last autumn, has already come up with comprehensive plans for several sectors. Keen to avoid some of the charges already laid against the UNTAET, the World Bank has paired all its expatriate advisers with East Timorese counterparts and, so far, this has led to a greater sense of ownership among the East Timorese.

The project which has developed furthest is the Community Empowerment Programme (CEP), which has already drawn up a six-month work plan. The lead agency is Community Aid Abroad (Oxfam Australia). CIIR is working on the gender

aspects of the programme.

At its heart, the CEP aims to hand decision-making power on local development initiatives to the grassroots, by making grants available at village level. It has devised a committee structure — from district, to sub-district, to village — with a built-in affirmative action plan so that one woman is elected for every man. Once the project is established, funds will be available to address specific problems experienced by widows, and other vulnerable groups, and to deal with trauma.

Other components of the project will look at cultural aspects of rehabilitation. A national heritage and performance centre will be established, for example, and a methodology for collecting oral histories will be developed, with appropriate means for documenting and archiving personal stories and testimonies. The experiences of similar successful projects in places such as Guatemala will be brought in to help. Grants will be available for strengthening of civil society groups, supporting the development of regional and local Timorese NGOs that work on poverty.

- Progress reports of some of these plans will be included in future issues of *Timor Link*.

Finding our own way

Reverend Arlindo Marcal, moderator of the Protestant church in East Timor, told CIIR's Catherine Scott about his project for training East Timorese in conflict resolution.

The problem is that, in many cases, reconciliation is being imposed on us by outsiders as a condition for receiving money,' explained Reverend Marcal. 'We want to promote reconciliation ourselves — our own way.'

It is no surprise to East Timor watchers that this should be the case. After all, almost everything else in East Timor's recent past seems to have been imposed.

In the vast coffee lounge of the United Nations Palais des Nations, with its picture-book window looking out on Lake Geneva, Reverend Marcal explained his vision of the ecumenical reconciliation project he has conceived. Working with colleagues from Christian churches and East Timorese-based youth groups, such as Renetil and Impettu, his project will organise training courses on conflict resolution skills and mediation. He has held one already. The idea is to train trainers and to spread conflict resolution skills as widely as possible throughout East Timor.

'We need many more skills and knowledge,' said Reverend Marcal. 'We have started with a small ecumenical team which we need to build up. We need resource people. We started in Same, my home town. From next month we want to continue from Lospalos. We want to train as many people as possible so that they can take these skills to the villages.'

Hopefully, in three year's time, says Marcal, there will be 1,000 trainers who can take their own initiatives. He also hopes to use the infrastructure of the churches to help him. 'We can ask pastors to arrange training sessions in their parishes,' he says. 'We can take a biblical approach, looking at approaches to reconciliation from scripture.'

The East Timorese generally have traditional approaches to conflict resolution, and these can be built on. But there is an openness on the part of Arlindo's church to receiving knowledge, training and assistance from Southern countries which have undergone similar experiences. People from Guatemala, and other countries emerging from civil strife, may have much to offer the East Timorese. The East Timorese Protestant churches are evidently keen to encourage and promote exchanges.

When opposites meet

Historic meetings between militia leaders and the leadership of the East Timor resistance point to high-level reconciliation. But, for the population at large, there is a long way to go to overcome the injustices of the past, reports Milena Pires.

It was a warm afternoon when word began to spread around the compound that some militia leaders were going to arrive. It certainly looked like something was happening. The personal security guards of Xanana Gusmão, president of the National Council for Timorese Resistance (CNRT), sealed the gates to the compound and members of staff milled around the driveway looking down the road. It was true. The militia leaders had arrived in Dili and were on their way to meet with Xanana. Juanico Belo, head of one of the militia, Tim Saka, was due to arrive with four other militia leaders.

Their arrival at the compound was swift: a slamming of doors and handshakes between opponents, a flash from a lone photographer wanting to record the moment, a necessary welcome. It was reported later that a young member of Xanana Gusmão's staff, having come face to face with one of his father's killers, was heard to say, 'You have no place here', while offering his hand.

It was a profoundly ironic moment. Six months earlier a meeting such as this was precisely what the Indonesian authorities' divide and rule policy had been intended to prevent at all costs. Now, as the meeting progressed, the militia leaders became mesmerised by the presence and generosity of the man who faced them.

Political necessity

East Timor's politicians have already embraced reconciliation as a necessity and have firmly established it as policy. At the top level, political leaders from both sides have already met. And commanders of Falintil, the armed wing of the resistance, have met with some militia leaders to try to persuade them to return from West to East Timor, thus opening the way for Juanico and colleagues to take part in the process of nation-

building and reconciliation. Indeed, East Timor's geographical location and the continuing presence of refugees at its borders predetermines such a policy. Political reconciliation is truly underway and normalisation of relations with Indonesia is top of the agenda.

Fresh wounds

What is lacking is a mechanism to enable the wider population to reconcile with the past. Paradoxically, for people who are looking towards their future, the past permeates every aspect of their present existence, and is recounted vividly in many stories.

The warm reception that the militia leaders encountered in Lospalos, where a less forgiving environment was predicted — the leader of Tim Alfa was moved to tears — seems to suggest these people have come to terms with their more recent past. But scratch beneath the surface and the story changes. The wounds of the recent past are still fresh, and it is a past that weighs heavily, despite the public calls for reconciliation. Reconciliation is a necessity, but the sense of right and wrong, and the need not to forsake the deaths of loved ones, is entrenched deep within the Timorese psyche.

Timorese non-governmental organisations have made their position clear — there cannot be reconciliation without justice, and this means trying and sentencing the perpetrators. Xanana Gusmão himself has stated that justice lies at the heart of CNRT policy, although the practical implications of this statement is open to interpretation.

● Milena Pires is CIIR's representative in Dili.



A militia insignia embossed on a motorcycle license plate.

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The challenge for NGOs

Antonio Da Conceicao is executive director of Timor Aid, an East Timorese humanitarian and development non-governmental organisation (NGO). He spoke to Timor Link while on a visit to the UK in February 2000.

Q: How are East Timorese NGOs coping in the present climate?

Antonio: National NGOs are in a very difficult situation because they are having to start again from below zero. Everything has been destroyed — their offices, their equipment — and now they are having to compete with the international NGOs, which are engaged in the same activities. The local NGOs also have problems in dealing with the 'government'. At first we were quite optimistic because the international NGOs were committed to building the capacities of the local NGOs, and some international funders, such as USAID, are assisting with this; but it is a slow process. Staff need salaries, and there are wide differentials between the salaries of local and the international NGO staff — this is an issue too.

East Timorese are frequently acting as interpreters, guides, drivers, and so on, for both UNTAET and the international NGOs, rather than organising for themselves and on their own behalf. It is really important that East Timorese are involved at every level, and in every function of NGO activity, and that the local NGOs can build up their strength. Local NGOs need assistance to build accountable structures with well-trained managers and technically trained personnel. This should be a priority. The international NGOs should give priority to skilling the East Timorese — they should listen to the East Timorese, and equip us to organise ourselves. If they don't, the UN will not have helped the people.

East Timor is really too small for some of the larger international NGOs — we feel we are being swamped. It would be better if they concentrated on specific specialist areas — some of them are trying to go everywhere at once.

Q: What is the background to the East Timorese NGO Forum?

A: The Forum existed before the ballot. Twenty-two NGOs have belonged to it since March 1999, and now it is expanding as new East Timorese NGOs are forming all the time. We got it going again

when we came down from the mountains after the violence had abated. The large East Timorese NGOs got it started — ETADEP (which was the successor to the Catholic Relief services after the Indonesian invasion), Timor Aid, Caritas, and so on — and we were represented at the World Bank donors' meeting in Tokyo last December. But the Forum needs a physical space and basic office equipment to really begin to have an impact. We need to redefine its remit. Development activities have got off to a slow start. Eventually NGOs will go back to their pre-ballot activities.

All the East Timorese NGOs are concerned that the international humanitarian organisations will make people dependent on aid. They need to be aware of the danger, and concentrate on development activities. We hope that when some of the World Bank money comes onstream we will be able to move more quickly — but everyone must ensure that East Timorese participation is paramount. As a priority the Forum must set up working groups to relate to UNTAET.

Q: What is the situation with the harvest — were people able to plant their crops?

A: Many people missed the planting season because they were displaced from their land. Now they have nothing to harvest, and the next planting season is not until October, so they are very dependent on food aid. They are also badly in need of extra seeds because the ones they had have been consumed. When people returned from the refugee camps in West Timor the rainy season had already started and finding shelter had to be their priority. Some planted coffee, and there is a chance to harvest that, although the crop will be less than usual and there is no guarantee that it will fetch good prices because the market has been severely disrupted. USAID has been helping to rehabilitate the coffee bushes, and supporting the farmers. But will it be the farmers who ultimately benefit or the international coffee companies?

Q: What about the health situation?

A: Many organisations have come to East Timor to help with health, and they have taken over various hospitals. But there does not seem to be much coordination between them. Also, all the doctors are foreigners and do not speak our language, so sick people have to describe their ailments through interpreters, leading to

mis-diagnoses and inappropriate prescriptions. There is a shortage of medicines — drugs other than simple pain killers, such as paracetamol, are scarce.

Q: We have heard that unemployment is leading to tensions. What is your experience?

A: Unemployment is a huge problem — especially among civil servants of the former regime. There have been outbreaks of violence and unrest because of it. People have huge expectations of the CNRT. They want it to be a government. But while there is a joint CNRT-UNTAET structure, there is no clear strategy for how the majority of East Timorese can be involved. This is leading to scepticism among the East Timorese, not only about the UN — which they are beginning to think is more concerned with its own interests — but about the CNRT representatives. Some people are beginning to ask exactly to what extent these people represent the East Timorese.

UNTAET's tendency to recruit only those East Timorese who speak some English is also causing tensions.

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