



RESEARCH FINDINGS BRIEF

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RESEARCH SNAPSHOT

In order to document and share the lessons from the unique bilateral reconciliation between Timor-Leste and Indonesia, the g7+ Secretariat together with the g7+ Foundation commissioned a research project to identify what took place and what were the key elements of restoring relations between two countries that share a traumatic and violent history. The findings are intended to stimulate ideas and dialogue on how to make reconciliation work in such situations.

TITLE:

Reconciliation between Timor-Leste and Indonesia: A Forward Looking Model

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ABOUT THIS PAPER

This research findings brief is based on the preliminary findings of an ongoing study into the reconciliation process between Timor Leste and Indonesia. It is based largely on the first hand accounts of the key leaders at the time, as told to the primary researcher.

The views and opinions expressed in the research are those of the authors, and do not necessarily reflect the position of the g7+ Foundation, the g7+ Secretariat or its members.

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A forward looking model of reconciliation

The story of reconciliation between Timor-Leste and Indonesia is remarkable for the process and its success. After gaining independence in 2002, the leadership of Timor-Leste prioritized forgiveness in order to forge a new relationship with its closest neighbor, and to heal the battle scars amongst its own divided community. The process was supported by the Indonesian government, which was bedding in the democratization of politics and reforming its security institutions. With an international focus on prosecuting individual perpetrators of violence, the leaders of Timor-Leste and Indonesia instead sought a model of reconciliation that was anchored in both peace building and state building.

KEY MESSAGES:



This case study highlights the complex interplay of external and domestic pressures that surround the pursuit of peace and reconciliation. The approach pursued by the leaders of Timor-Leste and Indonesia prioritized 'restorative justice' ahead of 'retributive justice' in the search for a sensitive and pragmatic way forward.



At the time, democracy in both countries was in its infancy, necessitating a means of reconciliation that not only addressed the horrors of the past that would bring about better bilateral relations, but also contributed to the fledgling process of peace building and state building in each country.



The process of reconciliation is not static, nor does it come to an end with the publication of a report. Careful consideration needs to be given to the staging and pace of events, which will likely continue for decades depending on the history of conflict and development context of the countries involved.



It was most evident from this case study that the reconciliation process benefited greatly from the deep personal commitments of the key leaders, together with their good standing on the international stage and amongst their own populations.

A long and complex path to peace

The Portuguese arrived in Timor in the sixteenth century and controlled the eastern half of the island for nearly 450 years. The Carnation Revolution (Revolução das Flores) that erupted in Lisbon on 25 April 1974, brought an abrupt end to Portuguese colonial rule. Three major political movements emerged in what would ultimately become Timor-Leste, each with different ideologies for the future of their country. FRETILIN (Frente Revolucionária de Timor-Leste Independente) advocated full independence, while UDT (União Democrática Timorese) originally sought a federation with Portugal, only to later seek integration with Indonesia. APODETI (Associação Popular Democrática Timorese) also declared itself in favour of autonomous integration with Indonesia.

The sudden invasion by the Indonesian military in December 1975 scuttled any chance to reach a political settlement between the parties. The following 24 years of Indonesian occupation resulted in nearly a third of the population losing their life, with every family affected by the conflict. Throughout this period, constant resistance from FRETILIN supporters spread into a guerrilla movement under the umbrella of the Congresso Nacional de Reconstrução de Timor (CNRT).

The resistance within the country was accompanied by solidarity movements of Diaspora and sympathetic supporters in many countries around the world. The resistance and international pressure eventually led to a trilateral agreement being signed between the United Nations, Portugal and Indonesia on 5 May 1999, which set the basis for the Timorese people determining their destiny through a UN sponsored ballot.

The referendum was held on 30 August 1999, with 78 per cent of people voting to end Indonesian control. The result triggered a brutal wave of violence against civilians together with the willful and systematic destruction of state and private infrastructure. Many of those who voted in favor of Indonesia fled across the border into Indonesian West Timor, while most of the population had taken shelter in the mountains to avoid the violence carried out by the pro-autonomy militias.

The retreating Indonesian military, feeling humiliated and betrayed by both its government and the people of Timor-Leste, did little to stop the carnage, or actively participated. The ensuing humanitarian crisis led to an international intervention to stem the violence. On 20 September 1999, the Australian led United Nations Multi-National Forces (INTERFET) landed, and once the situation was brought under control, the UN Security Council, through Resolution 1271/1999, established the United Nations Transitional Administration in Timor-Leste (UNTAET) to administer the country.

“ We knew that if an international tribunal was established there would be problems for our country. The military would react, and this could disrupt the process of democratization, including reform of security institutions.

Hassan Wirajuda, Indonesian Foreign Minister 2001 to 2009

The UN administration effectively governed until 20 May 2002, when Timor-Leste finally restored its independence. The country was in ruins and the people traumatized, with many filled with hatred and a thirst for revenge. For some time, the Indonesian military continued supporting militias in the border areas. Over the course of a few difficult years, however, there would be a remarkable transformation in relations between the two former foes.

Indonesia was widely condemned for the human rights violations that occurred in Timor-Leste before and during the referendum. The international community voiced concern over the lack of prosecution of individuals involved in the shocking

violence that had been unleashed, with little tolerance for the perceived impunity enjoyed by the perpetrators of human rights violations.

In Timor-Leste, the long suffering population was torn between a desire for justice and the hope of a new beginning for a fragile country emerging from a long history of conflict and subjugation. The leadership recognised the risks associated with a prolonged dispute between the two countries, as well as the promotion of forgiveness. To navigate the complexity of the situation at that time, and resolve those risks, the leaders promoted reconciliation based on truth telling. It was a pragmatic approach, given the shared porous border and intrinsically entwined fate of the two countries. An ongoing dispute with Indonesia would perpetuate security disturbances on the border and present significant difficulties in rebuilding the economy. Additionally, it would have exacerbated the deep division between the pro-autonomy and independence supporters, particularly in the border regions. Every day thousands of people crossed the border for a variety of business, family and cultural activities. To avert the country descending back into violence, it was considered essential to promote reconciliation with restorative justice and discourage any retaliation by the victims of the 1999 violence against the pro-autonomy supporters.

On the Indonesian side, the architects of the fledgling democracy, arising from the 1998 collapse of the Suharto regime, were carefully navigating the legacy of over 50 years of military dictatorship. The military had been left humiliated and feeling betrayed by both its government and the Timorese people after the 1999 referendum. The Indonesian authorities were finely balancing internal and external threats. Improving its standing on the international stage, in light of the condemnation and sanctions imposed over the violence and human rights abuses, was essential for its economic and political development. At the same time, there was a fear that the social fabric of the country could be ripped apart, especially if other parts of the archipelago with separatist intentions seized the opportunity to advance their cause. Human rights issues aside, the breakup of Indonesia was widely viewed as having the potential to destabilize the entire Southeast Asia region, the ramifications of which was something international leaders, including in Timor-Leste, wanted to avoid.

Central figures in the resistance struggles, who went on to alternately hold the positions of president and prime minister, Xanana Gusmão and José Ramos-Horta, shared the view that any reconciliation effort had to factor in the need to avoid instability on the border, as well as help promote the ongoing and delicate process of democratization in Indonesia. It was not just an issue of governance, but an understanding of the repercussions of any slide back to military rule, which would reverberate within Timor-Leste. Gusmão recalled 'we didn't want reconciliation that

created instability in Indonesia. We wanted to uncover the truth, in order to bring back peace for Timorese people, prevent future conflicts and help Indonesia to democratize its politics and enable them to reform their security institutions. For us, that would help consolidate our democracy and political stability in order to advance our development.'

It was Ramos-Horta's view that reconciliation was 'pragmatically important as Timor-Leste sought to build strong relationships in Southeast Asia, especially with Indonesia, to ensure stability in the region. We also genuinely wanted the democratic transition in Indonesia to be successful, as it would help to create and maintain stability on our border'.

Reflect back, but look forward

Both countries had attempted a number of efforts to address the wrongs of the past. In 2001, Timor-Leste, then under UN administration, established a Commission for Reception, Truth and Reconciliation (known by its Portuguese acronym CAVR) to investigate and document the violence carried out under Indonesian occupation, and to reconcile Timorese that had fought against each other during the occupation. The UN focus was mainly on prosecuting individuals for crimes that had been committed, with a view to establishing an international tribunal, much like what had been set up in Rwanda previously. However, as Xanana Gusmão observed, despite the tribunals people in Rwanda continued to 'live in fear, with no social harmony and no peace until [a process of] national reconciliation was introduced, as we did here in Timor-Leste, to heal the wounds'.



If you really want peace, if you really want stability, you have to put everything behind you. If not, you will live under the trauma of the past. You will not see the future.

Xanana Gusmão, former President and Prime Minister of Timor-Leste

Reconciliation amongst Timorese was very important, but as José Ramos-Horta noted, a solely national process excluded a big part of the equation, and 'so we needed to have another truth and reconciliation process with Indonesia'. In response to the international and domestic criticisms of favoring reconciliation over prosecution, Ramos-Horta further noted that 'my conviction is that justice will happen' but that it needs to happen in its own time, as exemplified by other situations where 'justice for the military perpetrators of violence only happened after those countries had consolidated themselves democratically'.

Indonesia, meanwhile, had established an Ad-hoc Tribunal in Jakarta, but the trial failed to deliver a credible decision with all of the Indonesian generals acquitted, and only three Timorese charged. 'This really concerned me, and I have to say it failed', reflected Hassan Wirajuda, Indonesia's foreign minister at the time. It was a view widely shared, and the process triggered further international criticism, leading to the UN Secretary General establishing a Commission of Experts to Review the Prosecution of Serious Violations of Human Rights in Timor-Leste. Later, the UN Security Council would create a Serious Crimes Investigation Team, to operate as an extension of the previous investigations that had been carried out under the UN administration.

With considerable international pressure being exerted, the leaders of both countries resisted the imposition of an externally driven process. Indonesian President Susilo Bambang Yudhoyono opined international interventions tended to 'impose values and views on democracy, elections and culture without understanding the values, views, culture and even the situation of the country [involved]'.

As a seasoned diplomat, José Ramos-Horta knew the importance of building international support for the process being pursued by the two countries. Together with his then Indonesian foreign minister counterpart, Hassan Wirayudha, he met with UN Secretary General Kofi Annan and US Secretary of State Collin Powell in an attempt to convince them to trust the bilateral process 'that was being pursued by two sovereign countries'. Following the joint delegation, the two presidents of Indonesia and Timor-Leste signed an agreement to establish a Commission for Truth and Friendship. The inclusion of the words 'truth' and 'friendship' were carefully and deliberately chosen by the leaders to reflect both the desired outcomes, and the approach to be pursued: To honestly confront the legacy of the past that had haunted both countries, whilst securing a better future for the victims and their children.

Focus on peace and state building

Perhaps the greatest concern of the critics of the Commission for Truth and Friendship was that its terms of reference made provision for it to recommend amnesty for those who cooperated fully in revealing the truth. For Indonesia, especially, this was an important measure to ensure the cooperation of the military establishment. Nevertheless, its inclusion sparked outrage that human rights violations would be glossed over in order for 'Indonesia to save face'. The terms of reference further stated the Commission's work would not lead to the prosecution of alleged perpetrators, but importantly that it will also not prejudice any legal process pertaining to human rights violations in 1999 in Timor-Leste.

Xanana Gusmão was adamant that truth telling through public

hearings in itself striped away impunity for those responsible for crimes, and José Ramos-Horta maintained that there would be 'national legal processes that will deal with [prosecutions] in due course'. As it transpired, the Commission did not grant amnesty to anyone, noting that 'those alleged perpetrators did not meet the criteria established by the Commission to grant amnesty'.

The process itself was deeply rooted in both peace building and state building. The public hearings were intended to ensure that reconciliation was not just between the two countries and their leaders, but involved people who were affected by the violence and the perpetrators. Of these hearings, Xanana Gusmão recalled 'it was really difficult at first, with victims and perpetrators not wanting to talk to each other' but as people opened up 'there was a sense of acceptance, and the undercurrent of resentment had become relief. What I admire the most about the people of Timor-Leste is their maturity and greatness to understand the reality, and the future needs of our country, including peace and security in our border areas. As recalled by Paulo Assis Belo (Funumata) and Aquelino Fraga (Eteuco), resistance leaders involved in these hearings, the meetings in the border areas 'were so important to prepare people especially the victims and the resistance to accept reconciliation'.

In that regard the work of the Commission sought to build on the reconciliation meetings that had been held in Timor-Leste, especially in the border areas, between 1999 and 2004. It also drew from the lessons of the previous efforts, including the CAVR, the Jakarta tribunal and the UN Commission of Experts.

President Yudhoyono called his military high command to meet him in his residence to tell them that 'the truth must be revealed to heal old wounds, and to take away the burden of our past that has been haunting us'. He went on to urge their support for the reconciliation process so that 'we can live in harmony with Timor-Leste', noting that 'no individual or groups will be held responsible for the violence, but that we need to find out what went wrong, and why our institutions failed to prevent the violence'. Rather than shirking individual responsibility, the preferred approach was to strengthen institutional capacity so that the organs of the state were responsive to the needs and acted in the interests of the people they existed to serve. It would take another ten years, under the auspices of the universal sustainable development agenda and goals (the 2030 Agenda and the Sustainable Development Goals) before there would be global acceptance of the importance of building capable and accountable state institutions to achieve sustained peace and sustainable development.

A living process

After two and half years of listening and deliberation, the report of the Commission for Truth and Friendship was released in 2008. Its major finding was that crimes against humanity were committed in Timor-Leste in 1999, and that the Indonesian government, military and police bore institutional responsibility. Moreover, it noted that members of the military, police and civil authorities consistently and systematically cooperated with and supported the pro-autonomy militias in ways that contributed to the perpetration of the crimes. It was also concluded that gross human rights violations were perpetrated by both sides directly or indirectly (through material support, planning, encouragement, etc.) with the great majority of reported violence perpetrated against pro-independence supporters.

Both governments accepted the findings at a high level ceremony marking the launch of the report. President Yudhoyono's acknowledgement of findings was the first official recognition by an Indonesian government of the country's complicity in human rights violations in Timor-Leste. The report, like the process that gave rise to it, was not without its detractors. Xanana Gusmão recognized that 'even if it [the process] was not perfect, the testimony helped victims to free themselves from the trauma they have held for many years'. He further recalled that 'some people who came to appreciate the process, decided not to oppose [it] even though they did not support it'.

The legacy of the reconciliation process goes beyond the work and report of the Commission. It is reflected in what has been a remarkable transformation in relations between the leaders and people of two states that were once at war. Both countries have continued to advance in their journey of democratization and development that have seen peaceful elections and institutional reforms, including of the security services. In his last presidential visit to Timor-Leste before his term ended in 2014, President Yudhoyono paid a visit to the National Heroes Cemetery in Metinaro to pay homage to those people who had fallen during the resistance. It was a highly symbolic gesture of goodwill, reciprocated by the attendance of Timorese veterans, including Xanana Gusmão, at the Hari Tentara Nasional Indonesia (Indonesian National Armed Forces Day) ceremony in Surabaya. Careful consideration will need to be given to the ongoing commitment to the process of reconciliation by the new and emerging leaders of both countries.

Driving forces

Political, military, resistance and community leadership was paramount to the process of reconciliation efforts between the Indonesia and Timor-Leste. A vast array of people have been instrumental in the success, but it was the intersection of the personal trajectories of Xanana Gusmão and Susilo Bambang Yudhoyono that were a particular force behind the reconciliation. Gusmão fought against the Indonesian occupation as a guerrilla leader for many years until he was captured and imprisoned by the Indonesian government. Throughout the struggle, he consistently promoted unity and reconciliation amongst all Timorese as a means to resist the Indonesian occupation. This provided him with the authority to call for reconciliation internally and with Indonesia when the time came to overcome the cross-border grievances. Yudhoyono was first dispatched to Timor-Leste in the 1980s as an Indonesian military officer to fight against the Timorese resistance. He recalls 'during my tour of duty in Timor-Leste as commander of a battalion in 1986, I applied a just war to minimize civilian casualties and to treat my enemies as human beings'. He went on to rise through the ranks of the armed forces and then became Coordinating Minister for Political and Security Affairs after the fall of the Suharto regime. The two men first met in Bali in 2001, before going on to lead their respective countries. A very close relationship developed between the two leaders through a shared forward-looking vision for reconciliation, which was later to be implemented through the establishment of the Commission on Truth and Friendship.

Their efforts to advance the cause of reconciliation enjoyed the decisive support from other leaders in the two countries. Crucially, the people of both Timor-Leste and Indonesia largely embraced the reconciliation process envisioned by their leaders. This was possible primarily because the public was included in the process from the beginning. Even before putting forward the concept of reconciliation, the leaders sought to nurture and consolidate an understanding of the importance of restoring relationship between the two countries for their own future benefit. This proved a decisive factor for this remarkably successful reconciliation process.

This research is based largely on the first hand accounts of the key leaders at the time, as told to the primary researcher, including:

Xanana Gusmão, Former President, Former Prime Minister and former resistance leader of Timor-Leste, 4 August 2016, Dili, Timor Leste

Susilo Bambang Yudhoyono, Former President of Indonesia, 28 July 2016, Jakarta, Indonesia

Jose Ramos -Horta, Timor-Leste Former Minister of Foreign Affairs, Former Prime Minister and Former President of Timor-Leste, 3 August 2016, Dili, Timor Leste

Hasan Wirayudha, Former Minister of Foreign Affairs, Indonesia, 28 July 2016, Jakarta, Indonesia

Dionisio Babo, Former Co-Chair of CTF from Timor Leste and current State Minister, Coordinating Minister and Minister of State Administration of Timor Leste, 11 July 2016, Dili, Timor Leste

Cirilo Cristovao, Former Commissioner of CTF from Timor Leste and current Minister of Defence of Timor Leste, 11 July 2016, Dili, Timor Leste

General Agus Widjojo, Former Commissioner of CTF from Indonesia, currently Governor of National Institute of Resilience of Indonesia (Lemhanas), 26 July 2016, Jakarta, Indonesia

Ambassador Wisber Loeis, Former Commissioner of CTF from Indonesia, 26 July 2016, Jakarta, Indonesia

Ambassador Dino Patit Djalal, former Vice Minister of Foreign Affairs of Indonesia, 29 July 2016, Jakarta, Indonesia.

Paulo Assis Belo (Funumata), former Vice Secretary of Internal Political Front (FPI) of Resistance, member of Xanana Reconciliation team 1999-2002, former Member of National Parliament and former Vice Minister of Education of Timor Leste, 29 August 2017.

Aquelino Fraga Guterres (Eteuco), former Vice Secretary of Region IV of Resistance, member of Xanana Reconciliation team 1999-2002 and former Member of National Parliament Timor Leste, 29 August 2017.

Focus Group Discussions with the pro-autonomy supporters living in Kupang, Indonesia, 5-7 August 2017.