

Timor Leste's Xanana Gusmao: Justice Is Not Revenge

by Mike Billington

There are many who doubt that the tiny nation now known as Timor Leste (East Timor) should ever have attempted the risky business of becoming a mini-state, especially in the hostile and endangered world we are living in today. With barely 1 million citizens, Timor Leste is the poorest nation in Asia, and one of the poorest ten in the world. It has few resources, poor infrastructure, and a poorly educated population.

But no one of goodwill can doubt that the President of Timor Leste, Xanana Gusmao, has proven to be a leader of high principle, courage, and wisdom, willing and able to stand up to the most powerful of hostile forces which are trying to use the new nation as a pawn in larger geopolitical conflicts.

During the 1980s and 1990s, Gusmao led the Revolutionary Front for Independence in East Timor (FRETILIN) and its military arm, demanding independence from, first, Portugal, and then from Indonesia. Gusmao became President of Timor Leste after Indonesia organized a referendum for independence in 1999.

The hostile interests arrayed against Timor Leste include the global human rights mafia (led by Amnesty International), which earlier had supported independence from Indonesia, but now is furious that President Gusmao insists on friendship and cooperation with the Indonesian nation and its people. Also among the hostile interests is Australia's increasingly oppressive regime, under neo-conservative cohort Prime Minister John Howard.

Timor Leste, under Xanana Gusmao's leadership, is proving to be the young upstart, willing and able to place a well-deserved finger-in-the-eye of the imperial game-masters. Whether a world being driven to war and depression by the current hegemonic Anglo-American financial oligarches will allow this moral nuisance to survive is not certain. If the world were wise, it would learn from the valuable lesson it is being offered.

In the Spirit of the Treaty of Westphalia

Although this writer has never heard President Gusmao refer directly to the Treaty of Westphalia, it is clear from his every speech that he carries the meaning of that historic document in his heart. In 1648, the Treaty of Westphalia brought 150 years of religious and sectarian warfare across Europe to an end, and gave substance to the notion of the

nation-state, on the principle that the interest of the *other* was of the most profound *self-interest* to each side, and that there was no place for revenge against the crimes committed in the past by the various warring parties.

Consider President Gusmao's response on Dec. 8, while addressing a gathering in Washington sponsored by the Asia Society, to a question from the ubiquitous representative of Amnesty International. Amnesty, acting as a hit-squad for the Anglo-Dutch financial oligarchy, has waged a determined campaign to create an international tribunal against the Indonesian military leaders whom they declare to be responsible for the deadly riots by the pro-Indonesia militias in Timor Leste, after their loss of the 1999 referendum to the pro-independence forces. The Amnesty representative called on Gusmao to stop "interfering" with the effort to form such an international tribunal, arguing that Gusmao was standing in the way of justice for his own people.

But Gusmao doesn't see it that way: "I am not *opposed* to such a tribunal," he said, "but I have made clear since 2001 that *that is not my priority*—and if it is to be, it shall not be on our soil! We have a fight for *justice*, not for vengeance. To us, our problem is that we are hungry, we are sick, we need education. We still have many Indonesians among us, and they are our friends. We look across the border at those who have fled, and we say: 'Hello, return to us. We are your friends.' We say the same to those who are still in the mountains. The past belongs to the past. My priority now is how this independence can offer something good to the people. If we continue to pry into the past, there will be no time to build our country."

Such is the substance of wisdom.

Whose Justice?

The United Nations, under the overbearing influence of the United States, has also pressured Timor Leste, against the wishes of its own sovereign government, to join in the destabilization of Indonesia. During the 1999-2002 era of the UN Transitional Authority in East Timor (UNTEAT), which governed Timor Leste after the referendum and before formal independence in May 2002, the UN set up a human rights court in Dili, the capital of Timor Leste, to investigate and bring charges against those responsible for the killings and destruction following the referendum. Gusmao supported this



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effort, while also inviting those who had fled to return, face the courts if necessary, and either clear their names, or serve a jail term, and then join in rebuilding society.

But the foreign-funded and administered court remained in place even after Timor Leste assumed national independence, and subsequently brought indictments against several Indonesian military leaders. President Gusmao put his foot down. In particular, in June 2004, he refused to forward an arrest warrant from the UN court to Interpol, which had been issued against General Wiranto, the Chief of Staff of the Indonesian Army at the time of the referendum, and other Indonesian military officers. In fact, President Gusmao travelled to Indonesia in May to meet (and embrace!) General Wiranto, who was at the time a candidate for President of Indonesia. Gusmao told the general that the principle of reconciliation “is a good option for a way out.”

Nonetheless, the pressure from the “international community” for an international tribunal intensified, ignoring the sovereign concerns of *both* Indonesia and Timor Leste. U.S. Ambassador to the UN John Danforth told the Security Council in November 2004: “As we have stated numerous times, there must be accountability for the human rights violations committed in East Timor. The international community has a responsibility to address this issue.” Danforth, backed up by

Amnesty International and such western non-governmental organizations as Noam Chomsky’s East Timor Action Network, demanded that the UN send a “team of independent experts” to both Timor Leste and Indonesia, despite opposition from the democratically elected governments in both Dili and Jakarta, to “create a climate conducive to the development of democratic institutions in both Indonesia and East Timor.” Such is the “newspeak” of the new imperium.

In the past weeks, President Gusmao and the newly elected President of Indonesia, former general Susilo Bambang Yudhoyono, took dramatic measures to circumvent this threat to their peace and stability. Meeting in Bali, Indonesia, on Dec. 14, Gusmao and Yudhoyono quietly set in motion plans for a Commission on Truth and Friendship between the two nations, to investigate the source of violence on both sides of the conflict over the years, with the focus on “truth and friendship” rather than revenge.

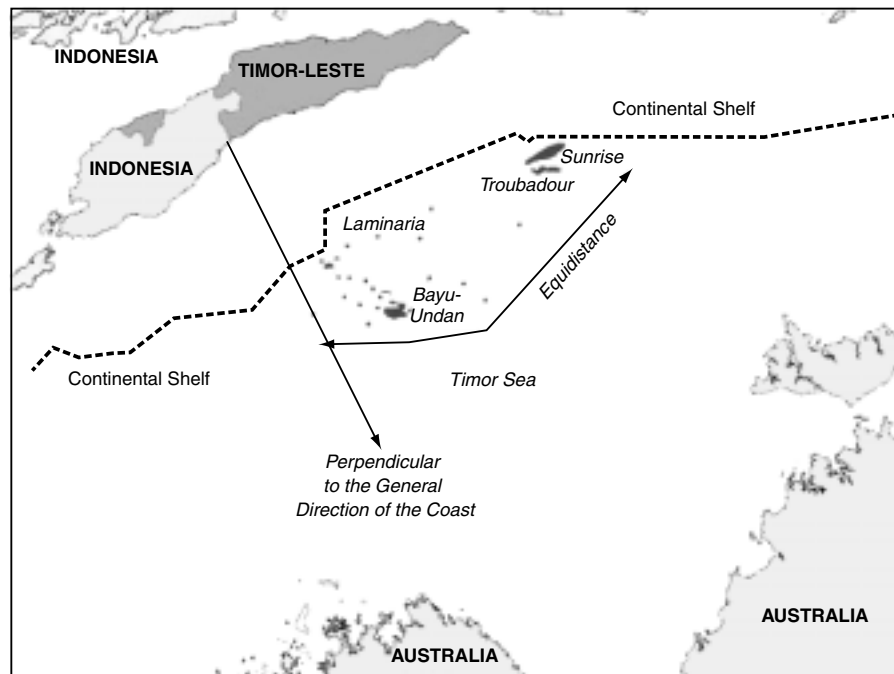
To make clear to the world that this “Treaty of Westphalia” approach to justice must prevail over the divisive intent of those demanding vengeance under the guise of justice, and subversion under the false-flag of the “international community,” Presidents Gusmao and Yudhoyono sent their Foreign Ministers, Jose Ramos-Horta and Hassan Wirayuda, to New York and Washington, D.C., to meet with UN Secretary General Kofi Annan and U.S. Secretary of State Colin Powell. The results of these visits are not fully public, although sources report that they were generally successful.

The Long Arm of Australia

Timor Leste is simultaneously battling with an assault on its sovereign territory by neighboring Australia, especially Australia’s calculated theft of the huge oil and gas deposits within Timor Leste’s offshore territory in the Timor Sea. President Gusmao has adamantly refused to capitulate to the demands of Prime Minister John Howard, that Timor Leste submit to a blatantly illegal and unjust demarcation of the international boundary in the Timor Sea, which divides the two nations. Australia arbitrarily demands that the boundary follow the continental shelf, which is practically on Timor’s shoreline, rather than follow the 1982 UN Convention on the Law of the Sea, the standard for such issues, which would place the boundary midway between the two shorelines.

The cause of the conflict is that Australia’s land grab also includes the nearly 100% theft of the many billions of dollars’ worth of oil and gas, which sits between the two lines of demarcation **Figure 1**. With the stroke of a pen (and the threat of the sword, as reported below), Australia wants to claim for its own, three major oil fields, only one of which is now developed. Australia is already extracting profits of \$1 million per day from the Laminaria-Corallina field (which Timor Leste views as stolen revenue), and refuses to proceed with contracted joint development of the Bayu-Undan field until Timor Leste accepts the unacceptable theft of its sovereign territory.

FIGURE 1
Australia's Oil Grab



Source: www.timorseaoffice.gov, EIR.

Shown here are the two methods of determining the sea boundary between Timor Leste (East Timor) and Australia. The “equidistance” line is favored by Timor Leste, and is the standard method used today under international law. Using the method of the 1972 Indonesia-Australia Seabed Boundary, along the continental shelf, means that Australia will steal all the oil fields (shown as dots on the map).

Speaking to the Foreign Correspondents Club of Thailand on Dec. 5, President Gusmao said: “The Australian government has behaved very unfairly to us. We feel offended when [Foreign Minister] Alexander Downer says Australia is generous. When the Australian government gives us \$20 million for education, we say, ‘But you are taking our money.’”

Gusmao added that, although his country is desperate for cash, “to provide schools, health services, and basic assistance to the most vulnerable in our society, and to develop the agriculture and tourism sector . . . we are nevertheless prepared to face the consequences or effects of any delays. We fought 24 long years for our independence. We know how to be patient and persevere.”

The background to Australia’s oil scam reveals a long-term, calculated grand theft, which would make the original “economic hit men” of the British East India Company proud. When oil was discovered in the Timor Sea in the 1960s, Australia tried to get Portugal, then the colonial ruler of Timor Leste, to agree to a boundary along the line of the continental shelf, rather than the equidistant line. Portugal refused. Australia then shifted its attention to the Suharto regime in Indonesia.

Suharto had seized power from Indonesia’s founding President Sukarno in 1966, and enjoyed strong backing from Washington, London, and Canberra. It quickly became open season for the “economic hit men,” contracting for oil exploration and other projects, with corrupted terms, leaving foreign interests largely in control—and Indonesia with unpayable debts. In 1972, Australia got hold of much of Indonesia’s offshore territory when the Indonesian-Australian Seabed Boundary Agreement was signed, precisely as Australia had wished, along the continental shelf, but leaving the “Timor Gap” along the Timor Leste territory (Figure 2). Then, when Portugal abruptly pulled out of its colony in 1975, the Suharto regime was given the green light by Washington (Henry Kissinger was conveniently visiting Jakarta at the time), and a more subdued approval from the Whitlam government in Australia, to send in the Indonesian military, and to eventually annex Timor Leste as a province of Indonesia.

FIGURE 2
The Timor ‘Gap’



Source: www.timorseaoffice.gov.

The line shows the 1972 Indonesia-Australia Seabed Boundary, which follows the continental shelf, rather than the UN Convention on the Law of the Sea, which would place the boundary equidistant from the two shorelines. Portugal had refused to negotiate this unfair boundary on behalf of Timor Leste, leaving the Timor “Gap.”

Australia, of course, expected that the same “unequal” border deal with Indonesia would then be extended to Timor Leste, and the huge oil and gas deposits therein, by “connecting the dots” of the Timor gap. That is exactly what Suharto did, with the Timor Gap Treaty of 1989.

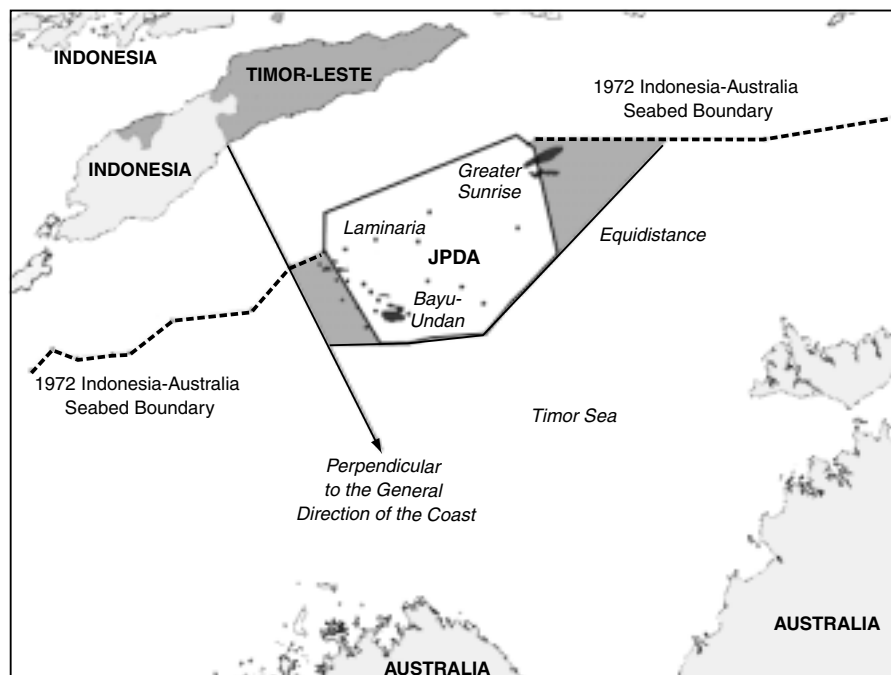
The great irony, and criminality, of Australia’s role in this relationship was revealed to the public eye only 24 years later, in 1999, when Indonesia, at the peak of the colonial-style speculative assault it was suffering in 1997-98, was coerced to set up a referendum for independence in Timor Leste, a referendum that was almost certain to lead to independence. Australia, which had for 24 years been a staunch supporter of Indonesia’s right to control Timor Leste (while developing the oil they had stolen in return for their kindness), suddenly developed a conscience regarding human rights abuses by the Indonesian military against the citizens of Timor Leste. Prime Minister Howard sent a letter to Indonesia’s new Prime Minister, B.J. Habibie, in December 1998, with an “offer he couldn’t refuse,” so to speak, demanding a referendum. Not surprisingly, Gusmao saw the danger of a referendum without proper preparation and education, and urged a “cooling-off period” for as much as ten years. But Howard got his way.

When the referendum went in favor of independence, some of those within Timor Leste who had favored remaining part of Indonesia, and who believed themselves disenfranchised by the referendum, went on a rampage of destruction, with little restraint from the departing Indonesian military.

Australia came charging to the rescue of the now-independent Timor Leste, sending in its military at the head of a UN force, to “save” their “friends”—all with the expectation, of course, that the theft of the Timor oil fields would be accepted by a grateful, but desperate Timor Leste government, as it had earlier been by Indonesia. They were to have a rude awakening from this particular imperial dream.

As seen in **Figure 3**, there are three major oil fields under contention. The Laminaria-Corallana field has already been developed by Australia, and is Australia’s most productive source of oil. A second field, Bayu-Undan, lies within the region designated as the Joint Petroleum Development Area

FIGURE 3
The Joint Petroleum Development Area (JPDA)



Source: www.timorseaoffice.gov, *EIR*.

The JPDA is contested between Australia and Timor Leste. The shaded areas in the sea show a further area of contention. The line marked “Perpendicular to the General Direction of the Coast” is Timor Leste’s preferred boundary between Timor Leste and Indonesia, which would leave the shaded area to its east as part of the JPDA, rather than Australian territory under their agreements with Indonesia.

(JPDA) under the Timor Sea Treaty of May 2001. (The two shaded areas on either side of the JPDA are areas under contention over a second issue, namely, how to draw the north-south lines marking the borders between Timor Leste and Indonesia in the Timor Sea, to the east and to the west. Timor Leste claims these shaded areas as part of the JPDA, while Australia insists on the more favorable lines for themselves, as extracted from Indonesia in 1972.)

The 2001 Timor Sea Treaty allotted 90% of the revenue from the JPDA to Timor Leste, and only 10% to Australia, while not ruling one way or the other on the border issue. Australian Foreign Minister Downer makes much of Australia’s “generosity” with this offer, but the fact is that Timor Leste agreed only to grant Australia this 10% hand-out, from territory rightfully their own, because it was desperate to get some production moving in the contested area.

It was only a few months *after* the 2001 Timor Sea Treaty was signed that Australia dropped its bombshell: It would only proceed with its “generous” offer to develop the Bayu-Undan fields as a joint development, if Timor Leste dropped

its demand for equitable border demarcations, by signing an agreement regarding the third, and by far the largest, of the three major fields, the Greater Sunrise. Again desperate to get some funds flowing, Timor Leste signed the Greater Sunrise Unitization Agreement in March 2003, granting more than 80% of the production to Australia, but its Parliament has refused to ratify the unjust treaty. The Greater Sunrise Consortium, headed by Australia's Woodside, and including Conoco-Phillips, Royal Dutch Shell, and Osaka Gas, threatened to pull out altogether if Timor Leste did not submit by Jan. 1, 2005.

President Gusmao has refused to give in to the blackmail. "Any solution or agreement," said Gusmao, "must take into consideration the principles of international law and must be fair."

The Nation of Bangkok, in an April 1, 2004 editorial, after noting the bullying tactics of Australia against the poorest nation in Asia, says the obvious: that this "raises questions about Australia's involvement in East Timor in 1999, one of Canberra's biggest foreign affairs successes in decades. Was it really just about gas and oil?"

Outlaw Nation?

However, Australia has already shown that, like the Bush Administration, international law is only followed when it suits its imperial designs. Under the UN Transitional Authority in early 2002, it became clear to Australia that the soon-to-be inaugurated sovereign government of Timor Leste would not submit to Australia's imperial border claims. Afraid that Timor Leste would attempt to take the issue for adjudication to the International Court of Justice, of which Australia was a member—in which case Australia would certainly lose—Australia simply dropped out of the Maritime division of the International Court, barely two months before Timor Leste's independence. So much for "the rule of law."

It gets worse. On Dec. 15, Prime Minister Howard announced the unilateral formation of an "Australian Maritime Information Zone," extending 1,000 miles from its coastline. Under the guise of protecting against terrorism, Howard's plan calls for the right to intercept and board any ship within the 1,000-mile zone—a virtual right to piracy on the high seas.

The plan must be seen as a foot-in-the-door for the global piracy plan put forward by U.S. Undersecretary of State for Arms Control and International Security, John Bolton, as part of his Proliferation Security Initiative (PSI). Bolton wants to extend the PSI, which now permits the coordination of inspections within the territorial waters of member states, to allow universal pre-emptive seizure (in other words, piracy) of ships on the high seas belonging to "rogue nations," or suspected of carrying drugs or weapons of mass destruction. The Howard government strongly supports Bolton's plans.

Although Indonesia and other nations in the region have

denounced this hostile and criminal declaration of intent by John Howard, the increasingly dictatorial regime in Canberra made no effort to conceal that a major aspect of the plan was to unilaterally enforce its de facto control over Timor Leste's sovereign rights in the Timor Sea, and over the oil therein. "Some of the oil and gas facilities in the Timor Sea are areas where Australia *shares jurisdiction with Indonesia or East Timor*," said Howard, simply asserting as fact Australia's control over Timor Leste's territory. He continued: "The Minister of Foreign Affairs [Alexander Downer] will be writing to his counterparts to advise of our intentions to work with those countries in introducing these mutually beneficial enhanced counter-terrorism security measures."

Downer: Economic Hit Man

As to Downer, the world was given a taste of this thug's form of "advice" when a transcript of his meeting in December 2002 with Timor Leste's Prime Minister, Mari Alkatiri, was leaked to the press. Absolutely rejecting any consideration of Timor Leste's sovereignty over the Greater Sunrise field, or even joint development, Downer pontificated, "We have bigger issues of principle, being a bigger country." And he tried bribery: "Money is not a problem. We can always broker an arrangement. . . . If I was in your position, I would focus on revenue for your new and poor country. . . . To call us a big bully is a grotesque simplification of Australia. We had a cosy economic agreement with Indonesia. . . . We bailed East Timor out with no economic benefit. Our relationship is crucially important, particularly for you, East Timor. The two countries you can count on the most are Portugal and Australia. . . . You can't make us agree to your proposal."

On Timor Leste's request to allow the International Court of Justice to determine the border, Downer responded: "We are very tough, period. We will not care if you give information to the media. Let me give you a tutorial in politics: Not a chance."

It is in this context that Howard's threat of "protection" for a zone 1,000 miles from its shores, like his earlier threat to pre-emptively attack terrorists in the Philippines and Indonesia, is recognized as yet another case of the "economic hit men" at work.

May President Xanana Gusmao persevere with his goodwill and profound sense of true justice, and may the world ponder the international implications of the Peace of Westphalia, for Timor Leste and for the world.

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