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SENATE

FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES
COMMITTEE

Reference: Economic, social and political conditions in East Timor

MONDAY, 10 APRIL 2000

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SENATE
FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE

Monday, 10 April 2000

Members: Senator Hogg (*Chair*), Senator Brownhill (*Deputy Chair*), Senators Bourne, Lightfoot, Quirke and West

Participating members: Senators Abetz, Bolkus, Boswell, Brown, Calvert, Chapman, Cook, Coonan, Crane, Eggleston, Faulkner, Ferguson, Ferris, Forshaw, Gibbs, Gibson, Harradine, Hutchins, Knowles, Mason, McGauran, Murphy, Payne, Tchen, Tierney and Watson

Senators in attendance: Senators Brownhill, Hogg, Lightfoot and Payne

Terms of reference for the inquiry:

To inquire into, and report on:

- (a) economic, social and political conditions in East Timor including respect for human rights in the territory;
- (b) Indonesia's military presence in East Timor and reports of ongoing conflict in the territory;
- (c) the prospects for a just and lasting settlement of the East Timor conflict;
- (d) Australia's humanitarian and development assistance in East Timor;
- (e) the Timor Gap (Zone of Cooperation Treaty); and
- (f) past and present Australian Government policy toward East Timor including the issue of East Timorese self-determination.

WITNESS

KEVIN, Mr Anthony (Private capacity)1031

Committee met at 10.08 a.m.

KEVIN, Mr Anthony (Private capacity)

CHAIR—I declare open this public meeting of the Senate Foreign Affairs, Defence and Trade References Committee, which is inquiring into East Timor. I welcome Mr Tony Kevin. The committee prefers all evidence to be given in public, but should you at any stage wish to give any part of your evidence in private, you may ask to do so and the committee will consider your request. The committee has before it your submission and attachment. Are there any alterations or additions you would like to make to the documents at this stage?

Mr Kevin—No, there are not.

CHAIR—I now invite you to make an opening statement and then we will proceed to questions.

Mr Kevin—During September, there was intense media criticism of the government's 1999 Timor policy. Despite government rebuttals, there remained a widespread sense of shock and bewilderment. How had Australia allowed such a huge human tragedy to happen in our backyard? An editorial in the *Australian* on 25 September suggested that East Timor's agony had many sources. Few Australians had understood the intensity of Indonesian nationalism. Australia's support for Timorese independence was highly principled, but its implementation was inept and lacking in diplomatic skill. While the main culprits were Indonesian—Suharto, Habibie, Wiranto and Alatas—Mr Downer was also complicit in publicly downplaying security problems and ignoring Xanana Gusmao's and Bishop Belo's advice to wait. Mr Howard deluded himself in thinking that Habibie could deliver on his undertakings. Australian public opinion and media were too intent on the pro-independence crusade to question its wisdom. In the end, concluded the *Australian* editorial, the blame must be shared among many.

The editorial noted the many pressures the government was grappling with, but it concluded that government ministers had been gullible and diplomatically inept. Most media commentaries finally made similar judgments. The government then diverted the debate to a new issue called the Howard doctrine—a provocative new general statement of Australian policy towards the region. The resulting media controversy eclipsed—as it was perhaps meant to do—the earlier critique of the government's 1999 Timor diplomacy.

I want to reopen the question today: were our ministers and their senior advisers really so gullible and so diplomatically inept during the seven months prior to the East Timor ballot? I do not believe they were. From a study of the public record, which is in my attachments, another explanation presents itself that is credible, logical and fits all the known facts more closely than any other interpretation. There is a consistency about everything the government said and did from February to September 1999 that indicates it was holding to a well-conceived strategy.

Following the fall of Suharto in 1998, Mr Howard and Mr Downer came under pressure from diverse groups within Australian society—from the Labor Party, the churches, human rights, Free Timor and aid lobbies—to reopen the issue of Timorese independence with Indonesia.

Many of these groups have already testified to your committee. Initially, Mr Howard had prudently favoured a long interim autonomy period, but from February 1999 on, he gave Australia's full support for Habibie's 27 January decision to hold an early referendum in East Timor under UN supervision but without international peacekeepers. This was the key judgment from which all else followed.

On 21 September in parliament, Senator Meg Lees asked, 'How on earth could this have happened? How could there have been no plan B?' I believe there was a plan A and a plan B. Plan A, our preferred strategy, combined public support and private deterrence. Canberra urged Indonesia, the United Nations, Portugal and the United States to stick to Habibie's vote timetable. At the public level, Mr Howard and Mr Downer played down, as not consistent with the big picture, the many reports during the year, both public and intelligence sourced, that senior elements in TNI hostile to Habibie's policy were determined to subvert it by violent acts of intimidation and, if necessary, by a scorched earth in East Timor after the vote. Despite the seven months of pre-ballot violence and intimidation, our government repeatedly conveyed broadly positive assessments to the US, the UN, Portugal and to the Australian parliament. It brushed aside all warnings and adverse events. Its public message was, 'Trust Habibie. He's trying to get TNI and others to back his policy. With international diplomatic support for him and keeping up the pressure on TNI, there's a good chance he will succeed.'

The deterrence element of plan A was provided by the 150 confidential representations to Indonesian government and military leaders. Their message was, 'We know about TNI's plans to intimidate and punish Timorese pro-independence voters. The international community, and especially the United States, won't allow human rights to be abused in this way. TNI must abandon these plans or there will be international sanctions against Indonesia.'

The horror after the vote proved that plan A had failed. It failed because TNI leaders assessed that Australia lacked international backing to deliver on its warnings. Even if the Timorese were to vote for independence, TNI leaders still thought they could keep Timor in Indonesia by force. They knew Australia would not go to war with Indonesia over East Timor. They were confident that their supporters in Washington would not allow the United States to become engaged in support of Australia on such a minor issue as East Timor against their strategic partner, Indonesia. This was a logical enough prognosis on TNI's part, but they had not reckoned with Australia's plan B, which rested on a harder logic. Even if TNI, despite all the warnings, implemented the scorched earth policy after East Timor voted, it would not finally matter. Once the vote was cast for independence, any major TNI or militia violence would generate so much international human rights based outrage that this would compel the United States government and the United Nations Security Council to exert the necessary pressures to force TNI to accept the voters' decision. That is just what happened.

I am not suggesting that plan B was our government's preferred alternative. Our government would seem to have hoped, despite all the prior intimidation and killings, that TNI and the militia might finally accept the result of the vote peacefully. Plan B was our fall-back plan for the worst-case scenario. It is in that sense that plan B was, to quote Laurie Oakes's memorable phrase, 'Canberra's massacre we had to have'. Our government had prepared for this worst-case scenario long before the vote. Some of these preparations were also consistent with plan A. Examples were lobbying for a large UN presence in Timor to witness the vote, and to build a

UN constituency for honouring its outcome; sensitising international media to the East Timor story, and building international media and NGO support for Timor as a human rights issue – the CNN factor. There was, finally, readying our ADF basis for rapid deployment of Australian soldiers to East Timor as soon as international diplomatic cover was in place.

TNI launched its scorched earth strategy as soon as the vote result was announced. Australia's plan B then went immediately into action. Following two weeks of intense Australian diplomacy to secure effective US pressure on Indonesia and UN endorsement of INTERFET's deployment under an Australian commander, Indonesia acquiesced. A phone call to Wiranto from the US Chairman of the Joint Chiefs of Staff, General Shelton, was the decisive signal.

The point I must assert strongly, because it is crucial to my analysis, is that Australia would have had all along a plan ready for both contingencies. It is just not credible in the face of the detailed public record to suggest that we did not, and that our government just stumbled gullibly and ineptly through the seven months leading up to the vote, hoping that Indonesia would finally do the right thing, and that we then quickly moved after the vote to correct our mistaken trust in Indonesian good faith. I hope I might be asked to give some concrete examples to support this argument. This false interpretation has seriously damaged our relationship with Indonesia.

The record shows that our ministers and their senior advisers consciously walked a high risk policy tightrope for the seven months before the vote. Because they were driving the UN referendum timetable, they needed to keep Habibie engaged and supporting the process. This required downplaying every TNI or militia atrocity and maintaining optimism about the coming vote, especially in the earlier part of the period.

Secondly, they also needed to raise the level of international concern over East Timor, a place which initially few outside Australia knew or cared about, especially as the vote approached. They needed the big players, the US and the UN, to join Australia in pressing Indonesia to refrain from violence. But they did not want to give the US and the UN too much negative intelligence in case they might be frightened into calling off the referendum. Public information and the information and assessment flow to the United States and the United Nations had to be carefully calibrated over the seven months in order to convey our big picture message, which was, 'Yes, there is a real problem with TNI and so we all need to keep up the pressure on Indonesia, but Australia has the problem under control. After all, we are the experts on this region.'

Merv Jenkins may have been a tragic Australian casualty of this complex policy. Media reports suggested he was on the horns of a dilemma. He was trying, without real knowledge of the government's underlying information objectives, to guess what intelligence he should be giving to our allies, the Americans, and what information he should be holding back from them. Our government's policy on Timor required conveying different messages and moods to different audiences at different times. It is no wonder that even people inside the system, like Merv Jenkins and Lansell Taudevin, were confused and distressed.

Our ministers and senior officials played this audacious and manipulative game, in which Australia initially held weak cards, with cool nerve and great finesse. They won the game, but

the way they won was quite out of character with the traditional Australian diplomatic style of transparency and straightforwardness. Australia's hard-won reputation for integrity and decency in our diplomacy has been sullied. This is having large regional and strategic consequences for Australia.

We must also recognise the human costs. It seems that Timorese lives were always seen as expendable in pursuit of the big prizes. Even under plan A, a certain amount of TNI and militia violence in East Timor was accepted as inevitable. After the referendum, ministers expressed shock at the 'scale' of the violence. The real price of plan B was this: we all had to watch helplessly as East Timor was being destroyed under the horrified eyes of the world's television crews in order that sufficient international support could be obtained for INTERFET to come in two weeks later to protect the little that was left. The massacres and the destruction, as seen on international television, created overwhelming international pressure for US and UN intervention, as plan B had foreseen.

I have found no record that our government ever asked the East Timorese people or their leaders, Xanana Gusmao and Bishop Belo, if they were willing to pay such a terrible price for their fast track to independence. Our government decided this for them. Australia drove the timetable that our ministers must have known had a strong chance of leading to massive death and destruction in East Timor. Why did Australia, when the dangers of the August date had become so obvious, not urge the UN to defer the ballot to a safer time? The Timorese did not have power to halt the process. It was all happening over their heads. But our government, with its strong international prestige regarding East Timor, had influence with the United Nations, the United States and Portugal. Our government instead used that influence to override doubts and to press the process forward, perhaps because the political fruits of success were so tempting and perhaps because it had forgotten the human dimension.

As it became harder and harder to hope that our preferred plan A might work, after TNI's Dili force commander had announced TNI's scorched earth plans on Australian television on 7 March, after the Liquica massacre in April, after Timorese leaders like Bishop Belo and the murdered Father Barreto had begged Australian politicians to recognise the terrible risks to their people, after an experienced American diplomat like Stan Roth had warned Australia that there must be armed international peacekeepers if massacre was to be prevented, did our ministers and their advisers think about what plan B, the worst-case scenario, would mean in terms of human suffering? Would they have contemplated taking such risks with Australian lives? How can they defend a policy that so callously risked Timorese lives?

This is why I find Mr Howard's and Mr Downer's statement that they have no regrets for anything Australia did in East Timor last year—indeed, that they take great pride in what was done—sad and disturbing. I am distressed that the Australian government's high risk and manipulative policy in 1999 effectively made our country 'an accessory before the fact' in the deaths of large numbers of East Timorese, the deportation of 200,000 people and the almost total destruction of their society. I feel a sense of dishonour as an Australian.

There can, of course, be no turning back the clock now in East Timor. What is done is done. I see this issue now as being about accountability and reconciliation: about Australia's share of accountability for the East Timorese victims and about the need for Australia to reconcile with

Indonesia over what each of our countries did, what each of our governments did in East Timor. East Timor and Indonesia have already begun to reconcile with each other. Our government, through its pride and self-justifying claims, is excluding itself from that necessary process of healing. This is an important issue for our society's self-image and values, as well as for our future regional security. I do not think we can afford to shrug it off as old news. It needs to be explored further.

Finally, I will be sorry if my words today are misinterpreted as politically motivated. As an ex-Foreign Affairs career officer for 30 years I am addressing this difficult question in the national interest and in the hope that it will be taken up by others better placed than I to take it forward. Thank you.

CHAIR—Thank you, Mr Kevin. Before I pass to my colleagues for questions, I want you to explain this to me. As I understand it, it was the UN, in conjunction with Portugal and Indonesia, that decided on the poll in the first place; it was not Australia. The UN, I would imagine, had its feedback from its members, not just solely from Australia. Yet, given that the original decision for the poll was taken by the UN, Portugal and Indonesia, and the statement of 5 May clearly spells that out, you seem to be attributing a fair amount of responsibility to the Australian government and their advisers in this whole process.

Mr Kevin—Mr Chairman, in a technical sense what you say is absolutely correct. An agreement was signed on 5 May by the United Nations, Indonesia and Portugal to a UN vote under Indonesian security. However, in a real sense it is acknowledged by Mr Howard and Mr Downer that Australia was driving the process forward from February when our government decided to throw its weight behind Habibie's decision to go for a 1999 referendum. Mr Downer, in his press conference on 4 September, told journalists:

We have played an enormous role in making what has happened over the last few weeks possible, an enormous role ... I think we have calibrated this pretty much right all along.

In that instance, 'we' is Australia. And Mr Howard, on 12 September made a public statement:

We saw it as being the right thing for us to argue strongly and to take the lead in relation to East Timor and I have no regrets.

I will just finally quote a press comment from Laurie Oakes. He said:

Australia did not try to change Habibie's decision. Nor did the UN.

That was the decision to go for an early vote—

Instead they jumped on the bandwagon, encouraging the headlong rush to a vote which they should have known—did know—would have terrible consequences. Australian Foreign Minister Downer made it clear to his department that he wanted the process driven forward. This was to be for Downer the kind of diplomatic triumph that the political settlement in Cambodia had been for Gareth Evans. Maintaining momentum was the all-important aim ...

There are similar commentaries throughout the record and I think what they show is that in a real sense Australia was driving the process from February. We were recognised as having

expertise on Timor, and the United States, the United Nations and Portugal were very much listening to Australia when they made their agreement with Indonesia during May.

CHAIR—I accept that, but without the agreement of Indonesia, Portugal and the UN, no poll would have proceeded.

Mr Kevin—That is correct, Mr Chairman, but I stand by my proposition that the reason why that agreement could be signed in May was because Australia had made such a massive diplomatic effort in the preceding three or four months to bring about that outcome.

CHAIR—All right. Wasn't the agreement of 5 May very much tempered by the fact that Australia had, over a long period of time, given de jure recognition to Indonesia for East Timor being a rightful province of Indonesia?

Mr Kevin—I am sorry, I do not understand.

CHAIR—We had given recognition to Indonesia over a long period of time that it was the rightful holder of East Timor as a province of Indonesia. As such, that would have lessened the number of options that were available for us in choosing what we thought should be the correct unfolding of the desires of the people of East Timor for independence, and that really our support for the UN agreement was probably the only way open to us.

Mr Kevin—My understanding of the situation is that President Habibie decided pretty soon after he took office that he thought the East Timor question should be reopened. Mr Howard then wrote to President Habibie as early as 23 December, or some reports date it as 19 December, supporting what Habibie was doing to reopen the question. I think when we took that decision we were really, as it were, moving beyond Australia's de jure recognition of incorporation. Clearly we were ready, after Mr Howard's letter of December, to go along with any new outcome in East Timor that might be generated. So I do not think that we were constrained in any way. I think the constraints on our policy were of a different kind, if I might develop that point a little further.

CHAIR—Yes.

Mr Kevin—The initial position taken by Mr Howard in the letter he sent to President Habibie in December was, in my view, a very responsible position. He was saying essentially, 'Australia is delighted that you are reopening this question which has been a cause of so much stress and pain over the years. We think it is a good thing you are reopening it. We would like to see the opportunity for a referendum on independence, but we would like it to be after a suitably lengthy period of autonomy, maybe five or 10 years, to allow passions to settle and to protect the people's security.' That I believe was a very responsible position, and it is a great pity in retrospect that President Habibie did not accept that advice in full.

President Habibie moved beyond that position saying, 'Yes, we will have a referendum on independence, but we are not going to pay Indonesian taxpayers' money for five years for a country that might then declare itself independent. We'll have the referendum this year.' That created a major challenge for Australia on what to do. Were we to support a policy that we

knew already was likely to generate a great deal of hostility within Indonesian elites, within the military, perhaps within the political system, within the foreign ministry, or did we think that Habibie could carry it off? What were the risks?

We had the option then to go back to Habibie and say, 'We think that your intentions are very good, but we really urge you to wait a few years because we think that there could be a process of violence getting out of control if a vote is rushed.' We did not do that. We decided to support Habibie. The main constraint we came under from that point on was the concern that the Indonesian military were clearly undermining the policy by all sorts of means. Intimidation and violence started almost immediately. Three days after the Habibie government announced the decision to have the referendum, the *Sydney Morning Herald* reported killings and maimings by militia in Timor. The violence started immediately and it continued through February and March.

I think that our government would have known, through its reporting of that violence, that the TNI were behind it, were orchestrating it, were arming the militia, were supporting threats of scorched earth after the vote. They only had to turn on Australian television to hear it from the Indonesian force commander in Dili speaking on the 7 March *Sunday* program. Colonel Tono Suratman told Ross Coulthart this on the program:

If the pro-independents do win (the ballot), all will be destroyed. And East Timor won't be as we see it now. It will be worse than 23 years ago.

Australian television viewers were told that as early as 7 March. DIO classified intelligence briefs, which we know about from newspapers, were telling ministers the TNI were arming and organising militia intimidation, and the DIO reports were predicting that further violence was certain and that Dili would be a focus. That was in a report dated 4 March. Yet on 7 March Mr Downer on the same *Sunday* program was saying:

If it's happening at all it certainly isn't official Indonesian Government policy. It certainly isn't something that's being condoned by General Wiranto ... But there may be some rogue elements within the armed forces who are providing arms of one kind or another ...

I do not think it is possible that Mr Downer had not read those intelligence reports. I can only conclude that his decision to speak in that way reflected a desire to protect President Habibie's policy which Mr Downer and his advisers would perhaps have assessed at that time as still being extremely vulnerable to overturning. In those early months—before UN officials could be got on the ground, before the voting process could be set in concrete, as it were, and particularly before the agreement was signed between Portugal, the UN and Indonesia—I think they would have felt that the crucial policy imperative for Australia was to shelter Habibie's policy, to shelter this fragile plant. That required denying the facts, denying the evidence that was coming in through all quarters, not just from our intelligence reporting but also from NGOs, journalists, public sources and former Army officers who were experts in Indonesia, that there was clearly a plan under way by TNI to arm the militia, to motivate them and to program them to be ready to carry out massive intimidation and, if necessary, in the final analysis, to be ready to carry out a scorched earth policy after the vote. We were not blind to those things. Our government could not possibly have not known that was happening, but they felt it was imperative to protect Habibie in those early crucial months.

CHAIR—If I could just take you back to part of your statement. Am I correct in assuming that you believed the Australian government could have turned Habibie around from going down the path that he was going down; and, if so, how would that have been achieved? Or was Habibie being driven by political imperatives from within his own country that, regardless of what view Australia may have put forward to him, he would have still ignored it because he had to satisfy his own political imperatives?

Mr Kevin—My recollection of the period is that there was not an enormously strong political imperative within Indonesia to review Timor. I think the pressure was coming perhaps from a few people around Habibie, from a few of his advisers who may have said, ‘This is a good opportunity to clear the decks and to do something good that will give Indonesia a better image in the world, so this should be addressed as one of the achievements of your presidency.’ Habibie was, of course, only an interim president and coming up for election later in the year, so he was looking to get some runs on the board. I think that the policy to move forward with the referendum was pretty much planned by a small circle around Habibie, and people like the Indonesian foreign minister were shocked and horrified when they saw what was afoot.

You asked if Australia really had any opportunity to slow it down. I believe we would have had that opportunity. I believe, for example, that if we had worked more closely with Xanana Gusmao, who was in prison in Jakarta at the time, and with Bishop Belo, that if we had consulted with them and asked them what they thought and how important it was in their judgment to have a waiting period to calm things down before a referendum, we could have then gone to Habibie armed with that sort of information and said, ‘We understand your good intentions, but this could really blow up in Indonesia’s face. It will not be in Indonesia’s interest’ to have the sort of disaster that happened in East Timor in September happen. I think we could have made a difference. But the way I read the situation is that our government were enthused by the prospect of pulling this one off, that they were thinking, ‘If we can only keep this process moving forward, we might pull this off, we just might wing it.’ That would have meant enormous benefits to the government, of course—had the process gone smoothly and had East Timor’s independence been achieved in a peaceful, non-bloody way. I think they were tempted by those prospects and decided to go forward.

Senator BROWNHILL—I notice in your submission, Mr Kevin, that you say you were never an Indonesia country specialist and never directly involved in the Timor issue. You have now become a visiting fellow in the Department of Pacific and Asian History. Do you think that you are now sitting back and making this critique from a position of comfort as an armchair critic, rather than being a part of decision making, and that it is always much easier to look at things in retrospect? And if you are going to do a critique, should you not have a complete critique of Indonesian policy in relation to the Australian government over the last 10 years to actually see how things followed through and how things have changed, rather than just saying it is something that has happened in the last 10 minutes?

Mr Kevin—Thank you for the question. I have not worked specifically on Australian-Indonesian relations during my 30-year Foreign Affairs career, although, as head of Policy Planning Branch for six years, I was involved in a re-evaluation of Australian regional security following the end of the Cold War. That inevitably required me to do a lot of work on regional security planning and, of course, on our defence profile in relation to Indonesia—which is our

largest, nearest neighbour. I also went to a number of conferences where I met people like Yusuf Wanandi and other Indonesian think-tank people. I have been to Jakarta three times. The country is not unknown to me.

I certainly feel uncomfortable launching this public critique of our Prime Minister and our Foreign Minister. I recognise the magnitude of the accusations, if you like, that I am making and I do not feel comfortable or happy doing it. I certainly do not feel I am an armchair critic. I am doing this because I think it is really important that if our Prime Minister and Foreign Minister helped to drive a policy forward that resulted in so much human damage, then there needs to be an awareness of the facts of that, for accountability, for an understanding, to avoid such situations in the future, to give Indonesia a better understanding of Australia's role in this and to give Australians a better understanding of our role in this.

It is crucial that we not proceed from here on in with self-comforting illusions about our diplomacy last year. I think it is very important that the truth of that diplomacy be brought to light. My motive in doing this is simply that I do have a certain amount of time at my disposal, I was able to read the public record carefully, I was able to put it all together in my attachments and to see how things fitted together. If I have opened up some questions by appearing here today, that is really all I am trying to do—to open up some questions.

I do not think I really need to declare a view on the history before 1998 because my argument is self-contained. I am saying that, given the new situation that President Habibie created, what was our government to do; what did our government do? And I do not think that the history of what previous Australian governments, both Liberal and Labor, said or did regarding Indonesia's forceable incorporation of East Timor in 1975 has any real bearing on that. We were starting a new game.

Senator BROWNHILL—But you make a pretty strong accusation, and that is that, if the policy had been different, after the referendum things would have gone along very nicely and calmly. That is a pretty strong accusation, I am saying.

Mr Kevin—Indeed it is.

Senator BROWNHILL—But, righto, you are the armchair critic: how could it have been different? How could you have made the TNI come to heel? How could you have made things go differently?

Mr Kevin—I am not sure I could have made TNI come to heel. TNI clearly were more powerful than President Habibie understood when he came to his decision. I think he would understand that now.

Senator LIGHTFOOT—I am sorry, I do not want to interrupt my colleague, but you say that clearly with the benefit of hindsight, Mr Kevin. Armed with all this evidence from hindsight, you are now prepared to criticise someone who made a decision without that advantage.

Mr Kevin—Senator, as a former diplomat of 30 years standing, and an ambassador to two countries for the last seven, I think that foreign ministries are in the business of risk evaluation, they are in the business of giving ministers their advice on what policies are risky, what policies are safe and, of course, ministers then take the decision. I do not think it is hindsight to say that ministers were clearly receiving a great deal of advice from many sources that this was a very risky policy—very risky in terms of the lives of the Timorese people and the destruction of their society. I do not think it is hindsight to say there is something wrong when our ministers drive a policy forward that carried such enormous risks.

Senator BROWNHILL—What you are saying basically is that there should not have been a referendum.

Mr Kevin—I am saying that, at various points in the seven months before the referendum, our government had an opportunity to review its policy. We have already touched on this. I have given you an answer as to what they might have done when they made the initial judgment to support Habibie's policy rather than just rush in to support the fast-track referendum policy. Many times during the next seven months, as the evidence of continuing violence and strength of determination by TNI not to give up was accumulating here in Canberra, we had the opportunity to call for a pause. We could have gone to our colleagues and said our intelligence—and we have the best intelligence on Timor—told us there was really likely to be a bloodbath after the referendum and we thought we would have to call a pause until after Indonesia had an elected president who could bring TNI under control.

To anticipate your next question, I realise that Timor might never have been independent. I ask you: who in Timor decided that it was worth destroying their society to be independent now rather than some time in the future? Who gave Australia the sanction to be very important in creating a situation where every town and village in Timor was burnt down, 200,000 people were deported and well over 1,000 people were killed? Who gave us that authority?

CHAIR—Assuming that there had been a vote for autonomy, as opposed to the independence vote that did not take place, what evidence is there to say that the TNI and their co-conspirators would not have reacted in the same way if in an autonomy ballot the East Timorese had opted for autonomy, which would have come in one, three or five years time? What evidence is there that there would not have been the exact same response that we witnessed from the militia and the TNI that took place in the independence ballot?

Mr Kevin—The evidence is simply that the militia were telling people to vote for the autonomy option—remaining with Indonesia—or they would burn everything down. One has to assume that the message they were giving the electors was: vote the right way and we will not burn everything down.

CHAIR—The vote was for independence. In the wake of independence and the lead-up to it we saw the atrocities and efforts to stop independence. Let us assume that they had gone down the path of a vote for a period of autonomy that would have been leading to independence at some later stage. What evidence do you have that the militia and the TNI would not have reacted exactly the same way in an autonomy vote as they did in the independence vote?

Mr Kevin—Simply that the message that the militia and the TNI were giving to the voters was that they wanted them to vote for the autonomy vote. The pressure they were putting on the voters was to vote for autonomy—which, of course, meant staying within Indonesia.

CHAIR—No. Autonomy meant in the end that it was potentially a transitional arrangement to independence.

Mr Kevin—Potentially, yes. You are right. It was potentially a transition. The ballot was framed in those terms because Habibie's government, perhaps rather naively, were hoping that after a few years of remaining within Indonesia the people would realise the benefits of staying part of Indonesia and vote finally to remain within Indonesia.

CHAIR—What would have stopped the violence in that period of time?

Mr Kevin—If you are talking about the sort of low level violence that has been running in East Timor for the last 25 years, I agree with you that that low level violence would have continued. But certainly the massive destruction of Timor would not have happened. The dramatic and terrible things that happened in those 10 days or so after the vote result was announced would not have happened.

Senator BROWNHILL—I take you to task on that one. Who is to say that the same retribution would not have been made on those persons who did not vote for autonomy and voted for independence? They might have then still received the same treatment from the same people for the same reasons they were not voting the way they were wanted to vote by those persons who committed the atrocities.

Mr Kevin—The Timorese people would have understood that faced with this choice—

Senator BROWNHILL—It is pretty hypothetical, isn't it?

Mr Kevin—It is, but there is an important point to be made in relation to your question which I would like to make. I will make it by quoting from two of the press commentaries. In the *Age* on 16 September, Michael Gordon said:

The stories from those who survived suggest that there was never any doubt that those who voted for freedom would face retribution. One source related the words of a nun who said, 'Their personal self-regard meant that they had to vote for independence but they knew they were going to be punished. So they shuffled off to their slaughter.'

Strong words. And, secondly, the *Bulletin*, on 21 September, said:

Virtually anyone in East Timor prior to the ballot knew violence was almost certain afterwards. The Canossian sisters, a Catholic order that had several of its nuns murdered, heard all the threats. Sister Aurora ... said militia had a mantra: 'Imi Hela ho Rai Masibi Ema Lahia (You keep the land but there will be no people)'. She says they also vowed: 'Ran Sei Suli(blood will run)'.

When the people voted they knew that they were facing a terrible retribution but in a totally heroic way they voted for what they thought was right.

Senator BROWNHILL—And that has been the history of countries around the world that want freedom. They have always fought for it. It does not matter whether it is in Europe or Asia

or wherever. That is where the tragedy of the situation is. It is nothing to do with policy. That is just to do with people who live there, who made a decision themselves and were given that opportunity. It would have been a bigger tragedy if they had not been given any opportunity to vote for what they believed in and were prepared, as you have just said, to 'shuffle off to their slaughter'. I think those are pretty strong words.

Mr Kevin—That is probably an accurate representation. I would say that they, of course, had the right to sacrifice their lives for the sake of independence. Of course they did, and they are heroic in so doing. What I am questioning in my submission today is whether we had the right to push the political framework forward that made that situation inevitable. What right did we have, who are not Timorese, to risk these people's lives in this way? Would we have risked Australian lives in this way?

Senator BROWNHILL—I know you have come from Central Europe and you know that they say, 'Always a slave but never a prisoner.' Wasn't it the same in East Timor—the fact that they voted with their feet and were given that opportunity to vote? If they had never been given that opportunity to vote it would have been a bigger travesty for them than it is now.

You mentioned 1,000 people killed: can you quantify those figures? Nobody in this hearing has yet really quantified any figures for people who have actually been killed. Every time I have asked for figures in the whole of this hearing nobody can actually tell me the number of people who have gone missing or have been killed. Nobody can quantify the figure. Now that they are looking for some of the mass graves, the mass graves are not there.

I am not saying that it has not happened, but nobody has been able to tell this committee—I think I am correct in saying this, Mr Chairman—the numbers, the persons or anything else. You would think that by now there would be a quantified number. Notwithstanding that some of the numbers might be hard to verify, they should be that difficult, seeing that we had a roll prior to the referendum.

Mr Kevin—I think the problem is that there is still no clear understanding of the full list of names of the people who are in West Timor. Until there is a completely clear rollcall, they will not be able to see where the gaps are.

Senator LIGHTFOOT—Mr Kevin, if I could take up from where my colleague Senator Brownhill left off: I think you mentioned that well over a thousand people had been killed. Of course I must say for the record that one loss of life is too many. We did have evidence—not accurate evidence as it turned out, but evidence notwithstanding—in Darwin last year that up to 250,000 people may have been killed in that conflict. Had you heard that figure?

Mr Kevin—Yes, I had heard that figure.

Senator LIGHTFOOT—Because your critique is largely one in retrospect, don't you think in retrospect that that figure was grossly wrong and misleading and established a feeling of high indignation around the world? If that figure had been true or even if it had been 50 per cent in error, it was still a horrendous figure. Don't you think that figure was something that fired up the emotions of people throughout the world?

Mr Kevin—I think that people's emotions were being fired up by what they saw on the ground in East Timor.

Senator LIGHTFOOT—So more by property destruction than by the taking of life?

Mr Kevin—Property destruction and people being marched at gunpoint down to ships and disappearing to unknown destinations.

Senator LIGHTFOOT—But what I am saying in retrospect, Mr Kevin, is that those large numbers of people did not disappear and were not killed, that there have been no mass graves of consequence found.

Mr Kevin—Senator Lightfoot, as you said, one death is one death too many. I do not think that my case rests on whether there were 500, 1,000, 1,500 or 2,000 deaths. I know it lies somewhere in that range. I think the destruction of Timor, the destruction of their society and the deportation of 200,000 people are observable facts. As for the exact number of people killed, as I said, there will have to be a tally once the names of all the people in the camps in West Timor can be identified.

Senator LIGHTFOOT—But you yourself said that there were well over 1,000, intimating that there were fewer than 2,000.

Mr Kevin—I believe there is over 1,000 and fewer than 2,000. That is my personal hunch.

Senator LIGHTFOOT—I have been trying to leaf through your well-written critique on the government's attitude and actions in East Timor—in retrospect, which does dilute some of the important messages you have in there—but what was the alternative? Surely there were some positive outcomes in East Timor: not one single loss of life by the Australian armed services there; Abdurrahman Wahid is in power; a democracy prevails in the longest and most populous archipelago in the world; the very popular Megawati Sukarnoputri is the deputy to Wahid; there have been some bilateral arrangements for visits between Indonesia and Australia—Alexander Downer has been there and President Wahid is coming to Australia; the loss of life in East Timor is well down, as you admitted; the United Nations is now firmly in control in East Timor; we have the United States being briefed as recently as last week by General Cosgrove, who led the armed services in East Timor. Surely you could have said something of a positive nature. Or are you tied to the advice that, from your commendable but brief CV here, you gave to your prime ministers at the time—Mr Hawke and Mr Keating?

Mr Kevin—There are a lot of questions there. I will try to answer them all. First of all, I do not think I am in any way tied to advice that I gave to Mr Hawke or to Mr Keating.

Senator LIGHTFOOT—You mean your advice now would be different to the advice you gave to Mr Hawke and later, particularly, to Mr Keating?

Mr Kevin—I do not recall ever giving Mr Hawke or Mr Keating advice on East Timor's incorporation into Indonesia. I would be interested if you could find such advice.

Senator LIGHTFOOT—I will just interrupt there. In your CV you say:

From 1985 to 1997 I held the following Assistant Secretary level positions: Assistant Secretary, Foreign Affairs Branch.

Did you ever give any advice to the officers of the Department of Prime Minister and Cabinet at that time with respect to our most populous neighbour and one of our closest neighbours?

Mr Kevin—No.

Senator LIGHTFOOT—In your CV you say you were the Assistant Secretary, Policy Planning, DFAT. Didn't that incorporate any advice, again?

Mr Kevin—Senator Lightfoot, as I said a few moments before you arrived, in my position as head of policy planning I gave advice on Australia's regional security. As part of that advice I gave advice on the relationship between Australia and Indonesia as our nearest and largest neighbour, but I did not—

Senator LIGHTFOOT—Isn't that a contradiction of what you just said, with respect, Mr Kevin?

Mr Kevin—give advice on East Timor's incorporation into Indonesia. I was never asked to comment on that question.

Senator LIGHTFOOT—No, I did not actually say that, I asked about advice on Indonesia and the policy that may have been prevailing at the time. There was not any talk at the time when you went off to become ambassador to the former communist countries of Poland, the Czech Republic and Slovakia, which has divided, and then on to Cambodia. Why is it that you have this penchant now for this retrospective view of Indonesia if it did not prevail at the time when you were in a position to give advice on it?

Mr Kevin—Senator, you could ask the same question of all the departmental officials who have testified to this committee—

Senator LIGHTFOOT—I am really just asking you, Mr Kevin.

Mr Kevin—who are still working for the government.

Senator LIGHTFOOT—But I am really just asking you.

Mr Kevin—My answer would be that as an official I was bound by government policy at the time, as all officials are who are working for the government. As a private citizen now I am a free agent and I can offer to testify to this committee according to my own conscience, which tells me that the Australian government mishandled a new situation in 1999. I have offered a critique of how that new situation was mishandled, and I do not think asking me what I thought about what happened in the 1980s or 1970s has any bearing on the judgment I have come to now. But I would be happy to take further questions on it.

Senator LIGHTFOOT—I must say that your view that it was a disastrous involvement of Australia is not borne out by the evidence and by the facts. Your view seems to be one that does superimpose on Mr Keating's view—a former Australian Prime Minister, of course. As I have pointed out, large praise has been heaped on Australia, on its troops, on the leaders of those troops, and on the political decision that was made. I am an avid studier of Indonesia, living as I do in Western Australia, a state which has the most exposed flank to that particular and very populous 200 million-odd country. I do not see and do not share the same criticism that you do—and it is hefty criticism. It is criticism that I believe is totally unfounded. Anyone could have criticised those actions with the 20/20 vision of hindsight. I am surprised that a man with your diplomatic background, your diplomatic experience, even as a private citizen today, should speak out and use your position to criticise what has been accepted internationally, at least by the United Nations as the major international body, as one that was highly successful.

Mr Kevin—Senator, I am sure you have read the recent supplement in the *Australian*, 'Adrift in Asia,' describing what is a pretty sad and negative picture about how Australia is now perceived in the region, largely—

Senator LIGHTFOOT—Do you mean the region of Indonesia or do you mean in the region of Singapore, Malaysia and Thailand?

Mr Kevin—Particularly within Indonesia, but within the region generally—

Senator LIGHTFOOT—Through ASEAN?

Mr Kevin—because, first of all, of perceptions of our having handled Timor in a rather dishonourable way—which I have explained in my paper—and, secondly, because of the reactions to the doctrine that was subsequently put forward to justify what we did. When we have the President of Indonesia saying several times, and being reported as saying, 'The Australian government pissed in Indonesia's face,' when we have an Indonesian president—

Senator LIGHTFOOT—Which president said that? Was it Abdurrahman Wahid?

Mr Kevin—Abdurrahman Wahid. He is reported by Peter Hartcher in the *Financial Review* as having said that. When we have Australia being just about the only country that President Wahid still has not visited—

Senator LIGHTFOOT—But those bilateral arrangements have been made.

Mr Kevin—There is still no firm date for a visit.

Senator LIGHTFOOT—They have agreed to a visit. It is unfair of you to say there have been no arrangements. There have been firm plans for a visit, the date of which has yet to be set.

Mr Kevin—That is right, the date of which has yet to be set. You may think that this is something that I have cooked up out of the blue privately myself. All I am really doing, as my attachment paper shows, is putting forward in this committee a very widespread sense of disquiet, which was particularly evident in commentaries around the month of September. May

I say also that I think the Australian INTERFET force under General Cosgrove did a magnificent job and I make no criticism whatsoever of anything that happened under the force. My critique is about the previous seven months diplomacy—that is all.

Senator LIGHTFOOT—What about Mr Habibie? You do not restrict your criticism just to the Australian government's involvement and planning with respect to East Timor. You criticise the former President Habibie as well. Do you think there is no praise that you could have given to President Habibie as the one who initiated that particular independence for East Timor? Without his imprimatur that probably would not have happened.

Mr Kevin—I think President Habibie's intentions were good, but his political judgment of the forces at work in his own country was poor. I just make that judgment not in any attempt to speak ill of President Habibie. I think he meant well. But he did not judge the extent of the opposition within his own armed forces, and elsewhere, I believe, in the government apparatus, to an early referendum in Timor, to giving the Timorese an opportunity to vote for full independence. And I think that Australia took advantage of a situation of weakness in Indonesia. As I say, I believe that we knew that Habibie would have great difficulty carrying off that policy, but we also made a judgment that, if we can push the policy forward, get it into the international arena, get international agreement to a vote, get the CNN cameras into Dili when it is all happening, give the people an opportunity to vote for independence under the eyes of the world, we might just wing it, we might just pull it off.

Senator LIGHTFOOT—What of the undermining of the policy with respect to the army? Correct me if I am wrong, but you inferred or said that the Indonesian army—one assumes under General Wiranto—undermined the policy of the Indonesian government headed by President Habibie. What evidence have you got of that, other than the reference you made to the *Bulletin* magazine?

Mr Kevin—The *Bulletin* magazine was, of course, quoting from an Australian DIO document. I will read some references here from my attachment—

Senator LIGHTFOOT—You speak of extensive leaked cable extracts.

Mr Kevin—Yes. Most of them appeared in the *Bulletin* article on 12 October headed, 'The Timor cables: what the government knew, what we did not', but many of them had already previously been reported. Mr Brereton, for example, was quoting from them in the parliamentary debate on 21 September. But there was a DIO report as early as 4 March that said:

A DIO classified intelligence brief to Ministers reported that TNI were arming and organising militia intimidation. It predicted that further violence is certain and Dili will be a focus.

There is a reference in the *Bulletin* of 12 October that by 19 April, when Mr Howard saw President Habibie in Bali, he had seen:

... several Office of National Assessments assessments reporting that all Australian intelligence agencies are predicting the potential for large-scale violence after the ballot. By April 19, both ASIS and DSD have directly linked Wiranto with the militia.

The Bulletin goes on to say that, on 21 May:

Australian policymakers are given a DSD report with persuasive evidence of Wiranto's complicity with the militia.

Senator LIGHTFOOT—Why wasn't General Wiranto replaced? Is it your opinion that the then government of Indonesia feared a coup d'etat if they tried to replace Wiranto?

Mr Kevin—I think that would be a reasonable supposition, yes.

Senator LIGHTFOOT—So you have no criticism of President Wahid's replacement of General Wiranto in recent times?

Mr Kevin—President Wahid is an elected president. He was elected by popular vote. He is the consummately successful politician and he handled the replacement of Wiranto extremely well. He handled a dangerous situation very well.

Senator LIGHTFOOT—So you have no criticism of the replacement of President Habibie with President Wahid and you have no criticism of General Cosgrove's successful intervention in the prevention of further disruption of property and life in East Timor. What is your criticism then confined to?

Mr Kevin—I would not use the words 'confined to'. As you said a moment ago, it is of major—

Senator LIGHTFOOT—Give me some parameters of it.

Mr Kevin—The parameters of my criticism are that the Australian government knowingly pursued a policy that the Australian government must have known carried a high risk of major loss of life for the Timorese people. I am speaking about the policy that Australia pursued between February 1999 and voting day 30 August 1999.

Senator LIGHTFOOT—But, Mr Kevin, you would understand that Australia cannot make a unilateral decision to go and invade another sovereign country even if we do not agree with it in respect to its sovereignty. As I understand, the government took the proper paths to that successful intervention through the United Nations, through the former colonial master, Portugal, through allies that Australia had and, in fact, we elicited assistance from many countries in the region, the very countries that you seem to say are criticising Australia for its intervention. What other process could Australia have taken at the time? It is always, as I have said, with hindsight that you have better vision. That better vision said that perhaps we should have gone in there some weeks earlier, but without the permission or the imprimatur of other countries. Are you saying we should have gone in there earlier unilaterally?

Mr Kevin—I believe that Mr Howard and Mr Downer well understood that there was never any question of Australia going to war with Indonesia over East Timor. That would be a ridiculous proposition, of course. Mr Howard and Mr Downer have both said so. I think that you are presenting a complex period of diplomacy when there were many choices open to Australia as if there were no choices open to Australia. Australia had a choice any time prior to

30 August of saying, 'We need to go to our colleagues in the United States and the United Nations to ask to delay the vote.'

It is very important to recall what Kofi Annan was saying on 10 September. His first point was to echo the view pressed repeatedly by Mr Howard and Mr Downer that if the Security Council had not accepted Indonesia's assurance that it could maintain order—in his words:

We probably would never have had the vote.

Annan continued:

Nobody in his wildest dreams thought that what we are now witnessing could have happened. I don't think even the press or anyone ... I can assure you that if those of us who were putting together this deal—and you must remember the agreement was signed by Portugal and Indonesia, with the support of the leaders, unanimously endorsed by the [Security] Council—if any of us had an inkling that it was going to be this chaotic, I don't think anyone would have gone forward. We are not fools.

The important thing about that quote and similar quotes made by Ian Martin, the UNAMET administrator in Timor, in the months leading up to the vote is: why did they not have any inkling that there was going to be this terrible violence? We had it all. Our ministers had every bit of information they needed from our intelligence agencies, and so on, that there was a prospect of major violence. Why had we not told the UN? What were we holding back from them? What were we holding back from the United States? There were many important questions about the Australian government's handling of information with its allies and with the Australian community and with the Australian parliament in the period I am talking about. Those are the questions that I am asking that this committee might focus some attention on before it finalises its report on Timor because they are very important questions, as you said, Senator Lightfoot.

Senator LIGHTFOOT—Incidentally, the Secretary-General seems to be inflicted with the same 20/20 vision as you with respect to hindsight, Mr Kevin. Even if you quote him correctly, he refers to that retrospectively. But your critique seems to be saying, 'Let us make sure we do not do this again if the same set of circumstances should arise somewhere.' Is that correct?

Mr Kevin—There are several strands to my critique. Firstly, I think it is going to be a lot easier to rebuild a genuine relationship of mutual respect with Indonesia as distinct from a formally correct relationship with no real warmth or trust in it—

Senator LIGHTFOOT—May I just interrupt you – and I apologise for doing that – but let me just say this. My contacts with Indonesia, whilst they have not been daily in the last few weeks, were almost daily during that period of high conflict. During that period of high conflict I was asked to re-establish trade with Indonesia, which I did on many commodities, the two important ones being wheat and cattle. Now there are many Indonesian businessmen who want to trade with Australia. It does not seem to me, as someone on the ground, someone who gets dirt under his fingernails, that there has been a lot of damage done. The damage seems to be one of justification by the press and other people of the position they took prior to the intervention by the Australian forces. My view, for what it is worth again, Mr Kevin, is that our relationship with Indonesia is building up to something that could be bigger and better than what it was before our intervention. Maybe you would care to comment on that.

Mr Kevin—Yes, I am glad to. Firstly, I think that the facts of the economic relationship with Indonesia are really separate from my concern, which is about the nature of the security relationship; that is to say, the way in which both countries perceive each other as potential security partners or potential security threats, and trade really does not have anything to do with that.

Senator LIGHTFOOT—I disagree, but go ahead.

Mr Kevin—Certainly trade builds bridges. It creates understanding. But the bottom line of security planning is really the political actions that governments take towards each other and the political signals they send each other. I would say that within the Indonesian political community, within the intelligence and political community, the community of people who think about such things, there is a very deep sense of betrayal at how Australia handled Indonesia in those seven months preceding the vote because, really, we manipulated them. We manipulated a weak presidency. We allowed a process to go forward which was likely to prove humiliating for the Indonesians. The terrible atrocities in East Timor are Indonesia's shame – the Indonesian military's shame. They should never have happened. And we are, in some way, an accessory before the fact of those atrocities. If I can use an analogy from literature, a rather dramatic analogy: when Othello killed his wife, Desdemona, he was certainly the guilty party, but what role did Iago play? That is the sort of question I am asking about the role Australia played in relation to what TNI did in Indonesia following the vote.

I think that a restoration of a genuinely trustful relationship between Australia and Indonesia, a relationship of genuine mutual respect, requires some honesty on the part of Australian governments, some admission that what we did was not necessarily entirely noble, that we may be carrying some share of responsibility for the tragedy that befell the Timorese people in September. In saying that, I do not think I am speaking out of line with the opinion of a huge number of eminent commentators. One has only to recall the headlines back in September: 'Canberra's Massacre We Had to Have', Laurie Oakes in the *Bulletin*; 'A Holocaust of Canberra's Making', Greg Sheridan in the *Australian*; 'No Regrets: Really Mr Howard', Michael Gordon in the *Age*; 'Timor, a Debt Dishonoured', Alan Ramsay in the *Sydney Morning Herald*; 'A Great Deal to Feel Uneasy About', the editorial of the *Canberra Times*; and 'Shattered Myths', Paul Kelly in the *Australian*. My appendix is full of these sorts of quotes and I did not invent them and they were not written before the events. They were written after the events. They were written in that state of shock.

Senator LIGHTFOOT—But they were written after the event when we were supposed to be facing the slaughter of 250,000 East Timorese which did not happen. You yourself admit now that that has climbed down not to 10s of thousands, but to fewer than 2,000 and greater than 1,000. Let me say again: one life is too many. But given the heated and emotional figures that were quite erroneous that came out of it, I am not surprised that there were headlines like that, Mr Kevin. And you are now opening up some of the wounds. You seem to be raking over the old coals trying to find some embers there. I do not see how your inflammatory statements are going to help the situation at all. Maybe you could tell me how some of these statements you have just made about how we should be ashamed of ourselves and how you feel a sense of 'dishonour as an Australian' are helping the situation.

Mr Kevin—I feel a sense of shame and dishonour for the destruction of Timorese society irrespective of how many people died. As you said, one death is too many—I believe it was somewhere between 1,000 and 2,000. One only has to look at television to see the continuing desolation of Timor; the desolation of its towns and villages and infrastructure, the fact that the country lost a quarter of its population deported to West Timor—a quarter of its population. I do not think that there can be any argument that a human disaster on a major scale took place in Timor during September. I do not see how anyone could argue with that proposition.

Senator LIGHTFOOT—What I am arguing about are the numbers that came out during the times that those headlines were proposed and written and printed and announced as opposed to now when no-one is writing those headlines. You seem to be the only one, in my experience on the committee on foreign affairs, defence and trade that is now saying these inflammatory things. Yes, other people are saying things too, but not to the degree that you are.

Mr Kevin—Yes, I guess I am a bit old-fashioned. I think an atrocity is an atrocity even if it is six months old, and I think an atrocity is an atrocity even if it is 50 years old. I think one of the unfortunate things about our political system now is that people burn through issues very quickly. Nursing homes are the scandal of the day this week and next week they are forgotten. It is very difficult to have a focus on policy in terms of solving problems if our attention span is so short. But I make no apology for having perhaps a longer attention span than many other people in our fast moving society. I think that what happened in Timor is appalling and I do not think it is wrong to try and bring it before this committee. My initial submission was dated 25 January. We are meeting now in April, but these events did not happen so long ago.

Senator LIGHTFOOT—Thank you very much indeed. I appreciate your answers.

Senator PAYNE—Mr Kevin, I just note at the conclusion of your written submission—and I believe the conclusion of your opening statement which I did not have the opportunity to hear today—that you think Australia is not positioning itself well to take its relationship with Indonesia forward. In your opening submission you refer to it as excluding itself from the necessary process of healing and in your written submission you say that you see no sign yet of any movement towards policies that might begin to heal the damage that has been done. I have one question on two levels. Firstly, what policies in brief do you think we should be pursuing to heal the damage that you perceive and, secondly, in terms of East Timor—I believe we are already playing a constructive role—do you have any further suggestions as to what Australia might be doing in East Timor?

Mr Kevin—Thank you for those questions. On the first question, I think the most important thing that we could be doing is in an appropriate way conveying a message of apology to President Wahid for some of our actions in the seven months prior to the vote in Timor.

Senator PAYNE—Do you think President Wahid is seeking an apology?

Mr Kevin—Yes, I do.

Senator PAYNE—What makes you say that?

Mr Kevin—I can quote—

Senator PAYNE—I mean in an ongoing statement, some would say varied statements, but most recently?

Mr Kevin—Yes. The most recent reference I have is in an article by Greg Sheridan in the *Australian* on 18-19 March on page 20 of my supplement. Wahid says:

... the Howard government made important mistakes in its Timor diplomacy. 'But as with all mistakes, they can be corrected. Now it depends on the Australians.' Could Australia and Indonesia again become close strategic partners? 'It depends on the Australians'

and that harks back to what Wahid said to Peter Hartcher and Greg Earl on 27 October in the *Financial Review* which said:

Admit errors, Indonesia tells Australia.

Senator PAYNE—Mr Kevin, with all due respect to your references I do not think of the *Australian* and Mr Sheridan as necessarily my high watermark in these things. He is referring, I think as you said, obliquely to the October reports from Peter Hartcher. But in terms of President Wahid's statements on the record, in recent months, let us say, two months—and Senator Lightfoot has referred to progress being made towards a visit, and I understand there is no firm date—is there a more recent example?

Mr Kevin—Yes.

Senator PAYNE—I do not want to get hung up on this but I am interested.

Mr Kevin—If you extend your two months to three months, Peter Hartcher in the *Financial Review* reported on 22-23 January that Wahid said Australia:

'pissed in our [Indonesia's] face' in the conduct of its East Timor policy.

I do not think you can get much more graphic than that.

Senator PAYNE—In terms of the question that I asked about policies, you have referred to an apology, which is a popular topic at the moment in various contexts. Do you have any other suggestions? Then we could move onto the East Timor question I asked.

Mr Kevin—I think the apology, not necessarily a public apology—

Senator PAYNE—This could become very confusing media.

Mr Kevin—It could be a private apology. But I think some signal to President Wahid that there is a consciousness on the part of our ministers that things were not 100 per cent good in the way we handled things last year, would be a tremendous step forward in improving the quality of our relationship with Indonesia. Maybe there has been such a signal conveyed already privately, I do not know.

Senator PAYNE—That is right.

Mr Kevin—Certainly we have not seen anything in public to give any evidence of that.

Senator PAYNE—In relation to East Timor, as I said, I believe that we are playing a constructive role. Do you have any further suggestions to make in that regard?

Mr Kevin—I said before you came in that I think our INTERFET force did a magnificent job in East Timor.

Senator PAYNE—I was here when you said that.

Mr Kevin—I think that our continuing aid to East Timor is a very important part of the restoration of that country and obviously I support as much aid as possible to East Timor.

Senator PAYNE—In terms of aid, do you think there are particular areas in which we can build relationships that will be most useful? For example, is education more useful than law; is law more useful than health?

Mr Kevin—I do not believe I have any particular expertise on that question. I have got my own personal thoughts but I do not think they are of any particular value.

Senator PAYNE—Thank you.

CHAIR—I have just one final question. In relation to your submission you talk about the damage that our position placed in us with our ASEAN neighbours. Do you believe that the damage is irreparable with our ASEAN neighbours?

Mr Kevin—No.

CHAIR—Do you believe that all the damage can be attributed simply to East Timor or are there other factors?

Mr Kevin—I think that both with Indonesia and with the other ASEAN countries the damage is not irreparable. In fact, it is surprising how little it would take to repair the damage. It would not take much to repair it. Diplomacy is about sending signals and if the right signals are sent the damage begins to be healed.

CHAIR—How would it be repaired?

Mr Kevin—By just saying we are sorry. By just saying that we understand that we did not play this game straight. The reason the damage extended beyond Indonesia is because Indonesia is very much the senior partner in ASEAN. Indonesia is referred to as ‘big brother’ by the other ASEAN countries. Something that put Indonesia in a humiliating position must inevitably create disquiet and anxiety for other ASEAN countries as well, and a sense of ASEAN solidarity takes over and that obviously counts against us. The way in which we have acted, to a

large extent by our own government statements and actions to do with the Howard doctrine, which I have argued in my statement, was really in some ways a diversion from the Timor issue. Those things have had a cumulative effect in distancing Australia from the region in a political and strategic sense, not in a trading sense. I think that all of those consequences are still very much with us.

CHAIR—Mr Kevin, unfortunately time has run out. We do thank you for your evidence before the committee this morning. You have certainly put forward a contentious view which undoubtedly the committee will consider when drafting its report. The committee is now adjourned.

Committee adjourned at 11.30 a.m.