

CHAPTER 6

AUSTRALIAN POLICY: INDONESIA'S INCORPORATION OF EAST TIMOR

Introduction

6.1 In this chapter, the Committee examines Australian policy towards East Timor from its beginnings in 1941 to the Indonesian invasion in 1975. The period is divided into three discrete sections: Australia's breach of Portuguese neutrality in 1941; the Menzies government; and, finally, the Whitlam government. The period from 1975 to 1999 is dealt with in Chapter 7.

Australia's breach of Portugal's neutrality in 1941

6.2 In his submission, Mr Rodney Lewis drew the Committee's attention to a cable sent to Prime Minister Curtin on 18 December 1941 by the Governor of Portuguese Timor, Manuel d'Abreu Ferreira de Carvalho. The Governor sent the cable on the direct instructions of the Prime Minister of Portugal, Dr António de Oliveira Salazar, who had told the Governor to:

Protest vigorously against the aggression, absolutely contrary to the principles of law, being carried out against this part of Portuguese territory, by Dutch and Australian forces, who claim to be acting in accordance with instructions received from the Government of the Netherlands Indies in agreement with the Government of the Commonwealth of Australia.¹

6.3 Prime Minister Curtin replied immediately to Governor Ferreira de Carvalho, saying:

In reply to your communication, Commonwealth Government regrets that in order to defend against Japanese aggression it has been found necessary to prevent Japanese breach neutrality in Timor.²

6.4 Mr Jack Carey, Secretary, 2/2 Commando Association, summarised the Australian intervention in Portuguese Timor:

Early in 1941 the British, Australian and Netherlands war cabinets met and decided that, in the event of war with Japan, East Timor should be occupied. But this did not meet with the approval, naturally, of Portugal, who wanted

1 Ferreira de Carvalho to Evatt, 18 December 1941, W.J. Hudson and H.J. Stokes (eds.), *Documents on Australian Foreign Policy, 1937-1949*, Canberra, Department of Foreign Affairs, 1982, vol. v, p. 321; quoted in Rodney Lewis, submission no. 93, 'Timor 1941: Unwelcome Visitors', p. 165.

2 Curtin to Ferreira de Carvalho, 18 December 1941, W.J. Hudson and H.J. Stokes (eds.), *Documents on Australian Foreign Policy, 1937-1949*, Canberra, Department of Foreign Affairs, 1982, vol. v, p. 321; quoted in Rodney Lewis, submission no. 93, 'Timor 1941: Unwelcome Visitors', p. 165.

to remain neutral. When war broke out on 7 December, the Japanese Consul in Dili, Mr Tokitaro, warned the Portuguese Governor—that is Governor Carvalho—that Japan was now at war with America and Britain and Australia. Japan expected Portugal to remain neutral. The Governor replied that Portugal intended to do so. On 16 December of that year a force of Javanese and Menadonese troops under white Dutch officers and 150 of the 2nd Australian Independent Company landed in East Timor; the rest of the company arrived a few days later. The Company took over the airfield, which was an 800-metre field, and the Javanese and Menadonese occupied the Dili township and took up strategic points.³

6.5 The Australian official record cited in Mr Lewis' submission showed that the Australian Government was acting at the behest of Britain and her allies, in this case Holland. The Portuguese objected vehemently to the presence of Dutch and Australian troops in Dili, which they saw as one more attempt by the Dutch to gain control of the whole of the island of Timor, under the pretext of preventing a Japanese invasion. Earlier, Secretary of State for Dominion Affairs, Lord Cranbourne, had cabled Prime Minister Curtin:

The Dutch have made representations here and in Lisbon on the need for safeguarding Portuguese Timor ... Considerable importance is attached here to the association with any Dutch force sent to Portuguese Timor of even a very small token force of Australians ...⁴

6.6 As events unfolded in late 1941, Prime Minister Curtin became increasingly disenchanted with the policy to which he had been persuaded to agree and, on 26 December 1941, made his feelings clear in a cable to Lord Cranbourne:

On December 13th you informed us that Portugal, by virtue of ancient alliance, had accepted proposal to forestall Japanese aggression and had agreed to instruct Governor either to invite assistance or to acquiesce in assistance being furnished ... Subsequently plan was arranged and Dutch fixed time for landing ... At your request we agreed to amend plan so that landing should take place more than two hours after consultation with the Governor. It was only after expedition had set out that we heard from you that Portuguese Government had suddenly become hostile and lost its nerve. Your view was that because of the change of attitude by Portugal United Kingdom's association with operation should not be mentioned by us although the plan was primarily yours ... Commonwealth Prime Minister received a protest direct from the Governor and in difficult circumstances and solely in order to meet your position we confined ourselves to a reply to

3 Mr Carey, *Committee Hansard*, 20 July 1999, p. 122, and submission no. 72, appendix A, 'East Timorese Casualties, Erroneous History', p. 1. The accuracy of Mr Carey's account is supported by a study referred to the Committee by Mr Lewis: Henry Frei, 'Japan's Reluctant Decision to Occupy Portuguese Timor, 1 January 1942-20 February 1942', *Australian Historical Studies*, vol. 27, no. 107, October 1996, pp. 281-302.

4 Cranbourne to Curtin, 10 and 11 December 1941, W.J. Hudson and H.J. Stokes (eds.), *Documents on Australian Foreign Policy, 1937-1949*, Canberra, Department of Foreign Affairs, 1982, vol. v, pp. 296 and 304; quoted in Rodney Lewis, submission no. 93, 'Timor 1941: Unwelcome Visitors', p. 162.

the Governor making no reference whatsoever to your part in the enterprise and we made no public statement whatever. Subsequently you expressed to Portugal deep regret that action was taken by Allied military authorities on the spot, the suggestion being that you were not a party to the plan.⁵

6.7 Prime Minister Curtin told Lord Cranbourne that his military advisers at Dili were saying that the position there was most unsatisfactory, that the Governor was organising troops to harass the Allied troops and would certainly assist any Japanese landing. The information was that the Dutch commander was awaiting instructions from his headquarters authorising him to take full military control and disarm the Portuguese. The Governor was complaining to his government that Allied commanders at Dili had acted high-handedly and requisitioned extensively.⁶

6.8 By 17 February 1942, Allied policy had changed and the force in Dili was to hand over to a reinforced Portuguese garrison that would be able to secure the province's neutrality. The day before the Portuguese reinforcements arrived from Mozambique, Japanese forces landed.⁷ Mr Carey told the Committee:

The Japanese, before deciding to invade East Timor, deliberated for the best part of six weeks, and it was not until the end of January that they finally decided they would invade East Timor. The Japanese navy were always in favour of it but the army were not. Tojo himself was not in favour. They preferred to respect the neutrality of Portugal and they had already done so in Macao. They landed there on 19 February.⁸

6.9 Mr Carey said that the decision by the Allies at the time to take over East Timor provoked the Japanese invasion. As a consequence, Timor became a battleground: over the three and a half years of the Japanese occupation, thousands of lives were lost. A successful guerrilla campaign was carried out but at great cost to the inhabitants of the island. The Australian troops of the 2nd/2nd withdrew on 16 December 1942 and the 2nd/4th Independent Company withdrew early in 1943. The Japanese did not leave Timor until September 1945. During that time, particularly in the 1943-44 period under Japanese rule, thousands of East Timorese people died through starvation and lack of medical care. The Portuguese were moved into zones of

5 Curtin to Cranbourne, 26 December 1941, W.J. Hudson and H.J. Stokes (eds.), *Documents on Australian Foreign Policy, 1937-1949*, Canberra, Department of Foreign Affairs, 1982, vol. v, pp. 360-1; quoted in Rodney Lewis, submission no. 93, 'Timor 1941: Unwelcome Visitors', pp. 166-7. Also cited in Frei, p. 287.

6 Curtin to Cranbourne, 26 December 1941, W.J. Hudson and H.J. Stokes (eds.), *Documents on Australian Foreign Policy, 1937-1949*, Canberra, Department of Foreign Affairs, 1982, vol. v, pp. 360-1; quoted in Rodney Lewis, submission no. 93, 'Timor 1941: Unwelcome Visitors', p. 167. Also cited in Frei, p. 287.

7 Henry Frei, 'Japan's Reluctant Decision to Occupy Portuguese Timor, 1 January 1942-20 February 1942', *Australian Historical Studies*, vol. 27, no. 107, October 1996, p. 298.

8 Mr Carey, *Committee Hansard*, 20 July 1999, p. 122, and submission no. 72, appendix A, 'East Timorese Casualties, Erroneous History', p. 1. The accuracy of Mr Carey's account is supported by a study referred to the Committee by Mr Lewis: Henry Frei, 'Japan's Reluctant Decision to Occupy Portuguese Timor, 1 January 1942-20 February 1942', *Australian Historical Studies*, vol. 27, no. 107, October 1996, pp. 281-302.

concentration, mainly at Liquiça. Mr Carey commented: 'Australia, as part of the tripartite [Britain, Netherlands and Australia], caused a neutral country to be involved in a war, so we owe a debt to the people of East Timor in that respect.'⁹

6.10 Mr Tom Uren, who fought and was taken a prisoner of war in western Timor at this period, agreed with this view:

The fact is that we did invade a neutral East Timor or Portuguese Timor. Because of that and because of their support of us, around 50,000 people were killed, murdered or brutalised or died of starvation during that occupation period. Would the Japanese have invaded Portuguese Timor, keeping in mind that it was a neo-Fascist government in Portugal at that time and that they did not occupy Macao in China? It was odds on that they would not have invaded.¹⁰

6.11 Mr Lewis, who represented the International Commission of Jurists, drew the attention of the Committee to a cable sent from the Australian High Commissioner in London to Prime Minister Curtin on 28 December 1941:

the hard facts are that Portuguese reaction to the landing without previous consent of the Portuguese before actual attack by the Japanese was misjudged [by us] and the sooner this is admitted, the better.¹¹

The consequence of this, in the opinion of Mr Lewis, was that:

the obligation that we have to these people did not begin - as is popularly understood - when they shed blood for Australian lives; no, it goes back to 17 December, when we made an egregious error in breaching neutrality and thus bringing the Second World War to these people where otherwise it would not have occurred.¹²

6.12 The Australian Minister for External Affairs, Dr H.V. Evatt, made a statement on 27 November 1941, that Australia had a very direct interest in preserving 'the complete political independence' of East Timor and that Australia could not see with equanimity any development which threatened the integrity of that part of the Portuguese empire.¹³

9 Mr Carey, *Committee Hansard*, 20 July 1999, p. 122.

10 Mr Uren, *Committee Hansard*, 4 November 1999, p. 754.

11 Mr Lewis, *Committee Hansard*, 4 November 1999, p. 751, quoting W.J. Hudson and H.J. Stokes (eds.), *Documents on Australian Foreign Policy, 1937-1949*, Canberra, Department of Foreign Affairs, 1982, vol. v, p. 373.

12 Mr Lewis, *Committee Hansard*, 4 November 1999, p. 751; submission no. 93, 'Proposals for due recognition of the people of East Timor by the Government & people of Australia - their struggle for freedom; our obligation'.

13 Salazar to Menzies regarding Timor, 1 March 1962, NAA A1209/80, 1974/9010, p. 4, referring to statement by Evatt, House of Representatives, *Hansard*, 27 November 1941, p. 977.

6.13 A note from the British Embassy in Lisbon of 14 September 1943 said that 'His Majesty's Government in the Commonwealth of Australia' were glad to associate themselves with the assurance given by the British Government that, at the conclusion of hostilities, Allied forces would be withdrawn from the Azores, and Portuguese sovereignty over all its colonies would be maintained.¹⁴ Dr Evatt had explained the background to this in a statement to Parliament on 26 March 1946:

The occupation and use of the Azores as an air base by the United States of America and the United Kingdom were of supreme importance, and an arrangement had to be made between Great Britain and Portugal. The Portuguese asked the British Government, as a part of the arrangement over the Azores, to ensure that the Government of Australia should give an undertaking that in its post-war planning it would make no attempt to alter the sovereignty of Portuguese Timor.¹⁵

In accordance with this policy, Timor had been restored to Portuguese rule at the end of the War after having been occupied by Japanese forces since 20 February 1942.

The Menzies period

6.14 At the hearing on 24 September 1999, Mr James Dunn, Australian Consul in Dili during the Portuguese period, told the Committee that one reason for his posting as Australian Consul to Portuguese Timor in January 1962 was because it was generally accepted in Canberra that, after Indonesia had gained control over West Irian, Portuguese Timor would be the next object of Indonesian attention.¹⁶ However, when West Irian was incorporated into Indonesia, President Soekarno's government turned its attention to Malaysia, and confrontation against that country had left Portuguese Timor quiet during his time in the territory.¹⁷

6.15 Mr Dunn said that the situation in Portuguese Timor was calm. Although the territory was undeveloped, the Portuguese had a harmonious relationship with the Timorese people. Not many of them were well educated, but there was a greater degree of participation in government than existed in Papua New Guinea at the time.¹⁸ The Portuguese intermarried and mingled easily with the Timorese. There was no sense of discrimination, other than on the grounds of 'civilisation', as it was called:

14 Salazar to Menzies regarding Timor, 1 March 1962, NAA A1209/80, 1974/9010, p. 4, see Curtin to Evatt, 3 July 1943, W.J. Hudson and H.J. Stokes (eds.), *Documents on Australian Foreign Policy, 1937-1949*, Canberra, Department of Foreign Affairs, 1983, vol. vi, pp. 444-6.

15 H.V. Evatt, House of Representatives, *Hansard*, 26 March 1946, pp. 625-6.

16 Indonesian Foreign Minister Dr Subandrio was reported as saying in a statement to the Indonesian Parliament that 'the Portuguese should beware of their position in Timor' (Jack Percival, 'Timor: the new Indies sore spot', *The Sun-Herald*, 13 August 1961).

17 Mr Dunn, *Committee Hansard*, 24 September 1999, p. 601.

18 Mr Dunn, *Committee Hansard*, 24 September 1999, p. 600.

the better educated mixed together regardless of whether they were local or from Portugal.¹⁹

6.16 However, only three years earlier, in June 1959, the serenity had been broken by an uprising near Viqueque, which had been suppressed only after much bloodshed.²⁰ The survivors of the uprising (which had been assisted by 14 exiled Indonesian army officers, who had fled to Portuguese Timor from the 1958 revolt in Sulawesi) later formed the nucleus of Apodeti, which supported integration with Indonesia.²¹ One of the captured leaders of the uprising, José Manuel Duarte, later wrote that he had been complaining since 1953 against the Portuguese use of forced labour, whipping and other forms of corporal punishment, and wage discrimination against Timorese. The actual uprising was reportedly sparked by the action of a local Portuguese official who cheated Timorese workers of the wages due to them from the Australia-based Timor Oil company, which was conducting exploration in the area.²²

6.17 The uprising was referred to in a memorandum dated 21 February 1963 presented to the Menzies Cabinet by External Affairs Minister Garfield Barwick, which was drawn to the attention of the Committee by Mr Whitlam.²³ The memorandum also said that, generally, Portuguese Timor presented a picture of fatalistic calm, but it was widely believed by the administration that Indonesian seizure of the province could not be prevented and was only a matter of time. It seemed certain, according to the memorandum, that the intention of the Indonesian Government was to take over Portuguese Timor at some stage, and it would be an easy military operation to do so. Barwick's memorandum referred to correspondence between Prime Ministers Menzies and Salazar and concluded by reflecting on Cabinet Decision 632 of 5 February 1963, which stated:

In relation to Portuguese Timor, the Cabinet accepted the view that in the current state of world opinion, no practicable alternative to eventual

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- 19 Mr Dunn, *Committee Hansard*, 24 September 1999, p. 601. A different impression was recorded by Osmar White, who wrote of the 'spiritual deformity' which seemed to affect the Timorese under Portuguese rule: 'I have travelled a great deal in parts of Asia where white men are disliked and distrusted, but I have never been so sensible of fear-paralysed hostility as I was in Timor' ('Timor—Island of Fear', *The Melbourne Herald*, 2 April 1963).
- 20 Quoted in Mr Whitlam, submission, no. 5, 30 November 1999, p. 4. Also referred to in Jack Percival, 'Timor: the new Indies sore spot', *The Sun-Herald*, 13 August 1961.
- 21 Bruce Juddery, 'East Timor: which way to turn?', *The Canberra Times*, 18 April 1975; Jill Jolliffe, 'Indonesia now wants all the gory details', *The Canberra Times*, 19 August 1995. The officers had come to Portuguese Timor as a result of a request by the Menzies Government to Portugal in March 1958 for co-operation in assisting a rebel movement (Permesta) in Sulawesi and Maluku which was attempting to break away from the unitary Indonesian state of President Soekarno (Geoffrey Slater and Jack Waterford, 'Finger in the Pie', *The Canberra Times*, 17 February 1991). In November 2000, a woman pro-integrationist refugee from Viqueque residing in Kupang told *The Jakarta Post*: 'My father joined the 1959 rebellion. Many were killed, the river simply turned red with their blood' (Lela E. Madjiah, 'What could be worse than East Timorese refugee camps?' *The Jakarta Post*, 23 November 2000).
- 22 George J. Aditjandro, *Is Oil Thicker than Blood*, New York, Nova Science, 1999, p. 10.
- 23 Published in Gough Whitlam, *Abiding Interests*, Brisbane, University of Queensland Press, 1997, pp. 290-5.

Indonesian sovereignty over Portuguese Timor presented itself. It would not be acceptable to Australia or the West for Indonesia to proceed against Portuguese Timor with arms, and this must be brought home to Indonesia. But otherwise the course which it seemed best to follow is for Australia to bring such quiet pressure as it can upon Portugal to cede peacefully and in addition to explore ways by which the international community might bring pressure on Portugal.

6.18 Prime Minister Menzies wrote to Dr Salazar on 8 February 1963 in accordance with the Cabinet Decision. In his reply of 1 March 1963 and again in his reply of 5 March 1964 to Mr Menzies' subsequent letter of 15 October 1963, Dr Salazar expressed the view that Portuguese Timor could not survive as an independent country and that it would probably be preferable from an Australian point of view that Timor remain in Portuguese hands rather than be handed to Indonesia. He wrote, in part, on 1 March 1963:

I should think that the greatest concern of Australia would be not a disturbance of order, not an attack on Portuguese sovereignty in Timor, but to know who afterwards would exercise sovereignty in that territory. Given the fact that Timor cannot be an independent State, the territory either continues to be a part of Portugal as an autonomous province that it is or is annexed to the Republic of Indonesia; there does not seem to be any foreseeable hypothesis of an Australian dominion or condominium. However good and intimate Australian relations with Indonesia may be, a Portuguese Timor seems incomparably safer and more attentive to the interests of Australia than the same Timor integrated in that Republic.

6.19 In his letter of 5 March 1964 to Prime Minister Menzies, Dr Salazar wrote, in part:

Your Excellency is aware that Portuguese Timor cannot constitute an independent nation. Your Excellency is aware that the Republic of Indonesia would never consent to the existence of an independent Timor. In this context, what policy can be formulated which, not maintaining the status quo on one hand, would take into account on the other hand the impossibility of the independence of the territory and would avoid the annexation of it by Indonesia? Your Excellency submits that the interest which the United Nations would take in Timor could protect the territory from external pressures. I do not know whether there might not have been something of *naïveté* in this suggestion. As for myself, Mr Prime Minister, I believe the United Nations took a profound interest in Dutch New Guinea: but that did not secure self-determination for the people of West Irian.²⁴

6.20 Dr Salazar explained that there could be no political independence without economic viability, and referred to Portugal's experience of African affairs. He said that the damage caused to the African populations by the policy adopted by the West and the United Nations had been very severe and, in some respects, irreparable:

24 Dr Salazar to Mr Menzies regarding Timor, 5 March 1964, NAA A1209/80, 1974/9010, pp. 3-4.

‘misery, economic and political regression, disorder in administration, lack of order and security everywhere, submission to a new type of colonialism, exploitation of the populations disguised as economic aid which compensates itself by manipulation of prices of basic products, growing ascendancy in Africa of the communist bloc ...’²⁵

The Whitlam government

6.21 Mr Whitlam said that it was clear in the 1960s that Portugal would take no steps towards self-determination in Timor.²⁶

6.22 Dr Salazar was incapacitated in 1968 and was succeeded by Marcelo Caetano. On 25 April 1974, the ‘Carnation Revolution’ (*Revolução dos Cravos*) took place in Lisbon, and Caetano and the President, António Tomás, were ‘relegated’ (banished) to the Azores. The new Portuguese Government was committed to decolonisation.²⁷ ‘At that time’, said Mr Whitlam, ‘there was a change: they decided to get out of all their colonies’.²⁸

6.23 Mr Whitlam held the view that colonialism was doomed in the Indian and Pacific Oceans as a result of the Pacific War.²⁹ He said that the Labor Government elected on 2 December 1972 was determined to end the Portuguese colonialism which Australian Governments had condoned, and often supported, by their votes in the United Nations since 1960.³⁰ Addressing the United Nations General Assembly on 30 September 1974, Mr Whitlam said:

There is to me, I must say, a most satisfying symmetry in the march of events by which Portugal the oldest, and Australia the newest, of the colonial powers are acting at the same time towards the liquidation of colonialism [in Timor and Papua New Guinea]. Across the distance of 400 years the new world in Australia clasps hands with the old, in ending a false, demeaning, unworthy power over others.³¹

25 Salazar to Menzies regarding Timor, 5 March 1964, NAA A1209/80, 1974/9010, pp. 5-6.

26 Mr Whitlam, submission, no. 5, 26 March 1999, p. 6.

27 Mr Whitlam, submission, no. 5, 26 March 1999, p. 7.

28 Mr Whitlam, *Committee Hansard*, 6 December 1999, p. 976. In Timor, the decolonisation policy was to be implemented by a team led by Colonel Mario Lemos Pires, who took up his appointment as Governor on 18 November 1974.

29 Mr Whitlam, submission, no. 5, 26 March 1999, p. 3; *Committee Hansard*, 6 December 1999, p. 979.

30 Mr Whitlam, submission, no. 5, 26 March 1999, p. 7.

31 Mr Whitlam, submission, no. 5, 26 March 1999, p. 7. Mr Whitlam had expressed his opposition to Portuguese rule in Timor in 1963, when he said in delivering the 14th Roy Milne Memorial Lecture: ‘Eastern Timor must appear as an anachronism to every country in the world except Portugal ... We would not have a worthy supporter in the world if we backed the Portuguese’. This was drawn to the attention of the press in 1973 when Portugal was showing reluctance to engage in negotiations with Australia over a seabed boundary (Paul Webster, ‘Dying empire next door’, *The Australian*, 13 July 1973; Michael Davenport, ‘Portuguese Timor: a colonial embarrassment at our front doorstep’, *The National Times*, 16 July 1973).

6.24 Mr Whitlam was of the view that it was indisputable that there had been culpable neglect of East Timor by the Portuguese for four centuries, and by the Catholic Church.³² He said that the ‘great tragedy’ was that Portuguese Timor had been kept in a cocoon. The only contacts that Timor had were with Macao, where the Church had a bishop.³³ There were no contacts with West Timor. ‘There is no question’, he said, ‘that but for the arrangement made by Alexander VI and approved by Julius II, each side of 1500, the island would have been united.’³⁴ It was a pure accident of history that it was separated. It was by sheer Portuguese intransigence, both political and ecclesiastical, that there were no contacts with West Timor’.³⁵ He characterised the leaders of the three main political parties which arose in Timor after the 1974 revolution in Portugal as ‘mostly *mestiços* who had spent some time in seminaries and the army and who often seemed to be desperate to succeed the Portuguese as rulers of the rest of the population’.³⁶ Mr Whitlam explained to the Committee:

As I said, East Timor was cocooned. There were no contacts with West Timor, and there has been no trouble in West Timor. The point is that they both had an indigenous language, Tetum ... they did have the same language ... There was a possibility that if they could meet each other, as they would over a three - or five - or eight-year period, that they would learn to communicate ... there was a chance, with proper preparation, that the two Timors could have got to live together.³⁷

6.25 Mr Whitlam told the Committee that Mr Barwick’s 1963 analysis, Dr Salazar’s views and those of the Menzies government all came to the same conclusion, that East Timor was non-viable politically and economically.³⁸ That was also his own view, which he had formed after he had taken advice from Secretary of the Prime Minister’s Department, Sir John Bunting, who had also held that position at the time of the Menzies-Salazar correspondence.³⁹ Sir John thought that Portuguese

32 Mr Whitlam, *Committee Hansard*, 6 December 1999, p. 984.

33 Mr Whitlam, *Committee Hansard*, 6 December 1999, p. 984.

34 Referring to the Papal bulls *Inter caetera* of 3 May 1493 and 24 January 1506, and the Treaties of Tordesillas (1494) and Saragossa (1529). Cf. Edward G. Bourne, ‘The History and Determination of the Line of Demarcation by Pope Alexander VI, between the Spanish and Portuguese Fields of Discovery and Colonization’, *Senate Miscellaneous Documents*, Washington, vol 5, 1891-92, pp. 103-30; Lourdes Díaz-Trechuelo, ‘El Tratado de Tordesillas y su proyección en el Pacífico’, *Revista Española del Pacífico*, no. 4, Año IV, Enero-Diciembre 1994, pp. 11-21.

35 Mr Whitlam, *Committee Hansard*, 6 December 1999, p. 986.

36 Mr Whitlam, *Committee Hansard*, 14 May 1982, p. 12; Gough Whitlam, *The Whitlam Government*, Melbourne, Viking, 1985, p. 107.

37 Mr Whitlam, *Committee Hansard*, 6 December 1999, p. 986. José Osorio Soares, Secretary-General of Apodeti, expressed a similar view in 1975, saying that East and West Timor should be joined in one autonomous province: ‘We become a part of Indonesia, then the government in Kupang gets independence from Indonesia for a united Timor. It is only one land; how can it be divided?’ Bill Nicol, *Timor: The Stillborn Nation*, Melbourne, Visa, 1978, p. 62.

38 Mr Whitlam, submission, no. 5, 30 November 1999, pp. 9-10.

39 Mr Whitlam, *Committee Hansard*, 6 December 1999, pp. 976, 986

Timor was not viable as an independent state, and this view was shared by the Secretary of the Department of Defence, Sir Arthur Tange, the Secretary of the Treasury, Sir Frederick Wheeler, and the Secretary of the Department of Foreign Affairs, Sir Keith Waller.⁴⁰

6.26 Prior to Mr Whitlam's meeting with President Soeharto at Yogyakarta, the Minister for Foreign Affairs, Senator Willesee, approved a policy that gave emphasis to self-determination for the East Timorese people rather than to the outcome of that process. That policy was included in the talking points in the brief prepared by the Department of Foreign Affairs for Mr Whitlam's meeting with President Soeharto on 6 September 1974:

- (c) In keeping with the general tenor of Australia's foreign policy and our attitude towards Portugal's African territories, we are committed to decolonization in Portuguese Timor on the basis of valid self-determination. Australia would be bound by the results of a genuine and internationally acceptable act of self-determination in Portuguese Timor.
- (d) On this basis any of the three options for the future of the territory—continuing association with Portugal, independence, or incorporation in Indonesia—would be legitimate in Australia's view.
- (e) Conversely, any future disposition of Portuguese Timor which was contrary to the wishes of the people would be likely, in Australia's view, to have a destabilising influence in the region. It would be important for this reason that the act of self-determination should be accepted as a genuine test of Timorese opinion by the Governments and people of the countries in the region.⁴¹

6.27 In 1997, Mr Whitlam wrote that he had been shown the Menzies-Salazar correspondence by the Department of Foreign Affairs (by Mr Renouf's predecessor, Sir Keith Waller) and had been referred to the Cabinet decision of February 1963 which established Australian policy on Portuguese Timor. The supporting paper, the departmental brief for the Yogyakarta meeting on 6 September 1974, was not government policy in the opinion of Mr Whitlam.⁴²

6.28 Mr Renouf had earlier written that the policy approved by the Minister for Foreign Affairs, Senator Willesee, had not been put to Mr Whitlam: 'the matter had

40 Mr Whitlam, submission no. 5, 30 November 1999, p. 3. A 4 April 1963 report of the Working Group of Departmental Officers, 'The Future of East Timor', suggested 'Perhaps in theory the problem of self-determination is not insurmountable and might be overcome by a West New Guinea type of arrangement' (Wendy Way, Damien Browne and Vivianne Johnson (eds.), *Australia and the Indonesian incorporation of Portuguese Timor, 1974-1976*, Melbourne University Press, 2000, p. 31).

41 Wendy Way, Damien Browne and Vivianne Johnson (eds.), *Australia and the Indonesian Incorporation of East Timor, 1974-76*, Melbourne University Press, 2000, p. 92.

42 Gough Whitlam, *Abiding Interests*, Brisbane, University of Queensland Press, 1997, pp. 72-74.

not been prominent enough and his approval of self-determination had been assumed'.⁴³

6.29 At his meeting with President Soeharto at the Wonosobo state guest house near Yogyakarta on 6 September 1974, Mr Whitlam took a different line to the brief:

The Prime Minister said that he felt two things were basic to his own thinking on Portuguese Timor. First, he believed that Portuguese Timor should become part of Indonesia. Second, this should happen in accordance with the properly expressed wishes of the people of Portuguese Timor. The Prime Minister emphasised that this was not yet Government policy but that it was likely to become that.⁴⁴

6.30 This was the same viewpoint as that he had inherited from the preceding governments, as he told the Committee, unchanged except for seeking the consent of the Timorese people rather than that of the Portuguese Government. The policy had been settled since 1963. Cabinet Decision 632 of 1963 stated that, while no practical alternative to Indonesian sovereignty over Portuguese Timor presented itself, 'It would not be acceptable to Australia or the West for Indonesia to proceed against Portuguese Timor with arms', and Australia should bring 'quiet pressure' on Portugal to cede peacefully.⁴⁵

6.31 The Department of Foreign Affairs prepared a background paper dated 11 September 1974, on the future of Portuguese Timor, to take account of the approach adopted by the Prime Minister on the territory in his talks with President Soeharto. The background paper included the following comments:

In the Australian view the primary questions requiring determination are the wishes of the people of Portuguese Timor regarding the future of the territory, and how the long-term stability of the region might best be assured.

Because the rudimentary stage of political development in the territory an act of self-determination would need to be prepared carefully, gradually and over a period of time, otherwise the decision of the people may not be based on a full and informed appreciation of the best future interests of the territory and could therefore prejudice regional stability.

At the present stage Australia has doubts whether the territory would in fact achieve real independence if its people chose completely separate status, given the relative weakness of the economy and its inevitably limited defence capability. Accordingly Australia appreciates Indonesia's concern about the future of the territory and shares its belief that the voluntary union

43 Alan Renouf, *The Frightened Country*, Melbourne, Macmillan, 1979, p. 443.

44 Wendy Way, Damien Browne and Vivianne Johnson (eds.), *Australia and the Indonesian Incorporation of East Timor, 1974-76*, Melbourne University Press, 2000, p. 95.

45 Quoted in Gough Whitlam, *Abiding Interests*, Brisbane, University of Queensland Press, 1997, p. 295.

of Portuguese Timor with Indonesia, on the basis of an internationally acceptable act of self-determination, would seem to serve the objective of decolonisation, and at the same time the interests of stability in the region.⁴⁶

6.32 In November 1991, Mr Willesee said that he had been ‘surprised’ to learn what Mr Whitlam had done at Wonosobo: ‘Gough and I had some disagreements. That was one we diverted on. I believed we ought not to play God, but let the Timorese decide’.⁴⁷ In an interview on 9 March 1999, he said:

There is no doubt that Gough felt East Timor should be incorporated within Indonesia. I just believed that we should have left the decision to the East Timorese, without any suggestions or trying to lead them to Indonesia. That was the difference between myself and Gough. I was constrained at the time. But as Foreign Minister you’ve got to manage your relationship with the Prime Minister. I had to compromise my way through the entire issue. My view the whole time was that the decision should be left absolutely to the East Timorese, but Gough just had a very firm opinion.⁴⁸

6.33 President Soeharto’s response to Mr Whitlam’s statement of his position on Portuguese Timor was to point out the important constitutional and legal problems for Indonesia that incorporation involved (which had already been raised by the incorporation of Irian Barat). The 1945 Indonesian constitution provided for a unitary state. The constitution, adopted as a challenge to colonial rule, would neither accept colonialism nor allow the Indonesian Government to seek to colonise others. The emphasis in the constitution on the unitary state also meant that incorporation could not lead to a violation of it by giving the territory any special status. Portuguese Timor could not be incorporated as a separate state within the Indonesian Republic, which was not a federation. Ultimately, the Indonesians hoped for incorporation, but this should occur on the basis of the freely expressed wishes of the people of Portuguese Timor.⁴⁹

6.34 This view was reiterated in a public statement on 18 October 1974, following President Soeharto’s meeting in Jakarta with the Portuguese Minister for Inter-territorial Co-ordination, António Almeida Santos: ‘Indonesia would accept

46 Wendy Way, Damien Browne and Vivianne Johnson (eds.), *Australia and the Indonesian Incorporation of East Timor, 1974-76*, Melbourne University Press, 2000, pp. 101-02.

47 David Jenkins, ‘Whitlam can’t maintain outrage over East Timor’, *The Sydney Morning Herald*, 30 November 1991.

48 Paul Kelly, ‘Willesee: Whitlam reigned on East Timor’, *The Australian*, 10 March 1999.

49 ‘Record of Meeting between the Prime Minister and President Soeharto, State Guest House, Yogyakarta, 6 September 1975’, pp. 3, 4; published in *The Sydney Morning Herald*, 6 March 1999 and included in Mr Whitlam’s submission, no. 5, 23 November 1999. Wendy Way, Damien Browne and Vivianne Johnson (eds.), *Australia and the Indonesian incorporation of Portuguese Timor, 1974-1976*, Melbourne University Press, 2000, pp. 95-8.

Portuguese Timor as a province of the Indonesian nation, though not as an independent state within an Indonesian federation'.⁵⁰

6.35 Mr Whitlam made his position clear in private conversation with Foreign Affairs officers, as recorded in a departmental minute from Mr Graham Feakes to Ambassador Frank Cooper in Lisbon, which quoted Mr Whitlam as saying: 'I am in favour of incorporation but obeisance is to be made to self-determination. I want it incorporated but I do not want this done in a way which will create argument in Australia which would make people more critical of Indonesia.'⁵¹

6.36 With Senator Willesee's approval, Mr Renouf warned his Indonesian counterparts at the annual officials talks in Jakarta in October 1974 that Australia would not condone the use of force in incorporating Portuguese Timor. He also argued that an independent East Timor should not necessarily concern Indonesia.⁵² In 1997, Mr Whitlam commented that Mr Renouf had exaggerated the significance of the discussions.⁵³ Mr Renouf acknowledged that his arguments had not convinced the Indonesians, as was borne out when Foreign Minister Adam Malik declared in early December 1974 his conviction that independence for Portuguese Timor was not a practical option. Senator Willesee responded on 5 December, saying that he disagreed with the Indonesians, and that Australia's attitude was that the territory's options including independence, should be decided freely by the Timorese.⁵⁴ By implication, Senator Willesee also disagreed with his Prime Minister.

6.37 Mr Malik had changed his attitude since June 1974 when he had, with the approval of Soeharto, given Dr Ramos-Horta a letter in Jakarta in which he declared:

50 *Associated Press*, 18 October 1974; quoted in Bill Nicol, *Timor: The Stillborn Nation*, Melbourne, Visa, 1978, p. 62.

51 First Assistant Secretary (South East Asia) Feakes to Cooper, 24 September 1974, NAA: A10005/2, TS202/1/1, annex; also in Deputy Secretary Woolcott to Secretary Renouf, 24 September 1974, Wendy Way, Damien Browne and Vivianne Johnson (eds.), *Australia and the Indonesian Incorporation of East Timor, 1974-76*, Melbourne University Press, 2000, p. 111; Hamish McDonald, 'Politics of betrayal', *The Sydney Morning Herald*, 13 September 2000.

52 Alan Renouf, *The Frightened Country*, Melbourne, Macmillan, 1979, p. 444; Michael Richardson, 'We'll tell Jakarta: hands off Timor', *The Age*, 30 October 1974. Cf. Magalrael Cruz to Francisco da Costa Gomes, 13 November 1974: 'A month and a half having passed since the meeting in Jakarta and, perhaps because the government in Canberra considers itself better informed than then, the Australian delegation seems now in the recent conversations to have been authorised to take a step backward with regard to the conclusions which President Soeharto and Prime Minister Whitlam reached last September. Rather than integration being "the natural and inevitable" solution for Portuguese Timor it was the wishes of the people which received major emphasis on the part of the Australians ... As well, Whitlam himself had already warned the Indonesian side against certain practices which had been employed by the Jakarta Government in the integration of West Irian' (Presidência do Conselho de Ministros, *Relatórios da descolonização de Timor*, Lisboa, 1981, 'Relatório de Governador Mário Lemos Pires', doc. 2.9, in Jill Joliffe (ed.), *The East Timor question*, Lisse, The Netherlands, MMF Publications, 1997).

53 Gough Whitlam, *Abiding Interests*, Brisbane, University of Queensland Press, 1997. p. 74.

54 Michael Richardson, 'Timor: first sign of rift', *The Age*, 6 December 1974.

‘The independence of every country is the right of every nation, with no exception for the people of [East] Timor’.⁵⁵

6.38 In November 1974, as Indonesia prepared for a subversion campaign and began infiltration into Portuguese Timor (*Operasi Komodo*), Mr Renouf had his Department prepare a working paper which fleshed out the alternative course he had expounded in Jakarta on 29 October 1974 into a proposal, which Senator Willesee endorsed. The working paper, dated 13 December 1974, recommended that Australia ‘should be regarding the association of Portuguese Timor with Indonesia as only one of several acceptable results of an act of self-determination’, and that Australia ‘should try to bring the Indonesians to recognise that, if the Timorese are clearly intent on independence, it should be possible to live with that’.⁵⁶

6.39 On 4 February 1975, Portuguese Foreign Minister Santos proposed that Australia become more involved in the resolution of the future of Portuguese Timor. As a response to this proposal, the Department of Foreign Affairs put a further submission, dated 10 February 1975, to Senator Willesee, who, on the basis of the submission, reaffirmed that Australia should ‘place more emphasis in our future policy on self-determination’, but should also ‘take a step backwards from involvement in the problem of P. Timor lest we become more enmeshed in it than need be’. He also proposed that Australia indicate to Portugal and Indonesia that it was willing to consider providing an aid program of one or two million dollars yearly, ‘in the light of changing circumstances’.⁵⁷

6.40 Mr Whitlam told the Committee that by early 1975 he had changed his mind about East Timor, so that he was willing to contemplate the possibility of eventual independence for the territory.⁵⁸ This view was expressed in a letter dated 28 February 1975 which he gave newly appointed Ambassador Richard Woolcott to give President Soeharto when he presented his credentials.⁵⁹ The letter said:

55 Michael Richardson, ‘Canberra-Jakarta talks soon on Timor future’, *The Australian Financial Review*, 16 May 1974; ‘Timor in no hurry to change’, *The Canberra News*, 10 July 1974; José Ramos-Horta, ‘A warm welcome’, *The National Times*, 29 July 1974; *Sinar Harapan*, 27 July 1974. Mr Ali Alatas, who served as interpreter at the meeting between Malik and Ramos Horta in June 1974, commented as Foreign Minister in September 1997: ‘I was there ... clearly at that time Adam Malik said, “We have no claims on East Timor. We will accept any outcome of a good decolonisation”. This is what Ramos Horta doesn’t say. The only thing that we wanted was that all parties got the same treatment. Got the same fair chance to compete and that whoever won in a clean and just decolonisation process we would gladly accept ... But everybody knows that it didn’t happen that way’ (David Jenkins, ‘Alatas cites history in East Timor conundrum’, *The Sydney Morning Herald*, 13 September 1997).

56 Alan Renouf, *The Frightened Country*, Melbourne, Macmillan, 1979, p. 444. Submission to Willesee, 13 December 1974; Wendy Way, Damien Browne and Vivianne Johnson (eds.), *Australia and the Indonesian Incorporation of East Timor, 1974-76*, Melbourne University Press, 2000, pp. 148-53.

57 Submission to Willesee, 10 February 1975; and cablegram to Lisbon, 11 February 1975, Wendy Way, Damien Browne and Vivianne Johnson (eds.), *Australia and the Indonesian Incorporation of East Timor, 1974-76*, Melbourne University Press, 2000, pp. 170-6.

58 Mr Whitlam, *Committee Hansard*, 6 December 1999, p. 986.

59 Mr Whitlam, *Committee Hansard*, 6 December 1999, p. 984.

Developments in the territory over the last months have been more rapid than we had expected, and the direction in which they seem to be leading the territory is towards eventual independence ... Although various reports have attributed to the UDT and FRETILIN a call for immediate *de jure* independence, the two parties have, on the contrary, proposed to Portugal a program for constitutional progress extending over a period of eight years, during which power would be progressively transferred to a transitional government and elections would be held for a constituent assembly ... The UDT–FRETILIN proposals could offer, I suggest, a promising basis for close co-operative arrangements between Portuguese Timor and Indonesia and one which, in time, could no doubt be developed or modified.⁶⁰

6.41 The letter of 28 February 1975 was also given to Mr Woolcott to serve as his working brief in Jakarta. The paper assumed that independence for East Timor would be the eventual outcome of Portuguese decolonisation. It stated that it was ‘basic to the philosophy of the Australian Government that the inhabitants of Portuguese Timor should be given the opportunity to decide their own future through an internationally acceptable act of self-determination’. If they were to opt for merger with Indonesia, Australia would welcome that choice, ‘But we must also respect their choice if it were for a political process leading to continuing links with Portugal, or for an independent status’.⁶¹ On his arrival in Jakarta, Mr Woolcott quickly ascertained, he later said, that already for some months previously the Indonesians had settled on a policy of incorporation.⁶²

6.42 The personal letter to the President was supported by a statement in the House of Representatives on 25 February 1975 by the Minister for Science and Acting Minister for Foreign Affairs, Mr Bill Morrison. Australia’s position, he said, was that ‘we support a measured and deliberate process of decolonisation in Portuguese Timor through arrangements leading to an internationally acceptable act of self-determination’.⁶³

6.43 In his letter of 28 February 1975 to President Soeharto, Mr Whitlam alluded to ‘newspaper reports about the possibility of some Indonesian military action against

60 Whitlam to Soeharto, 28 February 1975; included in Mr Whitlam’s submission, no. 5, 23 November 1999, and published in *The Canberra Times*, 6 March 1999.

61 Memorandum to Jakarta, 3 March 1975; Wendy Way, Damien Browne and Vivianne Johnson (eds.), *Australia and the Indonesian Incorporation of East Timor, 1974-76*, Melbourne University Press, 2000, p. 204-8. Michael Richardson, ‘East Timor: the war Australia might have prevented’, *The National Times*, 24 July 1976, p. 11.

62 Woolcott to Department of Foreign Affairs, 5 January 1976, quoted in Bruce Juddery, ‘Envoy puts Jakarta’s view’, *The Canberra Times*, 16 January 1976. Wendy Way, Damien Browne and Vivianne Johnson (eds.), *Australia and the Indonesian Incorporation of East Timor, 1974-76*, Melbourne University Press, 2000, p. 652.

63 House of Representatives *Hansard*, 25 February 1975, pp. 643-4, *Australian Yearbook of International Law*, vol. 6, 1974-1975, p. 208; cited in The Hon. Bill Morrison, AO, to Committee Secretary, 10 December 1999.

Portuguese Timor'.⁶⁴ These had been prompted by a major combined armed forces amphibious landing exercise in Lampung Selatan, Sumatra, on 18 February; in fact, it was a preparation for the later *Operasi Seroja* invasion of Dili.⁶⁵ The Indonesian Ministry of Defence and Security had established *Operasi Komodo* in January 1975.⁶⁶ This was a covert operation headed by Major General Ali Moertopo with the aim of bringing about the incorporation of Portuguese Timor as quickly as possible with the assistance of pro-Indonesian Timorese, preferably by non-military means.⁶⁷ Moertopo had played a principal role in organising the vote for the incorporation of Irian Barat (West New Guinea) in the 1969 'Act of Free Choice'.⁶⁸ The formation of the UDT-Fretilin coalition on 21 January 1975 had prompted Major General Benny Moerdani to urge early Indonesian military intervention, but the exposure of the Lampung Selatan landing exercise caused Defence Minister Marden Panggabean to give preference, for a time, to Moertopo's covert subversive approach.⁶⁹

6.44 Mr Whitlam and President Soeharto discussed Portuguese Timor again during their meeting at Townsville, North Queensland, on 4 April 1975. The President told him that Indonesia had had discussions with the Portuguese in London, and there were two proposals. The Portuguese had said: 'We're thinking of having an interim administration composed of the three parties and they could get training for three, five or even eight years. Alternatively, you might like to have the Portuguese governor stay there advised by a council composed of those three parties for the same period.' The President told Mr Whitlam, 'We rejected the first and we accepted the second.'⁷⁰

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- 64 Peter Hastings, 'Jakarta ponders a military "solution"', *The Sydney Morning Herald*, 21 February 1975; Gary Scully, *AM*, 25 February 1975; these reports were based on Australian intelligence, which the Defence Department disclosed to the media as a warning to the Indonesians not to proceed with the military option (Bill Nicol, *Timor: The Stillborn Nation*, Melbourne, Visa, 1978, pp. 284-6).
- 65 John G. Taylor, *Indonesia's Forgotten War*, London, Zed Books, 1991, p. 40; James Dunn, *Timor: A People Betrayed*, Sydney, ABC Books, 1993, p. 103; Julius Pour, *Benny Moerdani: Profile of a Soldier Statesman*, Jakarta, Yayasan Kejuangan Panglima Besar Sudirman, 1993, p. 334.
- 66 Julius Pour, *Benny Moerdani: Profile of a Soldier Statesman*, Jakarta, Yayasan Kejuangan Panglima Besar Sudirman, 1993, p. 319.
- 67 James Dunn, *Timor: A People Betrayed*, Sydney, ABC Books, 1993, p. 99.
- 68 Hamish McDonald, *Suharto's Indonesia*, Melbourne, Fontana, 1980, p. 66.
- 69 Bill Nicol, *Timor: The Stillborn Nation*, Melbourne, Visa, 1978, p. 266.
- 70 Mr Whitlam, *Committee Hansard*, 6 December 1999, pp. 984-5. The meeting in London to which President Soeharto referred took place on 9 March 1975. The Indonesians were left with the impression that the Portuguese regarded eventual incorporation of the province into Indonesia as inevitable (Bill Nicol, *Timor: The Stillborn Nation*, Melbourne, Visa, 1978, p. 297). The Portuguese did not disavow the views expressed by President Costa Gomes and Prime Minister Vasco Gonçalves to Ali Moertopo at an initial meeting in Lisbon in October 1974 that independence for Timor was 'unrealistic' and 'nonsense', and that Timor remaining part of Portugal 'did not accord with the policy of his [President Gomes'] state'. At the 9 March 1975 meeting, the Portuguese maintained 'an attitude of indefiniteness' in the words of Lemos Pires, toward the Indonesians' explicitly expressed intention to integrate the province. The official Portuguese record of the meeting, quoted by Lemos Pires, stated: 'Portugal nada fará dificultar a integração de Timor na Indonésia' ['Portugal will make no difficulty for integration of Timor with Indonesia.'] (James Dunn, *Timor: A People Betrayed*, Sydney, ABC Books, 1993, pp. 75, 81; José Ramos-Horta, *Funu: the Unfinished Saga of East Timor*, Lawrenceville NJ, The Red Sea Press, 1987,

6.45 The official record of the discussion on Portuguese Timor between Prime Minister Whitlam and President Soeharto at their meeting in Townsville on 4 April 1975 confirms Mr Whitlam's account. President Soeharto had also said that, while Indonesia had no ambitions to include the territory of Portuguese Timor into the Republic of Indonesia, Indonesia had concluded that integration, provided that this was what the people of the territory wanted, was the best outcome.⁷¹ Mr Whitlam agreed, according to the official record of the meeting:

The Prime Minister referred to his discussions with President Soeharto last September on Portuguese Timor. He said that he still hoped that Portuguese Timor would be associated with or integrated into Indonesia; but this result should be achieved in a way which would not upset the Australian people. The Prime Minister mentioned in this context the possibility of United Nations consideration of the Timor question and noted that the Indonesian Ambassador to the UN, Mr Anwar Sani, would become Chairman of the Committee of Twenty-Four this year. He suggested that this circumstance presented opportunities for cooperation between Australia and Indonesia in the formulation of measures for the ascertainment of the wishes of the people of Portuguese Timor.⁷²

6.46 After the meeting between Prime Minister Whitlam and President Soeharto in Townsville, it became clear that Indonesia was bent on incorporation, and had secured Portuguese acquiescence to this. In support of the policy of promoting independence as a viable option, Senator Willesee had his Department draw up an aid program, which focussed on food, security and training. Proposals for the aid program were completed in July 1975 and had been submitted to Senator Willesee for approval when the outbreak of conflict between the UDT and Fretilin in mid-August prevented the program's implementation.⁷³

Fretilin–UDT conflict

6.47 The two Timorese pro-independence parties, UDT and Fretilin, had formed a coalition on 21 January 1975. During the following four months, it became clear that Fretilin was benefiting from the arrangement to the detriment of its partner, and on

pp. 69-70; Mário Lemos Pires, *Descolonização de Timor: Missão impossível?*, Lisboa, Publicações Dom Quixote, 1991, p. 125).

71 'Meeting between the Prime Minister and President Soeharto in Townsville, 3-5 April, 1975: Record of the second discussion, 4 April 1975'; published in *The Sydney Morning Herald*, 6 March 1999 and included in Mr Whitlam's submission, no. 5, 23 November 1999. Wendy Way, Damien Browne and Vivianne Johnson (eds.), *Australia and the Indonesian incorporation of Portuguese Timor, 1974-1976*, Melbourne University Press, 2000, pp. 244-8.

72 Wendy Way, Damien Browne and Vivianne Johnson (eds.), *Australia and the Indonesian incorporation of Portuguese Timor, 1974-1976*, Melbourne University Press, 2000, p. 245.

73 Canberra to Jakarta, 23 April 1975; Woolcott to Willesee, 2 June 1975; Wendy Way, Damien Browne and Vivianne Johnson (eds.), *Australia and the Indonesian incorporation of Portuguese Timor, 1974-1976*, Melbourne University Press, 2000, pp. 256-7; 265-6. Michael Richardson, 'East Timor: the war Australia might have prevented', *The National Times*, 24 July 1976, p. 11.

27 May 1975, UDT withdrew from the coalition.⁷⁴ On 2 August 1975, the UDT leadership met Ali Moertopo and his officers in Jakarta, where they were told that Indonesia would not accept an independent East Timor whose government was dominated by Fretilin.⁷⁵ On 10 August, UDT, armed with police and customs handguns, occupied the police headquarters and other administration buildings in Dili and demanded the arrest of Fretilin leaders. On 15 August 1975, Fretilin proclaimed a general armed insurrection and, on 18 August, occupied the Armed Forces Training Centre. On 21 August, Portugal notified the United Nations Secretary-General that the International Committee of the Red Cross (ICRC), Indonesia and Australia had been asked to give humanitarian support in East Timor and, on 25 August, notified him of evacuation arrangements and 'generalised' panic in Dili. During the night of 27 August 1975, the Portuguese Governor, Mario Lemos Pires, and his officers decamped to the offshore island of Atauro.⁷⁶ They left 15,000 rifles and other NATO weapons for Fretilin, and Fretilin took over.⁷⁷

6.48 Commenting on the situation in Portuguese Timor in a statement to Parliament on 26 August 1975, Prime Minister Whitlam said:

The events of the last few weeks have dashed the hopes for Portuguese Timor which followed the change of government and Portuguese colonial policy in Lisbon. In a little over a year, the situation in Portuguese Timor has become a very dangerous one, mainly—it must be said—because of the shortsightedness of some of the territory's aspiring political leaders.⁷⁸

6.49 International Red Cross representative in Indonesia and East Timor, Mr André Pasquier told Mr Whitlam at the time that 40,000 people had fled into West Timor from Fretilin.⁷⁹ Although the civil war spread throughout East Timor, the main fighting took place in Dili and the western part of the territory. The actual number of those who fled was later disputed⁸⁰, but from them, recruits were drawn to strengthen a force of about 300 which had been formed as part of *Operasi Komodo* under the

74 Mr Whitlam, submission, no. 5, 26 March 1999, p. 7; Gough Whitlam, *The Whitlam Government*, Melbourne, Viking, 1985, p. 108.

75 João Carrascalão, *Committee Hansard*, 12 August 1982, p. 1226; James Dunn, *Timor: A People Betrayed*, Sydney, ABC Books, 1993, pp. 147-9.

76 Mr Whitlam, submission, no. 5, 26 March 1999, pp. 7-8.

77 Mr Whitlam, *Committee Hansard*, 6 December 1999, p. 976.

78 House of Representatives *Hansard*, 26 August 1975, p. 493.

79 Mr Whitlam, *Committee Hansard*, 6 December 1999, p. 978.

80 Fr Francisco Fernandes, a Timorese priest, who served for some months on the refugee committee set up in the border area by the Indonesians, claimed that the Indonesians falsified the number, and claimed the true figure never exceeded 20,000. James Dunn said that some UDT leaders subsequently told him that 10,000 to 15,000 Timorese had crossed over into West Timor. (James Dunn, *Timor: A People Betrayed*, Sydney, ABC Books, 1996, p. 161).

command of the traditional ruler (*liurai*) of Atsabe and leader of Apodeti, Guilherme Gonçalves and his son, Tomás.⁸¹

6.50 Australia refused to assist the *de facto* administration which Fretilin established in Dili following the defeat of the UDT and withdrawal to Atauro of the Portuguese Governor.⁸² Australia's policy was set out in a letter dated 24 September 1975 from Ambassador Woolcott to Canberra Times journalist Bruce Juddery, which read in part:

The alternatives now seem to be a *de facto* Fretilin Government or the integration of East Timor into Indonesia. neither will involve a genuine act of self-determination although both results could be achieved through what could appear to be such an act. Basically, this situation is Portugal's—not Indonesia's—fault. Given this Hobson's choice, I believe Australia's interests are better served by association with Indonesia than by independence.⁸³

Australian attempts at mediation

6.51 Fretilin foreign affairs spokesman Dr Ramos-Horta visited Australia at the time in the hope, Mr Whitlam said, that he would persuade the Australian Government to favour Fretilin's claims to take over the territory. Mr Whitlam told the Committee he had made it plain to his Ministers, and to anybody in authority, that they were to give no indication whatever that the Australian Government was favouring Fretilin. Until the unilateral declaration of independence on 28 November 1975, Australia was pursuing efforts in Geneva, New York, Washington, and wherever possible, to get the parties together:

We said we would make Darwin available for all the parties to get together, and I think Macao was suggested, and Lisbon, and there were other ones. But whoever was winning, or hoping to win, would not come. Ramos-Horta at that time was unquestionably a representative of Fretilin, an advocate for one side in the civil war, and if we looked as though we were favouring Fretilin over the others, we would lose all influence in getting UDT and Apodeti to the conference table in Darwin, or wherever else it was.⁸⁴

6.52 As Mr Whitlam related to the Committee, these efforts at mediation were unsuccessful: 'Before long, they said, "Oh well, let's do what Frelimo did. We needn't worry about elections. We'll take over."' ⁸⁵ He related how there was a stir in Dili

81 Mr João Carrascalão, *Committee Hansard* (Senate Standing Committee on Foreign Affairs and Defence) 12 August 1982, pp. 1244-5.

82 Mr Dunn, *Committee Hansard*, 24 September 1999, p. 601.

83 Wendy Way, Damien Browne and Vivianne Johnson (eds.), *Australia and the Indonesian Incorporation of East Timor, 1974-76*, Melbourne University Press, 2000, p. 433.

84 Mr Whitlam, *Committee Hansard*, 6 December 1999, p. 983.

85 Mr Whitlam, *Committee Hansard*, 6 December 1999, p. 976.

when five school teachers, ‘four *mestiços* and the Portuguese wife of one of them’, all described as communist, arrived from Mozambique.⁸⁶ He said:

There was this sudden link with apparatchiks that came from Frelimo in Mozambique after Ramos-Horta had come here. Then Fretilin changed. They said, ‘Wait a bit, let’s go the Frelimo way.’ And they left Ramos-Horta stranded. His brief was to get us on side and we said, ‘We want all the parties to get together and end the civil war. Have an armistice at least.’⁸⁷

Indonesian fear of Communist influence in Fretilin

6.53 Mr Whitlam acknowledged that the Indonesians were obsessed by the possibility of communism. He said that in his discussions with President Soeharto he discounted that possibility. He had said to him concerning the idea that some of the President’s advisers had suggested to him that communists in Australia would be supplying weapons to East Timor, that they did not have the resources to do that, and that the communists had no direct representatives in any Australian parliament.⁸⁸ He said to the Committee:

The Indonesians, particularly under Soeharto, were obsessed with communism. I had to hose down the idea that the communists dominated Fretilin or that China had an interest.⁸⁹

6.54 Mr Uren observed to the Committee: ‘People get upset about me reminding them that this same government murdered half-a-million people back in 1965. Everybody wants to forget about that’.⁹⁰ The significance of this for the events in East Timor ten years later was that anti-communism was the legitimising principle that underpinned the Soeharto regime: it had come to power through the succession of coup and counter-coup in 1965, and a persistent struggle against President Soekarno’s followers the next year. The initial coup had been by a small number of leftist officers,

86 Gough Whitlam, *The Whitlam Government*, Melbourne, Viking, 1985, p. 112. Mr Whitlam was apparently referring to Abilio and Guilhermina Araujo, Vincente Manoel Dos-Reis, Ailieu Venansio, and António Duarte Carvarino, who returned to Dili from overseas studies in September 1974: they were labelled ‘ideologically Communist [*berideologi Komunis*]’ by Samuel Pardede in a widely-quoted article in *Sinar Harapan* of 31 October 1974, ‘Fretilin: Ekstrim Dihadapi Dengan Ekstrim [Fretilin: Extreme Confronts Extreme]’. Carvarino became Vice-President of the Democratic Republic of East Timor proclaimed on 28 November 1975, and succeeded as third leader of the Republic when Nicolau Lobato, who overthrew the first President Francisco Xavier do Amaral on 7 September 1977, was killed in battle on 31 December 1978; he was captured and killed by the Indonesians on 2 February 1979.

87 Mr Whitlam, *Committee Hansard*, 6 December 1999, p. 985.

88 Mr Whitlam, *Committee Hansard*, 6 December 1999, p. 981.

89 Mr Whitlam, *Committee Hansard*, 6 December 1999, p. 982.

90 Mr Uren, *Committee Hansard*, 4 November 1999, p. 763. On a visit to Portuguese Timor in 1966, Senator John Wheeldon was told that ‘the army was running wild in Indonesian Timor and had imposed a reign of terror; that some three thousand persons had been murdered between October and June by the army in Indonesian Timor’. Wheeldon wrote: ‘One certain conclusion that I did come to was that if there is a menace to peace in [Timor] it is not coming from the Portuguese but coming from the present military rulers of Indonesia’ (John Wheeldon ‘Portuguese Timor: A Recent Visit’, *Pacific*, vol. 1, January/February 1967, pp. 5-6).

who had killed six out of an intended seven of the senior generals critical of Soekarno and opposed to the Indonesian Communist Party (PKI). Large-scale massacres of communists and those accused of being communist sympathisers followed Soeharto's counter-coup.⁹¹ The Carnation Revolution in Lisbon in 1974 led by leftist officers was seen from this perspective, as were subsequent developments in Dili where leftist army officers played a significant role in the decolonisation process.⁹²

6.55 Mr Whitlam drew to the attention of the Committee a recent comment by the Prime Minister of Portugal, António Guterres: 'the April Revolution of 1974 gave way to a curious period in the history of our membership of NATO, lasting for a little more than a year, during which the Portuguese government was controlled by supporters of a political party with close ties with Moscow'.⁹³ This was a reference to the replacement of António Spínola as President by Francisco da Costa Gomes on 30 September 1974. This coincided fairly closely with the change on 12 September of the ASDT (*Associação Social Democrática Timorense*) to Fretilin (*Frente Revolucionária de Timor Leste Independente*). From the perspective of Soeharto's *Orde Baru*, a pro-communist regime in Lisbon assisting a pro-communist independence movement to come to power in Timor would not have been a desirable development.⁹⁴

6.56 On 28 February 1975, in the House of Representatives, after preambles, Mr Anthony asked Mr Whitlam, 'Does the Government feel concerned in any way that Timor might become communist controlled?' and a little later, Mr Fraser asked, 'I ask him again: Is he concerned at all at the possible establishment of communist control in Portuguese Timor so close to Australia?'⁹⁵

6.57 In response, Mr Whitlam pointed out that Fretilin had communist influence in it, but they were not all communist; and it was wrong to say they were all communists.⁹⁶ Against this, he said to the Committee that when Fretilin issued a

91 David Jenkins, 'Indonesia: the silent watchers', *The Sydney Morning Herald*, 12 July 1999.

92 George Munster, *Secrets of State*, Sydney, Walsh and Munster, 1982, p. 88.

93 António Guterres, Prime Minister of Portugal, 'To set the Goal for the Future', *NATO's Sixteen Nations*, special issue, 1998, p. 6; included in Mr Whitlam's submission, no. 5, 25 March 1999, pp. 7-8.

94 Bill Nicol, *Timor: The Stillborn Nation*, Melbourne, Visa, 1978, pp. 245-7. The CIA's *national Intelligence Daily* labelled Fretilin in its reports as 'pro-Marxist' and 'leftist' (Dale van Atta and Brian Toohey, 'The Timor Papers', *The National Times*, 30 May-5 June 1982).

95 House of Representatives Hansard, 28 February 1975, pp. 685 and 689.

96 House of Representatives *Hansard*, 28 August 1975, p. 689; Mr Whitlam, *Committee Hansard*, 6 December 1999, p. 980. UDT leader João Carrascalão told the Senate Standing Committee on Foreign Affairs and Defence in 1982 that he did not believe Fretilin was a left wing communist movement: 'I do not think there is any difference between the supporters of Fretilin and the supporters of UDT. They have one thing in common, nationalism. They might have two or three leaders indoctrinated by the Portuguese who might be regarded as communist, but even the majority of the leaders of Fretilin cannot be considered as communists ... That was only an excuse for Indonesia to take over Timor', *Committee Hansard*, 12 August 1982, p. 1226). Bishop Carlos Ximenes Belo dismissed as 'nonsensical' in 1985 claims that Fretilin were Marxist-Leninists, saying they were 'pure nationalists' (Jill Jolliffe, 'Why Portugal is so angry over Timor', *The Age*, 4 September 1985).

unilateral declaration of independence they called the new state the ‘Democratic People’s Republic of East Timor. That is, they used the terminology of North Korea or East Germany and the others. What is the inference?’⁹⁷

6.58 The effect on Indonesian attitudes of the stance of the Federal Coalition Opposition and subsequent Government in Australia led by Mr Fraser and Mr Anthony was noted by Mr Whitlam:

the Liberal Whip was put up to ask questions of me, and of course Malcolm Fraser and Doug Anthony did. When they took over, then there was the impression in Jakarta, ‘You now have a government in Australia which says that East Timor is communist, it is under communists.’ Some of the generals were telling Soeharto, ‘Look, you should not stick to what you told him. You have now got a Prime Minister and a Deputy Prime Minister installed who say that East Timor is occupied by Fretilin and they are communists.’ So it did not help.⁹⁸

6.59 In *The Whitlam Government*, Mr Whitlam wrote that, from 11 November 1975, Indonesia knew that any ‘anti-communist’ action it took would have support from Canberra, and that President Soeharto was entitled to believe that the personal undertakings he had made to Mr Whitlam as Prime Minister had lapsed.⁹⁹

6.60 Weight is given to Mr Whitlam’s comment by the fact that President Soeharto took the decision to launch *Operasi Seroja*, the invasion of Dili, on 3 December 1975.¹⁰⁰ The invasion took place on 7 December.

6.61 It should also be noted that, in concluding an answer to a question in Parliament on 28 August 1975, Mr Whitlam said: ‘The Indonesian Government, which over the past year has expressed repeatedly its intention not to intervene in East Timor, may thus be turned to as the only force capable of restoring calm in the territory’.¹⁰¹ In addition to this public hint to Indonesia, it was claimed in *The National Times* of 15–20 December 1975 that Mr Whitlam sent a private message to President

97 Mr Whitlam, *Committee Hansard*, 6 December 1999, p. 981. The actual title was the Democratic Republic of East Timor (*República Democrática de Timor Leste*). The constitution of the Republic was suspended in 1984 when the Timorese resistance movement acknowledged the sovereignty of Portugal. The first President of the Republic, Francisco Xavier do Amaral, returned from exile in Portugal to Dili in February 2000 (Jill Jolliffe, ‘Fretilin drops demand’, *The Age*, 7 November 1984; Jill Jolliffe, ‘Return of East Timor’s tortured soul’, *The Sydney Morning Herald*, 5 February 2000; Mark Dodd, ‘Rocky road ahead for divided Fretilin’, *The Sydney Morning Herald*, 22 May 2000).

98 Mr Whitlam, *Committee Hansard*, 6 December 1999, p. 981. Mr Whitlam had made the same point in an interview on 7 December 1975: ‘things have certainly not been made easier by reason of Mr Anthony’s question without notice a couple of months ago, followed the same day by a question from Mr Fraser - stating that Fretilin is pro-communist; their description of Fretilin would have ignited or fanned Indonesia’s attitudes towards Fretilin’ (‘Whitlam is concerned’, *The Age*, 8 December 1975).

99 Gough Whitlam, *The Whitlam Government*, Melbourne, Viking, 1985, p. 111.

100 Julius Pour, *Benny Moerdani: Profile of a Soldier Statesman*, Jakarta, Yayasan Kejuangan Panglima Besar Sudirman, 1993, pp. 328-9.

101 House of Representatives *Hansard*, 28 August 1975, p. 688.

Soeharto through Mr Woolcott that nothing he had said earlier should be interpreted as a veto on Indonesian action in the changed circumstances.¹⁰² This claim was not tested during the Committee's inquiry.

Balibo

6.62 The Committee reiterates that it was never intended for this inquiry to investigate in detail what happened to the five journalists at Balibo. In this section, the Committee deals with Indonesian invasion of East Timor near Balibo in the wider context of Indonesia's moves to assume control of East Timor.

6.63 Ambassador Richard Woolcott sent a cable from Jakarta on 13 October 1975, passing on advice he had received from the Indonesian Centre for Strategic and International Studies that, on the morning of 16 October 1975, a mixed force of 3,600 *Kopassanda* (Indonesian commandos) and Timorese supporters would attack across the border to capture the towns of Maliana, Atsabe and Balibo.¹⁰³ This was *Operasi Flamboyant*.¹⁰⁴ During this covert operation, five newsmen employed by Australian television networks were killed at Balibo.¹⁰⁵ In *Abiding Interests*, Mr Whitlam wrote that he was advised that he should not yet reveal why his Government did not know of the incursion across the border to Balibo and why they were able immediately afterwards to learn that the five had been killed.¹⁰⁶ In a newspaper article on

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- 102 Hamish McDonald, 'Australia supports Indonesia takeover of East Timor', *The National Times*, 15-20 December 1975. Hamish McDonald, *Suharto's Indonesia*, Melbourne, Fontana, 1980, p. 207.
- 103 Wendy Way, Damien Browne and Vivianne Johnson (eds.), *Australia and the Indonesian Incorporation of East Timor, 1974-76*, Melbourne University Press, 2000, p. 462; David Jenkins, 'The Five Ghosts of Balibo rise once more to haunt Indonesia - and us', *The Sydney Morning Herald*, 14 October 1995, p. 24. Foreign Minister Willesee expressed his concern to Graham Feakes, his First Assistant Secretary (South East Asia), that Australia's agreement to receive this information on a confidential basis from the Indonesians compromised Australia, making Australia party to the covert invasion of Portuguese Timor (Feakes to Willesee, 27 October 1975, also Willesee to Whitlam, 20 August 1975, Wendy Way, Damien Browne and Vivianne Johnson (eds.), *Australia and the Indonesian Incorporation of East Timor, 1974-76*, Melbourne University Press, 2000, pp. 516, 370; Hamish McDonald, 'Revealed: how the Balibo murders were covered up', *The Sydney Morning Herald*, 24 August 1998).
- 104 Desmond Ball and Hamish McDonald *Death in Balibo, Lies in Canberra*, Sydney, Allen & Unwin, 2000, p. 30.
- 105 Commander of the Timorese volunteers, Tomas Gonçalves said in an interview on the SBS *Dateline* program 26 April 2000 that Captain Junus Yosfiah, who commanded the *Kopassanda* special forces (and who later became Information Minister in the government of President Habibie), had opened fire on the journalists while they were surrendering: 'In the debrief, they said they had to shoot them so they wouldn't publicise what they saw to the outside world' (Jeff Centenera, 'Former minister started shooting at journalists', *The Canberra Times*, 26 April 2000). 'We can't have any witnesses,' Moerdani is alleged to have said, referring to the journalists (including a Portuguese television crew led by Adelino Gomes who were in the area) in a message from Jakarta to Colonel Dading Kalboeadi in Batugade just prior to the attack on Balibo led by Junus. This message was intercepted by the Australian Defence Signals Directorate (DSD), according to Desmond Ball and Hamish McDonald (*Death in Balibo, Lies in Canberra*, Sydney, Allen & Unwin, 2000, pp. 115-8; quoted in Marian Wilkinson, 'Our spies knew Balibo five at risk', *The Sydney Morning Herald*, 13 July 2000).
- 106 Gough Whitlam, *Abiding Interests*, Brisbane, University of Queensland Press, 1997, p. 77; also his letter to *The Sydney Morning Herald*, 17 March 1999. Mr Laurie Oakes was quoted in an article in *The Canberra Times* of 9 February 1978 ('Australia "knew Indonesia troops killed newsmen"') as saying that Indonesian messages reporting that the newsmen had been killed by Indonesian troops and their

21 September 2000, he clarified that it was DFAT which had provided the advice that he should not reveal how he learned of the deaths of the journalists.¹⁰⁷

6.64 In *The Whitlam Government*, Mr Whitlam wrote that the newsmen were killed at Balibo on the day that Malcolm Fraser announced that the Senate would hold up the Budget.¹⁰⁸ He told the Committee: ‘We could have made big fellows of ourselves by saying, “Supply is being held up and we are in a crisis. Let us have a war.” We could have sent troops in.’¹⁰⁹ In *The Whitlam Government* he wrote: ‘This cynical course, however, would not have helped the people of Timor; it would certainly have embittered our relations with Indonesia for many years’.¹¹⁰ He said in his submission to the Committee that the history of Australia’s earlier relations with Indonesia had demonstrated the futility of such a course. In West New Guinea, Australia collaborated with the Dutch against Indonesia and expected American support. American support was withheld and the Dutch forces withdrew.¹¹¹

6.65 Mr Whitlam referred to the letter of 7 November 1975 he had sent to President Soeharto through Indonesian Ambassador Her Tasning, who was going home on leave, about the five news people who were killed in Balibo.¹¹² The letter said:

I recognize that Indonesia might not feel well-placed to provide information on an incident which occurred in Portuguese Timor. But Indonesia is the only country in direct touch with UDT and APODETI forces and we have, therefore, been enlisting the good offices of your Government in trying to bring this matter to a satisfactory conclusion.¹¹³

6.66 His letter was delivered to the President on 13 November but, as he later wrote, was not followed up by the Fraser Government.¹¹⁴ The letter made no comment

bodies burnt were intercepted by Australia’s Defence Signals Division within hours of the attack on Balibo.

107 In an article in *The Sydney Morning Herald* of 21 September 2000 (‘Failing memories, missing documents’) Mr Whitlam wrote: ‘Last week, *Herald* foreign editor Hamish McDonald, the co-author of *Death in Balibo, Lies in Canberra*, criticised the withholding of intelligence material. In telecasts from the National Archives his co-author, Des Ball, made the same criticisms. I agree with them. But in 1997 DFAT advised me that I should not yet reveal how I learned of the deaths of the five foolhardy journalists who were killed at Balibo’.

108 Gough Whitlam, *The Whitlam Government*, Melbourne, Viking, 1985, p. 112.

109 Mr Whitlam, *Committee Hansard*, 6 December 1999, p. 974.

110 Gough Whitlam, *The Whitlam Government*, Melbourne, Viking, 1985, p. 112.

111 Mr Whitlam’s submission, no. 5, 26 March 1999, p. 3.

112 Mr Whitlam, *Committee Hansard*, 6 December 1999, p. 976, referring to Whitlam to Soeharto, 7 November 1975.

113 Included in Mr Whitlam’s submission, no. 5, 23 November 1999.

114 Gough Whitlam, *Abiding Interests*, Brisbane, University of Queensland Press, 1997, pp. 77-8.

on Indonesian responsibility for the incursion which had led to the deaths of the five newsmen at Balibo.¹¹⁵

6.67 Mr James Dunn commented to the Committee that it was unfortunate that no formal protest was ever lodged with Indonesia over the killing of the five newsmen, even though the Indonesians knew that Australia knew from monitoring their communications what had happened: ‘The fact that, knowing that, we did not even protest was to the Indonesian military a green light’.¹¹⁶

6.68 Mr Gareth Evans stated to the Committee that there was no foundation to the claim that the Whitlam government knew from the outset from intelligence sources that the five journalists had been murdered in cold blood in Balibo. As Foreign Minister he had sought all contemporary intelligence material relevant to this matter. He recalled there was at least one signal intercept to the effect that five journalists had been killed in the course of an attack upon Balibo by Indonesian troops accompanied by anti-Fretilin East Timorese. He concluded that this material ‘did not give sufficient detail about the circumstances of their deaths to make it possible to conclude that they had been murdered in cold blood, with knowledge of their identity as Australians or journalists, as distinct from having been killed in circumstances of cross-fire or continuing fighting’. Mr Evans stated that the two inquiries conducted by Mr Tom Sherman supported his own conclusions.¹¹⁷

6.69 Since Mr Evans made his submission, more information had come to light on the events in Balibo in October 1975. That information points to Australian knowledge of what happened in Balibo but, by itself, is not conclusive.¹¹⁸

America’s policy in 1975

6.70 In his cable to Canberra dated 17 August 1975, Ambassador Woolcott said that:

The United States might have some influence on Indonesia at present as Indonesia really wants and needs United States assistance in its military re-equipment programme. But Ambassador Newsome told me last night that he

115 Whitlam to Soeharto, 7 November 19975, included in Mr Whitlam’s submission, no. 5, 23 November 1999; Wendy Way, Damien Browne and Vivianne Johnson (eds.), *Australia and the Indonesian Incorporation of East Timor, 1974-76*, Melbourne University Press, 2000, p. 556. Whitlam and Defence Minister Morrison accepted advice from Defence Secretary Sir Arthur Tange that knowledge of the deaths not be divulged until confirmed by ‘open’ (i.e. non-intelligence) sources, so that the Australian Government subsequently claimed that it only learned of the deaths from a report in the Jakarta daily *Kompas* of 20 October 1975 of an interview of UDT leader Francisco Lopes da Cruz (James Dunn, *Timor: A People Betrayed*, Sydney, ABC Books, 1993, p. 213).

116 Mr Dunn, *Committee Hansard*, 24 September 1999, p. 602.

117 The Hon. Gareth Evans, QC, MP, submission no.21, p. 2. The two reports by Tom Sherman were: *Report on the deaths of Australian-based journalists in East Timor in 1975*, Canberra, Department of Foreign Affairs and Trade, 1996; and *Second report on the deaths of Australian-based journalists in East Timor in 1975*, Canberra, Department of Foreign Affairs and Trade, 1999.

118 Desmond Ball & Hamish McDonald, *Death in Balibo Lies in Canberra*, Allen & Unwin, Sydney, 2000.

is under instructions from Kissinger personally not to involve himself in discussions on Timor with the Indonesians on the grounds that the United States is involved in enough problems of greater importance overseas at present. The State Department has, we understand, instructed the Embassy to cut down its reporting on Timor.

I will be seeing Newsome on Monday but his present attitude is that the United States should keep out of the Portuguese Timor situation and allow events to take their course. His somewhat cynical comment to me was that if Indonesia were to intervene the United States would hope that they would do so 'effectively, quickly and not use our equipment'.¹¹⁹

6.71 Mr Uren recalled that both Dr Kissinger and President Ford were in Indonesia the day before the actual invasion of East Timor.¹²⁰ Mr Whitlam made the same point:

When the Indonesians did invade, paratroops and marines landed there the day after Ford and Kissinger were told that they were going to land ... Kissinger said when he was over here last time: 'We just thought it was like Goa.'¹²¹

6.72 Dr Kissinger's words lend support to Mr Whitlam's contention that American support would have been withheld had Australia attempted to resist Indonesia's invasion of East Timor.¹²²

6.73 The United States had supported the Soeharto regime since it came to power in 1965. The State Department had also been alerted to the importance of the deepwater straits between Timor and Wetar for unimpeded submerged passage between the Pacific and Indian Oceans for United States nuclear submarines, and the undesirability of having the straits under the control or close observation of a government in East Timor that could be sympathetic to the Soviet Union.¹²³

119 Wendy Way, Damien Browne and Vivianne Johnson (eds.), *Australia and the Indonesian Incorporation of East Timor, 1974-76*, Melbourne University Press, 2000, p. 314.

120 Mr Uren, *Committee Hansard*, 4 November 1999, p. 762. In an interview on New York radio station WNYC on 19 March 1999, Kissinger explained that the visit to Jakarta in December 1975 had been fortuitous: it only took place because a planned five-day visit to China had been cut short because of the illness of Chairman Mao Tse-tung.

121 Mr Whitlam, *Committee Hansard*, 6 December 1999, p. 981, submission no 5, 30 November 1999, p. 3, quoting Dr Kissinger in Sydney on 13 November 1995. Dr Kissinger said the same thing in New York on 11 July 1995 and on WNYC, New York on 19 March 1999. Cf. Barnard to Willesee, 11 February 1975: 'I cannot share the view reported last year from Indonesia that, like India's seizure of Goa, Indonesian seizure of Portuguese Timor "would attract little attention, even if it did, it would not be recalled with any emotion"' (Wendy Way, Damien Browne and Vivianne Johnson (eds.), *Australia and the Indonesian incorporation of Portuguese Timor, 1974-1976*, Melbourne University Press, 2000, p. 177).

122 Mr Whitlam's submission, no. 5, 26 March 1999, p. 3.

123 Michael McCgwire, 'The geopolitical importance of strategic waterways in the Asian-Pacific region', *Orbis*, vol. 19, no. 3, Fall 1975, pp. 1058-76. Michael Richardson, 'Jakarta rules the Way: Why Indonesian good will is vital to America's Indian Ocean submarine force', *The Age*, 4 August 1976.

6.74 João Carrascalão, one of the UDT leaders, was told in Jakarta on 6 December 1975 by Colonel Aloysius Sugiyanto, General Ali Moertopo's right-hand man in *Operasi Komodo*, that the Americans had 'given the green light' to the Indonesians to take over Timor.¹²⁴

Britain's policy in 1975

6.75 Mr Uren commented that Britain had a Labour government and did not play any role in opposing Indonesia's actions in East Timor.¹²⁵ That Australia would not have received support from Britain in resisting an Indonesian takeover of East Timor is indicated by the comments made by the British Ambassador in Jakarta, Sir Archibald Ford, to Woolcott in July 1975:

As seen from here it is in Britain's interest that Indonesia should absorb the territory as soon as possible; and that if it come to the crunch and there is a row in the United Nations we should keep our heads down and avoid siding against the Indonesian Government.¹²⁶

6.76 The British Government took no action on the deaths in Balibo on 16 October 1975 of Nine Network television reporter Malcolm Rennie and cameraman Brian Peters, both of whom were British subjects.¹²⁷

6.77 Britain abstained from the United Nations General Assembly vote of 12 December 1975 which 'deplored' the Indonesian military intervention in Portuguese Timor.

Five-Power partners

6.78 Mr Whitlam said that, when he had met Prime Minister Lee Kuan Yew in Singapore on 9 August 1975, he had asked whether Australia and Singapore, as members of the Five-Power Agreement and the Commonwealth, and as neighbours of the area, should confer about East Timor. Mr Lee would not have anything to do with the proposition. Later, on 15 October, in Canberra, he had conferred with the Prime Minister of Malaysia, Tun Abdul Razak, and his response was entirely the same: 'that is, the people with whom we were associated in the Commonwealth, in the Five-Power Agreement, would have nothing to do with it'.¹²⁸

124 Mr Carrascalão, *Committee Hansard*, 12 August 1982, p. 1245.

125 Mr Uren, *Committee Hansard*, 4 November 1999, p. 762.

126 Woolcott to Canberra, 21 July 1975, quoted in *Documents on Australian Defence and Foreign Policy, 1968-1975*, Sydney, J.R. Walsh and G.J. Munster, 1980, p. 193.

127 Neither did the New Zealand Government take any action regarding the death of New Zealander Gary Cunningham (Desmond Ball and Hamish McDonald, *Death in Balibo, Lies in Canberra*, Sydney, Allen & Unwin, 2000, p. 128).

128 Mr Whitlam, *Committee Hansard*, 6 December 1999, p. 974; submission no. 5, 30 November 1999, p. 5.

Portugal's policy

6.79 Mr Whitlam commented on the part played by Portugal in the events of 1975. Only Portugal, he said, had official status and direct responsibility in East Timor, but at no stage did it take specific initiatives in the United Nations or make specific proposals to Australia or other regional powers. On 26 August 1975, Portuguese Governor Mario Lemos Pires and his 40-strong paratroop detachment fled by landing barge from the fighting in Dili between the UDT and Fretilin to the offshore island of Atauro.¹²⁹ From there, he sent a series of eighteen cables to his superiors in Lisbon, the last of which contained a plea that they 'answer the 17 telegrams I sent earlier'.¹³⁰ He and his officers left their cannon, mortars, bazookas, guns, machine guns, pistols and ammunition for Fretilin. In Portugal, the political situation was in turmoil: the Provisional Government suspended itself on 20 November, and on 26 November Lisbon was placed under curfew and a state of emergency declared. On 7 December, Mr Whitlam said, the most modern warships in the southern hemisphere, the three Portuguese frigates *Oliveira E. Carmo*, *João Roby* and *Afonso Cerqueira*, commissioned respectively in February, June and October 1975, watched Indonesian landings from Atauro without firing a shot.¹³¹

6.80 The Portuguese attitude was expressed by Governor Lemos Pires' information officer, Captain António Fonte Ramos, who, when asked by an Australian journalist if the Portuguese Army in East Timor would resist an Indonesian invasion, responded: 'We would say to the Indonesians "hello, come on in if you want to!"'¹³²

6.81 Portuguese military strength in East Timor was reduced from almost 3,000 in 1974 to around 200 Europeans (a third of them administrative staff) by mid-1975. There were 2,000 Timorese troops on active duty, and a further 6,000 in reserve. There were only three Timorese commissioned officers, who were lieutenants. Dr Ramos-Horta has written that, in his view, the troop reduction was 'the single most damaging error committed by the Portuguese'.¹³³

6.82 Governor Lemos Pires had arrived in Timor on 18 November 1974 having been briefed before his departure from Portugal that independence was unviable, and that the only options were continuing links with Portugal or integration with Indonesia. He had also been shown a memorandum from the Director-General of the Foreign Ministry, Dr Magalhães Cruz, to President Francisco da Costa Gomes, which

129 Mr Whitlam, submission no. 5, 26 March 1999, p. 8; 30 November 1999, p. 3.

130 Quoted in José Ramos-Horta, *Funu: the Unfinished Saga of East Timor*, Lawrenceville NJ, The Red Sea Press, 1987, p. 58. See also James Dunn, *Timor: A People Betrayed*, Sydney, ABC Books, 1993, p. 74.

131 Gough Whitlam, *The Whitlam Government, 1972-1975*, Melbourne, Viking, 1985, pp. 109-10. The Portuguese warships had the weapons systems capability to track and shoot down the aircraft which transported the paratroops for the drop on Dili (Hendro Subroto, *Eyewitness to integration of East Timor*, Jakarta, Pustaka Sinar Harapan, 1997, pp. 158-9).

132 Bruce Stannard, 'Garrison on Timor ready for immediate surrender', *The Australian*, 10 March 1975; Bill Nicol, *Timor: The Stillborn Nation*, Melbourne, Visa, 1978, pp. 210-11, 216.

133 José Ramos-Horta, *Funu: the Unfinished Saga of East Timor*, Lawrenceville NJ, The Red Sea Press, 1987, p. 48.

set out the Portuguese view of the conclusion of the Whitlam-Soeharto meeting of 6 September, which was that Mr Whitlam had given agreement to integration as the 'natural and inevitable solution'. The memorandum said that this fact 'gave the Jakarta Government optimism in dealing from then on with the Timor affair and contributed, without doubt, to reinforce integrationist tendencies within Indonesian political circles ... It was above all from this meeting that the idea that Timor should be integrated into Indonesia arose, always under the cover of "the will of the population"'.¹³⁴

6.83 Mr Whitlam wrote in 1981 that East Timor was incorporated into Indonesia 'not because of any action or inaction by Australian governments but because the Portuguese administrators were unconcerned about the development of democratic post-colonial institutions, the parties were unable to unite or be united, and the Indonesian Government was obsessed with the impact a "communist" Timor would have on national stability'.¹³⁵

Australian disengagement

6.84 At his meeting with President Soeharto at Yogyakarta in September 1974, Mr Whitlam said that he felt very strongly that Australia should not seek, or appear to seek, any special interests in Portuguese Timor. He said they were people with a different ethnic background, languages and culture, and it would be unrealistic and improper if Australia were to seek some special relationship.¹³⁶

6.85 The Indonesian understanding of Australia's position on Portuguese Timor following the Whitlam-Soeharto meeting of September 1974 was expressed by Juwono Sudarsono (then a political scientist at the University of Indonesia) in an interview on 24 February 1975: 'There is a high degree of co-operation between Australia and Indonesia at present. Mr Whitlam may have to put up with criticism from the left of his party. However, Timor is not a major issue in Australian politics, certainly not an election issue. So the Australian Government will allow Indonesia to do, to a certain extent anyway, what it likes with Timor.'¹³⁷

134 'Whitlam ... teria manifestado o acordo da Austrália à eventual integração de Timor português na Indonésia, como sendo a solução natural e inevitável. Tal facto... contribuiu, sem dúvida, para reforçar em certos círculos indonésios as posições integracionistas que estavam já a ser trabalhadas por grupos de pressão internos' Magalhães Cruz to Francisco da Costa Gomes, 13 November 1974, in Presidência do Conselho de Ministros, *Relatórios da descolonização de Timor*, Lisboa, 1981, 'Relatório de Governador Mário Lemos Pires', doc. 2.9; quoted in Jill Jolliffe, 'Whitlam named in military report', *The Canberra Times*, 21 October 1981. Also in Jill Jolliffe (ed.), *The East Timor question*, Lisse, The Netherlands, MMF Publications, 1997.

135 Mr Whitlam, letter to *The Canberra Times*, 22 October 1981, attached to his submission of 18 February 1982, *Committee Hansard*, 14 May 1982, p. 20.

136 'Record of Meeting between the Prime Minister and President Soeharto, State Guest House, Yogyakarta', 6 September 1975, p. 1; published in *The Sydney Morning Herald*, 6 March 1999 and included in Mr Whitlam's submission, no. 5, 23 November 1999.

137 Bill Nicol, *Timor: The Stillborn Nation*, Melbourne, Visa, 1978, p. 245.

6.86 A departmental brief on Portuguese Timor prepared for Foreign Affairs Minister Don Willesee for the ANZUS ministerial meeting in April 1975 said: 'Australia is not directly involved ... The long-term prospects are for a rather sticky situation. The degree of Australian involvement will, it is hoped, be kept to a minimum'.¹³⁸

6.87 The Australian Consulate, which had been established in Dili in 1941, had been withdrawn in August 1971 on the understanding with Portugal that Foreign Affairs officers would make frequent visits to the territory instead.¹³⁹ At Townsville on 4 April 1975, Prime Minister Whitlam affirmed that Australia did not want to be seen as having a primary responsibility for the outcome in Portuguese Timor, an issue which was essentially the responsibility of the people of Portuguese Timor, Portugal and Indonesia: 'The question of Portuguese Timor was simply not the responsibility of Australia'.¹⁴⁰ He explained to President Soeharto that, if the consulate in Dili was re-opened, it would not be allowed to become the instrument of the UDT and Fretilin parties. Nor should the re-opening of the consulate in any way go against the basic principle that Australia's interests in maintaining a good relationship with Indonesia were paramount. Fretilin and UDT, and the Portuguese Governor in Dili, made repeated requests in 1975 for the consulate to be re-opened, but this was not done. In a letter of 22 April 1975 to Senator Arthur Gietzelt, who the previous month had led a delegation of ALP members of Parliament to Timor, Mr Whitlam said that he did not believe that the consulate should be re-opened because it might be subject to misinterpretation: 'Political interests in Portuguese Timor could seek to use our presence to involve us to an extent which I do not feel would be appropriate for Australia'; regular visits by Foreign Affairs officers would be sufficient.¹⁴¹

6.88 In July 1975, Senator Willesee approved an Australian aid program for East Timor to cost several million dollars. Before anything could be done with this, the UDT coup and the Fretilin counter-coup occurred.¹⁴²

6.89 After the outbreak of fighting between UDT and Fretilin, Ambassador Woolcott advised from Jakarta on 17 August: 'I would suggest that our policies should be based on disengaging ourselves as far as possible from the Timor Question; getting Australians presently there out of Timor; leave events to take their course; and

138 Quoted in *Documents on Australian Defence and Foreign Policy, 1968-1975*, Sydney, J.R. Walsh and G.J. Munster, 1980, pp. 189-90; published in Tom Uren, *Straight Left*, Sydney, Random House, 1994, pp. 477-8; cited by the Hon. Tom Uren, *Committee Hansard*, 4 November 1999, p. 757.

139 Mr Whitlam, *Committee Hansard*, 14 May 1982, p. 13; 'Timor in no hurry to change', *The Canberra News*, 10 July 1974.

140 'Meeting between the Prime Minister and President Soeharto in Townsville, 3-5 April, 1975: Record of the second discussion, 4 April 1975' p. 4; published in *The Sydney Morning Herald*, 6 March 1999 and included in Mr Whitlam's submission, no. 5, 23 November 1999.

141 Bruce Juddery, 'Situation in East Timor seems to be warming up again', *The Canberra Times*, 11 June 1975; Peter Hastings, 'Why Australia should reopen its consulate in East Timor', *The Sydney Morning Herald*, 12 June 1975.

142 Alan Renouf, *The Frightened Country*, Melbourne, Macmillan, 1979, p. 445.

if and when Indonesia does intervene act in a way which would be designed to minimise the public impact in Australia and show privately understanding to Indonesia of their problems'.¹⁴³ In tune with this advice, Mr Whitlam made a statement in the House of Representatives on 26 August, in which he said:

The Australian Government does not ... regard itself as a party principal in Portuguese Timor. We continue to hold that the future of the territory is a matter for resolution by Portugal and the Timorese people themselves with Indonesia also occupying an important place because of its predominant interest ... We have no ethnic or cultural ties with the Timorese which would suggest a role for Australia in substitution for Portugal in Portuguese Timor.¹⁴⁴

6.90 Mr Uren indicated to the Committee that policy making on Timor in 1974-75 was confined to the Prime Minister, Minister for Foreign Affairs, Senator Willesee, and Minister for Defence, Mr Morrison.¹⁴⁵ He said: 'During 1975, there was no discussion in cabinet at all on the Timor question, even on Balibo and the five news people who had been killed'.¹⁴⁶ Mr Uren's evidence finds support in a statement made by the Mr. Clyde Cameron on 14 November 1979:

The then Minister for Foreign Affairs, Senator Willesee, told me he had no knowledge of the conversation that took place between Mr Whitlam and President Suharto ... President Suharto was just as astonished to hear Mr Whitlam's remarks as were his own colleagues in the Cabinet ... No member of the Whitlam Cabinet was ever told about the conversation and certainly did not approve of it. Moreover, no member of the Whitlam Cabinet knew of the shooting of the journalists. The signals that came back to Australia concerning the murder of those men were suppressed, not only from the public but from Cabinet members as well.¹⁴⁷

6.91 Following the capture of Balibo and neighbouring towns by Indonesian special forces and pro-Indonesian Timorese, Foreign Minister Willesee made a statement in Parliament on 30 October.¹⁴⁸ Prior to the statement being made,

143 Quoted in *Documents on Australian Defence and Foreign Policy, 1968-1975*, Sydney, J.R. Walsh and G.J. Munster, 1980, p. 199; published in Tom Uren, *Straight Left*, Sydney, Random House, 1994, pp. 477-8; cited by the Hon. Tom Uren, *Committee Hansard*, 4 November 1999, pp. 756-7.

144 House of Representatives *Hansard*, 26 August 1975, pp. 491-3; quoted in *Australian Yearbook of International Law*, vol.6, 1974-1975, p. 209; cited in Mr Whitlam's submission, no. 5, 26 March 1999, p. 8.

145 Mr Uren, *Committee Hansard*, 4 November 1999, p. 761.

146 Mr Uren, *Committee Hansard*, 4 November 1999, pp. 754-5.

147 *House of Representatives, Hansard*, 14 November 1979, pp. 2966-7. Senator Arthur Gietzelt stated to the Senate on 7 April 1976: 'Five Australian journalists were shot down in cold blood. I have been told on reliable information that that information was heard on Australian radio at Shoalhaven'. On 3 June 1976 he corrected this to say: 'information about the murder of the Australian newsmen was available on 16 October' 1975 from radio intercepts made 'at Shoal Bay, near Darwin' (*Senate Hansard*, pp. 1171, 2334).

148 House of Representatives *Hansard*, 30 October 1975, pp. 1609-10, *Australian Yearbook of International Law*, vol. 6, 1974-1975, pp. 209-10.

Ambassador Woolcott had advised from Jakarta: ‘Although we know it is not true, the formal position of the Indonesian Government is still that there is no Indonesian military intervention in East Timor. If the Minister said or implied in public the Indonesian Government was lying we would invite a hurt and angry reaction.’¹⁴⁹ Reflecting this advice, Senator Willesee merely stated that the Government had viewed with concern widespread reports that Indonesia had been involved in military intervention in Portuguese Timor, without commenting on the validity of the reports.

6.92 After having been appointed Prime Minister to replace Mr Whitlam on 11 November 1975, Mr Fraser indicated on 26 November that his caretaker Government would do nothing about reported Indonesian bombings in East Timor. He said that the tragic events that were occurring there were a direct result of the barrenness of the foreign policy of the Whitlam Government, which the caretaker Government had to continue.¹⁵⁰ Nevertheless, Mr Whitlam’s policy was in its essentials maintained by Mr Fraser’s Government and that of succeeding Australian governments until September 1999. DFAT Deputy Secretary, Mr Dauth, acknowledged to the Committee on 6 December 1999 that the Government only finally abandoned its declared preference for East Timor to remain as an autonomous territory within Indonesia when the people of East Timor voted for independence: ‘We made clear always to the Indonesian government throughout the course of this year that we respected their sovereignty until such time as the processes which President Habibie put in train delivered a different outcome’.¹⁵¹

Contradiction between self-determination and incorporation

6.93 Dr James Goodman drew attention to a contradiction in Australian Government policy, which recognised the right of East Timor’s people to self-determination but also Indonesia’s claim to sovereignty. Clearly, if the East Timorese people had the right to self-determination, the Indonesian occupation which flouted that right was illegal. ‘Continued Australian recognition of the occupation suggests that the right to self-determination for the East Timorese people is a secondary consideration; it is not a legal right but a pragmatic necessity.’ Dr Goodman argued that, while the contradiction remained in place, it deadlocked Australian Government policy, preventing it from taking a pro-active role on East Timor.¹⁵²

6.94 Mr Alan Renouf, held a different view to his predecessor, Sir Keith Waller. Although he believed that ultimate integration with Indonesia was best, he thought that in view of the unacceptable features of the ‘Act of Free Choice’ whereby Irian Jaya had been incorporated into Indonesia, priority should be given to Timorese self-determination.¹⁵³ He wrote: ‘The policy had become two-pronged and the two prongs

149 Bruce Juddery, ‘Do not accuse Jakarta: ambassador’, *The Canberra Times*, 31 May 1976; Paul Kelly, ‘Willesee: Whitlam reigned on East Timor’, *The Australian*, 10 March 1999.

150 *The Canberra Times*, 27 November 1975.

151 Mr Dauth, *Committee Hansard*, 6 December 1999, p. 1002.

152 Dr Goodman, *Committee Hansard*, 10 September 1999, p. 482.

153 Alan Renouf, *The Frightened Country*, Melbourne, Macmillan, 1979, pp. 442-3.

might be irreconcilable. What was to happen if the Timorese opted for independence?’¹⁵⁴

6.95 Mr Gareth Evans took issue with this line of argument. In his submission to the Committee, Mr Evans said that there was nothing in Mr Whitlam’s position, or that of the Australian Government of the time, that could be characterised as ‘dangerously ambiguous’: a proper act of self-determination, no military intervention and incorporation into Indonesia were not incompatible propositions.¹⁵⁵ This may have been theoretically possible but never a likely scenario. Apodeti, the East Timorese party supporting integration with Indonesia, was always smaller and far less influential than either Fretilin or UDT. It was clear that the latter two parties had no intention of countenancing incorporation with Indonesia.

6.96 Mr Renouf’s view was shared by Senator Willesee. *The Australian Financial Review* reported on 17 October 1974, ‘Senator Willesee for his part is emphasising the idea of self-determination in an as yet unstated reversal of the priorities Mr Whitlam gave to the Indonesians in which “self-determination” was only needed as some sort of “gloss” to the unflurried handover to Indonesia’.¹⁵⁶

6.97 Mr Uren and Mr Robert Lowry drew the attention of the Committee to the argument put forward by Mr William Pritchett, First Assistant Secretary, Strategic and International Policy, Department of Defence.¹⁵⁷ On 9 October 1975, Mr Pritchett addressed a memorandum to Defence Minister Bill Morrison, which said:

Basically ... we have pursued incompatible lines of policies—that Portuguese Timor should be integrated into Indonesia but that there should be an act of self-determination and that Indonesia should not effect integration by coercion. Since the weight of evidence from the outset has been that any act of self-determination would oppose integration, in effect what we have offered Indonesia with the one hand we have sought to deny them with the other.

6.98 Mr Pritchett argued that it would be prudent to base policy on the balance of probability that Fretilin and associated elements would retain political dominance. To achieve integration, Indonesia would have to dispose of Fretilin. There appeared no prospect at all that this could be achieved by political negotiation: it would require force on a scale that could not be hidden from the Australian public. Even were Fretilin to crack and weaken, it could be expected that a significant residue of opponents of Indonesia would take to the hills in guerrilla operations. Were the Indonesians to use force, they would be in the position of seeking their objective in the face of sustained Australian opposition and strong public condemnation, which would

154 Alan Renouf, *The Frightened Country*, Melbourne, Macmillan, 1979, p. 443.

155 The Hon. Gareth Evans, QC, MP, submission no. 21, pp. 1-2.

156 Brian Toohey, ‘Mr Whitlam has his Yalta’, *The Australian Financial Review*, 17 October 1974.

157 Mr Uren, *Committee Hansard*, 4 November 1999, p. 756; Mr Lowry, *Committee Hansard*, 20 September 1999, p. 555.

continue for some time if resistance to the Indonesians were stubborn. The hope that the Indonesians would be able to bring about quickly and efficiently a settlement without significant political repercussions appeared increasingly misplaced:

Because of the essential dilemmas of the situation and the likely prospect of difficulty with Indonesia if Australian policy were not realistically based, we advocated in Defence very early on a line of policy that appeared to offer reasonable prospects of meeting the basic requirements of all parties, namely acceptance of an independent state in Portuguese Timor.¹⁵⁸

6.99 Mr Whitlam responded to Mr Uren's quoting of Mr Pritchett's memorandum, saying that Sir Arthur Tange, the Secretary of the Department of Defence in 1975, had told him in 1980 that Mr Pritchett (who by then had become Sir Arthur Tange's successor as Secretary) did not express the views of the Department in 1975.¹⁵⁹ Nevertheless, Mr Pritchett had made the point that the line of policy he and his officers were advocating had been departmental policy from 'very early on'.¹⁶⁰ At the start of his memorandum he recalled that he had made a submission on the same concerns to Mr Morrison's predecessor, Mr Lance Barnard, in December 1974 and that, on the basis of this advice, Mr Barnard had written to Senator Willesee in February 1975 urging action to deflect the Indonesians from attempting to use military force to seize Portuguese Timor.¹⁶¹

158 *Documents on Australian Defence and Foreign Policy, 1968-1975*, Sydney, J.R. Walsh and G.J. Munster, 1980, pp. 221-2; also in Brian Toohey and Marian Wilkinson, *The Book of Leaks*, Sydney, Angus & Robertson, 1987, pp. 184-90, and Tom Uren, *Straight Left*, Sydney, Random House, 1994, pp. 481-2; cited by the Hon. Tom Uren, *Committee Hansard*, 4 November 1999, p. 756, and by Mr R. Lowry, *Committee Hansard*, 20 September 1999, p. 555.

159 Mr Whitlam, submission, no. 5, 23 November 1999, pp. 9-10.

160 Defence Department support for Timorese independence was reported by Hugh Armfield in *The Age* of 13 September 1974, 'Canberra aim for Timor: go Indonesian'. An article by Bruce Juddery in *The Canberra Times* of 17 September 1975 stated that an 'eminent Australian strategist' believed a bitter war of resistance to Indonesia could continue in Timor for up to ten years ('Are we about to watch a new show on the Vietnam theme?').

161 *Documents on Australian Defence and Foreign Policy, 1968-1975*, Sydney, J.R. Walsh and G.J. Munster, 1980, p. 220. Draft brief for Barnard [December 1974]; Barnard to Willesee, 11 February 1975; Wendy Way, Damien Browne and Vivianne Johnson (eds.), *Australia and the Indonesian incorporation of Portuguese Timor, 1974-1976*, Melbourne University Press, 2000, pp. 139-41; 176-80. Paul Kelly, in *The Australian* of 25 February 1975 reported, 'The Minister for Defence, Mr Barnard, has already written to Mr Whitlam expressing the concern of the Defence Department' ('PM plans strong note to Suharto'). Defence briefed the media on the arguments against encouraging the Indonesians to incorporate Portuguese Timor using military force: these arguments were set out in Peter Hastings, 'Jakarta ponders a military "solution"', *The Sydney Morning Herald*, 21 February 1975. Cf. draft brief for Barnard, December 1974, *Australia and the Indonesian Incorporation of East Timor 1974-76*, Melbourne University Press, pp. 139-40.

6.100 Mr Pritchett's advice was not adopted. Senator Willesee limited himself in his statement of 30 October 1975 to offering an Australian venue for talks between the Timorese parties, and made no criticism of Indonesian armed intervention.¹⁶²

6.101 With regard to the allegation that the strong Indonesian lobby in the Department of Foreign Affairs prevailed in policy formulation about East Timor, Mr Renouf wrote that it was true that successive Australian ambassadors in Jakarta preferred Mr Whitlam's approach to that of Senator Willesee's and the Department but their influence was not decisive. The major influence of officials upon policy was objective and not dominated by a disposition to go along with Indonesia.¹⁶³

6.102 Mr Uren said to the Committee that when a group of Indonesian generals became interested in seizing East Timor and incorporating it, step by step they moved with careful regard to the attitude of Australia:

They were constantly making contact with us, feeling out how we felt about their position, and were generally encouraged by the attitude that built up in Australia at the time ... That attitude was in the government and of course in the opposition ... it was the Australian accommodation of these attitudes ... that, I believe, encouraged military moves to seize the territory ... The East Timorese were seeking our help and they got none from us ... What is really important is that for much of 1975 we were aware in Canberra that President Soeharto was reluctant to allow the military invasion that his generals were planning and that he kept on holding back. It seems to me that perhaps our greatest failure was that we did not take up the challenge of sending a special envoy to Soeharto to tell him in diplomatic language that he was absolutely right. We could have joined with him to help self-determination in such a way that at that time it would have been possible for East Timor to become independent and have a special relationship with Indonesia. We did not do that; we refused to do it.¹⁶⁴

6.103 Mr Evans said that it was also clearly the case that at all relevant times Mr Whitlam's personal view (of which he made no secret to President Soeharto or anybody else), was that in all the economic and social development and strategic circumstances of the time it was in the best interests of the East Timorese themselves, Indonesia and the region for East Timor to be eventually integrated into Indonesia. It

162 House of Representatives *Hansard*, 30 October 1975, pp. 1609-10, *Australian Yearbook of International Law*, vol. 6, 1974-1975, pp. 209-10; Paul Kelly, 'Willesee: Whitlam reigned on East Timor', *The Australian*, 10 March 1999.

163 Alan Renouf, *The Frightened Country*, Melbourne, Macmillan, 1979, p. 444.

164 Mr Dunn, *Committee Hansard*, 24 September 1999, p. 602; Mr Uren, *Committee Hansard*, 4 November 1999, p. 762. In his letter to Willesee of 11 February 1975; Barnard complained that the Indonesians 'seem to have heard only so much of what we have said to them as they wanted to hear, namely our acceptance of their interest in the future of Portuguese Timor and of its eventual absorption into the Indonesian state' (Wendy Way, Damien Browne and Vivianne Johnson (eds.), *Australia and the Indonesian incorporation of Portuguese Timor, 1974-1976*, Melbourne University Press, 2000, p. 179).

was Mr Whitlam's belief that a properly managed decolonization process by Portugal would be highly likely to produce that outcome.¹⁶⁵

6.104 Mr Evans said that Mr Whitlam did not anticipate, and could not reasonably have anticipated, that the Indonesian presence in East Timor in subsequent years, with the military playing the dominant role, would be as oppressive and insensitive to local aspirations as it proved to be.¹⁶⁶

6.105 Mr Evans did admit that Australia could have done more in 1975 to prevent Indonesian military intervention:

It is true that as the course of events unfolded during 1975, with the abandonment of the territory by the Portuguese in August, the eruption of a bloody civil war, the rejection by Fretilin of a referendum or election (and eventual unilateral declaration of independence in November), and the increasing likelihood of military action by the Indonesians, it became more difficult to believe that a peaceful and genuinely voluntary incorporation was likely. There was a good case, in these circumstances, for Australia to have made further representations to the Indonesian Government again arguing strongly against any military intervention. It is regrettable that this was not done.¹⁶⁷

6.106 There was no basis, Mr Evans said, on which the omission amounted to Australian moral responsibility for what followed. There was no reason whatever for supposing that such representations - made at any time from August until the invasion of Dili on 7 December 1975 would have made any difference. There was nothing, as the Indonesians well knew, that Australia could credibly have done to back its word with action. There was no public mood, after Vietnam, for involvement in another Asian imbroglio, and the United States position was anything but supportive of throwing down the gauntlet to Jakarta. Indonesia's position steadily hardened as the situation deteriorated after Portugal's departure, and it was only a matter of time before President Soeharto—who, on all the available evidence, had been absolutely genuine in his earlier 'no invasion' pledge to Mr Whitlam—fell in behind the ABRI leadership, who had never had such scruples.¹⁶⁸

6.107 Mr Renouf has written that the only reasonable charge against the Labor Government was that its policy was ambiguous: 'This may have facilitated Indonesia's course but Australia's unqualified support for self-determination would not have stopped her. It was a "no-win" situation for Australia, but it goes against the Australian grain to admit such situations'.¹⁶⁹

165 The Hon. Gareth Evans, QC, MP, submission no.21, pp. 1-2.

166 The Hon. Gareth Evans, QC, MP, submission no. 21, pp. 1-2.

167 The Hon. Gareth Evans, QC, MP, submission no. 21, pp. 1-2.

168 The Hon. Gareth Evans, QC, MP, submission no. 21, pp. 1-2.

169 Alan Renouf, *The Frightened Country*, Melbourne, Macmillan, 1979, pp. 447-8.

6.108 In an interview in January 2000, Mr Dunn referred to Foreign Minister Malik's letter of July 1974 to Dr Ramos-Horta. He said that Adam Malik's view was perceptive. If what he had written had been acted upon, the situation would have been vastly different. Thousands of people, Indonesians as well as Timorese, would not have been killed. Today there would be an independent East Timor, but with a special relationship with Indonesia. Instead there had been a whole generation, 25 years, of conflict, bitterness and a situation which was humiliating to Indonesia. It was not that the Timorese were hostile to Indonesia in 1975, but they had had a separate experience as a colony of Portugal. Their's was a different society, and they wanted to go their own way. It was a natural instinct in the process of self-determination. The colonial experience, for good or bad reasons, had created a separate environment. The natural instinct of people who had been liberated, or offered liberation, was to gain independence. Mr Dunn said:

When Prime Minister Gough Whitlam went to Wonosobo [Yogyakarta] to have his meeting with President Soeharto, he astonished the Indonesians by making it very clear that his preferred solution was that East Timor go to Indonesia. I have a lot of information that suggests the Indonesians didn't expect Australia to be so generous. Whitlam's words encouraged the military to believe that this was the way to go ... The Wonosobo meeting, therefore, was the turning point. That was the green light to start *Operasi Komodo* to bring about integration.¹⁷⁰

6.109 Mr Dunn said that President Soeharto had feared that it might end in embarrassment, so he had delayed giving the order for the military intervention. Had Australia gone to President Soeharto and reinforced his position, Mr Dunn purported that the invasion would not have taken place:

had Adam Malik's opportunity been taken up, the outcome would have been radically different. East Timor would have a population of 1.2 million instead of about 800,000. Not because Indonesian soldiers went to kill tens of thousands of people, but because the military operation had an enormous impact on Timor in terms of forcing people into the interior, denying them medical assistance and food.¹⁷¹

6.110 Dr Andrew McNaughtan submitted that Mr Whitlam favoured Indonesian incorporation of Portuguese Timor because, as Mr Woolcott said in his cable of 17 August 1975, closure of the Timor Gap could be 'much more readily negotiated with Indonesia by closing the present gap than with Portugal or an independent Portuguese Timor'.¹⁷² Attempts to negotiate closure with Portugal between 1972 and

170 Michael Richardson reported in *The Age* of 5 September 1974 ('Timor: a colonial question that has to be settled') that Australia's response would be 'crucial' to Indonesia's decision on whether or not to proceed with a policy of incorporation of Portuguese Timor.

171 Aboeprijadi Santoso, 'Weighing the "ifs" of East Timor', *The Jakarta Post*, 20 January 2000.

172 Andrew McNaughtan, submission no. 49, pp. 1-2; and 'New nation has opportunity for gains in the Gap', *The Sydney Morning Herald*, 13 April 2000.

1974 had not been successful.¹⁷³ Mr Whitlam's irritation with Portugal was expressed in Perth on 25 March 1974, when he revealed that the Australian Government had formally protested to Portugal about its alleged encroachment into offshore resources areas claimed by Australia south of Timor by giving a concession to the Oceanic Exploration Company of Denver.¹⁷⁴ A departmental policy planning paper of 3 May 1974 stated that Australia should 'bear in mind that the Indonesians would probably be prepared to accept the same compromise as they did in the negotiations already completed on the seabed boundary between our two countries. Such a compromise would be more acceptable to us than the present Portuguese position.' The paper advised caution to prevent Australia being seen as motivated by its own self-interest in pushing either for independence or incorporation of the territory.¹⁷⁵ In June 1974, drilling at Troubadour No. 1 well confirmed for the first time the presence of hydrocarbons in the seabed of the Timor Sea.¹⁷⁶ The belief that Timor Oil (representing Woodside-Burmah and BP Australia) was waiting for the coup or invasion to re-negotiate its leases, as Indonesia would give much better conditions than the Portuguese or Fretilin were likely to offer, was held by the Portuguese negotiator, Barbosa, who said so in Darwin after he had been evacuated from Dili following the 11 August 1975 coup.¹⁷⁷ Portugal's Socialist Party leader, António Almeida Santos, said in 1985 that he had realized when he visited Australia in September 1975 as Minister for Inter-territorial Co-ordination that oil interests largely determined Australian policy toward Timor.¹⁷⁸ The Committee received no evidence of any agreement with Indonesia that Australia would be favoured in negotiations over the Timor Gap in return for an understanding attitude toward incorporation of Portuguese Timor.

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- 173 In preliminary talks between Australia and Portugal on a seabed boundary from 1971 to 1975; the Portuguese insisted that the seabed should be split midway between Timor and Northwest Australia, while the Australians wished for a simple straight line linking the two ends of the boundary negotiated with Indonesia in 1971, much closer to Timor than to Northwest Australia (*House of Representatives Hansard*, 26 October 1972, p. 3381, and 2 June 1973, p. 2589; *Senate Hansard*, 2 May 1973, p. 1740, and 23 May 1973, p. 1840; Ian Davis, 'Rich seabed at stake in Indon talks', *The Age*, 2 February 1984).
- 174 Brian Toohey, 'Oil: Portuguese tail-twisting could backfire', *The Australian Financial Review*, 26 March 1974. This article provoked a protest from the Portuguese Ambassador, Carlos Empis Wemans, that the Prime Minister had made public the dispute with Portugal. A subsequent note from the Ambassador said: 'Whilst regretting the fact of the Australian Prime Minister having made public declarations on the subject, the Portuguese Government maintain their willingness to enter into negotiations with the Australian Government. However, since a conference on the Law of the Sea is scheduled to take place in Caracas, in June next, the Portuguese Government are of the opinion that immediate negotiations would be ill-timed and would therefore prefer to await the results of that Conference' (Cour internationale de justice, *Affaire relative au Timor oriental (Portugal c. Australie): mémoire du gouvernement de la république Portugaise*, La Haye, 1991, pp. 321-6, Annexes IV.9-10, 25 March and 18 April 1974).
- 175 Wendy Way, Damien Browne and Vivianne Johnson (eds.), *Australia and the Indonesian Incorporation of East Timor, 1974-76*, Melbourne University Press, 2000, p. 52.
- 176 John McIlwraith, 'Drilling under way on remote Troubadour Shoals off Timor', *The Australian Financial Review*, 4 July 1974; Nigel Wilson, 'Keep hope fires burning', *The Australian*, 4 October 2000.
- 177 Statement by Senator Cyril Primmer, *Senate Hansard*, 24 February 1976, p. 150.
- 178 Jill Jolliffe, 'Hawke slated over E. Timor', *The Canberra Times*, 30 August 1985. Jill Jolliffe (ed.), *Guide to the East Timor question, 1975-1996*, Rochester, (New York), MMF Publications, 1996.

Conclusion

6.111 It is easy to understand why many people thought that incorporation into Indonesia was the best solution for Portuguese Timor. The Portuguese had not prepared the Timorese for independence. Few Timorese had more than a rudimentary education and many did not even have that. The local economy was tiny and most Timorese outside Dili and the larger towns were subsistence farmers. Few people had any experience of government. Timor would have been very dependent on foreign aid for a long time. Moreover, Apodeti members preferred some association with Indonesia while the two main parties, Fretilin and UDT fought a bloody civil war. The left-leaning Fretilin was of great security concern to Indonesia, which was very anti-communist, in case Fretilin attracted external communist involvement and support. Internationally, there was support of incorporation of Portuguese Timor into Indonesia.

6.112 Despite these shortcomings on the part of Portuguese Timor, Australian policy was generally in support of self-determination for colonies of European countries, including Portuguese colonies. Foreign Minister Willesee had approved a policy along those lines but had not referred it to the Prime Minister who, at Yogyakarta, refused to be bound by it. But through the whole period from April 1974 to the fall of the Whitlam government in November 1975, not once was the future of Portuguese Timor referred to Cabinet for consideration. It has been suggested that, if it had, a different approach might have been taken.

6.113 It is always difficult, even in hindsight, to establish whether a different policy approach would have achieved a significantly different outcome. It is clear that Ministers and public servants generally agreed that Portuguese Timor should have been incorporated into Indonesia. Mr Whitlam appeared, particularly in 1974, to take the view that the outcome was more important than the process. His comment to officers that 'I am in favour of incorporation but obeisance is to be made to self-determination' supports that view. This approach was watered down to some extent in early 1975. Others, such as Senator Don Willesee and Mr Renouf, consistently gave greater emphasis to the process of self-determination than the outcome.

6.114 There was not unanimity of opinion during the inquiry or in published material as to the likely outcome if Mr Whitlam had expressed strongly to President Soeharto, at their meetings in Yogyakarta and Townsville, the view that emphasis be given to self-determination rather than the outcome of incorporation. At the time of the Yogyakarta meeting in September 1974, it appears that President Soeharto was still diffident about incorporating Portuguese Timor in Indonesia. A strong Australian position in favour of self-determination might have bolstered the non-interventionist element in the Soeharto administration as opposed to military elements that supported Indonesian action to effect incorporation. Even if that happened, there was no guarantee that the non-interventionist position could have withstood the events of 1975 in Portuguese Timor (i.e. Fretilin and UDT calling for independence and the civil war between the two, as well as allegations of communist sympathies on the part of Fretilin). As pointed out by Mr Gareth Evans, no-one could have foreseen that

Indonesian invasion and incorporation of Portuguese Timor would have led to 25 years of brutality and callous disregard of human rights. But there were those at the time who did warn that circumstances could be different.

6.115 When, on 17 August 1975, the Australian Ambassador to Jakarta, Mr Woolcott, sent his oft-quoted cable to Canberra arguing in favour of pragmatism rather than principle, it was probably too late for Australia to have changed the course of events. East Timor has been a thorn in the side of the bilateral relationship ever since incorporation and relations between the two countries since Australia led Interfet into East Timor have been at a low ebb.