Australia Continues to Steal East Timor's Sea Resources

by John M. Miller

A round of sea boundary negotiations between Australia and East Timor ended in April with no progress. At stake are billions of dollars of revenue from underwater petroleum and natural gas reserves, as well as East Timor’s ability to fully control its territory and resources. The status quo favors Australia, which stands to gain almost two-thirds of the revenue under current arrangements.

Since 1999, Australia has earned over a billion dollars in oil and gas revenues from the Laminaria-Corallina fields, which are twice as close to East Timor than to Australia. Not a cent of revenue from these fields has gone to East Timor. These and other disputed fields, including the most lucrative Greater Sunrise field which Australia insists is 82% its own, would belong to East Timor under a boundary settlement that followed current international law.

East Timor’s Maritime Boundary Law, based on the United Nations Convention on the Law of the Sea, claims a 200 nautical mile Exclusive Economic Zone in all directions. When claims overlap, as is the case with East Timor and Australia, a permanent maritime boundary is typically a median line half-way between their coastlines.

Just two months before East Timor’s May 2002 independence, Australia quietly gave formal notice that it was withdrawing from all binding international mechanisms used to settle maritime boundary disputes. This prevents East Timor from taking Australia to these forums to contest Australia’s control over the disputed seabed.

For such reasons, ETAN coordinated a letter last fall to the Australian government. Signed by 100 organizations from 19 countries, the letter declared, “We have been troubled by your government’s callous disregard for East Timor’s sovereignty and rights.” It warned that Canberra “risks squandering the international goodwill Australia established since 1999.”

More Pressure Needed to Stop U.S.-TNI Ties

by Karen Orenstein

As the Indonesian military (TNI) continues to commit atrocities, efforts to restrict U.S.-Indonesia military ties remain as important as ever.

In Aceh, over 1300 people — the vast majority civilians — have lost their lives since the Indonesian government declared martial law there in May 2003. Little is known about conditions in the province, because Jakarta has effectively sealed off the area. The meager evidence available indicates dire conditions. The TNI has deployed U.S.-supplied weapons in Aceh, including F-16 fighter jets and OV-10 Broncos, aircraft used to deadly effect in East Timor. An F-16 also recently flew above a tiny island claimed by both East Timor and Indonesia immediately after an Indonesian warship bombed the uninhabited outcrop. The Bush administration has refused to publicly protest the use of U.S.-supplied equipment in these cases.

In Papua, the TNI is blocking movement of humanitarian assistance to civilians who fled an April 2003 military operation in the territory’s Central Highlands. The military remains the only holdout in a proposal supported by Papuan civil society, religious leaders, police, and the provincial government to transform Papua into a zone of peace. Rather, the TNI supports division of Papua into smaller provinces.

As it did in East Timor, the TNI sponsors militia in Aceh and Papua. The notorious Islamic fundamentalist Laskar Jihad militia, responsible for the deaths of thousands in Maluku through 2001, is reportedly now operating in Papua.

Additionally, individuals indicted for crimes against humanity in East Timor have received promotions; some are now in senior positions overseeing campaigns in Aceh and Papua. A. M. Hendropriyono, who helped mastermind the 1999 East Timor violence, is now the chief of Indonesia’s National Intelligence Agency and key interlocutor with the U.S. in the “war on terror.” East Timor’s chief of police in 1998-1999, Brig. General Timbul Silaen, currently heads Papua’s police force. And Major General Adam Damiri, regional military commander in 1999 of the area that
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A fast-paced expose with first-person on-theground reporting from East Timor and other hot spots. Donate $100 to ETAN and receive a personally signed copy of Exception to the Rulers as a thank you gift.

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From her first visit in 1990, Kirsty Sword fell in love with East Timor and its people. A riveting memoir by East Timor’s activist first lady, who was at the center of historic events in its history.

(Indonesian Military Ties, cont. from page 1)

included East Timor, has been promoted to Assistant for Operations to the Chief of the General Staff with a key role in Aceh. Damiri, one of the few convicted by Indonesia’s court on East Timor, is not expected to serve a day of his three-year sentence.

Despite these developments, the Bush administration continues to push to normalize relations with the TNI. Admiral Thomas Fargo, Commander of the U.S. Pacific Command, testified to Congress in March, “The TNI appears committed to reform, and there is evidence of positive change in the military.”

The Bush administration lobbied Congress to lift its restriction on International Military Education and Training (IMET) for 2004, but failed. IMET is currently banned, contingent on Indonesia’s cooperation with the FBI investigation of the August 2002 ambush in Timika, Papua, that left one Indonesian and two American teachers dead and many others wounded. (Indonesian police and NGO reports implicate the TNI for the murders.) ETAN is working to further condition IMET on prosecution and appropriate punishment of those responsible, and on meaningful justice in all cases of human rights violations in Indonesia and East Timor.

The Bush administration has exploited Indonesia’s status as the world’s largest Muslim country to justify efforts to increase military and police aid in the context of the “war on terror.” Although conditions relating to human rights and military reform continue to restrict foreign military financing and export licenses for lethal defense articles to Indonesia, the Pentagon and the State and Justice Departments are providing millions in counter-terrorism assistance to the TNI and police through non-transparent mechanisms.

We must educate Congress about the brutal nature of the TNI. Please come to ETAN’s Lobby Days in June or contact Congress today. Working together, we can block U.S. assistance for this force of state terror.

For more information, see www.etan.org/action/issues/mitie.htm.
As Indonesia’s election season heated up, Indonesian General Wiranto’s presidential campaign brought renewed attention to his status as an indicted human rights violator in East Timor. ETAN’s statement demanding that Wiranto stand trial, not stand for office, was widely reported after he became the nominee of the Golkar Party. Earlier this year, the U.S. State Department leaked that it had placed Wiranto and seven other officials on a visa watch list. The joint UN-East Timor Serious Crimes Unit (SCU) in Dili had indicted all of them for crimes against humanity on February 24, 2003.

Prosecutors in East Timor, frustrated by delays, went to the Special Panels court to press for arrest warrants for Wiranto and others in Indonesia. The prosecutors even issued a public brief outlining their case against the general-turned-politician. The damning accumulation of evidence gave lie to his and other top officials’ denial of knowledge and involvement in the pre- and post-referendum terror in 1999.

Starting in January, Indonesia’s Supreme Court began reporting its rulings on appeals from prosecutors and defendants in Jakarta’s widely-criticized Ad Hoc Human Rights Court. The court upheld the acquittals of former East Timor police chief Timbul Silaen and Kopassus Colonel Yayat Sudrajat.

By a three-to-two margin, the Indonesian justices also upheld the acquittals of four military officers and one police official for their roles in the Suai church massacre, the worst single atrocity of 1999. One dissenting justice called the five guilty of “acts of omission.”

“They knew there was killing in the church,” he said, “They were outside the church.” He called the attack “a crime against humanity,” and a “part of the broadly based and systematic attack which happened in East Timor.”

The high court did uphold a three-year sentence against East Timor native José Abilio Osorio Soares, the last Indonesian-appointed governor of East Timor. The appeals concerning 10 others remain pending.

**International Actors**

In March, international backing for Indonesia’s invasion and occupation received attention when East Timor’s truth commission (CAVR) held a three day Public Hearing on Self-Determination and the International Community. CAVR chair Aniceto Guterres Lopes said, “Positions taken by international institutions during the 24 years of the conflict were central to what happened in Timor-Leste throughout this time and the ultimate outcome.”

Long-time ETAN activist Brad Simpson, working with the Washington D.C.-based National Security Archive, has been obtaining documents through the Freedom of Information Act. These will help illuminate U.S. policy during the occupation and should prove useful to the CAVR in completing its report, which is due out this fall.

In early April, press reports revealed that a still-suppressed UN report by human rights expert Geoffrey Robinson accused the U.S. and Australia of pressuring the UN “not to push too hard on the security issue” before the August 1999 referendum. He argued that the two countries, valuing close relations with Jakarta, “actually facilitated the occupation and violence” through “overt support, inaction, and silence” for abuses until 1999. In the report, completed in June 2003, Robinson reportedly “chided the UN for failing to bring perpetrators to justice’ and called for a special international court to try up to 75 senior Indonesian officials, including Wiranto.

In Australia, a new spy scandal focuses on whether pro-Jakarta sentiment in the Australian government led it to bury predictions that the TNI would incite militia violence in East Timor after the 1999 ballot. Army intelligence analyst Lieutenant-Colonel Lance Collins has called on the prime minister to create a royal commission to investigate.

As additional evidence accumulates and the failures and limitations of existing legal proceedings become increasingly evident, East Timorese NGOs, ETAN and international human rights groups continue to press for an international tribunal as the best way to ensure that high-ranking Indonesian officials do not escape justice. UN Secretary-General Kofi Annan is expected to soon recommend continuing steps to pursue justice. The likeliest proposal is to create an expert panel to examine the Jakarta trials and serious crimes process, and from that recommend additional mechanisms. Only intense pressure will ensure that genuine justice is on the panel’s agenda.

For more info: [http://www.etan.org/action/issues/h-rights.htm](http://www.etan.org/action/issues/h-rights.htm)

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Support ETAN!

Over the coming months, ETAN is stepping up its campaigns to speak out forcefully in support of East Timor’s right to control its resources, genuine justice for the people of East Timor and Indonesia, and the need to maintain continued restrictions on U.S. assistance to Indonesia’s brutal military. Your participation and financial support remain essential. Please be generous as together we move ahead, and thank you for any support.

Contributions of any amount towards our political advocacy work should be made to ETAN/U.S. Tax-deductible contributions of more than $50 towards our educational work should be made to A.J. Muste Memorial Institute/ETAN. Mail to ETAN (Washington address at left), or donate by credit card safely and securely online at [www.etan.org](http://www.etan.org).
Announcing ETAN Lobby Days
June 6-8, 2004, Washington, DC

Join the East Timor Action Network’s effort to keep the Bush administration from trumping justice for East Timor and human rights in Indonesia. You’re invited to ETAN’s eleventh annual Lobby Days. Now is a crucial time to make your voices heard in Congress!

Why is it as important as ever to come to Lobby Days 2004?

- Justice for East Timor remains elusive, yet the Bush administration will not support an international tribunal.
- The Bush administration is aggressively using the “war on terror” to convince Congress to provide Indonesia with prestigious U.S. military assistance.
- War criminals responsible for crimes against humanity in East Timor are leading a massive military campaign in Aceh and directing atrocities in Papua.
- Australia is stealing billions from East Timor in oil and gas revenue and trampling on the sovereignty of the world’s newest nation.

Join us in countering Indonesian government and Bush administration efforts to lift human rights conditions on military training. Face-to-face meetings with your Senators and Representatives are the most effective way to advocate for human rights, not military might. Together we can make a difference!

Please come to ETAN Lobby Days, June 6 to 8.

The Schedule

Sunday, June 6 will be a full day of training in lobbying skills and updates on East Timor, Indonesia and Congress. On Monday and Tuesday, June 7 and 8, we head to the halls of Congress for meetings with Representatives and Senators. (Please plan on arriving Saturday night and staying through Tuesday.)

Please let us know as soon as possible if you can participate in Lobby Days. Planning for Lobby Days is much more effective when we have as much advance notice as possible of participation. Free housing can be arranged for those requesting it by May 30. Partial travel subsidies are available on a limited basis.

For more information, contact Karen Orenstein, ETAN Washington Coordinator, at etanorganize@igc.org, 202-544-6911, or see our website, www.etan.org.

(Oil Boundaries, cont. from page 1)

More recently, 53 members of the U.S. House of Representatives — with encouragement from ETAN activists — urged Australia’s prime minister in early March to “move seriously and expeditiously in negotiations with East Timor to establish a fair, permanent maritime boundary and an equitable sharing of oil and gas resources in the Timor Sea.”

The congressional letter, initiated by Representative Barney Frank (D-MA), urged Australia to hold talks monthly in order to resolve the issue within three to five years rather than the semi-annual meetings Australia is insisting on. It urged that any revenue earned from disputed areas be held in escrow until the resolution of the boundary issue. The letter was cited several times when the Australian parliament in March debated ratification of the Greater Sunrise Unitisation Agreement, an “interim” revenue sharing arrangement, which could be renegotiated after a permanent boundary is established.

Receiving its full entitlement of revenue would go a long way to helping East Timor alleviate its great poverty and decrease its dependence on international donors. A recent statement by groups in East Timor called the world’s newest country “the largest international donor to Australia. The relatively small amounts you spend to help us do not compare with the amount you are stealing from our resource birthright.”

More than 225 people have faxed letters to the Australian Embassy in Washington via ETAN’s web site. You can join them by going to www.etan.org/action/issues/tsea.htm.