

V. Territory

East Timor—Indonesian Sovereignty

On 10 November 1994, in answer to a question on notice in the Senate, the Foreign Minister, Senator Gareth Evans, set out Australia's understanding of the international position on recognition of Indonesian sovereignty over East Timor (Senate, *Debates*, 10 November 1994, p 2958):

(1) The Australian Government recognises Indonesia's sovereign authority over East Timor. In 1979 the then Coalition Government extended de jure recognition of Indonesian sovereignty over East Timor. This has been maintained by successive Labor Governments. The Government explicitly confirmed its recognition policy in a statement to Parliament by the then Prime Minister, Mr Hawke, on 22 August 1985 (House of Representatives, *Debates*, page 222).

(2) The decision taken by the then Coalition Government to recognise Indonesian sovereignty over East Timor in 1979 is not for this Government to explain, but in the context of reaffirming Australia's recognition of Indonesia's sovereignty over East Timor in 1985, the then Prime Minister Mr Hawke said that the fact of Indonesian control over East Timor had been demonstrated. The Government believes the best way to serve and advance the interests of the people of East Timor is by working constructively with the Indonesian Government within the framework of recognition of Indonesia's claims over the territory, rather than in a spirit of confrontation.

(3) The Australian Government cannot speak for other Governments concerning their policy on recognising Indonesia's sovereignty over East Timor. However, according to information available to the Government, at least thirty-one countries can be assessed as having indicated that they have recognised the sovereignty of Indonesia over East Timor at some time since 1976 by public statement, by explanation of vote in the United Nations or through the signing of a treaty with Indonesia which contains a territorial clause that covers East Timor.

The following countries, apart from Australia, have made public statements recognising Indonesian sovereignty over East Timor: India, Papua New Guinea and the United States of America (which has stated that it recognises incorporation of East Timor into Indonesia without recognising that a valid act of self-determination has taken place).

States that have indicated that they have recognised the incorporation of East Timor, at some stage since 1976, through an explanation of their vote at the United Nations General Assembly include: Malaysia, Philippines, Singapore, Thailand, Bangladesh, Canada, Sweden, Papua New Guinea, India, Oman and Jordan.

It is common practice for Indonesia, when it negotiates a bilateral treaty, to insert a clause which defines Indonesia as that territory which is deemed by the laws of Indonesia to be subject to Indonesian sovereignty. A treaty which contains such a provision (if concluded after 1976) can be regarded as evidence that the relevant state party recognises East Timor as being part of Indonesia.

The following twenty-four states have signed such treaties: Austria, Brunei Darussalam, Bulgaria, Canada, China, Denmark, Finland, France, Germany, Hungary, India, Italy, Japan, Republic of Korea, New Zealand, Norway, Pakistan, Philippines, Saudi Arabia, Singapore, Sweden, Switzerland, Thailand and the United Arab Emirates.

In the course of an address to the Australian Institute of International Affairs in Canberra on 25 November 1994, about Australia's relations with Indonesia, the Foreign Minister, Senator Gareth Evans, reiterated Australia's position on recognition of Indonesian sovereignty over East Timor:

The most sensitive issue of all continues to be East Timor, where I and other Ministers have repeatedly stressed to our many friends in the Indonesian Government, including senior members of the military, that they should be taking every opportunity of promoting genuine reconciliation with the East Timorese people—that the issue can no longer be avoided. We have been prepared to accept since 1979 that Indonesia has full sovereignty over East Timor (a position which is held *not* by Australia alone, despite repeated claims made to that effect but, we estimate, at least thirty other countries). But a further measure of self-determination, involving greater recognition of, and respect for, the human rights of the East Timorese people, is achievable within that framework.

The steps that could and should be taken in this respect include acceleration of the promised drawdown in the military presence to levels commensurate with other provinces; an appropriately sensitive policy response to East Timor's distinctive cultural and religious identity; continued economic development, sensitively applied; and, hopefully, some form of greater political administrative autonomy.