

## Transcript

The Popular Consultation in East Timor was a non-binding referendum on Timorese independence from Indonesia, conducted on August 30th, 1999. The balloting was mandated under the agreement between the Republic of Indonesia and the Portuguese Republic on the question of East Timor, signed on May 5th, 1999, by those Governments and the United Nations. The agreement mandated that the UN supervise and administer the voting. The balloting was conducted by the United Nations Assistance Mission in East Timor or UNAMET.

My name is Jeff Fischer, and I was the Chief Electoral Officer for UNAMET and responsible to administer the voting. The Popular Consultation was one of those occasions where the ballot was employed to determine the territorial status of an entity. East Timorese would have the opportunity to cast a ballot, accepting or rejecting a special autonomy arrangement but remaining under Indonesian national governance. A rejection of the autonomy proposal would be tantamount to a vote for independence, which would then be granted by the Indonesian Parliament. While the May 5th agreement provided the overarching framework for the conduct of the voting, such as defining the electorate and the establishment of official election observers representing Indonesia and Portugal, it was still necessary to develop rules and regulations to implement the framework in operational terms. There were regulations which I developed and implemented to make the voting as inclusive as possible.

First, prisoners were not permitted to vote in Indonesian elections. However, this election was not being conducted under Indonesian election law, so I extended the franchise to Timorese, incarcerated in Indonesian prisons. Many of these were political prisoners. In fact, Xanana Gusmao, who would become East Timor's first president, was enfranchised through that provision.

Next, many Timorese refused to obtain Indonesian personal identity documents. Therefore they had no means of identification in order to register and vote. To compensate for this, I introduced a system of social documentation. Under this process, authorities would attest to an individual's identity and residence, and their testimony was used to register them to vote. The authorities engaged were Roman Catholic priests and village chieftains. And while I took these steps for inclusiveness, we also could not let malign actors disrupt the process.

In this regard, I took steps to refuse the accreditation of dozens of so-called observers arriving from Jakarta on an Indonesian naval vessel. The May 5th agreement mandated 2 teams of official observers from Portugal and Indonesia who would monitor the voting. The official observers were limited by the agreement to no more than 50 persons on each team. There were serious concerns that many of the observers arriving on this vessel were actually recruited from politically affiliated Jakarta gangs and would disrupt election day activities. My justification for the refusal was because they were brought in under Indonesian government assets and funding. They were, in fact, also official observers. Therefore, since Indonesia already had its quota of 50, they were disqualified from observing.

On September 3rd, 1999, the UN announced the result of the popular consultation. where 21.5% of Timorese voted in favor of the special autonomy proposal, and 78.5% voted against of all valid votes cast.

East Timor was on the path to independence. However, that path included a tragic level of violence both during the campaign but particularly after the announcement of results. Between the beginning of the campaign, and late October 1999, the people of East Timor were subjected to horrific, systematic violence and intimidation which resulted in the killing of between 1,200 and 1,500 civilians. Civilians were also subject to abuse and torture. Women and girls were the victims of sexual assault. The deadliest period came after the September 4th announcement of the outcome and continued until late September, when a UN-sanctioned military force intervened to help restore order.

During this period, more than 250,000 of the estimated 400,000 displaced persons were forcibly transferred into Indonesian West Timor by pro-Indonesian forces, including militias and soldiers from the Indonesian armed forces. And UNAMET staff were not immune to the violence. After the announcement of the results of the voting, election commissioners, Johann Kriegler, Pat Bradley, Bong-Scuk Sohn, and I decided to venture outside of the UN compound in order to assess the situation firsthand. But we were quickly forced back when a gunman, stationed just outside the compound, fired two gunshots at our vehicle.

In retrospective review of the popular consultation, experience must be one of mixed perspectives.

First, it speaks to the necessity of genuine political will in agreements on implementation, which was not the case with the Indonesian government at the time. Without genuine political will, the terms of any political agreement can be breached.

Second, it revealed weaknesses in the transitional justice mechanisms. While multiple international commissions and instruments were employed to investigate and convict the perpetrators of the violence, at the end of the day, many investigations did not lead to punishments, and many convictions were overturned by the Indonesian Supreme Court, with no avenues for subsequent appeal.

However, from another perspective, it is a showcase of political courage and determination on the part of the Timorese people and demonstrates the value of elections as instruments to determine sovereignty, as the Popular Consultation's legitimacy and outcomes were ultimately accepted, even by its fiercest opponents. And Timor-Leste, as the country is known today, has become a vibrant Asian democracy.

## **Blurb**

Jeff Fischer served as the Chief Electoral Officer for the United Nations Assistance Mission in East Timor (UNAMET). Under an agreement signed on May 5, 1999 by the governments of Indonesia and Portugal and the United Nations (UN), the UN was responsible to supervise and administration the Popular Consultation, a referendum to determine the political status of East Timor, that is, whether it would be granted a special autonomy status under the governance of Indonesia or independence as a country in itself. Jeff was responsible to oversee the voter registration, voting, and ballot tabulation processes conducted by international and Timorese staff.