

Inaugural Hal Wootten Lecture
delivered at
The Faculty of Law, University of New South Wales
by
His Excellency Dr Jose Ramos-Horta,
Prime Minister of East Timor, Nobel Peace Laureate.

Speaker: Dr Jose Ramos-Horta

I thank the university, the Chancellor and all my friends, the Vice-Chancellor, David Dixon, Dean of Faculty, Garth Nettheim and the Diplomacy Training Program for being so kind in bringing me back to this great university.

I first came here to this university some 20 years ago after living 15 consecutive years in New York from '75 to about '90. Anyone with experience of life in New York certainly would share my experience of feeling burnt out, and with no family anywhere in the entire continent of the US, I decided to shift residence to Australia. Australian Immigration was very gracious in disregarding my absolute lack of professional technical skills to contribute to the growth of this country, because all I could show for was political activism. I'm sure back then, the Federal Government in Canberra would think who needs more political activism in this country. But there must have been some generous souls in Immigration and they allowed me to enter your country and I came to the University of New South Wales to propose something constructive, instead of concentrating on disrupting the functions of the Foreign Affairs Department or the Indonesian Consulate or Embassy in Canberra. I should do something good for humanity. So I met with Professor Garth Nettheim and we established the Diplomacy Training Program.

The name Diplomacy Training Program came from me, and is a bit of a reflection of my exaggerated view of myself, because it's actually more modest than the name suggests. It is a

program that aims at providing training, knowledge to indigenous peoples or to anyone involved in the struggles for promotion of human rights, justice, freedom, anywhere in the world, but in particular, Asia-Pacific region. The international system, the United Nations system is complicated enough, cumbersome enough, complex, sometimes terribly ineffective. I was hoping to change it starting January 2007, but someone else hijacked that chance. As of this morning, Ban Ki-Moon, the Foreign Minister of South Korea, seemed to have gotten the unanimous endorsement of the Security Council to be the next Secretary-General. I wish him good luck and wish all of us good luck, because the leadership of the Secretary-General in the next few months, in the next few years, is absolutely vital to diffuse the tensions in the Korean peninsula, the tensions in the Middle-East, in particular, where the uranium nuclear ambitions, whether peaceful or unambitious, remains to be seen. But the UN is required to retain vision and leadership to continue the exceptional work that has been done so far by our esteemed friend, Kofi Annan in mobilising, inspiring people in the fight against poverty, HIV, malaria. No leader in recent years has done more than Kofi Annan in harnessing the goodwill of the international community, in making people aware about Africa as a continent deserves to be assisted. So the new Secretary-General, seeing as it's not going to be me - you can see how I'm not very, very modest - since it's not me, I hope he will continue the exceptional work done by Kofi Annan.

It is this complex system that some of us, because of our own experience, try to simplify for people who need to advocate for changes, wherever they are and that's why we established the Diplomacy Training Program. Now in its 16th year, it has done training for more than 1,000 people. Not all have become "Einsteins" of diplomacy, but throughout these years, it has been very enriching for myself in meeting others who have taken part in the course.

I'm particularly honoured to be here to open the Hal Wootten Lecture series. I'm honoured to be able to be here, to be a witness, to pay tribute, to Professor Hal Wootten, the founder of this Law School and who has had a lifelong commitment to social justice. He not only believes in the importance of professionalism in law, but also in the practical aspect of lawyers contributing to society. The Law School today stands as a monument to that vision through the

work of its staff, their teaching methods, the establishment of an Indigenous law centre, Australian Human Rights Centre, Kingsford Legal Centre, in addition to many others.

Professor Wootten's dedication to social justice has inspired a generation of law students. His belief in the combined power of professionalism with a directive conscience led to the establishment of the Indigenous Legal Service in 1970. It began as an organisation of volunteers, fuelled by idealism and a belief that all citizens have a right to access the judicial system, both as clients and a profession. His achievement strikes at the core issue in many justice systems - the right of universal access. His achievement is all the more notable because as an individual he strove to overcome one of the darker parts of Australian history.

All nations have incidents that collectively they might choose to ignore or forget, but it is to the credit of that country and its people if they can face those problems head on and right the wrongs of the past. As a dedicated professional lawyer, Professor Wootten knew the legal system was supposed to be impartial and provide protection to all those in need, but he saw that in practice that lofty ideal was tainted by the social constraints of historical scars. True to his ideals, Professor Wootten worked to restore integrity to his profession, justice to his country and opportunity for all people. It is in the name of these ideals and immensity of his effort to obtain them that I dedicate this lecture. I actually hesitate to use the word 'lecture', to dedicate this time to this university.

In tribute to his achievements, I hope today to discuss social justice in the context of East Timor. I believe the reason I have been asked to speak before you today is because I, for most of my life, have challenged the status quo in the name of higher justice for a people. That struggle was originally unrecognised, ignored by those who would have chosen expediency over fairness. It later came to be recognised by most of the world as a just cause, but for years it was simply the vain dreams of a few who hoped more than they believed, that change would come about through dedication and perseverance.

A few days ago I was in a village of Timor called Gleno for the tenth time in the last few months, for the second time in only the space of one week, to talk to some of our disaffected

tragically, in my country there seem to be too many matches. Whenever some individuals disagree with each other, the first thing he does is to pull out matches and set someone else's house on fire.

The positive lesson from the past few days and weeks is that the vast majority of the people do not wish violence. The vast majority is opposed, too traumatised, and today we have much less political tension in the country. Today we are struggling to maintain the ideals of freedom, of fairness, of justice. It has been now four years since our independence. We are faced with immense challenges of building a functioning government, continuing to consolidate the institutions of the state in the wake of the devastation of '99, and in the midst of widespread poverty.

In my inaugural speech as Prime Minister on July 10, but in particular, in August when I submitted to the Parliament our budget, I went back to one of my favourite books and that is *Les Miserable*, by Victor Hugo. I've read the book, saw the play in New York and several times, seen the movie, and nothing in my lifetime has touched me more than the story of Jean Valjean. So I told my deputies, the members of Parliament and the nation because the speech was being broadcast live, and I said those of you who don't know me enough, I suggest you read Victor Hugo's best seller. Jean Valjean is my hero. And of course I do not have to recount to you the story of Jean Valjean, the eternal quest for social justice, for fairness against injustices and that is what guides my current government.

Today, when I was interviewed on the ABC I said I preside over this government until May 20, 2007 with one concern, and that is how to deliver services to our people, those who never had anything. Then on May 20, 2007 I will retire back into my irrelevant and insignificant life.

So between now and May 20, 2007 the task before us is how to respond to the demands of the people. First, for truth; truth to be told, to be shared by everybody about their origins, their causes, their responsibilities for the violence that rocked East Timor. Second, they demand justice; justice for those who were irresponsible enough, adventurous enough. We will see the report of the international commission of investigation set up by the UN to look into the facts

own country. The set backs for the judiciary were critical. The office of the Minister of Justice, Court of Appeals, Prosecutor General, were looted in late May. We suspect obviously that some of the people who looted the office of the Minister of Justice, Court of Appeals, Prosecutor General, of course they had their own motives in looting these particular institutions.

For almost two months, at the height of the disturbances, the courts and prosecution had no security. Added to this backlog was the flux of the perpetrators from the violence. Some 580 arrests were made but the prosecution was not prepared to handle this number of detention hearings, much less trials and the prison service was unable to handle the inflow of detainees. The possible impact of these obstacles is not to be taken lightly. What happens to a society where criminals cannot be punished? It is here we see the intense need to pursue law and peace together, with a delicate balance between the two. The problems facing the court are tied to the problems facing the entire nation and government - how to create a stable rule of law with a newly established system. Our fledgling institutions have a massive responsibility and this is to provide our people with the most basic human right - the right to live without fear. The state's monopoly on law means that our institution must be capable of punishing the guilty, protecting the innocent and resolving conflicts without the use of force. Equally important is that our people believe that the government be capable of finding solutions to their problems. To do

accustomed to political violence and repression, experiencing a collective trauma that could only be healed by the passage of time and a sustained task of reconciliation. We remain indebted to the UN that has ensured stability with our new nation. It helped establish the ground work for our democracy, helped rebuild destroyed infrastructure.

We have made gains since independence in 2002. Sometimes it's heartbreaking and because it's unfair in that when the crisis happened, people tended to forget that this is a country that is only two years independent. If we remember and look back at the history of Malaysia, Singapore, two prosperous countries today, how they began back then 40 years ago in communal ethnic violence. And we look around the Asian region from Thailand to the Philippines to Indonesia. Thailand was never colonised, but Indonesia and the Philippines, independent for decades with far greater experience and number of educated people and international support over generations, and still face in some instances, greater challenges and problems of nation building, peace consolidation, democracy building, reform of the judiciary, healing the wounds, healing the differences between the communities because of religious divide. So East Timor is not very different from these many nations that have been there for much longer.

And then those who observe the situation in Timor, particularly some commentators, whether academics or media (I do not want to incur the anger of anyone by defining who these commentators are), politicians in general, whoever they may be, immediately dismissed East Timor as yet another case of a failed state, forgetting it's four years independent, that Timor-Leste, more than many developed countries, within hours of our independence acceded to all the international human rights treaties. We can do a check list of which international human rights treaties Australia has ratified, which ones the United States has ratified or which ones Norway or Sweden have ratified. Students, former students, could go to the internet, Google, go to the human rights and the conventions and look at the ratification and you will see, Timor-Leste is one of the very few countries in the world that have ratified all major seven international human rights treaties. And in doing so we incurred obligations, obligations to report to the treaty bodies and it has been enormously cumbersome for our people, for the

about our implementation of the treaty provisions in our state policies, in our domestic laws and so on. We have two reports that have now been finalised to go to the treaty bodies to the Secretary General and he will then forward to the treaty bodies based in Geneva.

A failed state - what is a failed state? A failed state would mean that it had disintegrated and collapsed, both politically and socially. A failed state suggests that the government has lost its legitimacy. Our capital was wracked with instability, but the domestic dispute was confined. Outside the capital police remain at their posts, schools remain open. I travelled extensively from the end of April, May, June, July, August to many parts of the country. In the worst of the crisis in Dili I was in many places in the country and of course people knew of the crisis in Dili. People were profoundly upset, saddened but most of the countryside was more or less functioning. I say more or less because obviously when the capital doesn't function it does have an impact on the rural areas.

We were on the verge of a civil war. All the ingredients were there. When the police collapsed and the police entered the army, started shooting at each other in the streets of the capital, that is a recipe for the beginning of a civil war, but we managed to prevent East Timor descending into a civil war. Through the extraordinary leadership of my President, Xanana Gusmão, through the leadership of the police, the bishops in particular, and many individuals in the civil society, many anonymous people, but primarily because of the vast majority of people who would refuse to take up arms against each other.

There are many now who criticise the Timorese government for its failures after our independence in 2002. These criticisms are sometimes equally shared with the United Nations. The United Nations, which administered Timor-Leste from the end of '99 till 2002 with some still strong residual powers after 2002. I'm one of the greatest defenders obviously of the United Nations and an individual who has more thanks and respect for the UN because of my close observation of the UN. But also we have to be humble and honest enough to acknowledge that in many instances the UN failed. In the case of East Timor I have to say some of the most simple things. Often in frustration I would converse with my dear friend, the late Sergio Vieira de Mello. The UN had hundreds of millions of dollars to manage in the

country. Yes true, the UN was responsible primarily for political security sectors. It is the World Bank, ADB and various multilateral or bilateral agencies that would coordinate among themselves to look at the developmental side, but the UN provided a political leadership.

Well, how can one explain that from '99 till 2002, the day when Kofi Annan handed over reigns of power to my President, there was no 24 hour electricity in Dili, the capital. Does one require an Einstein to figure out how to supply electricity 24 hours? Well, by May 2002 we didn't have electricity 24 hours. We then went to our Norwegian friends. We asked our Norwegian friends please, we need 24 hour electricity. By December 2002 we did have 24

a perception of arrogance and exacerbated by poor management and inexperience. I have to say I know little about economics, least of all about the tax system.

I called in the IMF people, I worked out some very simplistic ideas - I want, more or less, most taxes in Timor to be eliminated. When you have a poor country, very poor administration in terms of experience, then why do you import a complicated bureaucracy and tax system from some of the oldest countries in Europe, like Portugal and so on, when we cannot execute some of the most basic operations? First thing we did, when we became independent, was make up a complicated tax system that government ministers themselves found difficult to comprehend, let alone our bureaucrats. So I told the World Bank and IMF people about a month ago that I want to clean up this. The young IMF gentleman from Denmark said well we can try to send you a team from IMF maybe by January. I told him, my friend, I suffer from terminal cancer. I'll be dead by January so I want the changes now.

So they have a team arriving this week actually to look at my proposal to reform the system. This is only an illustration of the many impediments to our faster economic growth that would, in turn, deliver jobs for the people and reduce poverty. The failures did happen and we still bear the consequence of being unable to deliver on promises made to our people, but learning from the mistakes of the past ensure that they are not repeated. That is what is most important.

One of the most significant setbacks we have been faced with was the UN haste to leave our shores in 2002 for other more politically pressing conflicts. But in this regard we, the Timorese side, also must shoulder the blame when the UN left in 2002. I have to say I was one of the few lonely voices who pleaded with the Security Council in New York not to retreat in haste, but many of us in East Timor, fresh from the successful independence struggle, wanted the UN out as quickly as possible, wanted independence by May 2002. I suggested modestly a five year transition with the head of the department of peace-keeping operations in New York and Under-Secretary-General that we needed a minimum five year transition. And he said if you manage to convince the Security Council for a two year transition you'll be lucky. And that's what we succeeded in getting, only two years transition before independence was declared.

But it was also many in the Timorese leadership who were also very excited about having the UN leave, as if the UN was there as a colonial power.

I remember making a speech to hundreds of youth: the UN is not going to be here for 500 years, I referred to the Portuguese colonial presence. It's not going to be here for five years, I referred to the Japanese occupation. It's not going to be here for 24 years, I referred to Indonesian occupation. The UN is going to be here for two years, stop the demonstrations and make the best out of it while the UN is here. But even then there were demonstrations against the UN because some people were so excited about independence that two years was too long. So we, the Timorese, have to shoulder also our responsibility.

Of course the Security Council in New York ha

for centuries and still are not free today. And we Timorese would continue without international assistance, without the help of individuals around the world, to still be continuing to fight heroically, but not be free. We owe it to you, many friends in Australia, from all colours, all persuasions, from left and right in this country. We have had tremendous sympathy, solidarity and even, with the problems we have, which are largely attributed to the failing of the leadership, the common people of this country in many neighbourhoods of Australia, have not given up on us. We see Australians keep coming to East Timor.

So I thank you for your support, for your presence. The Chancellor of the university was very impressed how the room is very, very full. I think full not primarily because of the qualities of the speaker, but because of your extraordinary generosity that knows no limits, that tolerates this speaker for the tenth time or twentieth time in this country. I have seen many of you again and again in my talks and you have not given up. I thank you. God bless you.
