The Maxim of Thucydides: Transparency, Fact-Finding, and Accountability in East Timor

Clinton Fernandes

This chapter on operational incidents in East Timor argues that transparent investigations and accountability have been of little importance when the Power element is absent. Its core propositions are: (1) if an operational incident results in harm to those without sufficient relative power—relative, that is, to those who are causing the harm—then Transparency, Fact-Finding and Accountability are unlikely to occur, and (2) it is also unlikely that there will be repercussions for those causing the harm.

This proposition is encapsulated in a concept articulated by a British diplomatic historian, Mark Curtis. The concept is ‘unpeople’: creatures who look human but are not really human and therefore do not merit elementary human rights.¹ The concept is highly relevant to this topic. It wouldn’t be fair to take one or two aberrant cases and single them out for special attention. Anyone can find the odd incident where the investigation of an operational incident has been unsatisfactory. To establish the proposition it is necessary to show that it applies to numerous, large-scale incidents occurring over a long period of time. In doing so, I will show that the record on investigations in East Timor conforms with great precision to the maxim of Thucydides: that “Right, as the world goes, is only in question between equals in power, while the strong do what they can and the weak suffer what they must.”²

² Thucydides, The History of the Peloponnesian War, Chapter XVII. Available at: http://www.gutenberg.org/files/7142/7142-h/7142-h.htm.
Chapter 4 – Clinton Fernandes

The invasion of East Timor during World War II

The invasion of East Timor during the Second World War is an appropriate place to start. Apart from a small circle of academics and military personnel, it is commonly supposed, especially in Australia, that Japan invaded Portuguese Timor, as it was then known, and that Australia sent troops to Portuguese Timor in order to expel Japanese forces. In fact, there were no Japanese troops in Portuguese Timor when Australian forces landed, and Japan had no intention of deploying forces there. Even during its march through Asia it never included East Timor or Portugal’s other colony of Macau on its list of war objectives. It was only after Australian, Dutch and British troops had deployed to Portuguese Timor and violated Portuguese neutrality that Japan decided to send its own forces there. Allied forces then conducted aerial bombing sorties against both halves of the island.3

Five days after the Japanese attack on Pearl Harbor, Australian Prime Minister John Curtin received a cable from Lord Cranbourne, Britain’s Secretary of State for Dominion Affairs.4 Cranbourne urged Curtin to send troops to Portuguese Timor. The Australian contribution, Cranbourne stated, was of “considerable importance.” He requested a favourable response “at the earliest possible moment.”5 Curtin cabled back on the same day, saying that the Australian Government had agreed and was authorizing Lieutenant Colonel Bill Leggatt, the Australian commander in West Timor “to send a detachment to act in conjunction with the Dutch” in order “to liquidate the Japanese.” Curtin advised that the move “should be made without delay.”6

The obvious problem, of course, was that there had not been any Japanese attack against Portuguese Timor (or against the other Portuguese colony of Macau), nor was there any evidence of Japan’s intention to attack Portuguese Timor. It was hardly likely that the Governor of Portuguese Timor would be agreeable to the intrusion of Allied troops

---

3 I have examined this episode in C. Stockings (ed), *Zombie myths of Australian military history*. (Sydney: UNSW Press, 2010).
4 Cable, Cranbourne to Curtin, dated 11 December 1941, received 12 December 1941. *Documents on Australian Foreign Policy* (DAFP), Vol. V, Document 186.
5 Cable, Cranbourne to Curtin, dated 11 December 1941, received 12 December 1941. DAFP Document 186.
6 Cable, Curtin to Cranbourne, 12 December 1941. DAFP Document 187.