Howard revisited the mandate during debate of his Government’s proposed Goods and Services Tax (GST), one initiated despite his insistence in 1995 that a GST would ‘never ever’ be Liberal Party policy (Wear, 1999, p.254; Gratton, 2001, p.451). The Prime Minister stepped up his mandate claims after the 1998 poll, particularly during the protracted negotiations with cross-bench Senators (Gratton, 2001, p.451). Again, in light of the GST’s domination of the 1998 campaign (Wear, 1999, p.255), it appears Howard’s declaration was legitimate. It can be argued with equal vigour, however, that Howard’s claim to a mandate after 1998 was misplaced: while securing a narrow House of Representatives majority, the Coalition nonetheless won only 49.02 per cent of the 2PPV (AEC, 1999, p.90). If the 1998 election were truly a referendum on the GST, a minority 2PPV can in no way be interpreted as assent.

Coalition decline

Political commentators were virtually united during the first half of 2001 in their prediction of inevitable defeat for the Howard Government. Newspoll data, published in The Australian, confirmed the LNP’s diminishing stocks. In the face of rocketing petrol prices, GST and Business Activity Statement (BAS) complexities, and a growing sense among older Australians – a core Coalition constituency – of Governmental neglect, support for the LNP collapsed from 44 per cent in January 2001 to just 35 per cent the following March (Wear, 2001a, p.22; Wright, 2001b, pp.23-25; Newspoll 2002, http://www.newspoll.com.au/cgi-bin/display_poll_data.pl). Coalition defeats underscored the LNP’s woes, particularly in the Western Australian and Queensland state elections in February, and in the by-election for the safe federal seat of Ryan (Q.) in March.

Howard failed to elaborate adequately his party’s platform during the [1996] campaign proper

Coalition members shared the perception of a Government losing public confidence. In May, it was leaked that Federal Liberal Party President, Shane Stone, had written a memo describing the Liberals as ‘mean, tricky, out of touch and not listening’ (cited in Wear, 2001, p.533). The Government’s relatively generous 2001 budget, however, appeared to meet voters’ approval and go some way in arresting the Coalition’s decline (Oakes, 2001, p.27; Walsh, 2001b, p.20). Cautiously, support for the LNP immediately increased five percentage points to 40 per cent, and then to 43 per cent by July (Newspoll, 2002, http://www.newspoll.com.au/cgi-bin/display_poll_data.pl). The Coalition’s revival was confirmed on 14 July when the Liberals unexpectedly retained the marginal seat of Aston (Vic.) in a federal by-election.

Election lead-up

By mid-August, however, support for the Government had once again fallen to 40 per cent, two points behind the ALP (Newspoll, 2002, http://www.newspoll.com.au/cgi-bin/display_poll_data.pl). A narrow Labor victory at the impending election therefore appeared likely. However, three events - in late August, early September and early October - would lead to a dramatic reversal in the major parties’ public opinion standing. The first was the rescue, on 26 August, of a group of asylum seekers by the Norwegian freighter, the Tampa, off northwest Australia. Attempting to approach the Australian territory of Christmas Island, the Tampa was intercepted and

Valorising the Resistance: National Identity and Collective Memory in East Timor’s Constitution

Michael Leach

In moments of national liberation or state transition, new narratives and symbols of national identity will be negotiated and articulated. In both a formal legal, and broader symbolic sense, a national constitution provides an opportunity to enshrine rights, values and identities that were abused or suppressed in the past. In this sense, the founding document of a new state may represent an important ‘official’ contribution to the development of an independent political culture. Like its South African counterpart, the new East Timorese constitution enshrines a ‘nation’ requiring the articulation of a shared identity, history and heritage that transcends real differences of region, ethnicity and language. The fact that Xanana Gusmao delivered his independence speech in four languages demonstrates the particular challenge of reconstructing national identity in the ethnically and linguistically diverse society of East Timor.

Two defining features of national identity stand out in the document. First, at the symbolic heart of the new constitution, the ‘valorisation of resistance’ clause remembers the long and traumatic struggle for national liberation. Like the Portuguese constitution, which honours the resistance of the Portuguese people to the Salazar regime’ (Assembly of the Portuguese Republic, 1997 [1974]), the new East Timorese constitution recognises and sacralises the resistance as the core tradition of the independent state. Section 11(1)(CAET, 2002) embeds this ‘official’ element of East Timorese national identity and history in the founding document of the state, declaring:

The Democratic Republic of East Timor acknowledges and values the secular resistance of the Maubere People against foreign domination and the contribution of all those who fought for national independence.

The use of the collective term Maubere is a significant one. Maubere is a term closely associated with FRETILIN, considered such a sacred part of its narratives and symbols of national identity will be negotiated and articulated. In both a formal legal, and broader symbolic sense, a national constitution provides an opportunity to enshrine rights, values and identities that were abused or suppressed in the past. In this sense, the founding document of a new state may represent an important ‘official’ contribution to the development of an independent political culture. Like its South African counterpart, the new East Timorese constitution enshrines a ‘nation’ requiring the articulation of a shared identity, history and heritage that transcends real differences of region, ethnicity and language. The fact that Xanana Gusmao delivered his independence speech in four languages demonstrates the particular challenge of reconstructing national identity in the ethnically and linguistically diverse society of East Timor.

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The use of the collective term Maubere is a significant one. Maubere is a term closely associated with FRETILIN, considered such a sacred part of its identity that numerous objections were lodged with the Coalition decline (Oakes, 2001, p.27; Walsh, 2001b, p.20). Certainly, support for the LNP immediately increased five percentage points to 40 per cent, and then to 43 per cent by July (Newspoll, 2002, http://www.newspoll.com.au/cgi-bin/display_poll_data.pl). The Coalition’s revival was confirmed on 14 July when the Liberals unexpectedly retained the marginal seat of Aston (Vic.) in a federal by-election.

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national pride. The political significance of the term was evident in the 1998 decision to rename the National Council for Maubere Resistance as the National Council for Timorese Resistance (CNRT) - a concession to the Timorese Democratic Union, which considered the term a leftist one connoting class struggle. As Lu Olo, President of the FRETILIN presidential council, argued in his objection, the Maubere were effectively called into being as a nation by FRETILIN itself. This national identity emerges with the party’s birth (UNTAET, 2001, p. 2):

‘Maubere… is part of FRETILIN political, cultural, semantic, and linguistic patrimony to identify the people and the nation of this country – from the outset, May 20 1974, when FRETILIN was founded’

The ‘valorisation of resistance’ clause also empowers the government to provide protection to veterans and dependents of those who struggled for independence (s11.3), and empowers the republic to ‘render tribute’ to national heroes (s11.4). Inscribed in the constitution, the secular resistance is thereby made a sacred part of the nation’s heritage.

The Catholic Church also receives a special mention in the section, valorised by the State for its contribution to the Timorese liberation. Indeed, Anderson’s (1993) argument that ‘a profound sense emerges under the colonial gaze’ can only be considered an understatement in the case of East Timor. And, as he notes, Indonesian power was far more penetrating, widespread and disruptive of local and traditional bonds than Portuguese colonialism ever was. East Timor is a nation born in resistance, and the key symbols and values of the constitution enshrine the independence movement and national heroes as the centre of it.

While the memory of resistance to the Indonesian occupation is ever-present in the text, the original declaration of FRETILIN on 28 November 1975, nine days before the Indonesian invasion, is affirmed as the day of national independence (s1). Notably, earlier proposals to include August 30 (the day of the 1999 referendum) as the day of ‘national liberation’ did not make final draft. This decision in particular may prove less than popular with a younger generation of East Timorese nationalists. Moreover, section 156 makes the day of independence, like the national flag, one of the features of the constitution.

The new East Timorese constitution enshrines a range of substantive values that move beyond a narrow… focus on governmental powers and limits

The Timorese Church remained unaffiliated to the Indonesian Catholic Church, dealing directly with Rome throughout the period of occupation. This special recognition of the church notwithstanding, section 12 affirms East Timor as a secular state, with no official religion. Section 10 acknowledges the importance of international solidarity in the struggle for East Timorese independence – declaring solidarity with other national liberation struggles to be a guiding principle of the state. The ‘solidarity’ clause also commits the republic to providing political asylum to all peoples persecuted in experience and memory struggles for national independence.

These sections reflect the political reality that a truly national sense of East Timorese identity and community arises primarily from the collective of the brutal Indonesian occupation. Indeed, Anderson’s (1993) argument that ‘a profound sense emerges under the colonial gaze’ can only be considered an understatement in the case of East Timor. And, as he notes, Indonesian power was far more penetrating, widespread and disruptive of local and traditional bonds than Portuguese colonialism ever was. East Timor is a nation born in resistance, and the key symbols and values of the constitution enshrine the independence movement and national heroes as the centre of it.

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The term ‘mandate’ has enjoyed a revival in Australia as a favoured instrument of governments intent on harnessing public and media approval for contentious public policy

The term ‘mandate’ has enjoyed a revival in Australia as a favoured instrument of governments intent on harnessing public and media approval for contentious public policy. This revival can be traced at least to 1948 when the Senate’s electoral system was changed from preferential voting to one of proportional representation. Where elections previously provided victors with a ‘winner-take-all’ result in which governments usually controlled both houses, a reformed electoral process meant that governments, after 1949, often failed to control the Senate (Starr and Prasser, 1997, p. 14). The term ‘mandate’ has enjoyed a revival in Australia as a favoured instrument of governments intent on harnessing public and media approval for contentious public policy.

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John Howard and the Mandate principle

It is probable, however, that no Australian Prime Minister has invoked the mandate principle more often than John Winston Howard. On election night in March 1996, Howard wasted no time in declaring his party had been ‘elected with a mandate, a very powerful mandate’ that meant his Government would act ‘with resolution and without qualification’ (cited in Starr and Prasser, 1997, p.17). On one level, it appears Howard’s claim was legitimate: the LNP Coalition secured just 17 spots to yield a total of 35 seats, with the Liberal party controlling the Senate. The Coalition’s result in the Senate election, for example, was less auspicious: the Coalition’s result in the Senate election, for example, was less auspicious:
**Tampa, Terrorism & Temptation: The Howard Government and the Misuse of ‘Mandate’**

**Paul Williams**

**Introduction**

Australian Prime Ministers are often remembered for a single word or phrase that encapsulates, rightly or wrongly, favourably or pejoratively, the general theme of their administration. Where Robert Menzies addressed the ‘forgotten people’, Harold Holt claimed Australia was ‘all the way with LBJ’. While Malcolm Fraser warned that ‘life wasn’t meant to be easy’, Bob Hawke strove for ‘consensus’. While it is perhaps imprudent to claim a definitive phrase to identify the current Prime Ministership, it is likely John Howard will be remembered, above all else, for his liberal use of the term ‘mandate’.

The purpose of this article is to review the events immediately before and after the Australian general election of 10 November 2001 at which the Liberal-National Coalition (LNP), under John Howard, was returned against earlier expectations. This paper posits four arguments. First, that the events leading up to that election, especially those relating to the Tampa affair in August, the terrorist attacks of 11 September, and the ‘children overboard’ allegations of October, significantly distorted the established Australian campaign pattern by shifting its focus from domestic to external issues. Second, and most critically in light of the campaign’s focus on external factors, John Howard has since misused the mandate principle in his promotion of any number of harsh, and unpopular, domestic policies. Third, Howard, in succumbing to the temptation of veiling such a program behind a foreign policy struggle as the core of national identity and history, the flag itself is a symbolic narrative of the white, representing peace. In this sense, the flag itself is a symbolic narrative of black ‘obscurantism’, leading to further confounding the mandate principle is the Constitutional requirement for the States’ equal houses only obfuscates any party’s claim to a mandate.

It is the very vagueness of mandate theory that has seen the principle dismissed or heavily qualified. Donald Horne (2001, p.81), for example, describes any government’s claim to a mandate in a parliamentary democracy as ‘nonceous’, given that voters rarely support the totality of any party’s policy platform and, if they do, will rarely understand the detail. Horne concludes the only mandate for majority parties is ‘the mandate to be the government’ (2001, p.81). Crisp (1983) also questions the mandate claim in Australia, particularly in light of the nation’s federal structure. Owing to the fact that most House of Representatives polls are accompanied by elections for only half the Senate, as the States’ House, Crisp (1983, p.149) argues the overlapping electoral cycle for the two houses only obfuscates any party’s claim to a mandate. Further confounding the mandate principle is the Constitutional requirement for the States’ equal representation in the Senate. With electorates of an unequal number of electors, Crisp again argues the incapability of future revision. The symbolic importance of these sections lies in their declaration that the integrity of the nation proclaimed in 1975 lies intact, despite the massive social, political, and linguistic upheavals of the long Indonesian occupation. It is also significant that the constitution came into force on May 20, the anniversary of the establishment of FRETILIN in 1974.

The new constitution also establishes the ‘national symbols’ of East Timor, and specifies the particular meanings of the colours in the flag. Section 15 ends the debate over whether to adopt the red, black, white and yellow independence flag of 1975 or blue-white-green of CNRT and FALINTIL - resolving in favour of the former. The constitution declares the yellow to represent national wealth, the red the struggle for national liberation against the black ‘obscurantism’, leading to the white, representing peace.

In this sense, the flag itself is a symbolic narrative of national history and reconciliation – with a past of conflict and struggle, a present of resolution and liberation, issuing in a harmonious future.

The second defining feature of the constitution addresses the more vexed issue of cultural heritage and identity. Beyond valourising the independence struggle as the core of national identity and history, the new constitution also contributes to the broader symbolic task of defining a national identity beyond independence. While this is often metaphorically understood as one of ‘imagining’ a nation, in practice this process often involves the universalisation of cultural practices and values of a dominant nationalist grouping. In this regard, the new constitution clearly embodies the core values and affinities of FRETILIN in general, and of an older generation of Portuguese-speaking nationalists and resistance leaders in particular.

Of particular interest are the sections relating to international relations and language. Section 8 (3) provides that the Democratic Republic of East Timor ‘shall maintain privileged ties with the countries whose official language is Portuguese.’ This privileged relationship with the Lusophone countries of Portugal’s colonial empire inevitably reflects the values and self-understandings of the 1974-5 era FRETILIN more than those of a younger generation of independence activists that grew up under Indonesian rule. As Hull (2000) remarks, while they were generally critical of Portuguese colonialism, the 1970s era nationalists ‘continued to value Portuguese language and culture as long-standing and well-integrated elements of East Timor’s national culture’. Balancing this privileging of the cultural ties of the old colonial period, s.8 also acknowledges East Timor as an Asian/Pacific nation, proclaiming ‘special ties of friendship and co-operation with its neighbouring countries and the countries of the region’.

The maintenance of a cultural affinity with Portugal is continued in the choice of the official language. Section 13 officially ‘resolves’ this key debate over national identity in the newly independent state. It provides that Portuguese and Tetum, the lingua franca spoken by 70% of East Timor’s population, will share official status. It also provides that Tetum and other ‘national languages’ should be ‘valued and developed by the state’. Section 13 thus represents a partial compromise on the CNRT’s earlier position that sought acknowledging East Timor as an Asian/Pacific nation, of these sections lies in their declaration that the integrity of the nation proclaimed in 1975 lies intact, despite the massive social, political, and linguistic upheavals of the long Indonesian occupation. It is also significant that the constitution came into force on May 20, the anniversary of the establishment of FRETILIN in 1974.

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a source of intergenerational conflict. One of the complex legacies of Indonesian rule is evident in the fact that Bahasa is spoken by 90% of those under 35 while only 10% (mainly older people) speak Portuguese (Chandresekaran, 2000). Certainly, as its defenders point out, Portuguese has advantages. It is a significant international language, spoken by 220 million people, which will allow East Timor to develop links outside the region. Linguists also hold that Portuguese complements the national language of Tetum-Dili, which itself carries a strong substratum of Portuguese vocabulary and grammar. Where Tetum is likely to flourish in accompaniment with Portuguese, it will tend to diminish in contact with Indonesian or English (Hull, 2000).

More symbolically, the Portuguese colonial heritage marks the nation as a distinctive grouping - an important signifier of cultural difference not only in relation to Indonesia, but, equally, to the indigenous peoples of Dutch-colonised West Timor. As Jose Ramos-Horta puts it, 'If you take away Portuguese language and religion, there is no such thing as East Timor’ (cited in Chesterman, 2001). It is also true that Portuguese remained a critical resistance language in FALINTIL ranks during the Indonesian occupation. However, the choice of Portuguese inevitably disadvantages the youth educated in Bahasa and with little knowledge of the old colonial language - raising fears of their exclusion from symbolic sources of power and cultural identity in an independent East Timor. There will, at least, be a lost generation, lacking fluency in the only internationally recognisable language of state, and ‘East Timor’ still exists for a younger generation of nationalists without attachment to Portuguese language and heritage. In acknowledgment of this significant generation gap, Indonesian and English are afforded a minor but recognised status later in the constitution as ‘working languages’ of the civil service for as long as is ‘deemed necessary’ (s.159).

Finally, and in the long run perhaps most importantly, the East Timorese constitution enshrines a host of progressive social, economic and cultural rights. Granting East Timorese citizens the right to work (s.50); the right to strike (s.51); to social security (s.56), health (s.57) and housing (s.58); as well as cultural rights to education and the preservation of heritage (s.59) the new East Timorese state has set itself bravely on a collision course with the global economic order. Ramos-Horta (BBC, 2002) quite accurately describes the constitution as ‘one of the most progressive in the world’. In this, once again, it reflects a radical social-democratic tradition with a direct lineage to the Portuguese revolution of 1974, though leavened by a more contemporary discourse of localism and administrative decentralisation (s.72 and s.156). While these latter provisions will tend to support rather than discourage, the maintenance of local and regional identities, the constitution also proclaims the complementary need for the state to ‘assert and value the personality and the cultural heritage of the East Timorese people’. Indeed, this nation-building task is held to be a key ‘objective’ of the state (s.6).

Ultimately, this task of asserting a unified and coherent sense of national ‘personality’ will be no simple matter. In particular, a careful management of the linguistic transition will be necessary to ensure the full and active participation of the younger generation in rebuilding the nation. The new constitution attempts to resolve these tensions and deal with the difficult legacy of cultural division in the wake of colonialism. Clearly, FRETILIN enjoys great political legitimacy and considerable moral authority in these difficult tasks. But while the memory of resistance to the Indonesian occupation will resonate strongly within East Timorese society, it remains to be seen whether the constitutional recognition of Portuguese language and heritage can

careful management of the (Portuguese vs. Bahasa) linguistic transition will be necessary to ensure the full and active participation of the younger generation in rebuilding the nation


Scutt, Jocelynne A. (1993, June-July). Group identity and active participation of the younger generation in rebuilding the nation. The new constitution attempts to

is a continuation of this denial of the existence of racism in Australia. The government must stop obfuscating and shooting the messenger. Australia’s international reputation is better served by acknowledging that, like every country of the world, we do have problems with racism and by recommitting to genuine efforts to address the issues” (HREOC, 2002).

Time will tell whether our political institutions and parties decide whether or not it is acceptable to ‘play the race card’ (and how that could be defined) during an election. Time will also tell whether our new adversarial approach to the United Nations will have on Australia’s international reputation.

Perhaps the lesson of Durban and the Tampa is that human rights advocates in Australia need to go back to basics in their own communities and begin again to build a community commitment to human rights. Perhaps it is yet another historical lesson about the power of leadership to tap into the fears and insecurities that underlie racist and xenophobic attitudes for electoral gain, currently happening around the globe. Perhaps the final Declaration and Program for Action might still be an important document despite the heat of its conception.

Most likely Durban was just a necessary first, faltering step in a long journey towards a world that can move beyond tolerance. It seems clear that the modern face of racism has an ancient bone structure.

References


References


Endnotes

1 The preamble reads “On 25 April 1974 the Armed Forces Movement, setting the seal on the long resistance of the Portuguese people and interpreting their deep-seated feelings, overthrew the fascist regime. The liberation of Portugal from dictatorship, oppression and colonialism represented a revolutionary change and an historic new beginning in Portuguese society”.

Author

Michael Leach is a Research Fellow in the Research Priority Area: Citizenship and Globalisation, Faculty of Arts Deakin University.

The Withering

And I watched you wither like a sun burnt flower
fat falling off your bones
with a packet of rollies a day
coughing & coughing the night thru
spitting shit into a jar
wrapped in insulation tape
so us kiddies wouldn’t see
the excrement of your lungs
as we dutifully visited
first home bound
then in hospital with oxygen
till the emphysema
caught up with you
grandfather, why did you smoke?
father followed in your footsteps exactly
and here’s me, 3rd generation
no lesson learned
treading the same path