

Failed Humanitarian Intervention in East Timor

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KATHERINE GREEN, APR 6 2012

Failed Humanitarian Intervention in East Timor: A Bottom-up Hypothesis

The two decades since the end of the Cold War witnessed a new generation of warfare, which in turn gave rise to the parallel evolution of two diametric paradigms—ethnic conflict, and its consequential international response, humanitarian intervention. The hope for peace and prosperity in a post ideological war era met its rapid demise in the first half of the 1990s, in which ethnic conflicts in Africa and the Balkans galvanized some of the worst human rights abuses and atrocities. After a near decade of heavily criticized international peacekeeping, the United Nations—UN—set its sights on the conflict in the Malay Archipelago region. The UN response to the Indonesian-Timorese conflict provided a world stage for the vindication and reconciliation of humanitarian intervention. A strategic and logistical approach requiring a robust and substantive peacekeeping operation as administered by the international community had yet to come to fruition.

Although East Timor eventually gained independence in 2002, it was the deplorable failure to mitigate escalating ethnic tensions in the summer of 1999 that ultimately demonstrated, yet again, the United Nations' self-limiting culture—a failure that precipitated extreme violence against the East Timorese peoples. The failure of the UN to capitalize on the emerging international norm of humanitarian intervention within the archipelago conflict is attributed to a clear adoption of an incompatible and inappropriate approach to securing negative peace. The crucial application of the bottom-up hypothesis, forwarded by Severine Autesserre, was notably absent. The subsequent malfunction of the UN's strategic intervention at an international and national level was deeply flawed because it focused on macro-level tensions and ignored the grassroots causes of violence. The UN, the NGO's, and the Australian and United States administrations intervention efforts during peace transition were doomed by restricting their efforts to a weak form of top down diplomacy and peace bargaining, rather than substantive deployment to the Eastern regions of Timor afflicted with local violence. The near quarter century of the Indonesia's brutal and illegitimate colonial absorption of East Timor was consistently characterized by local violence along the Eastern border of Timor administered by proxy militia forces that were abetted by Indonesia's National Armies—TNI and ABRI. The grave human suffering within this context was far divorced from the control center of Indonesia's national government; therefore the international community miscalculated the root of the violence and more importantly miscalculated the strategy to administer necessitated humanitarian relief. Ultimately, the emerging norm of humanitarian peacekeeping was unable to be realized in the UN's mission to administer a transition to peace in May 1999 of the East Timor ethnic conflict; likewise it was the old reigning cultural triumvirate of intervention—dialogue, diplomacy and risk aversion—that was self-limiting and permitted a preventable period of mass killing.

The shared cultural norm that encouraged the UN's insufficient top-down approach of this conflict was the implementation of the *state-sovereignty model*. The international dialogue and diplomacy at the conclusion of the First World War gave birth to the Wilsonian ideal of self-determination and sovereignty that has reigned as the normative model within international relations. The notion of Westphalian Sovereignty in the international states' system embodies a basic rule of non-interference by member states in the internal affairs of other member states.[1] This international norm of mutual respect for sovereignty during ideological wars amongst the world's superpowers was a fitting paradigm for its time; however, the post cold war era introduced a new generation of warfare—that of ethnic conflict. In the context of international relations this new informal warfare poses a vital contradiction to the norm of state sovereignty model, as it did not allow for the global community to adequately address more pertinent

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matters of global concern—human rights abuses within ethnic conflict; notably, within an international system lacking a central authority to enforce the rule of law.[2] Ethnic conflicts demonstrate a continuum of unfathomable violations of human rights and the right to security. Herein lies the paradox of international peacekeeping throughout the 1990s. Under the guise of the UN, the international states' system was unable to endorse a credible commitment to humanitarian activism and protection while it was bound to an ideology of respect for state autonomy; ultimately, and conveniently, serving member states' national interest of risk aversion by diverging responsibility to fragile warring states who were vastly incapable of determining their own domestic remedies.

The multinational intervention in East Timor in late 1999 to 2002 demonstrated that *non-interference sovereignty* was waning, and in fact substantial humanitarian intervention was surely becoming the new normative culture. However, the aforementioned contradiction was omnipresent during the four month period preceding the UN troop deployment, from May 1999-September 1999, when an undoubtedly preventable genocidal campaign was launched.[3] This eruption of intensified violence was without opposition from the UN, whose hands were tied by their own devices. The shared ideology hindered the peace process in two ways. Firstly, its basic rule of non-interference set the agenda for peace bargaining by top-down development, effectively neglecting a substantive ground operation prior to the 30 August 1999 Independence referendum.[4] Any UN Resolution for intervention required a multinational cooperation between the UN and Indonesia. The UN was dependent on this cooperation to deploy troops because policy stipulated that NATO's unilateral entrance into Kosovo was an unacceptable violation of peacekeeping culture.[5] Macro-level diplomacy, bargaining, and military withdrawals were negotiated through Jakarta and the Indonesian National Government without addressing the violence occurring in a completely divorced state. Secondly, the international community placed emphasis on a prompt granting of international legal sovereignty to Timor-Leste, irrespective of the inexistence of proper sustainable domestic conditions.[6] Thus, the UN and the Indonesian government ill advisedly drew up a contract for an independence referendum, spurring a heightened period of violence administered by a proxy militia targeting the unprotected voters. In both circumstances, an internationally shared ideology facilitated a misguided, macro-level political bargaining process to bring about a transitional period of peace in Timor-Leste while the violent atrocities and human rights abuses were committed on a distanced sub-national stage.

A critical evaluation of the failed strategy can be attributed to the dual nature of both the breakdown of macro-level peacekeeping strategy, and the pertinent recognition of the complexity of the peace bargaining process with Jakarta in 1999. The extremely long duration of the Indonesian occupation of Timor, beginning in 1975, distinguishes this case study of top-down politics because the historical context demonstrates an international bias in favour of the aggressor—Indonesia.[7] Although the non-interference normative culture deterred a humanitarian effort in the summer of 1999, it is vital to recognize why the international community thought it was absolutely imperative to respect the autonomous foreign policy of Indonesia, while the UN strictly condemned the occupation of a post-colonial Timor-Leste.[8] This dichotomy stems from a geopolitical cold war legacy, a legacy which, in 1999, inherently escalated deterrence against adopting a more vigorous sub-national humanitarian campaign. Indonesia's geographic position, size, and relative military capability allowed it to be a significant asset to the West, especially the United States and Australia, during both the Vietnam War and the Cold War.[9] From the early 1980s onwards, critical bilateral relations with Jakarta were solidified and many Western nations adopted a "Jakarta first" policy within the Southeast Asian region. This foreign policy bias was no more apparent than Australia's legal recognition of Indonesia's colonial occupation of East Timor from 1975-1999.[10] Australia was in clear violation of a UN mandated refrain from legitimizing the occupation when The Timor Gap Treaty with Indonesia entered into force on 9 February 1991.[11] Furthermore the UN, which cannot by nature be a singular unitary actor, was deeply fragmented amongst the Security Council and General Assembly member states. UN Resolutions against Indonesia's occupation was only an irritant with no impact as international backers were wholly supportive of, and dependent on, Indonesia's position.[12] The political bargaining for peace in 1998 to 1999 was thwarted by bilateral relations between self-interested member states and the aggressor state. The pre-occupations of the international response from member states seeking own agendas derailed any preliminary potential for robust peacekeeping.

This historical context and top-down peacekeeping is first and foremost rooted in Australia's Howard government and the negotiation process with Suharto's successor President BJ Habibie of Indonesia in January of 1999 to September 1999.[13] The "Jakarta first policy" was crucial for Australia in terms of the geographic proximity of the

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two states. The foreign policy objectives of the appeasement of Indonesia, under both Suharto and Habibie, mirrored the Howard government's directive of national security tied to constructive political diplomacy, military cooperation, and joint ventures into oil resource occupation in East Timor.[14] In the months preceding the eruption of violence, the Howard administration constantly engaged in cautious diplomacy so as to avoid upsetting the delicate balance between national security and Australia's civil society solidarity movement for a free East Timor.[15] Top Australian defense officials and the national government determined quite early in the 1999 bilateral meetings with Jakarta that the top national interest of national security was in fact compatible with Indonesia's continued occupation of the Timorese people. Ultimately, Howard's administration pressured Jakarta to hold a "special autonomy" referendum for the Timorese peoples, but with the intention of drawing out the occupation and delaying further radicalization of solidarity movements, both within Australia and East Timor.[16] This delay would provide necessary time for Indonesia's government and national army to regain lost power and resources that was a result of the 1997 Asian Financial crisis.[17] The Australian—Indonesia bilateral negotiations were not perversely nuanced, rather, it seemed that in a post-Suharto era the Timorese peoples could be peacefully assimilated under a much more benevolent Indonesian rule of the archipelago region. Howard's government designed the referendum to defuse the issue and suspend self-determination indefinitely.[18] Nevertheless the Indonesian government no longer commanded control over the conflict in the separate territory. Therefore, the international objective to secure peace through an independence vote was thwarted by pro-independent factions and Indonesian proxy agents to clash in the several months leading up to the historically anticipated referendum.

The referendum proved to be the catalyst for the escalation of local violence in Eastern Timorese. It fueled the solidarity independence movement of the Timorese people and it actively mobilized them to seek a vote in favour of autonomy. On the other hand, it also mobilized the subsequent rogue TNI forces and proxy militia to intimidate the Timorese into a swing vote in the other direction.[19] The referendum, however, was not only a disappointment for the Australian objective to simmer mobilization, but for the UN, which respectively played a significant role in the creation of an independence ballot. The UN entered bilateral talks with Jakarta to achieve the same aim—creation of a referendum—but, unlike Australia, it did so in hopes that independence would in fact be granted through a peaceful democratic approach.

On 5 May 1990 the multinational agreement to administer a referendum was announced.[20] It was to take place on 8 August 1999 and would be monitored by a small UN police contingency, UNAMET—United Nations Mission in East Timor.[21] Moreover a condition of the negotiation included obligatory protection of the Timorese from the central command of Indonesia's national army. It is evident that all parties involved—Australia, the UN, and Jakarta—were misinformed by the top-down command of the army stationed in East Timor at the time. The multinational peace talks culminated in a blind agreement that was supported with minimal personnel and minimal capability to provide security. The top-down negotiation of a referendum left a Timorese people isolated in a territory that was ruled by proxy militia, two groups, pitted against each other to use any means necessary, violent or otherwise, until the final vote to occur four months later.

The local violence inflicted by proxy forces during a pre-ballot intimidation campaign was facilitated by a grossly miscalculated level of security commanded by the UN and Jakarta. As the bottom-up hypothesis stipulates, peace transition and peacebuilding cannot occur in the absence of negative peace. For the election process to render the ideal results of a fair democratic process, conditions of basic protection of human rights and the right to security would have been imperative. The deployment of the UNAMET force clearly demonstrated yet again that the top peacekeeping officials and Jakarta were not aware, or purely ignored, the knowledge of the destabilizing local violence. UNAMET was a small-scale police contingency that mirrored the *non-interference* normative ethic upheld by the international community. As the only peacekeeping personnel monitoring a ballot culminating a 24 year plight for independence from an oppressive occupier, UNAMET was to remain neutral and without vigour.[22] This police personnel had no powers. They were present to merely advise Indonesian authorities as to how to guarantee security while remaining impartial.[23]

If the humanitarian norm was truly a credible global trend in the summer of 1999, the UN would have recognized its past failure in Angola in September 1992 when it had pursued an election in a hostile environment.[24] It was apparent that the UN, operating from a macro-level arena, was constrained by both a principle of non-intervention

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and divisions within its membership. UNAMET was an futile operation derailed by US and Australian membership which exerted its own authority in a divided UN camp to undertake the prerogative of adept diplomacy over a full-scale security framework.

Corresponding with the investigation of the problematic top down approach, constraints on UN-Jakarta bilateral negotiations, the exploration of the avoidance of humanitarian intervention at a subnational level will decidedly prove to be the fundamental fault of the East Timor Case. The bottom up hypothesis of substantive and robust peacekeeping missions demands that the root of violence is located, targeted, and abolished as a preface to successful implementation of macro-level agreements towards peace transition. In the four months prior to UN's full-scale troop deployment the warring sides representing the vote of independence or the route of 'special autonomy' was fought through the avenue of proxy force and grassroots oriented violence. Ultimately, threatening the transitional period and destroying the fundamental principles of democratic rights and human rights that both UN and Jakarta attempted to reconcile.

From the onset of the Indonesian occupation of East Timor, the ethnic conflict has been shaped by warring factions at localized level: Indonesian led Timorese militia and a subsequent clandestine resistance. The creation of militia gangs in East Timor began in Suharto's 1976-1981 "Scorched Earth Policy" which was the military operation to undermine all possible pro-independence forces within the occupied state.[25] The large scale military planning and deployment of 30,000 Indonesian troops to carry out the tragic attacks was also accompanied by a sustainable long-term strategy to ensure Indonesian rule free from resistance.[26] The Indonesian army, ABRI, developed a sub-system of military force that was rooted in several local gangs that would enforce Indonesian occupation.[27] Informal gang structures began to define Jakarta's strategic security framework of Suharto's repressive annexation; however, it was transitioned into a formal and vast network of militia by 1995 in the face of a popular resurgence of pro-independence youth.[28] The 1995 restructuring of the security response to the East Timor pro-independence movement marked the beginning of Jakarta's loss for central command over military operations. Paradoxically the relocation of control was at this time necessary to divert international criticism away from the Indonesian national government. Jakarta recognized that pressure still needed to be applied to the occupied population while avoiding international criticism and condemnation, as well as military sanctions. Jakarta, therefore, adopted a strategy of plausible denial by which the Indonesian army recruited, armed trained and organized proxy militia to do its bidding.[29] The important implementation of this new military design was that the proxy forces were trained in West Timor by the ABRI as to appear disengaged from Jakarta's direct command; nevertheless, it would be in four years time, when 1999 peace agreements could not be enforced by Jakarta because the link of command to the proxy militia the government sought to falsely destroy was in fact destroyed.

Furthermore, this security framework of militia agents deployed to "police" localized regions of East Timor evolved into a network culture of warlords, establishing grassroots linkages to the top command of the national army through mutual beneficence of profiteering in exchange for protection from rule of law. Jakarta was officially exercised out of the equation by 1999 as ABRI top officials realized the profitable nature of commanding control of the proxy agents. By the referendum date in the summer of 1999 linkages from ABRI stationed in East Timor to the Timorese militia were definitively strong while Jakarta had both a vital geographic and intelligence gap between itself and the grounded forces.[30] The proxy agents developed into highly organized gangs that each respectively occupied a specific local region or district. The gangs, also known as "black-cladmen," or most notably "ninjas," gained control of smuggling, gambling, and protection racket schemes across East Timor.[31] Acting both as militia and warlords, the Timorese peoples within these villages were always at the mercy of an omnipresent repressive authority.

The development of the military structure that crafted these notorious militias triggered an even greater volatile environment when grassroots self-defense squads were organized by pro-independence Timorese. Local youths, representing a new generational fight against Indonesian occupation, radicalized resistance movements into clandestine networks of armed guerilla units. The resistance movement was not a product of the 1990s, but had rightfully existed since the 1975 occupation; however, the *Juventude* movement—youth resistance—was a more contemporary mobilization directly attributed to counteract the "ninjas." [32]The militarized *Juventude* was paradoxically a mirror image of the proxy agents, as the leader of Autonomous Timor party, FRETILIN, Xanana Gusmao had no credible connection or control over the radicalized resistance.[33] Again the gap persisted between

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the leadership that was involved in the peace bargaining process and the agents of the ground that were engaged in the violent nature of the ethnic conflict.

The referendum in 1999 was the catalyst for the two warring factions to play out political opposition through violent means. The referendum was a long overdue avenue to answer the UN question of East Timor independence that burdened both Jakarta and the international community at the time. Hence, it was not the referendum itself that was the root of the failure, but the complete lack of micro-level peacekeeping that was required to accompany the top-down development of an election. From 5 May 1999 to the referendum date on 30 August 1999, a huge surge of local violence was spurred by ground agents attempting to predetermine the results of the vote. The notable *Ablai* militia, abetted by the ABRI, attacked all proven and suspected pro-FALINTL civilians.[34] A large-scale campaign of violence targeted the Timorese peoples to intimidate voters to recognize autonomy over independence. The crucial motivation and directive of the proxy militia's extremity of violence against the Timorese was not only initiated by top ABRI officials to swing the vote in favour of Indonesia, but also the proxy agents recognized that independence would constitute an immediate evacuation of military personnel. A vote for independence would invite a peace building transition, expel the deep-rooted gang networks from East Timor territory and threaten the very authority and wealth that Indonesia's occupation garnered them.

Moreover, the violence yielded from the hostile environment prior to the referendum was only a minor occurrence in relative terms to the near genocidal campaign ensued by the Indonesian military forces, the national army and proxy insurgencies alike. The referendum granted self-determined legal independence to East Timor with a 78.5% vote in favour of the end of the Indonesian occupation.[35] The UN and the international community still only employed the small contingency of UNAMET, a mere 1000 troops, to facilitate the blanket removal of occupier institutions, such as the military, from a territory they commanded for a near quarter century.[36] It was apparent that the international community was either not fully aware, or simply avoiding, the intelligence reporting the death toll and displacement of Timorese people precipitating the referendum. If the international community were actually investing a credible commitment to this transition of peace, it would have effectively issued an extensive troop deployment for a pre and post ballot in order to anticipate volatile military campaigns to reject the loss of occupation and authority. With a landmark referendum vote of 78.5% in favour of independence a bitter military withdrawal rendered widespread massacres and killings.[37] Once again, though, the 5,000 reported deaths and 400,000 displaced Timorese from 30 August 1999 to 20 September 1999 repeated the same catastrophic result of peacekeeping ideology—sovereignty, risk aversion and conflict avoidance—that had plagued Rwanda and Srebrenica a few years earlier.[38]

The bottom-up hypothesis is extremely relevant in the case of East Timor's initial peacekeeping efforts staged during the referendum months. It is apparent that the hopeful era of human rights hegemony was unable to come to fruition during the 1999 referendum as the UN's constraining internal ideologies and culture undermined an intended peaceful transition. When Suharto's successor, President BJ Habibie, entered office, the leadership change opened the doors to a near two years of intense international peacebuilding efforts between Jakarta and the global community[39]. President Habibie faced mounting diplomatic pressures in 1998 to grant independence, which only escalated the extremity of the pressure on Indonesia from 1997 financial crisis that rendered the occupation of East Timor a huge burden on Jakarta[40]. The international pressures and hard bargaining was a historical progress that could not be sustained because UN's biggest fault, conflict avoidance and risk aversion, shielded the problem solvers from the root of the conflict. The referendum was supposed to be a negotiated peace agreement, but the lapse back into intensified violence and human rights atrocities demonstrate that peace implementation simply cannot be conducted if local violence still continues. Furthermore, local violence cannot be abolished unless intense ground capabilities have been utilized.

This critique of the neglect of micro-level coordinated violence does not, however, assume that peace rests within the reach of grassroots peacebuilding. This hypothesis stipulates that macro-level peacebuilding is a crucial component to ushering in a robust democratic transition and lay the foundation for weak and fragile states in post-colonial era to have a sustainable political and economical culture. Nevertheless, the hypothesis critiques the awry *directional* approach of the top-down intervention. Micro-level violence must be nullified as an obligatory framework for political negotiations to take hold. East Timor was a critical case study to demonstrate that neglecting fragmented militias caused any peacebuilding efforts to only protect a status quo of ethnic conflict, delaying the inevitable rising

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death tolls, potential famines, and amassing hundreds of thousands of refugees.

The UN's chronic inability to mobilize effort in the arena of conflict prevention ultimately allowed for a Timorese people to be caught in a web of pseudo-military extinction. The fundamental flaw of 1999, and the last two decades of ethnic conflict for that matter, was that the international response to human rights atrocities in East Timor was event driven and not anticipatory. For the anticipatory new age of humanitarian relief to have been realized, the UN and all member states would have had to participate in a robust and substantial ground force to eradicate the sub-national threat to Timorese security before the ballot took place. Nevertheless, the world did witness, albeit too late to claim actual success, a UN that was capable of galvanizing a full-scale effort post-intensified-violence as a means of failure avoidance. Bound by the two-fold culture of non-interventionist sovereignty and risk aversion, any robust humanitarian relief was doomed by preferred avenues of top-down adept diplomacy—a diplomatic peace bargaining process that, nonetheless, was carried out by a deeply fragmented UN. Overall, the international community was required to re-situate itself within a new global value system of human rights interest, and ultimately, to adopt a bottom-up approach to defusing conflict in order to establish lasting peace and prevent large-scale human atrocities and genocide.

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