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UNIVERSITY OF WITWATERSRAND

Faculty of Humanities

Department of International Relations



Master of Arts Research Report

REGIME CHANGE AND HUMANITARIAN INTERVENTION IN SECESSION CASES – LESSONS FROM THE SUCCESS CASE OF EAST TIMOR FOR FUTURE CASES OF SELF- DETERMINATION, INDEPENDENCE AND SECESSION

Submitted in partial fulfilment of the requirements for a Master of Arts in International Relations degree

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March 15, 2019

Declaration

I declare that I have written the following research report and have not used sources or means without declaration in the text. Any thoughts from others or literal quotations are clearly marked. This research report has not been previously accepted in substance for any degree and is not being concurrently submitted in candidature for any degree.



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March 15, 2019

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"Indeed, I count everything as loss because of the surpassing worth of knowing Christ Jesus my Lord. For his sake I have suffered the loss of all things and count them as rubbish, in order that I may gain Christ" – Philippians 3:8

List of Abbreviations

APEC	Asia-Pacific Economic Cooperation
AU	African Union
AU$	Australian Dollar
CivPol	Civilian Police Force
CNRT	National Congress for Timorese Resistance
DPKO	United Nations Department of Peacekeeping Operations
FALINTIL	Forcas Defesa Timor Lorosae
FGM	Female Genital Mutilation
FRETILIN	Frente Revolucionária de Timor-Leste Independente
ICISS	International Commission on Intervention and State Sovereignty
IDP	Internally Displaced Person
IEC	Independent Electoral Commission
IMF	International Monetary Fund
INTERFET	International Force East Timor
NATO	Northern Atlantic Treaty Organization
NC	National Council
NCC	National Consultative Council
NGO	Non-Governmental Organisation
PKSOI	U.S. Army Peacekeeping and Stability Operations Institute
R2P	Responsibility to Protect
UN	United Nations
UNAMET	United Nations Mission in East Timor

UDT	Timorese Democratic Union
UNHCR	United Nations High Commissioner for Refugees
UNITAF	Unified Task Force
UK	United Kingdom of Great Britain and Northern Ireland
UNMISET	United Nations Mission of Support to East Timor
UNTAET	United Nations Transitional Administration in East Timor
US	United States of America
USD	United States Dollar
USIP	United States Institute of Peace

1. Introduction

Humanitarian intervention, which now forms part of the responsibility to react under the Responsibility to Protect (R2P), has always been a contested phenomenon in international relations (Bellamy 2015, 41, Global Centre for the Responsibility to Protect 2017, 4). There are many issues which have been raised with it including ideas of breaching state sovereignty as well as failed interventions thus leaving conditions in the territory worse than when the intervention had arrived. The failure of humanitarian intervention reached its heights in the 1990s with the failures in Somalia and Rwanda.

I, therefore, tasked myself with finding a case of humanitarian intervention which was a success case. The reason for this is because, morally, humanitarian intervention and R2P are sound principles. However, in contemporary practise the outcomes of R2P seem to oppose this moral soundness. When carrying out this research, it was my understanding that if cases that needed humanitarian intervention such as the Western Sahara, Yemen, Syria, Palestine and many others still existed, then we as academics need to find ways to fine tune our understanding of humanitarian intervention by studying contemporary success cases.

The case of East Timor is interesting in that the East Timorese call for independence from Indonesia resulted in a humanitarian crisis where violence was perpetrated towards the people of East Timor by the *de facto* sovereign Indonesian military and militias which were supported by this military. As we will further see in the report, when the Australian-led intervention arrives in East Timor it is able to stop the violence and create a secure environment. This is further maintained by the UN transitional administration which also does the groundwork to successfully handover a reconstructed East Timor to an elected government.

The point of this research report is to understand how East Timor became a success case. This is in the hopes of informing research on the application of humanitarian intervention going forward. With the research question of under what conditions did the humanitarian intervention in East Timor succeed in creating regime change?

1.1 Methodology

This section will break down the methods that were used to carry out the research as well as analyse the case study. The main method used was process tracing which will be explained and contextualised for the purposes of this study.

Andrew Bennett (2010) defines process tracing as,

> "The examination of ''diagnostic'' pieces of evidence within a case that contribute to supporting or overturning alternative explanatory hypotheses. A central concern is with sequences and mechanisms in the unfolding of hypothesized causal processes. The researcher looks for the observable implications of hypothesized explanations, often examining at a finer level of detail or a lower level of analysis than that initially posited in the relevant theory. The goal is to establish whether the events or processes within the case fit those predicted by alternative explanations" (Bennett 2010, 208)

There is a great importance that process tracing places on identifying causal mechanisms. Bechtel and Anderson define a causal mechanism as "a structure performing a function by virtue of its component parts and component operations and their organization. The orchestrated functioning of the mechanism is responsible for one or more phenomena" (Bechtel and Abrahamsen 2005, 423). Elster's (1989 in Hedström 2008, 322) definition further compliments the previously stated definition by adding that a causal mechanism "provides a continuous and contiguous chain of causal or intentional links between the *explanans* and the *explanandum*". Guided by the provided definitions, causal mechanisms are the vehicles in which X is able to cause Y. This is assuming that X is the cause and Y is the outcome. Punton and Welle (2015) also expand on this idea of seeking causal mechanisms using process tracing. Continuing with the understanding that causal mechanisms are the vehicle in which the independent variable causes the dependent variable, process tracing helps the researcher understand what, within the independent variable, causes the outcome which is the dependent variable (Punton and Welle 2015, 2).

Within the scope of process tracing, there are different documented methods and also different uses of process tracing. However, it is important to note that the adopted methods for process tracing are not uniform. Most researchers must explain their method of process tracing because not all social phenomena can be traced in the same way, due to the fact that

society does not behave uniformly. The report will take a descriptive and time-framing approach in order to provide a better and more productive understanding of the version of events surrounding the humanitarian intervention in East Timor (Collier 2011). This will allow for one to "explore the causal ideas embedded in the narratives, consider the kinds of evidence that may confirm or disconfirm these ideas, and identify the tests appropriate for evaluating this evidence." (Collier 2011, 828-829).

A further use of process tracing is to either build new theory or test existing theory (Punton and Welle 2015, 2). Theory testing seeks to test a theory by using a case study or multiple case studies to test the validity of a theory. For process tracing to be used for theory testing, the researcher needs to know both the independent and dependent variables (Punton and Welle 2015). The researcher also needs to know, or have an idea of, the presence of a causal link between the cause (independent variable) and the outcome (dependent variable). Furthermore, the researcher needs to have an idea of why the independent variable/s cause the dependent variable. This is where the theory comes in because theory is what explains why independent variables cause the dependent variable.

Theory building, through process tracing, on the other hand is when the research knows both the independent and dependent variables or knows the dependent variable but does not know the independent variable. What the researcher has no knowledge of is why the independent variable causes the dependent variable (Punton and Welle 2015). Or the researcher knows the outcome and is interested in researching the outcome, but they do not know what caused it. In essence "we are interested in fully explaining why B happened – working out all of the various factors that contributed to it in order to craft a 'minimally sufficient' explanation for B" (Punton and Welle 2015, 2). The B referred to in the quote is the outcome. Both types are contingent on the researcher knowing the outcome in order for them to be utilised.

The research report will adopt the theory building aspect of process tracing. This means that "we know what both A and B are (for example, we know that we ran an intervention, A, and we know that outcome B has occurred), and we think there is a causal link between A and B" (Punton and Welle 2015, 2). The method will help in the sense that it timelines what the condition were before the conflict, during the conflict, intervention occurs, and what it is like after the intervention. It will be during the last stage I will further assert that humanitarian intervention-induced regime change leaves a secure environment.

For my research, the outcome of the case study is a better and secure environment. The reason for this outcome is regime change facilitated by humanitarian intervention in cases of secession, self-determination and independence. The definition I constructed for a secure environment is

> an environment where those that were being targeted for violence, mass killing, displacement and other types of social brutalisation which warrant humanitarian intervention being no longer at risk. This includes stopping the violence against them and also allowing all of the people on the territory to live as regular citizens of the country, including living with no fear of being persecuted by the new regime.

This definition is derived from the work of the United States Institute of Peace (USIP) and the U.S. Army Peacekeeping and Stability Operations Institute's (PKSOI) (2009) work on safe and secure environments. The define a safe and secure environment as

> "one in which the population has the freedom to pursue daily activities without fear of politically motivated, persistent, or large-scale violence. Such an environment is characterized by an end to large-scale fighting; an adequate level of public order; the subordination of accountable security forces to legitimate state authority; the protection of key individuals, communities, sites, and infrastructure; and the freedom for people and goods to move about the country and across borders without fear of undue harm to life and limb" (USIP and PKSOI 2009, 38).

This research report will not concern itself with the legality of the concept of humanitarian intervention or the specific case study of East Timor. It only concerned itself with the fact that the intervention in East Timor was pursued with humanitarian justifications. Furthermore, I chose to use East Timor, and not Timor-Leste, because East Timor was the name of the territory at the time and it is the English direct translation of Timor-Leste. It is also my understanding that it is not culturally insensitive to refer to the country as East Timor.

Within the method of process tracing, I am also making use of the before-and-after method of comparison. There will be time framing of what the conditions were when the conflict broke out and when the humanitarian intervention occurred. Then there will be an analysis of post-intervention frame to see whether the intervention created a secure environment or not. The

post-conflict analysis will coincide with the UN's transitional administration in East Timor. Therefore, I will be assessing the situation when the conflict occurs then I will assess the intervention followed by a two-year post-conflict assessment to see if the intervention was conducive for better living. The two years is to allow for the research report to fully analyse the duration of the intervention and the transitional administration in East Timor.

2. Literature Review

The literature that has been explored for this research report is based on humanitarian intervention as a means of facilitating regime change. Therefore, the literature unpacked normative theory which will helped understand how a norm is created, just war theory which will highlights the roots of intervention, humanitarian intervention and R2P theory and lastly theory on regime change. In tracing the process of theory in what has become known as humanitarian intervention, I will show that the norm is ever evolving and that this evolution leads to differences in application of the norm.

2.1 The Evolution of the R2P Norm

R2P comes from just wars and humanitarian intervention sets of literature. Furthermore, in order to understand the concept of R2P, I will expand on just war theory as well as humanitarian intervention in order to show the roots of R2P.

Just war theory precedes the UN Charter and as such was the most recognised principle for engaging in conflict prior to 1947 (when the UN Charter was enforced). Just war theory is recognised as a set of guidelines to "determine and judge whether and when a state may have recourse to war and how it may fight that war" (Shapcott 2017, 214). There are three essential aspects of just war theory, namely: *jus ad bellum* (justice of war – how to go to war), *jus in bello* (justice in war – rules of engagement), and *jus post bellum* (justice after war) (Shapcott 2017, 214, Herclides and Dialla 2015, 14). For the sake of relevance, this paper will focus only on *jus ad bellum* and *jus in bello*. Under today's international law, *jus ad bellum* and *jus in bello* are stipulated in the UN Charter and the four Geneva Conventions of 1949 respectively.

Jus ad bellum posits that there must be just cause, in the form of self-defence or defence of a third party, in order for states to engage in war (Shapcott 2017, 215). War is only limited to states in the form of their militaries, other aggressors such as civilians and corporations are seen as illegitimate actors of war. An additional aspect of justice of war is that all other possible solutions need to be exhausted before states engage in war. War must be the absolute last resort and when analysing the risks of the war, the engaging state needs to have reasonable probability of success. Success in this case is the restoration of peace (Shapcott 2017, 215).

Once *jus ad bellum* has been determined, there are necessary conditions which need to be present in order for a war to be declared a just war (Herclides and Dialla 2015, 15). These conditions are:

> "(1) declaration of war by the proper authority; (2) just cause, avenging wrongs committed by another state and punishing the guilty state (which is unwilling to make amends); and (3) right intention, the motive of resort to armed force being 'to do the good and avoid the evil', to sa peace, rather than lust for power, thirst for revenge or a readiness to injure" (Herclides and Dialla 2015, 15).

Aidan Hehir (2013) provides a more contemporary set of conditions which are linked to those of Aquinas. In order for a war to be just, the one initiating the war needs to have just cause, the right authorities (militaries representing states) need to engage the war; the war needs to be the last resort; and there needs to be proportional means of engaging war, such as using appropriate weapons and not engaging non-combatants (Hehir 2013, 27). Hehir (2013) is very explicit in stating that just war theory does not support or advocate for violence, that states should explore other avenues to try and solve their problems before they engage in violence. He also states that his understanding of the conditions of just war is heavily based on Nicholas Wheeler's work on just war theory (Hehir 2013).

Jus in bello, on the other hand, refers to the rules that states need to follow when engaging in war. It conditions that states must use minimal force when they enter war (Shapcott 2017, 215). The point of this is to ensure that states defeat their enemy and not destroy them. The enemy in this case is the military of the other state. Furthermore, civilians and other non-combatants are afforded full immunity from the conflict and should not be engaged in conflict (Shapcott 2017, 215). The conflict needs to be strictly between militaries with full immunity also afforded to civilian infrastructure, ensuring that after the conflict the state can reconstruct.

The contemporary relevance of just war theory is recognised by many humanitarian intervention and R2P scholars. Just war theory is credited for the criteria which was later put together as necessary conditions for humanitarian intervention (Hehir 2013). Tony Blair, on the other hand, stated that NATO's intervention in Kosovo was initiated based on just war

theory (Lee 2012). Literature also states that the International Commission on Intervention and State Sovereignty (ICISS) was a modification of just war doctrine (Saxon and Pratt 2015, 147).

There are two main separations between historical understandings of just war theory and modern interpretations such as humanitarian intervention and R2P. In contemporary just war theories, there is a clear distinction between *jus ad bellum* and *jus in bello*. Secondly, in modern just war theory there is a lack of emphasis on the right intention to intervene (Hehir 2013). Modern just war theory seems to focus more on the outcome of the war rather than the condition of whether the war in itself is just.

Humanitarian intervention is defined as "the threat or use of force by a state, group of states, or international organization primarily for the purpose of protecting the nationals of the target state from widespread deprivations of internationally recognized human rights" (Murphy 1996, 11-12). Another definition of humanitarian intervention is “the principle that the international community has a right/duty to intervene in states which have suffered large-scale loss of life or genocide whether due to deliberate action by the governments or because of the collapse of governments” (Baylis, Smith and Owens 2011, 566). Evans and Sahnoun (2002) give a definition which gives a fuller understanding of humanitarian intervention as “coercive action against a state to protect people within its boarder from suffering great harm” (Evans and Sahnoun 2002, 99). What these definitions, which were all created after 1994, show is that humanitarian intervention has been an evolving norm as mention earlier.

From the 1980s the world saw a shift away from the traditional sense and understanding of war. This shift occurs during a time where the international order was experiencing a pivotal change, as well with the end of the Cold War in the late 1980s. When the Cold War ended, in 1991, the focus of security went back to individuals. Humanitarian intervention is when the security of the human is seen as the stabilising factor in international peace (Bellamy, The Changing Face of Humanitarian Intervention 2015). This is where the focus for international peace and stability shifts from the state to the individual (UNDP 1994, 22-23).

The assumption that conflict is “something that takes place between states is based on an acceptance of the ‘Westphalian’ state system as a norm” (Sheenan 2011, 225). This is because state-to-state conflict is fought according to certain rules, with the main focus being state stability. An example of this is war between soldiers of the militaries representing the

conflicting states where these soldiers have to wear uniform so as to identify them as opposed to normal civilians (Sheenan 2011). This type of war is directly linked to just war theory.

Intrastate conflicts changes the norm of conflict in that war is fought amongst civilians and not amongst soldiers, meaning that it is no longer about protecting the state (Sheenan 2011). Furthermore, intrastate conflict has no rules as there is no differentiation between civilians and soldiers. It is also in this shift that there is a change in security norms. Security is no longer about securing the state. Rather it is about human security and securing people from suffrage caused by conflicts they have no part in but, they are nonetheless, involved in (UNDP 1994).

With this shift in international order comes a demand for new norms. As mentioned earlier, there is a shift away from the Westphalian state system norm, which is protected by state military, to a norm of human security which seeks protection through humanitarian intervention. Because the state can also be a perpetrator in the insecurity of the people within it, there is a need of assistance from external forces which are not biased.

Humanitarian intervention as a norm also evolves in this way. Humanitarian intervention started off as collective security which is "political and judgmental in character" (Kent 2004, 1). It then evolved to peacekeeping, which is "provid[ing] security and the political and peacebuilding support to help countries make the difficult, early transition from conflict to peace" (United Nations Peacekeeping n.d.). Both collective security and peacekeeping are politically motivated and are centred on state security and stability. They both view this security and stability as sustaining factors of international peace. Peacekeeping then evolves into humanitarian intervention which is based on the ideals of impartiality and neutrality (Murphy 1996). The evolution of humanitarian intervention happens with the understanding that forms of humanitarian intervention have always been present but without clear legal basis. An example of this is the intervention of Uganda led by Tanzania's President Julius Nyerere in 1979, where he sent troops to Uganda to intervene due to the gross human rights violations carried out by Uganda's then President, Idi Amin. Nyerere's exact reason for intervention was to stop "death, suffering, and destruction wrought by Uganda troops in Tanzania" (Murphy 1996, 105). Even though the intervention of Uganda was due to human suffrage, the goal was not to alleviate it, rather it was to get rid of the person that had caused it in order to stabilise Uganda as a state. There are other examples such as the intervention in

Pakistan by India which resulted in the creation of Bangladesh and the UN intervention in Congo in 1960.

It is only with the creation of the UN Charter's Chapter VII, in the 1940s, and the specific use of the term humanitarian intervention as a means of protect, in the 1990s, that we see the rise of the norm in the 1990s.

2.2 Humanitarian Intervention in R2P

In 2001, the ICISS convened in Ottawa to create the policy foundations for R2P. The commission was co-chaired by prominent R2P scholars, Gareth Evans and Mohamed Sahnoun. Other members of the commission were Gisèle Côté-Harper, Lee Hamilton, Michael Ignatieff, Vladimir Lukin, Klaus Naumann, Fidel Ramos, Cyril Ramaphosa, Corneli Sommaruga, Eduardo Stein and Ramesh Thakur. The commission came up with a conceptual framework for R2P which split the concept into three pillars: the responsibility to prevent, the responsibility to react and the responsibility to rebuild. The purpose of R2P was to recifiy the shortcomings of humanitarian intervention in the 90s. Hence the doctrine posits that the international community needs to find ways to prevent humanitarian crimes through early warning detection and analysis systems, diplomacy, sanctions and other soft security and preventative measures (ICISS 2001, 19-23). When the preventative measures fail, states then have the responsibility to react through military action. The commission states that the military action should only occur in "extreme cases only" (ICISS 2001, 31). The commission set out 6 main criteria for military intervention which are "right authority, just cause, right intention, last resort, proportional means and reasonable prospects" (ICISS 2001, 32 & 35-37).

Humanitarian intervention falls under the second pillar of R2P, which is the responsibility to react

The R2P doctrine was subsequently adopted by the United Nations General Assembly as part of the World Summit Outcome Document (United Nations General Assembly 2005). The paragraphs specific to R2P in this document are paragraphs 138 and 139. Paragraph 138 acknowledges that states have "the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity" (United Nations General Assembly 2005). It goes further to say that this responsibility also includes preventing such

crimes from happening, and also assisting the UN to create a mechanism to detect such crimes before they escalate (United Nations General Assembly 2005). Paragraph 139 mandates the use of Chapters VI, VII and VIII to protect people from mass violent crimes. Paragraph 139 states that:

> "the international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity" (United Nations General Assembly 2005).

Even though this is an adopted resolution, it is not binding as it was adopted by the UN General Assembly. However, the fact that the document makes reference to Chapter 7 of the UN Charter indicates that R2P is founded on a broader interpretation of existing legal principles.

Lastly, with the redefinition of the internationalisation of humanitarian intervention as a norm, different safety measures need to be taken as a means to limit possible abuses of the norm. Such as, in order for a state to carry out a humanitarian intervention, it needs to be approved multilaterally, ensuring legitimacy. In addition, as the norm of humanitarian intervention has matured and entered the contemporary space, the more it has been guided by international organisation and international standards of engagement (Finnemore 1996). The multilateral organisation which has been responsible for humanitarian intervention is the United Nations, more specifically the Security Council. There are other multilateral institutions such as NATO and AU which intervene regionally. However, regional organisations can only intervene if they are granted approval by the UN Security Council, case in point being the 2011 NATO intervention in Libya which was approved by the UN Security Council.

2.3 Regime Change

The understanding of regimes is also important to this research report because the humanitarian intervention and the transitional administration in East Timor facilitate in a new regime that is different from the *de facto* Indonesian military regime that precedes the intervention. There is a very simple definition that has been offered in literature of a regime. It is defined as "a system of rule; a political system" (Heywood 2007, 457). This definition may be simple, but it captures the essence of what a regime is, whether it is a political system within a country or a system of rule between states in an international security rule. Other definitions that are explored in this paper will show an underlying tone of what Heywood's (2007) definition is. Internationally, there is a different understanding of what regimes are. International regimes are defined as a set of "implicit or explicit principles, norms, rules and decision-making procedures around which actors' expectations converge in a given area of international relations" (Krasner 1982, 2). Samuels (2013, 120) defines a political regime as "the fundamental form state institutions take: It is either a democracy or a non-democracy".

There is vast literature on regime change by a foreign state or institution, known as foreign imposed regime change theory. This theory is mainly focused on foreign states and multilateral institutions intervening in autocratic countries to initiate regime change and introduce democracy. This is central to Samuels' (2013) work. There are many factors that may lead this. These include civic culture, which speaks to a country's cultural identity that is influenced by "high civic engagement, political equality and solidarity" (Samuels 2013, 123). Civic culture probes whether citizens have a culture of political involvement, whether in the form of political contestation or voting, and the means of holding leaders accountable – such as protests and forming and joining social movements. Political equality speaks to the importance of the direct transferability of citizenship to equality of rights amongst citizens and also receiving state obligations towards citizens and vice versa (Samuels 2013, 123). Furthermore, if there is a history of high civic engagement, political equality and solidarity, then regime change, towards a society that emulates this, is more plausible.

The second factor is economic change, as seen during the Industrial Revolutions of the 1800s. This was a period where democracy was seen to bring economic modernisation within the countries that had revolted, moving from primary rural economies to advanced urban economies (Samuels 2013, 125). This also brought about tremendous technological

breakthroughs, improvement in health and education standards, accompanying the idea that economic change brings about regime change is modernisation theory. Samuels (2013) further adds that positive change in the economy leads to a change in a society's culture. This creates a society that demands a change in political regime that will suit their regimes. Samuels (2013, 127) states that

> "the key element of modernization theory is the connection between economic development and changes in citizens' understanding of politics." Poorer, less-developed societies maintain their traditional rigid and hierarchical political cultures, in which the poor remain deferential to established authorities. Yet, as a country grows wealthier, its citizens' attitudes toward political authority change".

There is a critique to modernisation theory which speaks to how the theory does not account for the deviant cases which are non-democratic that are wealthy such as Singapore. Furthermore, it does not explain why full democracies, as seen in many global south countries, are failing to see positive economic change in democracy. However, one must not dismiss everything that the theory states and that is: in majority regime change cases, more especially those that are seen in the different waves of democratisation, economic change is a fact that plays largely into the decision making to change regimes. Furthermore, positive economic change, and people having access to money, gives people a better chance financially to be able to contest politically, which is why we do see more and new political contestation in such cases.

Democratisation through foreign imposed regime change is seldom successful. Downes and Monten (2012) argue that foreign intervention should not be used as a tool for democratisation as it leaves the institutions in the country unchanged, which invariably means that any new appointed leader will be institutionalised. They say that interventions, as a whole, should focus on changing institutions instead of leaders (Downes and Monten 2012). This will ensure that remaining political institutions are removed, and meaningful change can begin to occur. To this end they state that "interventions are more likely to succeed when the intervener takes concrete steps to build new democratic political institutions, such as sponsoring elections, but only in states where economic and social conditions are already favorable to democracy" (Downes and Monten 2012). This complements Samuels (2013) literature on economic and social conditions being factors that lead to regime change.

In closing, the concepts which have been explored in this chapter are important to the research because they help understand how humanitarian intervention came about. They also help in understanding that the norm is one that is evolving. This evolution of the norm is important to the research because it shows that humanitarian intervention is not a static concept and as such, we should always seek to understand what it can evolve to and under which circumstances it would be relevant to apply the newly evolved concept.

The literature on regime change is important as East Timor was going through a change in regime from the Indonesian military to independence. This regime change may have been initiated by the President of Indonesia, however, as we will see in the case study section, the regime change is facilitated by the UN and other UN authorised external parties. Therefore, the literature on regime change assists in guiding the report on the grounds in which regime change occurs but also to highlight the limited availability of UN facilitated regime change in the literature.

Secession, self-determination and independence are forms of regime change. They usually come from a place of seeking independence from a colonial or independent authority over a set territory. It is important to note that self-determination and independence form part of the process of secession. Self-determination is defined as "the right of a people to determine its own destiny. In particular, the principle allows a people to choose its own political status and to determine its own form of economic, cultural and social development" (Unrepresented Nations and Peoples Organization 2017). In the case of East Timor, self-determination was sought in the context of decolonisation with Portugal and Australia agreeing that "the people of East Timor had the right to self-determination and thereby underscored that the population of East Timor is a people" (Thürer and Burri 2010, 4-5).

Bartkus (1999, 10) defines secession as a crisis that "occurs when the leaders representing a territorially concentrated and distinct community within a larger state translate discontent into demands for secession, and possess the power, either through sufficiently strong internal community mobilisation or through the use of force, to compel the central government to react to the demands". Furthermore, there are four necessary conditions for secession which are the presence of a distinct community, set territory, defined leaders, and discontent amongst the people that seek secession (Bartkus 1999, 8).

The distinct community refers to the identifiable people that will present the demand for secession. This community of people has to be "smaller than the state and which threatens to withdraw if not satisfied" (Bartkus 1999, 10-11). However, it is important to differentiate between protests and calls for secession, the biggest difference being that protests do not call for secession or self-determination from the state. Furthermore, the community "must be associated with a geographical territory, on which it would presumably intend to establish its new independent state" (Bartkus 1999, 11). This satisfies the set territory requirement for secession. The third requirement of defined leaders is to ensure that the demands of the community are well communicated and that will lead the new community when their request for secession is granted. Lastly, there needs to be discontent. The discontent that the community feels is usually based on "common claims or perceptions of discrimination, neglect, exploitation, or repression, in economic, political, cultural, linguistic, or religious terms" (Bartkus 1999, 11).

Secessionists have justifications for pursuing secession as a means of resolution. The justifications are almost always based on human rights, or the lack of them. In literature, there are two main arguments presented to this end. "First, an argument that secession may be justifiable in circumstances where state rule over a community is particularly onerous or when the majority of a territorially concentrated community desires secession, and second, an argument that secession may be desirable due to benefits it provides for communities to organize themselves by their own values and by possibly improving the chances for international peace if the desires of distinct communities are no longer denied" (Bartkus 1999, 15).

As we will see in the case of East Timor, the case study, there is a distinct community which identifies itself as the East Timorese nation. A community of people which was temporarily granted independence before it was annexed by Indonesia. There is also a set territory which Indonesia views as an additional province, but the East Timorese dispute and want to be a separate state. The calls for secession also have distinct leadership in Xanana Gusmao who is viewed as the leader of the East Timorese people both locally and internationally, most notably by the UN Secretary General Kofi Annan. Lastly, there is majority discontent amongst the East Timorese community with their current position as a province within Indonesia. Attached to this discontent is the denial of the human rights of the East Timorese and as we will further see in the case study, the referendum vote clear shows the discontent.

3. Case Study

This chapter provides a background to the violence that East Timor found itself in in 1999 as well as an outline of the missions that were authorised by the UN to intervene. It will then offer an in-depth description of the UN transitional administration mission that was sent to East Timor to prepare the country for independence. This background will provide the basis of the main analysis in chapter 4.

3.1 Background on East Timor

East Timor has an extensive history of colonial rule. The island was first colonised by Portugal in the 16th Century till 1975 (Taylor 1994). The Portuguese colonial rule was disrupted by the occupation of the island during World War II by the Japanese (Taylor 1994). However, after the war the island was returned to Portugal by Japan. In 1975, Portugal cast East Timor as a colony which led to contestation for power resulting in internal parties breaking into civil war. Indonesia invaded East Timor, which it shares a border with, supported by British, United States and Australian militaries, to stop the conflict on the island (Jardin 1995). The invasion resulted in East Timor being incorporated as an additional province of Indonesia.

Indonesia succeeded in annexing East Timor as an additional province because of the international favour it enjoyed. Indonesia had many Western allies due to its strategic position in maritime Southeast Asia and also the energy resources it had, such as oil and timber, which were extremely helpful in the industrialisation project of Western economies (Jardin 1995). Indonesia was also a capitalist state in Southeast Asia at the height of the Cold War which, together with its Western allies, feared a communist possibility on its borders which was East Timor after its abandonment by Portugal.

Indonesia did not treat the East Timorese well, with East Timor often facing brutality and violence at the hands of Indonesia. The Suharto presidency of Indonesia was the worst from 1967 till his resignation in 1998 (Jardin 1995, 32-36). Suharto had little regard for East Timor and made the Indonesian military rule East Timor as a de facto regime on behalf of the president. After the fall of Suharto, Habibie took over the presidency and inherited an Indonesia that was in economic crisis, and also facing pressure from the East Timorese and

the international community to allow for the self-determination of East Timor (Taylor 1999). The media was also instrumental in documenting the ill treatment of the East Timorese by the Indonesian military which further helped East Timor's calls for secession. After talks and pressure from the UN, Habibie allowed for a popular consultation on whether the East Timorese wanted special status as an additional province of Indonesia or if they wanted independence (Annan 2012, 102). The results from the popular consultation concluded that 78.5% of East Timor rejected special status and opted for independence (Taylor 1999). This allowed for the regime in East Timor to change from the *de facto* by the Indonesian military to the independence of the territory with democratically elected leaders. As a result of the violence perpetrated by the Indonesian military and militia linked to them against the East Timorese after the popular consultation, the UN responded by authorising an intervention mission to East Timor and a transitional administration mission to get the country ready for independence (Taylor 1999).

The main political party in East Timor during the transitional phase was the National Council of East Timorese Resistance (CNRT). CNRT was the result of a merger between the Frente Revolucionara do Timor Leste Independenta (Fretilin) and the Timorese Democratic Union (UDT) which had both fought for the independence of East Timor (Head 1999). Although the CNRT was a coalition of the two political parties, they ran for elections separately. Xanana Gusmao, who was later elected the first democratic President of East Timor, won the elections for Fretilin.

Another important figure who had much influence during the transitional administration phase was the Special Representative of the Secretary-General for East Timor , Mr Sérgio Vieira de Mello (Annan 2012, 112). He was referred to as the Transitional Administrator and which effectively made him the transitional president of East Timor.

3.2 UN Operations in East Timor

There were three major missions sent to East Timor, which were either administered or authorised by the UN. The missions were: the UN Mission in East Timor (UNAMET), the International Force East Timor (INTERFET) and the United Nations Transitional Administration in East Timor (UNTAET).

3.2.1 UNAMET

UNAMET was authorised by the UN Security Council in June 1999 as per Resolution 1246. The main purpose for the mission was to prepare for, and carry out, the popular consultation in East Timor which was called for by the East Timorese and welcomed by the Indonesian government (United Nations 1999). In the Resolution, the UN Security Council resolved to

> "establish until 31 August 1999 the United Nations Mission in East Timor (UNAMET) to organize and conduct a popular consultation, scheduled for 8 August 1999, on the basis of a direct, secret and universal ballot, in order to ascertain whether the East Timorese people accept the proposed constitutional framework providing for a special autonomy for East Timor within the unitary Republic of Indonesia or reject the proposed special autonomy for East Timor, leading to East Timor's separation from Indonesia" (UN Security Council 1999).

The mission called for a popular consultation, but it was effectively a referendum vote on whether the East Timorese wanted to be a sovereign state or remain a province of Indonesia with special status (Katsumi 2010). UNAMET was specifically chosen for this task because it was envisaged that it would carry out a free and fair referendum process, in compliance with global voting standards of secret and direct ballots. The UN Security Council also authorised the deployment of 280 civilian police officers, to advise the Indonesian Police and to oversee the transportation of ballot papers and boxes to and from voting station (UN Security Council 1999). They further authorised the deployment of "50 military liaison officers to maintain contact with the Indonesian Armed Forces in order to allow the Secretary-General to discharge his responsibilities under the General Agreement and the Security Agreement," (UN Security Council 1999) which was agreed upon between the UN Secretary General and the Government of Indonesia. Both these deployments were made to be part of UNAMET and not separate from the resolved mission. The UN Secretary General also proposed that the UNAMET have "a political component responsible for monitoring the fairness of the political environment," (UN Security Council 1999) as well as an "electoral component responsible for all activities related to registration and voting" (UN Security Council 1999). The UN Security Council recognised the proposals and approved the recommendations as part of UNAMET's mandate.

At this stage, Indonesia still insisted that security in East Timor remained the responsibility of the Indonesian Government, which the UN Security Council reluctantly agreed with (Annan 2012, 103-104). Within Resolution 1246, the UN Security Council stressed "the responsibility of the Government of Indonesia to maintain peace and security in East Timor" (UN Security Council 1999). This was to ensure that the elections are carried out without fear, intimidation and violence towards the people of East Timor. This responsibility is based on general state sovereignty rules that dictate that the security of a territory is the responsibility of the state. In this case, East Timor was still seen as a province of the Indonesia and therefore its security was reliant on the Indonesian state security apparatuses such as the police and the military. This also implied in Resolutions 1246 and 1264, that the Indonesian government was responsible for the protection of UNAMET whilst it carried out its mandate.

The results of the referendum vote were in a sizable loss for Indonesia, with 78.5% of East Timorese voters voting in favour for independence, violence broke out in East Timor (Gorjão 2002, 315). The referendum vote had shown that the people of East Timor were in favour of a change of regime which they could directly elect and that would best represent them. The violence resulted in 1500 people being killed and a quarter of a million others made refugees and forcefully displaced (Gorjão 2002, 315). Many of the displaced people ended up in West Timor, a province in Indonesia, where they were further displaced "in more than 200 locations…most…in the areas around Kupang (in the western part of West Timor), Kefa (in the central part, outside of the East Timorese enclave of Ambino), and Belu District, particularly Atambua (near the border with East Timor)" (US Committee for Refugees and Immigrants 2000). There was also disconnect and miscommunication between the central government of Indonesia and the Indonesian military. The latter was denying the violence to the former so that they could stay in East Timor longer (Taylor 1999, Annan 2012). This made then President of Indonesia, President Habibie, seem like a willing accomplice to the rest of the world because he vehemently denied any violence in East Timor (Annan 2012, 107). Furthermore, UNAMET was also under threat and targeted in the attacks which resulted in the evacuation of UN staff at the UNAMET headquarters in Dili, the capital of East Timor (Taylor 1999, Tran 1999, Australian Broadcasting Corporation 1999).

3.2.2 INTERFET

The International Force East Timor (INTERFET) was authorised with the backdrop of the violence against East Timorese, UNAMET personnel and its headquarters. It was not a UN led mission, it was a coalition mission which was authorised by the UN Security Council in September 1999 through Resolution 1264 and led by Australia (UN Security Council 1999). INTERFET was a peace-making military force which was led by the Australian military supported by the New Zealand and Thailand militaries amongst others (Cross, et al. 2003). Prior to the creation of INTERFET, Australia had already been in talks with the Indonesian government over the situation in East Timor. The UN Secretary General, Kofi Annan, was also extremely involved in the process of negotiating with Indonesia to accept an intervention mission in East Timor (Annan 2012). INTERFET was tasked with was to create a secure environment in East Timor and to stabilise the territory so that the UN could come and facilitate the change of regime and power from Indonesia to the elected people of East Timor.

In Resolution 1264, the UN Security Council "acting under Chapter VII of the Charter of the United Nations" (UN Security Council 1999) authorised

> "the establishment of a multinational force under a unified command structure, pursuant to the request of the Government of Indonesia conveyed to the Secretary-General on 12 September 1999, with the following tasks: to restore peace and security in East Timor, to protect and support UNAMET in carrying out its tasks and, within force capabilities, to facilitate humanitarian assistance operations , and authorizes the States participating in the multinational force to take all necessary measures to fulfil this mandate" (UN Security Council 1999).

It is important to note that the UN Security Council authorised INTERFET as a response to a threat to peace and security (UN Security Council 1999). In the resolutions that I have read for this report, I have found that the UN Security Council is extremely particular with the words that it uses in its resolutions. I used a small sample of resolutions which either authorised humanitarian intervention or were related to humanitarian intervention. Resolution 1973, which authorised the intervention to protect civilians in Libya as well as establish a no-fly zone, explicitly states that the UN is acting in the interest of international peace and security. In Resolution 794, which authorised the creation of the Unified Task Forces (UNITAF) which was tasked with creating a secure environment to disperse humanitarian

relief as well as protect civilians, the UN Security Council also clearly states that it is acting in the interest of international peace and security. This is the same trend in Resolution 955, which authorised the creation of a tribunal in Rwanda to hold perpetrators of the genocide accountable. The reason for this sampling is to show how much importance the UN Security Council places in the wording of its resolutions. In the case of mandating INTERFET in East Timor, the UN Security Council only states that "the present situation in East Timor constitutes a threat to peace and security" (UN Security Council 1999) and that INTERFET's presence in East Timor is to restore and maintain peace and security in the country and not internationally.

Within INTERFET "22 contributing nations were represented in INTERFET with a total force strength of approximately 12,600" (Kelly, et al. 2001). As the leader of the operation, Australia contributed approximately 5500 troops (Gorjão 2002). There was a civil portion of the mission which accounted for approximately 1400 of the personnel and a military observer portion which accounted for 124 of the total personnel (Gorjão 2002).

Kelly et al (2001) identify that there were four distinct stages to the INTERFET operation. These phases were the control, consolidation, transition and redeployment stages. The control stage encompassed gaining control of East Timor points of entry in both Dili, the capital of East Timor, and Bacau, the second largest city on the island (Kelly, et al. 2001). In the consolidation stage, INTERFET sought to create and uphold control and peace as per the UN Security Council mandate (Kelly, et al. 2001). The control was also extended to parts of West Timor, in Indonesia, and Atauro Island a territory of East Timor (Kelly, et al. 2001). The stage was maintained from September 1999 until January 2000. The third stage was the transition stage, which saw INTERFET phasing its responsibilities to UNTAET, which was mandated to be the transitional administration in East Timor till there was an elected government (Kelly, et al. 2001).

INTERFET handed over the operation in East Timor "having maintained security for three months without a serious incident, set up a border security management system, established an internally displaced persons (IDP) return plan and reduced the risk of militia activity" (Kelly, et al. 2001). Not only was this commendable, but it meant that the humanitarian intervention mission to East Timor, authorised by the UN Security Council, acting under Chapter VII had succeeded. This was a monumental success because preceding humanitarian

interventions in the 1990s had failed dismally. On the 23rd of February 2000, INTERFET officially handed over its operations to UNTAET with some of the personnel remaining in East Timor and working under the new mandate of UNTAET and the rest going back to their respective countries (Macqueen 2015).

INTERFET successfully fulfilled its mandate. It was able to end the violence in East Timor, stop the forced displacement of the East Timorese as well as protect and ensure that the humanitarian assistance issued by the UN reached the intended recipients. This success is synonymous with the research report's definition of a secure environment which is to ensure that the people being targeted for violence, mass killing and other types of social brutalisation which warrant humanitarian intervention being no longer at risk.

3.2.3 UNTAET

The last mission, within the scope of this report, was the United Nations Transitional Administration in East Timor (UNTAET) which was a transitional administration and peacekeeping mission mandated by the UN Security Council in October 1999 through Resolution 1272. In this resolution, the UN Security Council set out "to establish…a United Nations Transitional Administration in East Timor (UNTAET), which will be endowed with overall responsibility for the administration of East Timor and will be empowered to exercise all legislative and executive authority, including the administration of justice" (UN Security Council 1999). The UN Security Council determined that the mandate of UNTAET was:

> "(a) To provide security and maintain law and order throughout the territory of East Timor;
>
> (b) To establish an effective administration;
>
> (c) To assist in the development of civil and social services;
>
> (d) To ensure the coordination and delivery of humanitarian assistance, rehabilitation and development assistance
>
> (e) To support capacity-building for self-government;
>
> (f) To assist in the establishment of conditions for sustainable development;" (UN Security Council 1999).

The UN Security Council also decided, based on a recommendation report issued by Secretary General Kofi Annan, to further mandate UNTAET to enforce an organisational structure with:

> "(a) A governance and public administration component, including an international police element with a strength of up to 1,640 officers;
>
> (b) A humanitarian assistance and emergency rehabilitation component;
>
> (c) A military component, with a strength of up to 8,950 troops and up to 200 military observers" (UN Security Council 1999).

As previously mentioned, UNTAET was present in East Timor to facilitate the construction of a new state and regime change from a *de facto* regime to a democratically elected one. UNTAET was the first UN mission of its kind. There were other missions which had similarities to it such as the United Nations Transitional Authority in Cambodia and the United Nations Transition Assistance Group, the peacekeeping mission which was sent to monitor peace process and elections in Namibia (Katsumi 2010). UNTAET, however, was the first mission the UN has mandated which took over and administered functions and "departments of government…such as finance, justice, infrastructure, economic and social affairs" (Katsumi 2010, 63). UNTAET had so much power and freedom that it even had the power to enter treaties on behalf of East Timor. Cases that show this include the signing of treaties in 1999 with the World Bank International Development Association and with Australia regarding the Timor Gap (Katsumi 2010).

UNTAET also established different institutions to assist it with the tasks of being a transitional administration, state-building, as well as preparing East Timor for its final administration. The first institution that UNTAET established was the National Consultative Council (NCC) (UNTAET 1999). The purpose of the NCC was to have "a consultative mechanism that ensures the participation of the East Timorese people in the decision-making process during the period of the transitional administration in East Timor" (UNTAET 1999). The NCC was envisaged to be the platform where representatives of the East Timorese citizens could discuss and be active in the decision making regarding East Timor whilst UNTAET was there. The decision-making included making recommendations on policy regarding executive and legislative processes. In order to provide targeted recommendations

and decisions, the NCC was also mandated to create nine joint committees which consisted of local and international experts (UNTAET 1999). The nine joint committees were on "agriculture, education, environment, finance and macro-economics, health, human rights, infrastructure, local administration, natural resources" (UNTAET 1999). Another aspect of the NCC was holding consultations with civil society groups such as youth groups, women's groups and religious groups.

The NCC consisted of 15 members which were broken down to:

> "Seven (7) representatives of the National Council of East Timorese Resistance (hereinafter: CNRT); Three (3) representatives of political groups outside the CNRT, which were in existence prior to 30 August 1999, the date of the popular consultation in East Timor; One (1) representative of the Roman Catholic Church in East Timor…the Transitional Administrator and three (3) other UNTAET members, to be selected by the Transitional Administrator" (UNTAET 1999).

The Transition Administrator was tasked with both chairing and selecting the members of the NCC. The Transitional Administrator sought representations from CNRT, political groups outside of the CNRT, as well as the Catholic Church in East Timor, before he appointed the representatives (UNTAET 1999). However, in the establishing document, UNTAET makes it clear that the NCC will "in no way prejudice the final authority of the Transitional Administrator in exercising the responsibilities vested in UNTAET" (UNTAET 1999). Some of the monumental decisions that the NCC were consulted in, and consented to, included "setting up a legal system, re-establishing a judiciary, setting an official currency, creating border controls, taxation, and creating a first consolidated budget for East Timor" (UN Peacekeeping 2002).

The second institution that UNTAET established to help execute its mandate was the Transitional Judicial Service Commission. UNTAET envisaged that the purpose of this commission would be to "recommend to the Transitional Administrator candidates for provisional judicial or prosecutorial office, provide advice on the removal of judges or prosecutors, and prepare a Code of Ethics for judges and prosecutors" (UNTAET 1999). The commission consisted of five people, broken down in three experts of East Timorese origin and two of the experts would be from outside East Timor (UNTAET 1999). The experts were appointed by the Transitional Administrator and the chairperson of the commission was one

of the East Timorese experts. Furthermore, the chairperson of the commission was not required to have a legal background as long as they were of high moral and ethical standing within East Timor. The remaining experts had to have high legal background and standing. The commission was granted independence to be able to carry out its functions.

In accordance with recommendations of the Secretary General, in his report submitted to the UN Security Council, as well as the UN Security Council's Resolution 1292, UNTAET created the Civilian Police Force (CivPol) to ensure that there was law and order in East Timor. CivPol's mission was to "provide, during the transitional period, a professional, modern, democratic and community-based police service in East Timor; to ensure the human rights of every person in East Timor are protected; to provide training, guidance and direction in the development of a national police service which can operate on its own once a Timorese government is elected" (UN Peacekeeping 2000). State security functions such as airport security, military protection and other such functions were administered by UNTAET's armed peacekeeping force. The main priorities for CivPol were:

> "to safeguard and protect the people of East Timor; to provide a visible uniformed presence by patroling on foot and in vehicles and to respond swiftly to requests from the public for police assistance; to investigate crimes; to develop community policing strategies with input from the community itself to keep homes and neighborhoods secure; to ensure law and order for a limited period of time until the East Timor police is fully established and operational; to recruit, train and establish an East Timor Police Force; and, to facilitate the safe return of displaced persons and refugees" (UN Peacekeeping 2000).

3.3 First Phase of Transitional Administration

UNTAET is split into two phases in literature. The first phase came after the Transitional Administrator had established the NCC, Transitional Judicial Service Commission as well as CivPol. UNTAET's work shifted to the first phase of transitional administration, which was to ensure that the mission began to create structures that imitate government structures in order to initiate the transition of administration from the UN to the people of East Timor. This phase occurred between 2000 and 2001. It began with the dissolution of the NCC and the establishment of the National Council, which was created as a forerunner to a parliament for East Timor. The National Council was made of 36 members which were broken down to

"13 from political parties, 13 from the districts, 7 from civic organizations and 3 from religious groups" (UNTAET 2000). Furthermore, the Transitional Administrator insisted that 13 members of the National Council needed to be women to ensure that the council was inclusive. The membership breakdown was done in such a way that it would be most representative of the society and political realities in East Timor (UNTAET 2000).

To further compliment the legislative and executive government structures, UNTAET created an 8-portfolio Transitional Cabinet to be the first phase of a government executive in East Timor. The portfolios that were created were on "internal administration, infrastructure, economic affairs, social affairs, finance, justice, police and emergency services, and political affairs" (UN Peacekeeping 2002). The portfolios on internal administration, infrastructure, economic affairs and social affairs were led by East Timorese experts and the portfolios on finance, justice, police and emergency services, and political affairs were led by senior UNTAET officials (UN Peacekeeping 2002).

One of the more important initial approvals of the Transitional Cabinet was the expansion of the police force and the creation of the East Timor Defence Force. The cabinet approved a draft regulation regarding the police force which outlined the "provisions on the general duties and powers of police officers, and the structure of the Police Service, reflecting the organization and practices put in place" (UN News 2001). The draft regulation also provided a "framework for the operation and management of East Timorese penal institutions, the treatment of prisoners, and the rules of conduct for prison officials" (UN News 2001). The draft regulation was later sent to the National Council which approved the regulation. In terms of the East Timor Defence force, the Transitional Cabinet approved a forced made of "1,500 troops drawn from the ranks of the former East Timorese pro-independence guerrilla force FALINTIL and supplemented by a reserve of equal number" (UN Peacekeeping 2002). This totalled a military made up of 3000 troops and reserves, recruited from citizens that were willing to serve East Timor through military service. What we began to see was UNTAET effectively building a state.

At this time, there was further advancement made in East Timor's legal apparatuses through the appointment of the Prosecutor General for East Timor (UN Peacekeeping 2002). There were also further creations of a "Defender Service, 3 District Courts, a Court of Appeals, and prisons" (UN Peacekeeping 2002). These would work hand in hand with the expanded police

and military forces. The structures created in the first phase was UNTAET's way of ensuring that a secure environment was maintained in East Timor.

3.4 Second Phase of Transitional Administration

After the creation of the institutions to govern East Timor during its transition as well as preparing the country for independence, UNTAET embarked on the second phase of transitional administration which was to create structures that would govern East Timor post-independence. The idea was to create a parliament, or assembly, government departments, as well as initiate elections for a president for the country.

UNTAET started by launching a registration drive for those that were eligible to vote as well as a general census of the people that lived in East Timor and who were citizens of the state. According to UNTAET, this process of civil registration of the citizens of East Timor resulted in registration of 737 811 people (UN Peacekeeping 2002). The voters' registration roll was also taken official population census of East Timor (UN Peacekeeping 2002).

Following the civil registration of the people of East Timor as well as the creation of the electoral roll, UNTAET called for elections of a Constituent Assembly in East Timor which would be mainly tasked with writing up the country's first democratic Constitution (European Commission 2001). Accordingly, the regulation that was passed by UNTAET, the Constituent Assembly would be made up of 88 members who would be voted in by the people of East Timor (UNTAET 2001).

In order to elect the members of the Constituent Assembly, UNTAET established and mandated the Independent Electoral Commission (IEC) to organise and manage the elections. The IEC was "composed of the Chief Electoral Officer and five (5) voting Commissioners appointed by the Secretary-General of the United Nations Organization, two (2) of whom shall be East Timorese, and three (3) of whom shall be internationally recognized experts in electoral matters" (UNTAET 2001). The IEC was main responsible for "the organization and conduct of the electoral process…the procedures, instructions, prescribed forms and guidelines for the electoral process made under the present regulation…the registration of political parties for the purposes of the present regulation…ensuring the prevention and control of election irregularities" (UNTAET 2001). The IEC was also given an opportunity to create its own further rules once it was established.

There were 24 members of the Constituent Assembly and their main task was to create a constitution for East Timor which they needed to agree upon "within ninety (90) days of the first day of sitting of the Constituent Assembly" (UNTAET 2001). Provisions were also made that the Constituent Assembly would be East Timor's legislature upon independence if they added this in the constitution. The regulation also stated that the constitution that the assembly was working on would only be effective upon the country's independence.

Membership of the Constituent Assembly would consist of "thirteen (13) representatives, being one representative from each of the existing thirteen (13) administrative districts… seventy-five (75) representatives, being representatives elected on the basis of one single nationwide constituency" (UNTAET 2001). The 13 district representatives were voted in by legal residents that lived in those districts. The remaining 75 representatives were elected in through a national ballot system where those that had registered to vote were able to cast votes for the 75 other representatives which occupied seats at the assembly.

In August 2001, 91% of East Timorese that had registered to vote went to polling stations to elect members of the Constituent Assembly (UNTAET 2001). UNTAET also mandated the establishment of the Council of Ministers which would be solely made up of East Timorese and would act as "the representative body of the Transitional Government" (UNTAET 2001). The Council of Ministers was created to replace the Transitional Cabinet that was created in the first wave of transitional administration (UN Peacekeeping 2002).

In terms of the structure of the council, Regulation 2001/28 of UNTAET put forth that "the structure of the Transitional Government and its Council of Ministers shall be specified by the Transitional Administrator" (UNTAET 2001). The Council of Ministers was made up of "the Chief Minister, Ministers and other members of the Transitional Government as the Transitional Administrator may appoint" (UNTAET 2001). Regarding the Transitional Government that the Council of Ministers would be a representative body of, the Transitional Administrator of UNTAET promulgated that the Transitional Government would be "composed of a Chief Minister, Ministers, Vice Ministers and Secretaries of State" (UNTAET 2001). The Transitional Government was also appointed by UNTAET's Transitional Administrator with consultation from the Constituent Assembly. The Council of Ministers as well as the Chief Minister of the Transitional Government were directly answerable to the Transitional Administrator (UNTAET 2001).

The main functions of the Council of Ministers were to:

> "formulate programs and policies for the East Timor Public Administration; supervise the East Timor Public Administration; recommend draft regulations to the Transitional Administrator, for his consideration and referral to the Constituent Assembly…recommend to the Transitional Administrator the promulgation of directives" (UNTAET 2001).

The understanding was that, until the presidential elections, as well as UNTAET's handover of East Timor's administration, were finalised, the Constituent Assembly, the Council of Ministers and the Transitional Government would govern East Timor. In March 2002, the Constituent Assembly agreed to and signed East Timor's first democratic constitution (UN Peacekeeping 2002). This was followed by presidential elections in April which resulted in the victory of Xanana Gusmao as the first democratic President of East Timor.

Following the signing of the constitution and the presidential elections, UNTAET handed over the administration of East Timor on 20th May 2002. The Constituent Assembly was also formally recognised as East Timor's first parliament which meant that the role of UNTAET as a transitional administration would no longer be needed.

In closing UNTAET fulfilled the following outcomes:

1. It maintained the secure environment which was created by INTERFEFT. UNTAET further built institutions which would ensure that the environment would remain secure;
2. The construction of the new East Timor was done in a way that included East Timorese. It ensured that the remnants of the old regime had been taken away. Those that were involved in the construction were either directly appointed by the Transitional Administrator or, as seen in the later phases, elected by the people of East Timor. This ensured that the state-building project was owned by both the East Timorese and UNTAET;
3. UNTAET left the people of East Timor with an administrative skeleton which the East Timorese could further add on to by themselves.

4. Case Study Analysis

The purpose of this chapter is to analyse the case study chapter. The analysis will seek to examine why INTERFET and UNTAET were a success case and how their success can be used to inform intervention under the React and Reconstruct pillars of the R2P doctrine in cases of secession, self-determination and independence. INTERFET addresses the reaction pillar of R2P, whereas UNTAET addresses the reconstruction pillar. It will not analyse UNAMET as it was not a humanitarian intervention mission. UNAMET was only in East Timor to prepare for the referendum vote. Furthermore, there was no violence during UNAMET preparations. There was only intimidation for people to not register to vote or to vote.

4.1 Analysis of INTERFET

There are several points of analysis regarding INTERFET which are pivotal to the mission and its success. This section will focus on, amongst others, the players involved in getting the intervention going, and the presence of a strong regional actors which led the intervention,

Involvement of International Actors

The main international players in intervention in East Timor were Portugal, East Timor's former coloniser; the United Nations, led by the Secretary General Kofi Annan as well as the UN Security Council; Indonesia, which was the current sovereign of East Timor; and Australia, which had the most peacekeeping experience in the region. The negotiation between these parties ensured that the intervention was not only a success but that it was accepted by all parties involved.

Portugal has always ensured that the situation in East Timor remains on the UN agenda. The status of East Timor was initially an international point of interest in 1975. East Timor is a former colony of Portugal which was granted independence in 1974. The fight for East Timorese independence from Portugal was a violent one which carried on even after East Timor had been granted the independence (Macqueen 2015). What is important to note at this stage is that Portugal had exited East Timor with the understanding that East Timor was an independent state. So, when Indonesia invaded East Timor in 1975, the invasion did not sit well with Portugal due to the understanding it had when it relinquished its colonial hold over East Timor. This is important in that this made Portugal bring the plight of East Timor into

the international multilateral structures, especially the UN. Portugal's aim was to ensure that the independence of East Timor was granted to the country as per Portugal's exit of the territory (Martin 2004). Therefore, when the violence broke out after the referendum vote, Portugal was once again at the forefront of sounding the alarm about the atrocities that were happening in East Timor, carried out by the Indonesia military and anti-independence militia that were backed by the Indonesian military. According to Annan's recollection, Portugal had stated that it was in the position to intervene in East Timor, but Annan did not allow them to do so due to their sensitive history with the region. Furthermore, the fact that Portugal was not from the region favoured the Indonesian military (Annan 2012).

The Secretary General of the UN, as well as the UN Security Council, wanted to ensure that the UN could redeem its past failure, in the decade, pertaining to intervention and peacekeeping. When looking at the intervention retrospectively, Annan (2012) put forward that his failures at the UN Department of Peacekeeping Operations (DPKO) in Rwanda as well as the international failure in Kosovo, motivated him to ensure that there was a resolution to the situation in East Timor. The UN had never formally recognised Indonesia as the sovereign over East Timor. However, the politics of the UN, in terms of Indonesia's western allies the US, UK and France, being powerful members of the UN Security Council ensured that it enjoyed freedom from being questioned of its control of East Timor. This lack of recognition also made the independence and intervention in East Timor much easier.

The negotiations between these parties was extremely important. Indonesia, Australia and Portugal were already in conversation regarding the status of East Timor, especially after the resignation of President Suharto in Indonesia (Martin 2004, Annan 2012). Portugal saw this as an opportunity to once again bring attention to the independence of the people of East Timor. To Portugal and the East Timorese's advantage, the new Indonesian President Habibie was open to negotiating the status of the people of East Timor. In fact, the negotiation between the three parties is what had mostly led to President Habibie allowing for a referendum to be called in East Timor to let the territory decide its own status in a vote. This openness allowed for President Habibie and Kofi Annan to develop a personal relationship, which Annan was able to use to negotiate and reason with President Habibie to accept international help to stop the post-referendum violence in East Timor.

Australia – The Strong Regional Actor That Took Lead

Interesting to note during the time of the violence in East Timor, is that Asia-Pacific Economic Cooperation (APEC) was having its annual Foreign Affairs Ministers' meeting in New Zealand. APEC was extremely opposed to adding the issue of East Timor to this meeting's agenda because it deviated from the mandate of the organisation, which was economics (Martin 2004). However, at the insistence of Canada, which is not in the same region as Indonesia and East Timor, the situation regarding East Timor was discussed in special ministerial meeting which ran alongside the main event (Martin 2004). It was on this platform that Australia and New Zealand expressed that they were ready to intervene in East Timor only if the Indonesian government agreed (Martin 2004). Malaysia and the Philippines also expressed that they would be ready to assist with an intervention based on the same conditions as Australia and New Zealand.

Welsh (2004) speaks of the phenomenon of the lead state. In order for there to be a successful military intervention on humanitarian grounds there needs to be a "timely and effective action to prevent mass suffering" which "requires a particular state with the capability, interest, and will to lead the military effort" (Welsh 2004, 178).

In the case of INTERFET, the lead state was Australia, which was also a regional power within the Southeast Asia and Oceania region. Australia was able to wear the two hats of legitimate intervenor and lead state because Australia was a trusted ally of Indonesia, as the two nations shared the Timor Gap Treaty and an agreement on Mutual Security which allowed for Australia to search for oil in the Timor Sea (Katsumi 2010). Australia had also formally recognised Indonesia as a *de facto* ruler of East Timor in 1978 and later as a *de jure* ruler of East Timor in 1979 (Coleman 2007, 241). This was telling of Australia's relationship with Indonesia as the UN, the only organisation which has the normative power of recognising a country's sovereignty over another, had not done so in the case of East Timor.

However, there were also tensions in the selection of Australia as the lead state because many of its Asian neighbours saw Australia as a Western state and not an Asian state. This is why Australia insisted on the involvement of other regional militaries as well as the invitation from the Indonesian government to intervene (Martin 2004). In addition, Kofi Annan also

foresaw this problem which prompted him to start conversations with other regional powers such as Singapore, Thailand and Malaysia to not only support the call for an intervention but to also lend troops to the cause (Annan 2012, 106-107).

To further assert Australia's role as a lead state, it was known that "Australia had a robust, competent military with an ability to lead the operation effectively and convincingly" (Annan 2012, 106). Australia also enjoyed an ally relationship with the USA, France, and the UK, who were arguably the strongest members of the UN Security Council's P5. It had also played a large role in UN Peacekeeping Operations dating back to 1947, the year of the inception of the UN (Australian War Memorial 2017). The first UN Peacekeeping mission which Australia was part of in 1947 was coincidentally a military observer mission to enforce a ceasefire agreement in Indonesia. Australia had initially called for Indonesia's decolonisation, from the Dutch, to the UN Security Council in 1947 (Londey 2017).

Australia also wanted to ensure that the right procedures were followed (Martin 2004). For them these procedures included ensuring that Indonesia agreed to the intervention, that the intervention included other regional actors and lastly and most importantly, they insisted on the mission being authorised by the UN (Annan 2012). Not only was Australia not willing to engage in an intervention that would fail, but it also still had strong ties with Indonesia that it wanted to continue benefitting from.

Lastly, Australia made a good lead state because of the financial burden that the intervention was envisaged to be. Because the intervention was a UN-authorised-Australian-led intervention and not a UN led intervention, it meant that Australia could not apply for funding from the UN to help finance the mission (Coleman 2007). Within the region at the time, only Australia could afford such a burden. There is no consensus on how much the mission truly cost Australia – The Australian Defence Force estimated that INTERFET cost the country AU$ 645 million whereas the Department of Foreign Affairs and Trade estimated that the intervention cost AU$ 740 million (Coleman 2007, 255). Even though there is a lack of census on how much the mission cost, the amount is sizeable for a mission that ran for only 5 months. To further illustrate the financial burden that was carried by Australia, Thailand, which was the second largest contributor after Australia, estimated that the intervention cost them 21 million USD (Coleman 2007, 255). This is a stark contrast.

Invitation to Intervene

The intervention was done at the invitation of the Indonesian government. As stated above, the lead state for the intervention insisted that it would only get involved in the intervention if Indonesia agreed. Other states such as New Zealand, Malaysia and the Philippines also insisted on an invitation from the Indonesian government to intervene in East Timor (Martin 2004).

What is interesting is how the consent was acquired from Indonesia which led to the invitation of the UN Security Council mandated intervention in East Timor. Literature refers to this type of intervention as "intervention with induced consent" (Martin 2004). This is since Indonesia was initially unwilling to have external parties enter East Timor to end the humanitarian crisis that was unfolding. As stated earlier in the report, Indonesia had insisted on providing police and military security and protection in East Timor from the beginning when UNAMET had arrived in East Timor to carry out the referendum vote. It was already clear that Indonesia was unwilling to be assisted in making East Timor secure, however potential intervening states had insisted on Indonesia's consent.

The induction of consent from Indonesia to allow states and the UN Security Council to assist it in ending the violence in the country was multifaceted. The first point of pressure came from Kofi Annan. As the Secretary General of the UN, as well as a person that President Habibie saw as friend and confidant, Annan was able to constantly apply pressure on Habibie. In his memoirs, Annan viewed this as a gruelling and time consuming process which often required him to stop when President Habibie seemed upset at Annan's insistence of a foreign military presence in East Timor to end the violence (Annan 2012, 106). Annan was also lobbying the Western allies of Indonesia to privately and publicly condemn the post-referendum violence in East Timor. This included Annan getting President Clinton to apply pressure on Indonesia by threatening to withhold future military assistance from the US to Indonesia, as well as future loans and any form of assistance from the World Bank and the IMF (Annan 2012, 110). British and Canadian governments also applied public pressure on Indonesia (Martin 2004). Annan's last mechanism was to inform President Habibie that if the situation in East Timor did not improve in 48 hours, he would be forced to invite the international community to "restore peace and security" (Annan 2012, 110)in East Timor. This allowed for Habibie to realise the seriousness of the situation in East Timor. It also

informed him that there were states that were willing to intervene in East Timor, without the consent of Indonesia, especially when the lives of UN personnel were in jeopardy (Annan 2012).

The APEC ministerial meeting was also an important platform to induce the consent of Indonesia. All member states were present at the meeting, apart from President Habibie and his Foreign Minister Alatas, who had withdrawn from attending the meeting (Martin 2004, 155). They instead sent Indonesia's finance minister who was able to relay the messages directly back the President Habibie. At this meeting, Australia, Canada, New Zealand, the UK which also represented the EU, and the US were extremely vocal in calling for President Habibie to consent to an international coalition military mission headed by Australia (Martin 2004, 154-155).

Xanana Gusmao was also pivotal in the invitation of an international military force. As the leader of the liberation of East Timor, he had always called for the intervention of the international community in East Timor. He saw this as the only way in which Indonesia would respect East Timor's right to self-determination. The brutal death of Gusmao at the hands of the anti-independence militia post-referendum vote further fuelled Annan's calls for Indonesia to agree to an intervention (Annan 2012, 110).

Due to this multifaceted international pressure, President Habibie finally consented to an intervention authorised by the UN and formally invited Australia to lead that mission. Annan states that the exact words for the invitation for intervention by President Habibie were "as a personal friend of mine and the friend of Indonesia that you are…I am now calling you to ask you for your advice and assistance in efforts to restore peace and security in East Timor" (Habibie in Annan 2012, 112). This shows that the two had a personal relationship and that President Habibie respected Annan. In fact, Annan states that President Habibie might have agreed to the intervention sooner if it was not for the politics of him possibly being recalled as president, as well as the fact that he did not want to appear to his military generals (Annan 2012, 107). Hence international pressure was important to induce the consent to intervene.

The Success of the Intervention

INTERFET was a successful intervention - determined by the measure outlined in the methodology section of this report. Prior to INTERFET's arrival, 1500 people had been

killed and 250 million others had been made refugees and were forcefully displaced, all within the timeframe of the post-election violence in East Timor (Gorjão 2002, 315). The arrival of INTERFET came with the almost immediate halting of the violence in East Timor. Furthermore, INTERFET had initiated the return of many of the forcefully displaced East Timorese which were sent into the West Timor province of Indonesia by the Indonesian military and the militias it supported (UN Peacekeeping 2002).

INTERFET had succeeded because it was able to stop the internal violence in East Timor, which directly translated to the physical safety and security of the people of East Timor. INTERFET had worked towards stopping the violence at the border East Timor shares with Indonesia which further created external security for East Timor. INTERFET had also ensured that more than half of the refugees that had been displaced to West Timor were returned to East Timor. All these successes comply with the conditions of ensuring a secure environment.

4.2 Analysis of UNTAET

The role of UNTAET in creating a secure environment in East Timor was extremely important. UNTAET's mandate was to be a transitional administration in East Timor which would help the territory build its capacity towards being an independent state. Furthermore, UNTAET was mandated with peacebuilding in East Timor, carrying on from the INTERFET's peace-making mission. This section will analyse different parts of UNTAET and how they assisted, or undermined, the mission's mandate.

Maintaining A Secure Environment

INTERFET had fulfilled its mandate of creating a stable and secure environment in East Timor to prepare for UNTAET's arrival. As such, UNTAET arrived to a stable and secure internal environment in East Timor which allowed for it to set up its operations as soon as the mission arrived.

UNTAET had two organs to its mission, a military wing which was there for peacekeeping and an administrative organ which was there for peacebuilding. Even though the mission was deemed a success, there were mixed results regarding the level of success. Firstly, within the first few months of UNTAET's operation, internal violence had been brought to a total halt and roughly 150 000 refugees were returned from West Timor back to East Timor with the

assistance of the UNHCR (Macqueen 2015). Even though the mission had achieved these sizeable successes, there were still 100 000 refugees that had not been returned to East Timor. Furthermore, UNTAET's peacekeeping mission was experiencing problems with East Timor's border with Indonesia where there were still occasional fatal shootings, as well as the lack of cooperation from the Indonesian military. These shootings resulted in the death of three UNHCR staff members in a refugee camp in West Timor (Macqueen 2015). In response to this, the UN Security Council condemned the inaction of Indonesia and called on Indonesia to "disarm and disband the militia immediately, restore law and order in the affected areas of West Timor, ensure safety and security in the refugee camps, and prevent cross-border incursions into East Timor" (UN Security Council in Macqueen 2015, 650). This condemnation by the UN led to a partnering of the Indonesian military and the UNTAET peacekeepers to fight the militias and as a result relative peace and security was also achieved on the borders of East Timor.

Creation of Institutions to Kickstart the Peacebuilding Process in East Timor

In terms of fulfilling its administrative mandate, UNTAET took time to set up institutions which were inclusive of the East Timorese. Initially UNTAET's Transitional Administrator was the penultimate decision maker and he was only advised by UNTAET staff. There was no involvement of the East Timorese. Due to the fact that UNTAET was a mission run by the DPKO, political parties were seen as factions and not necessarily partners in the building of a future for East Timor (Gorjão 2002). In fact, UNTAET's former head of the Office of District Administration, was also an extreme critic of the mission, stated that the exclusion of the East Timorese was already evidence from the planning stages in New York and that it was the Transitional Administrator's fault, simply as the mission was planned to be that way (Chopra in Gorjão 2002, 316).

Understandably, the people of East Timor were also unhappy with their lack of involvement. They understood the involvement of the UN as a way of working together to formulate a new East Timor with UNTAET being a proverbial set of training wheels, which would be unattached after the presidential elections in East Timor. As a result of the growing dissatisfaction, the NCC was created, as expanded on in the previous chapter, which was "designed to have both an advisory and learning role" (Macqueen 2015, 652) for the East Timorese. With time, training and built trust between the East Timorese and UNTAET, the

NCC became the NC. From the NC, an 8-portfolio Transitional Cabinet was created with 4 of the portfolios being held by the East Timorese and the 4 four by senior UNTAET staff. The administrative functions of the East Timorese evolved further when elections were held to vote in an 88-member Constituent Assembly which would create a constitution for East Timor and ultimately become the country's parliament upon independence.

There may have been an initial lack of involvement of the East Timorese, however, they were fully involved by the end of the process. I will argue in the findings chapter that it is precisely this lack of involvement that allowed UNTAET to scope the situation in East Timor, to understand who the key players are and how they could be involved in the making of the new and independent East Timor.

Length of UNTAET's Presence in East Timor

The length of UNTAET was extremely short for the mandate that it was created to fulfil. UNTAET only lasted 31 months. The point of this was to give UNTAET enough time to set up administrative structures in East Timor so that the new government could have structures in place. Presumably, it was short so that the mission could leave early enough to ensure that the East Timorese made the institutions their own and instilled their culture into them.

Within the time that UNTAET was in East Timor it was able to create a military and police force, establish "a justice system, currency matters, taxation border control, and budgetary affairs" (Macqueen 2015, 652). It created some of these institutions with the assistance and staffing of the East Timorese. Creating a police force, military and justice system allowed for UNTAET to ensure peace, security and stability in East Timor which were crucial aspects of UNTAET's mandate. Furthermore, these institutions and other transitional portfolios that were created by UNTAET ensure that the country was able to function as quick as possible with the possibility of change when the new government and parliament came into effect. This ensured that there was room for the East Timorese to nation build upon UNTAET's exit.

Fulfilment of Mandate

UNTAET was able to fulfil its primary mandate of keeping peace in East Timor and building peace in East Timor in anticipation of independence. There was a lot of pressure on UNTAET to go further than it had and understandably, there were aspects in which it fell short, especially in dealing with the politics of East Timor. However, it is important to

remember that the stance of the DPKO has always been to fulfil its mandate and to stay away from local politics (Gorjão 2002, 316). UNTAET was able to skilfully, in the end, phase out its administration over East Timor to the people that were elected to lead the newly independent country.

Macqueen (2015) also notes that in the case of East Timor, there were real tensions in UNTAET when it came to marrying peacekeeping, which is military and technical in nature, and peacebuilding which is political. Gorjão (2002) and Katsumi (2010) further agree that UNTAET was able to fulfil its primary mandate of maintaining a secure environment and preparing East Timor for independence. However, they both further agree that it was ambitious for the mandate to have also wanted UNTAET to ensure economic security in East Timor, especially due to the mission's notably short timeframe, as well as the fact that East Timor had been in a bad economic state since the 1980s (Gorjão 2002, Katsumi 2010). Effective economic development needed another UN mission, which was later sent called United Nations Mission of Support in East Timor (UNMISET) which ran from May 2002 till May 2005. However, due to this limiting scope of this report, the mandate and work of UNMISET will not be analysed.

5. Findings

Having unpacked the case study and having analysed it, it is imperative to tease out the findings that the research report has generated. The findings are geared towards understanding how INTERFET and UNTAET were able to successfully create a secure environment for the people of East Timor. The main findings are that there was a massive amount of political capital and there was a regional actor that was willing to take the lead. The case was special in that it was a humanitarian intervention in a secession/self-determination setting, permission was sought from the *de facto* sovereign, and a relatively short time frame was provided for both INTERFET and UNTAET to operate under. The case study also exposed a gap in humanitarian intervention/R2P theory which will also be explored.

Furthermore, it is evident that in terms of creating a secure environment in East Timor both INTERFET and UNTAET were resounding successes. Their success was based on the findings that will be expanded on in this chapter.

5.1 Political and Social Capital

This idea has been explored throughout the case study as well as the case study analysis. The creation of awareness in the case of East Timor was initially brought to the international system by Portugal. The Portuguese used their political capital and weight to bring light to the situation that was happening in East Timor, especially at the UN.

Kofi Annan's political capital as the UN Secretary General was also invaluable to the case of East Timor. As stated in his memoires, he would use the evenings and nights to apply pressure on Indonesia whilst using the mornings and afternoons to lobby the Western allies of Indonesia to assist the UN in authorising a humanitarian intervention mission in East Timor (Annan 2012, 106). This political capital also won him a personal relationship with President Habibie as well as Xanana Gusmao which he exploited to ensure that there was a secure environment in East Timor. The personal relationship with President Habibie also allowed for Annan to reason with him on a personal level and to gain trust for the intervention. As previously stated in the analysis chapter, when President Habibie invited INTERFET, he spoke to Annan on the phone referring to him "as a personal friend of mine and the friend of Indonesia" (Habibie in Annan 2012, 112) to which he ultimately agreed to the intervention. If

it was not for this relationship between these two leaders, Indonesia might have never granted consent to an intervention in East Timor.

There was also political pressure which was applied by President Clinton and Prime Minister Howard. President Clinton threatened military cooperation between the US and Indonesia, any future loans from the World Bank or the IMF as well as publicly condemned Indonesia for the violence in East Timor (Annan 2012, 110). Prime Minister Howard always applied political pressure by publicly condemning Indonesia's actions as well as announcing that Australia was ready to intervene in Indonesia with further pledges from New Zealand, Malaysia, Philippine and Singapore (Martin 2004). In this sense, it felt as if the entire region was condemning Indonesia. The regional condemnation continued with the APEC Foreign Ministers' meeting which was held in Auckland, which not only attended by APEC foreign ministers but also leaders from other regions such as Canada, the UK, EU and the USA. The line of dialogue consisted of condemnation, even though an official statement of communique was not issued from the meeting, the messages were strong enough and made it back to Indonesia (Martin 2004).

All of this pressure made it known to Indonesia that it was being held responsible, both internationally and regionally, for the post-referendum violence. The same political capital allowed for several states around the world to offer their troops, personnel and expertise for both the INTERFET and UNTAET missions. Through this public pressure, international states had essentially pledged their support to fully see through the missions of creating a secure and stable environment for the people of East Timor.

5.2 Consent and Invitation from Indonesia

Another important finding in terms of the success of the intervention and transitional administration in East Timor, was the involvement of Indonesia by seeking consent and invitations for the missions. Without the consent, Australia would have never intervened in East Timor - as this was the main condition for Australia.

Furthermore, ensuring the maintenance of a secure environment in East Timor would have been difficult if the consent and cooperation of Indonesia had not been sought. Firstly, Indonesia was important in the returning of the East Timorese refugees that were displaced to West Timor. Due to Indonesia's consent and invitation, the UNHCR, UNTAET and the

Indonesian military were able to facilitate this return. The return of the refugees was in no way perfect, with 100 000 refugees that were still reportedly left in West Timor as well 3 UNHRC staff being killed by Indonesian-supported militias. Secondly, upon international condemnation towards Indonesia for insecurity and violence on the border between it and East Timor, Indonesia acted fast to ensure that it worked with UNTAET to fight the militia as well as find ways to disarm the militia. This was important to provide a secure environment on East Timor's borders which directly translated to a safer and more secure internal environment.

5.3 Strong Regional Lead

What particularly made the INTERFET mission successful was that it was a regionally managed initiative that was merely authorised by the UN. In this case, Australia played the role of lead state in INTERFET which was perfect because they had experience in peacekeeping, they had a strong military, and they could afford the expense of the mission.

Furthermore, Australia's insistence on a regional coalition to form part of the intervention made INTERFET a project for the region. Regional states that's were involved in INTERFET included Thailand, New Zealand, Philippines, South Korea, Singapore, Malaysia and Fiji (Coleman 2007, Macqueen 2015). The presence of these states ensured that the mission was both in the interests of East Timor but also in the interests of the region's relationship with Indonesia. The same idea of strong lead was also followed in UNTAET. The Transitional Administrator's highly centralised authority assisted East Timor in maintaining a secure environment whilst also building an environment for political and economic stability.

5.4 Short Timeframes for Both of the Missions

The timeframes for both INTERFET and UNTAET were relatively short and both missions sought to stick to their mandates, especially INTERFET. INTERFET was only a 5-month mission which was able to stabilise East Timor as well as provide a secure internal environment as a result of stopping the violence against civilians. INTERFET further provided a relatively secure external environment on East Timor's border with Indonesia. According to the analysis, this short time frame of INTERFET was important in that the mission provided peace, stability and a secure environment, but it also ensured that the mission did not overstay its welcome, as is the case with some contemporary humanitarian

intervention cases. Furthermore, this short timeframe allowed for the INTERFET to phaseout so that UNTAET could come in an prepare East Timor for independence.

This short timeframe was also important in the case of UNTAET. It forced the mission to act as a stabiliser in East Timor and to phase in the East Timorese politically in a more systematic and concise manner. Furthermore, the limitations provided by the timeframe were also helpful towards the end of the intervention in that it also left certain functions and institutions for the East Timorese to create themselves as part of their nation-building programme. The short timeframe did however limit economic development for East Timor under UNTAET, but it must be noted that the more important aspect of UNTAET was to maintain a secure environment and to ensure that there was a transitional administration which prepared East Timor. In fact, one would argue that economic development is one of the functions that was left for the independent East Timorese government. The creation of jobs and better economic prospects are a good set of tools for nation-building, providing the newly elected government a sense of ownership of the independence project.

5.5 Secession and Self-Determination

One of the important factors of success in the East Timor case was that it was a case of secession, self-determination and independence. This is a deviation from the humanitarian intervention cases of the 90s such as Iraq, Somalia, Rwanda, Haiti and Kosovo which were not cases of secession apart from Kosovo. Furthermore, Somalia, Rwanda and Kosovo are considered failed cases which threatened humanitarian intervention and the future of R2P even in contemporary times. A further difference between East Timor and the Yugoslavia case was that the interventions in East Timor were authorised by the UN. So even though both the East Timor and Yugoslavia were not led by the UN, East Timor was authorised under Chapter VII of the UN Charter as per international law when the Kosovo case did not get this authorisation.

The finding in this is that the nature of the East Timorese case study as compared to other interventions led to the success of INTERFET. This made it easier for UNTAET to prepare East Timor for independence as there was little political competition to derail the work of UNTAET. The people of East Timor understood that they would ultimately be led by East Timorese by the end of UNTAET's mandate. UNTAET helped prevent a power vacuum in

East Timor which we often find in cases where the sovereign authority changes with no plan of succession in place.

5.6 Consent and Invitation…A Fix for Sovereignty Question?

One of the larger obstacles of humanitarian intervention is the fact that it challenges sovereignty. It usually occurs when a state is unwilling or unable to provide a secure environment for its people, and as a result its international peers intervene to create this environment. If we look at the interventions listed in the section above that occurred in the 90s, none of them were done with the permission of the sovereign authority. They were only done with the permission of the UN Security Council, with the exception of the Kosovo case, as per the requirements of international law.

East Timor clearly overcomes this obstacle by seeking the consent and permission of Indonesia for INTERFET to intervene in East Timor, after there was a vote which was in favour of independence. The fact of the matter was that Indonesia was still the quasi-sovereign authority over East Timor up until such a time where there were independent elections in East Timor. Furthermore, as shown previously, the consent of Indonesia prevented a military conflict between Indonesia and INTERFET. Instead the two entities, later with the addition of UNTAET, partnered to help provide a secure environment on the East Timor/West Timor border and assisted in returning refugees.

However, with this being said, it is difficult to acquire consent from autocratic leaders that are violent towards their people. Examples of Libya, Sudan, Zimbabwe, Syria and Yemen show this. There needs to be a better formula of inducing this consent like in the case of East Timor by using personal and political pressures – like the relationship between Annan and Habibie; or Prime Minister Howard's public pressure –, economic pressure – like the threat of impactful sanctions like US threatening to stop IMF and World Bank Funding – and social pressure like the East Timorese intensifying their calls for independence).

In closing, and more importantly, the findings have led the report to reach a conclusion that humanitarian intervention and R2P can be successful if the case is one of secession, self-determination and independence. It is very important that the conditions listed in the findings are present in the case so as to ensure the best level of success of the intervention.

6. Conclusion

The main aim of this research report was to find a success case of humanitarian intervention and tease out the tenets that made it successful so that they could be applied or modified for related cases going forward. The case of East Timor was perfect for this because it seemed like unique success case but what we have been able to see is that there are cases similar to it that require the same interventions.

There were five different categories that were explored in the literature to invoke the thinking of carrying out the research, which proved to be extremely relevant.. The literature helped direct the paper with the understanding that humanitarian intervention was an evolving norm which is applied in different ways in differing contexts. Hence the importance that was placed in tracing humanitarian intervention from its just war origins all the way to R2P. It also helped shape the understanding of how norms, such as humanitarian intervention, are created. However, the inclusion of the creation of norms literature also assisted with the question of how the findings of this research can be applied and how the modified version of humanitarian intervention could be brought into effect in the international community.

The literature on regime change was interesting in that it helped us understand ways in which regimes could be changed within countries. What was limited was the relationship between secession, calls for independence and self-determination in relation to regime change. The theory neglected to account for external powers which helped amplify the calls by local citizens for independence, as well as the role that external parties and institutions could play in the transitional phase of changing from a brutal *de facto* regime to a democratically elected regime. What we were able to observe was that East Timor was a change in regime that was wanted by the people of East Timor and consented to by the *de facto* sovereign authority of Indonesia.

In the case study and case study analysis chapters the research report was able to extract findings which were pivotal to the success of the humanitarian intervention as well as the UN transitional administration in East Timor. The most significant finding was that all parties that wanted to be involved in INTERFET insisted on having Indonesia's consent to intervene. This is a very crucial finding because the permission for the intervention had to come from the source of violence in East Timor. This further challenges the notion of humanitarian intervention being a threat to state sovereignty especially when the intervention is an invited

one. The consent may have been induced but what it ensured was that Indonesia would comply with the intervention, assist where it was needed and to not meddle in the work of the intervenors. In addition to this, political capital was needed to be invoked on multiple levels such as locally (the people of East Timor), regionally (APEC, Australia) and international (Portugal, UN, USA, and Canada),to induce the consent of Indonesia.

A further important finding which was extracted from the case study was that East Timor fell under the cases of secession, independence and self-determination. According to the analysis of the research, this made the intervention successful not only because it was consented to, but it was wanted in that 78.5% of East Timorese voters voted for independence and the Xanana Gusmao had made personal pleas to the UN on behalf of the people of East Timor for a humanitarian intervention. It would seem that this has an effect on the success of the intervention in that the East Timorese knew that both INTERFET and UNTAET were there to help them actualise their dream of being independent. This was further supported by the short-time frame in which both missions were present in East Timor. They were clearly there to fulfil their mandate, and in the case of UNTAET, as well as to start a state-building exercise which the people of East Timor could carry on, in a manageable way, once UNTAET had left.

With this being said, it is very evident that, in relation to the definition given, INTERFET and UNTAET were able to create and maintain a secure environment in East Timor. Furthermore, even though both missions did not induce regime change, they facilitated it in a manner that was consented to by all parties involved. This may be the solution to cases of humanitarian intervention when it relates to secession, independence and self-determination-induced regime change.

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