The occurrence of massive violations of human rights in the post-Cold War era has greatly challenged the willingness of international society to intervene when widespread abuses committed by intra-state actors have resulted in the deaths of many defenseless people. The decision whether to intervene or not has always been a contentious issue in international relations mainly because of two reasons: firstly, because of its intrusive nature and its potentials of being misused for self-serving national interests other than the intended humanitarian objectives; and secondly, the operational costs of sending military forces across national boundaries. However, in spite of these supposed limitations, humanitarian intervention have had happened in several instances when willing states have stepped-in in order to rescue civilians from genocide and other forms of mass killings such as in East Timor. This paper will analyze Australia’s willingness to act on behalf of the people of East Timor during the post-referendum crisis in 1999, with a particular focus on its motivation to assume the leadership role in the UN mandated humanitarian intervention.

The Destruction of East Timor

In August 1999 the people of East Timor voted to be an independent country after 24 years of Indonesian rule. Immediately after the results of the referendum were announced the country descended into mayhem. The pro-integration militias, supported by the Indonesian military turned East Timor into “an apocalyptic landscape” (Bartholet 1999). Innocent pro-independence supporters were deliberately targeted and the greater part of the territory was set in flames through a well-planned scorched earth policy. Moving with deliberate haste and organizational efficiency, the militias fanned out to every village and town, looting and burning every house and building (Traub 2000). This manner was not a random act of frenzied rage but a deliberate strategy by the militias to make sure that an independent East Timor would face a herculean task of rebuilding the county’s public infrastructure, economy, and social capital. Emerson (2003) claims that the destruction was so precise that about 70 percent of East Timor’s basic infrastructures were wiped out. Humanitarian aid workers and journalists were shocked with the extent of the devastation and the magnitude of human suffering. Villages were abandoned and the capital Dili in the description of Mydans (1999a) was a “dead city, burned, looted and evacuated.”

According to some estimates, as many as 250,000 East Timorese were displaced, the majority of whom were forcibly removed from their homes and shipped to the neighboring Indonesian territory of West Timor (Crosette 1999). The militias sent local pro-independence East Timorese to neighboring islands while others were shipped to far-flung areas of Indonesia. The militia’s strategy was to remove the pro-independence East Timorese and replace them with a new pro-Indonesian population which will have a sympathetic attitude towards the Indonesian government. The United Nations Food and Agriculture Organization estimated that in just a matter of days “7,000 people had been killed and 300,000 to 400,000 people had been displaced” (Mydans 1999b).

The INTERFET

The United Nations quickly responded to the humanitarian crisis by adopting Security Council Resolution 1264, creating a multinational force led by Australia. The International Forces for East Timor (INTERFET) was conferred with a Chapter VII mandate and was tasked to restore peace and security in East Timor (UN Security Council Resolution 1264). The speed with which the Security Council had passed a resolution authorizing a coalition of troops and their deployment is unparalleled in UN history. It took only five days from the adoption of the resolution for the troops from 22 countries to be assembled. By September 20, the first batch had landed in Dili and immediately restored order in the territory. Four days later, Indonesia started to pull-out its military and by October 318 the last Indonesian troops left East Timor after 24 years of occupation. Weiss (2007) has called the intervention as a “success story of UN involvement.” The military operations were so successful that Australian Foreign Minister Alexander Downer has unabashedly suggested that they be made as a model for future humanitarian interventions (Wheeler and Dunne 2001). The effectiveness of the humanitarian intervention in East Timor can be attributed to a confluence of factors but one reason that stands out was the crucial role played by Australia in committing the bulk of the manpower and
In defense of human rights?

The successful intervention in East Timor has been considered an example of how military forces can be used to halt large-scale and organized attacks against a defenseless civilian population whose basic human rights have been bloodily infringed (Human Rights Watch 2000). While previous cases of severe human rights violations have been ignored or ineffectively responded to, the intervention in East Timor was executed in haste and demonstrated superior organizational planning. The willingness of UN member-states to participate was a marked departure from the often lengthy planning of UN military operations in the past.

It should be noted that the sending of troops to intervene in East Timor was not an impromptu decision on the part of Australia, as the process had started weeks and months before the carnage began. The deployment of international troops to East Timor had been considered even before the signing of the May 5, 1999 agreement between Indonesia and Portugal, which granted the people of East Timor the right to choose for or against integration with Indonesia. With the possibility that the autonomy offered by Indonesia would be rejected by the people of East Timor and with the anticipation that the rejection would lead to a humanitarian crisis, Australian Prime Minister John Howard met with President Habibie on April 27 and urged Indonesia to accept an international peacekeeping force before the ballot, but he was quickly rebuffed (Nevins 2005). Days after the violence erupted on September 3, Australia put its troops in the northern territory of Darwin in advanced readiness with a twenty-four hour notice to be deployed in view of the serious security situation in East Timor. Such state of preparedness was undertaken to provide the government with varying courses of actions including the possibility of joining an international military force (Australia’s Ministry of Defense, 1999). Mydans (1999c) has observed that when the violence in East Timor started, Australia clearly demonstrated its intention of leading a multinational force by dispatching two warships with 500 troops to the waters of East Timor.

This so-called “readiness”, according to a report by Human Rights Watch (2000), was taken as a sign that the international community is now ready to utilize resources and mobilize troops to stop crimes against humanity. For Koffi Annan (1999), the case of intervention in East Timor represented a break from the UN member-states conception of sovereignty by sending troops to defend and rescue helpless civilians from mass murder. For many, the apparent willingness of the international community to forcefully intervene in East Timor seemed to demonstrate an acceptance of the norms of intervention, and a growing sense of international morality.

The assumption behind this optimistic view of intervention seems to be that Australia, being the major proponent and contributor of the INTERFET acted out of a commitment to human rights and a moral responsibility to save the lives of the East Timorese. Wheeler and Dunne (2001) have given voice to this argument, claiming that the move by Australia to risk its troops was based on moral impulse, and not supported by strong national interests, which were even put in jeopardy by its decision to save the people of East Timor. By responding to the humanitarian crisis, they consider the Howard-led Australian government to have acted as a “good international citizen”. For their part, the Australian government claims that the deployment of troops to East Timor was done in order to defend that country’s desire for independence and not to occupy the territory, impose its will on others, or act against the legitimate interests of another country (National Library of Australia 2000). The euphoria over the INTERFET’s success has earned Australia international goodwill and commendation on its benevolent and humane foreign policy, and cemented its role as a regional player.

However, there is another perspective from which to view Australia’s eagerness to restore stability and security in East Timor, one that explains state behavior in terms of selfish interest rather than the moral impulse described above. There is already a well-developed literature within political science supporting the contention that intervention generally takes place within the context of the well-calculated foreign policy of the intervening state for the primary purpose of furthering its own goals. For example, Ayoob (2002) and Miller (1995) argue that intervention is a tool used by powerful states to extend their influence on weaker states. Walzer (2002) argues that national leaders have both the right and the duty to prioritize the interests of their own people even when in pursuit of a humanitarian objective. Mearsheimer (2005) observes that “states are rarely willing to expend blood and treasure to protect foreign populations from gross abuses including genocide.” Far from challenging this perspective, Australia’s behavior as the lead-state of the INTERFET seems to have been in direct service of two major aspects of Australia’s national interests: security-political concerns and economic gains.

The Role of Australia in the East Timor crisis

Security and Political Concerns

For several decades after World War II, the focus of Australian defense strategy has been on the potential threats perceived to emanate from its northern boundaries, particularly from the less-developed states within its immediate periphery – what some scholars have label as an “arc of instability”[11]. Two years prior to the crisis in East Timor, the Australian Ministry of Defense (1997) argued that the stability of the littoral islands from Indonesia down to Papua New Guinea including the Solomon Islands and the Southwest Pacific all have a direct bearing on Australia’s strategic interests. This is not to say that all threats were...
considered equal by the Australian government; Leaver (2001) writes that, for many years, it was widely assumed that military threats to the Australian continent would “come either from or through the Indonesian archipelago”. Under this scenario, the Northern Territory would be the most vulnerable to any attack launched from any of the islands scattered close to the area. This sense of vulnerability heightened in the 1950s when President Sukarno of Indonesia veered towards the political ideologies of the left and the threat of a Communist attack against Australia seemed possible. Hence, with the assumption of power in Jakarta by Suharto in 1967, Canberra supported the change of leadership and developed a close relationship with the Suharto government, despite the authoritarian nature of his rule, and its repression of civil and political freedoms. For Australia, nothing could be more beneficial than engaging Indonesia in close bilateral relations, and successive Australian governments sustained this policy. In fact, because of the country’s huge size, strategic location in maritime Southeast Asia, and its rich mineral resources, “no bilateral relationship was valued more highly than Indonesia” (Leaver, 2001).

A weak or failed Indonesia is an enormous security threat for Australia (Shuja 2000). If Jakarta would be unable to control separatism and secessionism in any of its more than eleven thousand islands, there is a great likelihood that these islands might be used as a staging point of any attack against Australia by terrorist groups or other major powers with hegemonic ambitions. The fragmentation of Indonesia would be disastrous to Southeast Asia, including Australia, in terms of trade disruption, the flow of refugees, and security concerns. A fragile central government in Jakarta would also invite adventurism from within the military, resulting in a political vacuum and wider social unrest. The stability of Indonesia has thus been linked to Australian security and was made an integral part in the country’s foreign relations and national defense policies. The Australian Ministry of Defense, in a white paper published in 1987, has reiterated the government’s stance that:

> Australia sees a stable Indonesia as an important factor in its own security. Not only does Indonesia cover the majority of the northern archipelagic chain, which is the most likely route through which any major assault could be launched against Australia, it also lies across air and sea routes to Europe and the North Pacific (Australia Ministry of Defense 1987).

This conception of the geo-strategic importance of Indonesia became the cornerstone of Canberra’s relations with Jakarta all throughout the period of the Suharto regime until its fall in 1998. Therefore, in the case of East Timor, Australia chose to deal with the territory in the context of its recognition of Indonesian sovereignty over the territory. When Indonesia annexed East Timor in 1975, Australia was the only country who extended both *de jure* and *de facto* recognition. For Australian policy makers, the suppression of East Timor’s independence was seen as more beneficial to overall Australian national interest. An independent East Timor with weak political and economic institutions, incapable of sustaining national development and stability, would have posed as security threat to Australia. Moreover, the alliance of East Timor’s independence leaders with communist groups from abroad fuelled Australia’s fear of a communist attack possibly staged from the territory thus unbridled support was extended on Indonesia’s annexation of the territory. Shuja (2000) has noted that there was also apprehension among Australian government leaders that the independence for East Timor would result in the balkanization of Indonesia by encouraging other separatist group to demand independence from Jakarta. Subsequent severe human rights violations in East Timor committed by Indonesia’s government were relegated to the background since trade and political relations with Indonesia had a more profound impact on Australia’s national interests.

Australia’s “Indonesian first” policy notwithstanding, the destruction of East Timor after the UN sponsored referendum was a political nightmare for Australia. When Indonesia agreed to hold the UN-sponsored referendum, Australia supported the idea of putting the Indonesian military in charge of the security of East Timor, a move which signaled Canberra’s priority of preserving its bilateral ties with Jakarta. Though there were calls for the sending of UN military forces to provide security for the referendum, the Howard government chose to ignore them, believing that to push for the presence of international troops would put Jakarta on the defensive. But with violence raging on in East Timor, Australia was caught in a dilemma – to preserve relations with Indonesia or to address an immediate security need.

With the rampaging militias killing hundreds of people and threatening the lives of thousands, the threat of a massive flow of refugees caused Australia to rethink its stance of non-intervention. If a large group of East Timorese would show up in Australia seeking political asylum and refuge, Australia would be morally and legally bound to accept them. The country is a signatory to the 1954 Convention Relating to the Status of Refugees, thus it would be forced under its international obligations to open its doors to hundreds if not thousands of people and, as a consequence, strain the country’s resources and impact its domestic security. If, however, Australia turned away these threatened East Timorese, its international image and credibility would be greatly tarnished. Therefore, for Australia, a quick end to the crisis would be to restore stability in Dili. If a national government could be constituted quickly and order be restored, a massive exodus of people would be averted.

A few months prior to the referendum when all indications have pointed to a rejection by the East Timorese of the autonomy offered by Jakarta, Australia had no choice except to adjust its policies towards East Timor. Hence, as early as May, the Howard government approached the UN Secretary-General and other ASEAN states to discuss the possibility of sending an international force to East Timor.

On the political front, if Australia, being the only country with the resources to stop the killings, would abandon the East Timorese for the second time, the prospect of building cordial relations between a new government in Dili would be difficult to attain. With the overwhelming rejection of the proposed Indonesian autonomy, the emergence of an independent East Timor was already a *fait accompli* that Australia would have to accept. A hostile East Timorese government would be capable of threatening Australia’s security by various means, such as allowing the country to be a base for groups or states with an incentive to attack continental Australia. Shuja (2000) claims that there is also a risk that East Timor would end up a haven for transnational criminals trafficking drugs, illegal migrants and women, and those involved in money-laundering activities.
With two immediate concerns at hand, the security implications of the carnage in East Timor and the future of Australia-East Timor relations, Canberra was left with no choice but to break its close relations with Jakarta. Given this kind of political calculation, the decision to intervene in East Timor should not be construed as a “mission of compassion” in the service of purely humanitarian objectives. Prime Minister John Howard made this point in reference to the intervention by saying that “foreign policy needs to be based on a clear sense of national interest and on our values” (McDougall 2002). It was clear, therefore, that intervening in East Timor was to the best of Australia’s geopolitical and strategic interest.

Economic Interests

The Timor Sea is rich in oil and natural resources and, according to Ishizuka (2004), is the “world’s 27th largest oilfield with reserves of five billion barrels of oil and fifty trillion feet of liquid natural gas.” Australia’s recognition of Indonesian sovereignty in East Timor was not only a way of maintaining stability in the region, but also a means through which Australia was able to negotiate favorable commercial agreements. In the analysis of Shuja (2000), the Timor Sea could provide huge profits for Australian business, especially for the oil industry. Under the 1989 Timor Gap Treaty (TGT) signed between Australia and Indonesia, the area was divided into three sections for oil and gas production and this was called the Zone of Cooperation (ZOC). Under the agreement, in Area C, which is closest to East Timor, 90% of the revenues would be apportioned to Indonesia while Australia gets the remainder. In Area B, closer to the Australian northern territory, Australia would get 90% as opposed to Indonesia’s 10%. Revenues for the greater Area A would be equally split between the two countries. Of the three areas of petroleum and gas exploitation, Area A has turned out to be the most promising and productive with the discovery and development of three oil fields: Elang- Kakatua, Bayu-Undan and the Greater Sunrise which is the largest. Australia’s de facto and de jure recognition of Indonesia’s illegal occupation of East Timor seems to have been in exchange for securing an agreement on seabed rights and oil exploration in these areas (Aubrey 2000). While Indonesia has gained less in terms of economic benefits under the Timor Gap Treaty, its economic generosity paid off political benefits. By allowing Australia to have a greater claim on the Timor Sea, it was able to receive the most sought-after political recognition of its annexation of East Timor, which no other country had extended.

Australian economic interests in East Timor were secured as long as Indonesia was able to maintain control of the territory. However, with the possibility of an independent East Timor, Australia was compelled to change its course, if only to maintain its security needs and protect its economic investments in the area. An independent East Timor would not be bound to honor whatever agreement Canberra and Jakarta has concluded under the Timor Gap Treaty. If and when East Timor would assert its claim on the larger area of the Timor Sea, where oil companies granted concession by Australia are pouring billions of dollars into petroleum exploration and production, then under the United Nations Convention on the Law of the Sea (UNCLOS), the whole area of oil exploration would fall under East Timor’s Exclusive Economic Zone (EEZ). Under the UNCLOS, the median principle would set the maritime boundary between two states whose distance from each other’s shoreline is less than 400 miles. If this principle was applied, areas A, B, and C would all be within East Timor’s territory.

Australia’s aggressiveness to protect its business interests continued until the early days of the United Nations Transitional Authority in East Timor (UNTAET), the governing body in East Timor prior to the country’s independence. The two parties agreed that the issues of oil investments and developments would be governed by an “Exchange of Notes” in which the provisions of the Timor Gap Treaty were continued with Indonesia replaced by East Timor (La’o Hamutuk Bulletin, 2002). This deal was opposed by the East Timorese leaders who proposed that negotiations for a permanent maritime boundary be commenced, but this was rejected by Australia. From 2000 until 2002, leaders from both sides tried to hammer out an agreement that would supplant the Timor Gap Treaty. During a series of negotiations, the Australian government ‘bullied’ and ‘blackmailed’ East Timor’s leaders into accepting a deal that favored Australia (The Economist 2003). According to Scheiner (2006) the Howard government pressured East Timor into agreeing to a series of dodgy resource sharing deals allowing it to take billions of dollars that rightfully belongs to the East Timorese. The leaders of East Timor were subjected to personal attacks by Australian officials who portrayed them as lacking a sense of gratitude. The rhetoric went further into strongly worded claims that ‘East Timor wouldn’t be an independent country if it wasn’t for Australia’ (Schofield 2005).

The result of the series of negotiations is the Timor Sea Treaty (TST) signed in 2002 just several hours after the proclamation of the Democratic Republic of Timor-Leste. The new agreement renames the previous Zone of Cooperation into the Joint Petroleum Development Area (JPDA) and Australia has agreed that 90% of the revenues would go to East Timor which, if compared the previous 50-50 sharing under the Timor Gap Treaty, is obviously beneficial for East Timor. However, the most contentious issue is the management of the Greater Sunrise - the largest among the oil fields in the area. Greater Sunrise according to Chaudhry (2006) is projected to yield as much as $40 billion in revenue over its lifetime. It is believed that the oil field contains a gas reserve of 9.5 trillion cubic feet and 300 million barrels of oil (McDonald 2002; Head 2010). Under Annex E of the Timor Sea Treaty, both countries have agreed that 20.1% of the Greater Sunrise is considered located within the JPDA while the remaining 79.9% is within Australia’s jurisdiction. In effect, even if East Timor would get a 90% share of the revenues within the JPDA it is entitled to receive only 18% from the total revenue of the lucrative Greater Sunrise field (Chaudhry 2006). The treaty was further supplemented with the Agreement on the Unitization of the Greater Sunrise Troubador Fields in 2003 which provides the legal framework and regulations on the exploitation of the oil fields thus providing a level of certainty and assurance for international investors and developers.

Due to the wide-spread international criticism that these lopsided agreements have generated, Australia has signed the 2006 Treaty between Australia and the Democratic Republic of Timor-Leste on Certain Maritime Arrangements in the Timor Sea (CMATS). Under the provisions of this treaty, revenues from the Greater Sunrise will be equally shared. Furthermore, the treaty
would be in force for fifty years in which during this period both countries are prohibited in claiming sovereign rights over maritime territories or to initiate negotiations for a permanent maritime boundary (CMATS, 2006). This provision on the non-discussion of maritime borders has granted Australia the right to develop more oil fields on the other part of the Timor Sea outside the JPDA. Although the agreement on revenue sharing is beneficial for East Timor, if the median principle of the UNCLOS was considered, then Australia would have no right to claim any revenue from oil and gas in the contested areas. The Greater Sunrise is just 180 kilometers from East Timor as compared to 450 kilometers from Darwin (Head 2010; Wilkinson 2010). However, East Timor was in a weak position to negotiate, as Australia is the biggest donor of international aid to the impoverished country, and East Timor lacks the technology, resources, and infrastructure for oil exploration and development itself. A protracted negotiation would prevent East Timor in receiving any share from oil revenues in the Timor Sea. It is a different matter for Australia because whatever the outcome of the negotiations with East Timor, it is assured of receiving a windfall of financial dividends; first, the oil and gas production and exploration in the Timor Sea would help meet its growing energy demands; and second, it is poised to enjoy a variety of great economic benefits from employment opportunities, greater investments, diverse business opportunities and technological innovations especially in the northern territory where the gas pipeline would run through (Ishizuka 2004). The economic dividends of humanitarian intervention continue to be a strong motivating factor for would-be humanitarian heroes as clearly shown in Australia’s shrewd maneuvering in using humanitarian intervention as a means to protect its investments in East Timor and to gain a foothold on the territory’s critical resources.

Unmasking the humanitarian hero

Saving the lives of strangers caught in a maelstrom of violence is highly dependent on the gains that serve the national interests of states acting as humanitarian heroes. The willingness of Australia to lead the INTERFET was used to camouflage its self-serving goals. To advance its interests, Australia was left with no other option except to engage itself in East Timor and there could be no better way to attain these objectives than to exploit the humanitarian needs of the East Timorese people. Though the greater economic, political and geostrategic interests provide incentives for intervention, these interests are often cleverly camouflaged by moral imperatives. In order to gain support and legitimacy of the humanitarian intervention, Australia had to take the higher moral ground of saving East Timor instead of openly pursuing its selfish goals, otherwise the intervention would have had great difficulty in gaining international acceptance and support. The existence of a massive violation of human rights provided legitimacy and a moral cover in advancing the broader Australian national interests.

Australia had to address the East Timor intervention with tact and diplomatic skill. A unilateral intervention by Australia was out of the question, given its potential for regional and global condemnation no matter how carefully it is couched in humanitarian terms. The only way to go was through the United Nations and in building a coalition of willing states. Australia had the most to gain from stability in East Timor, thus it decided to lead the INTERFET and largely foot the operation’s bill, as well as committing the largest troop contingent.

This study has demonstrated that, rather than ushering in a new era of international relations based on limited sovereignty and international morality, as some have argued, a careful analysis of the Australia-led intervention into East Timor reveals the continued primacy of rational and self-interested state behaviour in pursuit of political and economic gain.

References


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*Footnotes*


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A Publication of: