

# **‘A Choice between a Pragmatic Realistic Position And a Principled but Ineffective Posture’**

Australia’s Position Towards Humanitarian Intervention in East Timor



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## **Abstract**

The willingness of states to undertake a humanitarian intervention is a controversial topic in the field of International Relations. Within this field, it is much discussed whether altruism or self-interest is the main driver behind the decision to intervene. This research contributes to the debate by exploring the question of what the motives behind humanitarian intervention are within the case study of East Timor. Building on a constructivist realist approach, it argues that the role of national interests explains the dramatic shift in Australia's position towards intervention in East Timor. Australia's decision in the 1970s to refrain from intervention and its decision in the 1990s to intervene were based on strategic calculations in which three interests were of paramount importance: (1) the maintenance of close ties with Indonesia for political and economic benefits; (2) the upholding of regional stability to ensure safe export relations and prevent spillover effects that damage Australia's national security; and (3) the furthering of the process in which Australia proves its regional hegemonic role and growing capabilities to the world. The case study of East Timor shows that, although evolving international norms regarding humanitarian intervention force governments to reassess their foreign policy, national interests remain the key factor in the decision-making process.

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## Introduction

In 1999, the United Nations (UN) independence referendum offered East Timor a window of opportunity to end its prolonged and bloody struggle for self-determination.<sup>1</sup> The small country, located in Maritime Southeast Asia, had then suffered under a brutal 24-year rule by its neighbor Indonesia, and before that as a Portuguese colony. For decades, the international community neglected the dismal human rights situation and the right to self-determination. When East Timor attempted to declare its independence from Portugal in 1975, Indonesia invaded and occupied the territory. This resulted in many civilian deaths, displacement and destruction of infrastructure.<sup>2</sup> Although the UN explicitly did not recognize the annexation and demanded Indonesia to withdraw, no concrete intervention took place to stop the massive human rights abuses.<sup>3</sup> This is in stark contrast with the situation that occurred after the referendum in 1999. The outbreak of violence instigated by pro-Indonesian militia groups was met with a large-scale humanitarian intervention and followed up with multiple UN peacekeeping missions.<sup>4</sup> What explains this shift in the response of the international community towards a similarly worrying human rights situation?

By examining this case, this thesis aims to contribute to an ongoing debate within the field of International Relations (IR) on the subject of humanitarian intervention. In particular, there has been much discussion about the driving factors behind the willingness to intervene. Within this debate, three main positions can be discerned. First, the realist school argues that states only intervene if it is in line with their national interests. Felix E. Oppenheim asserts that governments always act on basis of the survival of their state. In the political struggle for power, national security trumps ethical principles.<sup>5</sup> Alternatively, the liberal school claims that universal moral standards are the key driver behind intervention. As Fernando R. Tesón says, the worldwide protection of fundamental human rights excels national interests. If human rights are violated, states are morally obliged to act.<sup>6</sup> Finally, the constructivist school reasons that the normative structures in the international realm need to be studied to understand the decision to intervene. Steven Dixon explains that states collectively develop

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<sup>1</sup> After the official independence in 2002 East Timor was renamed as the Democratic Republic of Timor Leste. However, East Timor remains a legitimate name for the country. For the sake of consistency, this thesis will therefore refer to the country as East Timor throughout the entire time period.

<sup>2</sup> Simpson, B. (2015). "A Not So Humanitarian Intervention", in Fabian Klose, ed. *The History of Humanitarian Intervention*, Cambridge: Cambridge University Press, 2015, 282-283.

<sup>3</sup> Simpson, B., "A Not So Humanitarian Intervention", 282-283.

<sup>4</sup> *Ibidem.*, 292.

<sup>5</sup> Oppenheim, F. E. (1987). "National Interest, Rationality and Morality", *Political Theory*, 15:3, 386-387

<sup>6</sup> Tesón, F. O. (2001). "The Liberal Case for Humanitarian Intervention", *FSU College of Law, Public Law Research Paper 39*, 1.

and institutionalize norms that they value. The decision to intervene depends on how much weight states at that time attach to principles such as human rights or sovereignty.<sup>7 8</sup>

East Timor is an interesting case for examining the rationale behind humanitarian intervention. The international community neglected the human rights violations in East Timor for decades until a certain tipping point in the 1990s, at which states were willing to intervene and stop the abuses. With regard to the intervening states, Australia is a remarkable actor. As a regional hegemonic power, it showed a radical shift in its position towards humanitarian intervention in East Timor. In the 1970s it propagated an explicit non-interference-policy. Moreover, it was the only country that officially recognized the annexation of East Timor by Indonesia.<sup>9</sup> However, in the 1990s Australia took the leadership role in the intervention International Force East Timor (INTERFET). Australia also became the largest bilateral donor of development assistance to East Timor.<sup>10</sup>

This thesis places itself in the debate on what the main driver behind humanitarian intervention is: altruism or self-interest? Is humanitarian intervention truly aimed at alleviating human rights abuses or is it a cover for furthering strategic interests and expanding power? This thesis contributes to this debate by analyzing why in the case of East Timor two comparable humanitarian crises were met with two different decisions on intervention.

With this in mind, this thesis explores the following research question: *How can the dramatic shift in Australia's position towards humanitarian intervention in East Timor during 1974-1976 and 1997-1999 be explained?* In 1974, Portugal began its decolonization process and Indonesia showed signs of interest in claiming the territory. Australia was forced to address its policy on East Timor.<sup>11</sup> In December 1975, Indonesia violently annexed East Timor and Australia had to decide on whether to intervene or not.<sup>12</sup> In 1997, the Asian economic crisis struck Indonesia. The subsequent collapse of the Indonesian government created a political vacuum that could endanger Australia's national security. This made Australia re-evaluate its non-interference policy.<sup>13</sup> When the referendum in August 1999 showed an overwhelming pro-independence result and generated a great outburst of pro-Indonesian violence against independence supporters, the Australian government took action.

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<sup>7</sup> Dixon, S. (2013). "Humanitarian Intervention: A Novel Constructivist Analysis", *Journal of Politics and International Studies*, 9, 159-160.

<sup>8</sup> In Chapter one the theoretical framework on humanitarian intervention is discussed in more detail.

<sup>9</sup> Simpson, B., "A Not So Humanitarian Intervention", 283.

<sup>10</sup> Downer, A. (2000). "East Timor- Looking Back on 1999", *Australian Journal of International Affairs*, 54:1, 8.

<sup>11</sup> Ishizuka, K. (2004). "Australia's Policy Towards East Timor", *The Round Table*, 93:374, 272.

<sup>12</sup> Ishizuka, K., "Australia's Policy Towards East Timor", 273.

<sup>13</sup> Maley, W. (2000). "Australia and the East Timor Crisis: Some Critical Comments", *Australian Journal of International Affairs*, 54:2, 150.

In September 1999, Australia accepted to lead a humanitarian intervention, and thus INTERFET was established.<sup>14</sup>

This thesis claims that the role of national interests is a crucial factor in explaining the radical shift in Australia's position. In Chapter one is explained why the realist constructivist theory and a case study method form the best approach. In Chapter two and three, the foreign policy on East Timor in respectively 1974-1976 and 1997-1999 is analyzed. By analyzing Commonwealth records, sources in which policymakers reflect on their motivations, and literature that contains interviews with the policymakers, I argue that the two decisions on humanitarian intervention were primarily driven by the extent to which the decisions safeguarded Australia's national interests. The evolving international norms regarding intervention reinforced these decisions.

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<sup>14</sup> Simpson, B., *A Not So Humanitarian Intervention*, 292.

# 1 Theoretical framework and methodology

## §1.1 Defining relevant concepts and theories

Within IR, the subject of humanitarian intervention is much discussed. In particular, there exists an ongoing debate on the driving factors behind the willingness of states to intervene. As discussed in the introduction, realism, liberalism, and constructivism each demonstrate a different stance within this debate. This paragraph provides a definition of humanitarian intervention and determines which IR-theory is the most suitable approach in conducting this research.

### Humanitarian intervention

The definition of humanitarian intervention generates a substantial amount of controversy. In this section, I discuss four interpretations of the concept in order to formulate the best working definition for this thesis.

In their book *Humanitarian Intervention: Ethical, Legal and Political Dilemmas* Robert O. Keohane and J.L. Holzgrefe define humanitarian intervention as ‘the threat or use of force across state borders by a state (or group of states) aimed at preventing or ending widespread and grave violations of the fundamental human rights of individuals other than its own citizens, without the permission of the state within whose territory force is applied’.<sup>15</sup> This is a concrete and narrow definition. Many scholars argue for a broader interpretation. David J. Scheffer includes non-military methods in his definition as described in his article “Towards a Modern Doctrine of Humanitarian Intervention”: ‘Humanitarian intervention should be understood to encompass [...] non-forcible methods, namely intervention undertaken without military force to alleviate mass human suffering within sovereign borders.’<sup>16</sup> A second example is the encompassing of interventions that have permission of the host state. Oona Hathaway et al. argue in *Consent-Based Humanitarian Intervention* that humanitarian intervention does not always have to imply an infringement of state sovereignty: ‘Rather than seek to craft an exception to state sovereignty to meet humanitarian aims, we argue for empowering states to meet their sovereign responsibility through what we call

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<sup>15</sup> Keohane, R.O. and J.L. Holzgrefe (2003). *Humanitarian Intervention: Ethical, Legal and Political Dilemmas*. Cambridge: Cambridge University Press, 18.

<sup>16</sup> Scheffer, D. J. (1992). “Towards a Modern Doctrine of Humanitarian Intervention”, *University of Toledo Law Review*, 23, 266.

“consent-based intervention”.<sup>17</sup> A third example is the extension of the aim to stop human rights violations to statebuilding objectives. Mohammed Ayoob claims in his article “Humanitarian Intervention and State Sovereignty” that ‘humanitarian interventions have also been conducted in some cases where existing institutions of the states [...] have been rendered incapable of providing even the minimum degree of security and order to their population’.<sup>18</sup>

Since INTERFET had a military component, was set up with the consent of Indonesia, and was mandated to address the deteriorating humanitarian and security situation, this thesis argues for a rather broad interpretation of humanitarian intervention and proposes the following definition:

An action by a (group of) state(s) with or without consent of the host state to interfere in the international affairs of another sovereign state with the threat or use of military force and motivated by both humanitarian and statebuilding objectives.

#### Realism: the survival of the state

Realists argue that the international domain is a struggle for power in which states maximize utility, are materialistically motivated, and act on basis of strategic calculations.<sup>19</sup> Hans Morgenthau claims that states only intervene if it is in line with their national interests. He also stresses that only in highly exceptional situations, states are allowed to violate the sovereignty of another state and intervene.<sup>20</sup> Felix E. Oppenheim argues that national security is the main national interest and trumps everything, including morality. Humanitarian interventions that are incompatible with safeguarding the nation are irrational to carry out.<sup>21</sup> In short, realists argue that states only execute a humanitarian intervention if this does not hinder their pursuit of interests or jeopardize national security.

#### Liberalism: worldwide human rights protection

Liberals strive for the universal protection of human rights and the maintenance of a balanced and stable international order through the cooperation between states.<sup>22</sup> Fernando R. Tesón claims

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<sup>17</sup> Hathaway, O. A., et al. (2013). “Consent-Based Humanitarian Intervention: Giving Sovereign Responsibility Back to the Sovereign”, *Cornell Int’l LJ*, 46, 499.

<sup>18</sup> Ayoob, M. (2002). “Humanitarian Intervention and State Sovereignty”. *The International Journal of Human Rights* 6:1, 82.

<sup>19</sup> Oppenheim, F. E., “National Interest, Rationality and Morality”, 347.

<sup>20</sup> Morgenthau, H. (1967). “To Intervene or Not to Intervene”, *Foreign Affairs*, 45:3, 425, 436.

<sup>21</sup> Oppenheim, F. E., “National Interest, Rationality and Morality”, 370.

<sup>22</sup> Tesón, F. O., “The Liberal Case for Humanitarian Intervention”, 93.

that if a state cannot provide the population with basic rights, other states are morally obliged to intervene.<sup>23</sup> Tesón claims that correcting repressive regimes justifies the infringement of sovereignty.<sup>24</sup> Andreas Krieg underlines that humanitarian intervention is primarily driven by values that arise from international humanitarian law. Deprivation of human rights concerns the entire humanity. He acknowledges the existence of national interests, but emphasizes that states altruistically risk the lives of their soldiers to rescue strangers.<sup>25</sup> Liberals thus consider cosmopolitan solidarity towards individuals in need and the global protection of human rights as the key drivers behind humanitarian intervention.

### Constructivism: collective norms

Constructivists study dynamics between actors and normative structures in a certain constitutive realm.<sup>26</sup> Steven Dixon claims that a study of the normative structures in the international system reveals the motives behind intervention. Through reciprocal interaction, states develop and institutionalize certain norms that they collectively see as important. The decision to intervene depends on how the international community views norms of human rights, intervention and sovereignty. National interest can be a motivation for humanitarian intervention, but its interpretation is non-static and socially constructed as this depends on international norms.<sup>27</sup> Nicholas J. Wheeler also stresses the importance of analyzing the normative structures that underlie state motives. If states decide to intervene on basis of their national interests, they must define and justify these interests as being in harmony with the collective values. Even if a state acts out of national interests, this would not be purely self-interested as the outcome of the act meets the international norm of human rights protection.<sup>28</sup> All in all, constructivists not necessarily discuss whether national interests or altruism is the main driver behind humanitarian intervention, but rather aim to trace back the influence of normative structures on state behavior.

### Thesis positioning: constructivist realism

Besides these three main approaches, many alternative approaches combine these strands of thought. This thesis follows a realist approach as it assumes that national interests play a key

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<sup>23</sup> Tesón, F. O., "The Liberal Case for Humanitarian Intervention", 93-94.

<sup>24</sup> Ibidem., 95.

<sup>25</sup> Krieg, A. (2012). *Motivations for Humanitarian Intervention*. Berlin: Springer Science and Business Media, 50-56.

<sup>26</sup> Dixon, S., "Humanitarian Intervention: A Novel Constructivist Analysis", 127.

<sup>27</sup> Ibidem., 159-160.

<sup>28</sup> Wheeler, N. J. (2003). *Saving Strangers: Humanitarian Intervention in International Society*, Oxford: Oxford University Press, 4-7.

role in the decision-making on intervention. The studied documents confirm this role, as will be demonstrated in Chapters two and three. However, this thesis differentiates itself from realism by arguing that analyzing national interest in itself is insufficient. It agrees with the constructivist view that normative structures steer state behavior and can influence national interests. National interests are socially constructed and not static. This means that they are not merely based on materialistic motivations and strategic calculations, but also on interaction between states and international norms.

Therefore, this thesis takes a middle ground position between realism and constructivism: constructivist realism. J. Samuel Barkin explains this approach in his book *Constructivism and Realism*. He defines it as ‘a realism that takes intersubjectivity and co-constitution of structures and agents seriously, that focuses on social structures as the locus of change in international politics’.<sup>29</sup> Intersubjectivity is the shared knowledge and understandings that are embedded in norms, identities and discourses.<sup>30</sup> Co-constitution is the idea that agents and structures constitute each other.<sup>31</sup> He argues that the national interest is a social construct that can only be fully comprehended when it is placed within its normative context.<sup>32</sup> This thesis positions itself between realism and constructivism by focusing on national interests, while acknowledging that these interests are fluid and socially constructed as a result of evolving international norms regarding humanitarian intervention.

## **§1.2 Methodology**

This thesis follows a case study method to determine key drivers behind humanitarian intervention. The findings on what explains Australia’s dramatic policy shift towards intervention in East Timor contribute to this broader debate on what makes states decide to intervene. Focusing on the perspectives and motives of specific policymakers against a specific background helps to better understand the political decision-making process. Another strength of case studies is that they are useful to determine the influence of context, timing and state interaction on decision-making. And, case studies offer the opportunity to test whether theoretical assumptions about causal relations can be identified in practice.<sup>33</sup> This research tests the realist assumption that national interests play a crucial role in the decision to intervene, and the constructivist assumption that international norms also have this role.

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<sup>29</sup> Barkin, J. S. (2010). *Constructivism and Realism*. Cambridge: Cambridge University Press, 82, 169.

<sup>30</sup> Barkin, J.S., *Constructivism and Realism*, 26.

<sup>31</sup> *Ibidem.*, 28.

<sup>32</sup> *Ibidem.*, 172.

<sup>33</sup> Blatter, J., and M. Haverland (2012). *Designing Case Studies: Explanatory Approaches in Small-N Research*. Basingstoke: Palgrave MacMillan, 5-6.

The case study of East Timor is particularly intriguing because of Australia's radical difference in response to two comparable humanitarian crises. By studying both the 1970s' decision to refrain from intervention and the 1990s' decision to intervene, it can be investigated how national interests and/or evolving international norms explains this policy shift.

Analyzing primary sources that provide direct insights into the perspectives and motives of the policymakers helps to unravel the decision-making process. These sources consist of Commonwealth records, documents in which policymakers reflect on their motivations, and literature that contains interviews with the policymakers. The Commonwealth records offer the best insights, as they represent the drafting of policies that safeguard national interests in relation to the changing circumstances in East Timor. These documents are available in the online National Archives of Australia. Examples are statements by the Prime Minister to the House of Representatives and clandestine communications between the Prime Minister, the Foreign Minister, Australia's Ambassador to Indonesia, and the Indonesian government. The documents in which policymakers reflect are imperative for more elaborate explanations and revealing underlying thoughts. These sources do not have the formal conventions of the official government records and some are written in hindsight, which provides an extra dimension to the decision-making process. Examples are the autobiography of Prime Minister John Howard and an article by Iain Henry in which he interviews policymakers about their motivations regarding intervention in East Timor. This combination of private and public information dating from the studied periods as well as later in time offers the most comprehensive representation of the decision-making process with the currently available sources.

## 2 Foreign policy of the Whitlam and Fraser governments regarding East Timor in 1974-1976

### §2.1 Historical background

In 1974, the Carnation Revolution took place in Portugal. This revolution marked the start of Portugal's decolonization process and subsequent disengagement from East Timor. Immediately, Indonesia showed interest in wanting to incorporate East Timor into its territory.<sup>34</sup> Within East Timor three important political parties emerged: the pro-integration parties Timorese Democratic Union (UDT) and Timorese Popular Democratic Association (APODETI) versus the pro-independence party Revolutionary Front for an Independent East Timor (FRETILIN). In August 1975, UDT attempted to overthrow the government. However, the coup failed and triggered an intense civil war that led to an armed takeover and declaration of independence by FRETILIN in late November.<sup>35</sup> The ensuing military and political confusion in combination with the declaration of integration that UDT and APODETI presented to Indonesia created the space for Indonesia to invade East Timor on 7 December. Within a few weeks, Indonesia had incorporated East Timor, and in July 1976 Indonesia formally announced the annexation. During the large-scale operation, the Indonesian military forces (TNI) specifically attacked pro-independence supporters. The violence resulted in over a hundred thousand civilian deaths, massive displacement, and large destruction of infrastructure.<sup>36</sup>

Although the UN denounced the invasion and urged Indonesia to withdraw, Indonesia did not respond and no concrete intervention by the UN was undertaken.<sup>37</sup> Australia had a non-interference policy and expressed support for East Timor's integration in Indonesia. Remarkably, the government simultaneously stressed that the wish of the Timorese should be decisive, the right of self-determination should be respected, and Indonesia's use of force was wrong.<sup>38</sup> These two highly incompatible positions reflect Australia's foreign policy on East Timor in 1974-1976.

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<sup>34</sup> Maley, W., "Australia and the East Timor Crisis: Some Critical Comments", 150.

<sup>35</sup> Uppsala Conflict Data Program, "Indonesia: East Timor", Retrieved from <https://ucdp.uu.se/#conflict/330>.

<sup>36</sup> Ibidem.

<sup>37</sup> Cotton, J., (2001). "Against the Grain: The East Timor Intervention", *Survival*, 43:1, 132.

<sup>38</sup> See for example, Record of conversation between Whitlam and Soeharto, Townsville, 4 April 1975, NAA: A10463, 801/13111/1, x and Willesee to Whitlam, Canberra, 14 January 1975, NAA: A1209, 7417573.

## §2.2 Domestic politics

### *Public opinion, opposition and national elections*

In 1974 and 1975, the Australian Labor-government experienced large economic difficulties. Many people lost their trust in Prime Minister Gough Whitlam. Whitlam was aware that the Leftist politicians were winning in support by exploiting the East Timor issue.<sup>39</sup> Both the public opinion and opposition propagated for intervening in East Timor and urged the government to take action. Richard Woolcott, Australia's Ambassador to Indonesia, met this pressure by declaring that Australia had been the most active country in expressing its concerns to Indonesia.<sup>40</sup> However, the government also knew that getting too involved had negative consequences for Australia, such as its exclusion from Indonesia's planning discussions regarding East Timor.<sup>41</sup> Therefore, Whitlam decided to deal with the domestic pressure by focusing on humanitarian assistance and avoiding political involvement.<sup>42</sup>

In the end, Whitlam did not succeed in gaining back the population's support and was dismissed in November 1975. The Opposition Liberal-National Party was called upon to form a new government. Malcolm Fraser replaced Whitlam as Prime Minister and was officially elected in December.<sup>43</sup> As the new Prime Minister, Fraser was interested in having domestic support. Yet, Fraser was confronted with the same situation as Whitlam: 'Timor has become a Vietnam in reverse with public opinion pressing the Government to plunge itself more deeply into the Timor morass than the Government would wish. A good deal of the pressure comes from the Australian left.'<sup>44</sup><sup>45</sup> Both governments were thus pushed to intervene, but tried to only involve themselves in an as discrete and non-political way as possible.

### *Australian media: the CNN-effect and anti-Indonesian language*

The media are another domestic source that can constrain policymaking, mainly through the CNN-effect. This effect implies that shocking images of human suffering generate emotions and stimulate the population to call on the government to act. In the 1970s, the critical media documentation on East Timor situation induced the pro-intervention public opinion.<sup>46</sup> The

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<sup>39</sup> Record of conversation between Whitlam and Soeharto, Townsville, 4 April 1975, NAA: A10463, 801/13111/1, x.

<sup>40</sup> Woolcott to Canberra, Jakarta, 17 August 1975, NAA: A10463, 80111311111, xi.

<sup>41</sup> Ibidem.

<sup>42</sup> Woolcott to Canberra, Jakarta, 7 September 1975, NAA: A10463, 801113/11/1, xiii.

<sup>43</sup> Way, W. (2000). *Australia and the Indonesian Incorporation of Portuguese Timor, 1974-1976*. Melbourne: Melbourne University Press, 563.

<sup>44</sup> Note on Timor, January 1976, NAA: A1838, 3038/13/2/1, xii.

<sup>45</sup> A strong public opinion in (leftist) Australia largely contributed to the withdrawal of Australian forces from the Vietnam War.

<sup>46</sup> Woolcott to Canberra, Jakarta, 17 September 1975, NAA: A10463, 801113/1111, xiv.

government criticized the media for their anti-Indonesian language and over-dramatization of the East Timor situation. This threatened Australia's interest in keeping a good relationship with Indonesia:

Through the activities of a relatively small number of members of Parliament, journalists, and unionists, we shall come to be regarded in Indonesia as the only country in the region which is taking an unhelpful anti-Indonesian stand on this issue. [...] let us not lose sight of Australia's fundamental interests.<sup>47</sup>

In other words, Australia had an interest in downplaying the critical media coverage to show Indonesia that this view did not correspond with the government's stance.

### **§2.3 Regional politics**

#### *President Suharto and Australia's interest in regional stability*

The close ties with the Indonesian President H. M. Suharto were of paramount importance for the Australian government. The bilateral relationship is by far the most referred to interest in the Commonwealth records. Discussions about pragmatism versus morality illustrate the weight of this strategic interest: 'While we are committed to such principles as human rights and self-determination, I do not think we should, from the relative comfort of our Continental pulpit, lecture the Indonesians on how to conduct their domestic affairs.'<sup>48</sup> And in September 1975, Woolcott underlined that Australia should remain uninvolved because 'in the end our national interest and the inevitable geopolitical realities are bound to prevail over echoes of Wilsonian idealism'.<sup>49</sup> Both statements were endorsed by Whitlam.<sup>50</sup> Fraser did not change the government's position. When the government was informed by Indonesia about the invasion a day before, it was concluded that:

In effect the Government faces [...] a choice between a pragmatic and realistic acceptance of what is going to happen and our longer term national interest, on the one hand, and on the other, a moral and principled stand about the means to the accepted end which might ease our national conscience but which is unlikely to have an effect on what actually happens and which would erode our relations with Indonesia. It is really a choice between a pragmatic

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<sup>47</sup> Woolcott to Juddery, Jakarta, 24 September 1975, NAA: A10463, 801/13/11/1, xiv.

<sup>48</sup> Woolcott to Whitlam, Canberra, 2 April 1975, NAA: A1838, 3038/10/1/2, ii.

<sup>49</sup> Woolcott to Juddery, Jakarta, 24 September 1975, NAA: A10463, 801/13/11/1, xiv.

<sup>50</sup> Whitlam noted his handwritten agreement to the first document and in the second document Woolcott stated that his position was shared by the Prime Minister.

realistic position and a principled but ineffective posture.<sup>51</sup>

Apart from the few exceptions in which the government did prioritize its principles, such as through endorsing various UN resolutions that condemned Indonesia's use of force, the alliance with Indonesia always prevailed. When Indonesia announced the official annexation in July 1976, the government decided that its policy should be focused on consolidating its relationship with Indonesia by strategically accepting East Timor's integration and taking a less active role in the UN on the issue.<sup>52</sup>

The interest in Indonesia was closely linked to the interest in regional stability. Australia was afraid that independence would generate chaos and spillover effects. It was best for the long-term regional stability to accept East Timor's integration in Indonesia. Otherwise, Australia would risk 'a running sore in the region poisoning relations between ourselves and the Indonesians for years to come'.<sup>53</sup> Australia claimed to review its policy if it appeared that Indonesia was unable to exert control.<sup>54</sup> Yet, in early 1976, when East Timor was in complete disorder under Indonesian control, the Department of Defence (DoD) still expressed its desire for incorporation. It argued that an independent East Timor could become 'a source of political, and potentially strategic, instability in an area closely neighbouring Australia'.<sup>55</sup> In short, Australia was not in the position – or did not want to be in the position – to intervene and hereby oppose Indonesia and risk regional instability.

#### *The Timor Gap and trade relations with Indonesia*

The bilateral relationship with Indonesia was not only politically, but also economically beneficial. On the maritime boundary between Australia and East Timor – the Timor Gap – large oil and gas reserves were located. Woolcott recognized that it was in Australia's interest to sign a joint exploration of these reserves with Indonesia rather than with Portugal or an independent East Timor. After advising the government about this, he said: 'I know I am recommending a pragmatic rather than a principled stand but this is what national interest and foreign policy is all about.'<sup>56</sup> The interest in the Timor Gap is again apparent when Fraser was warned that Indonesia could create large economic and political difficulties for Australia by

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<sup>51</sup> Woolcott to Canberra, Jakarta, 6 December 1975, NAA: A10463, 801/13/1111, xvii.

<sup>52</sup> Woolcott to Canberra, Jakarta, 21 July 1976. NAA: A1838, 801/13/11/1, xxv.

<sup>53</sup> Renouf to Peacock, Canberra, 22 December 1975, NAA: A1838, 3038/10/112, iii.

<sup>54</sup> *Ibidem*.

<sup>55</sup> Department of Defence Paper, Canberra, 4 February 1976, NAA: A1838, 3038110113/1. This paper was requested by the Prime Minister.

<sup>56</sup> Woolcott to Canberra, Jakarta, 17 August 1975, NAA: A10463, 80111311111, xi.

choosing to threaten the seabed boundary negotiations.<sup>57</sup> The pro-Indonesian policy in relation to economic interests was ultimately internalized in 1978 with Australia's official recognition of the annexation purely to make the Timor Gap treaty more legitimate.<sup>58</sup>

Additionally, the Australian view was that East Timor would not be economically viable as an independent state and this would endanger Australian commercial businesses and export lines.<sup>59</sup> Much of Australia's overseas trade passes through the eastern Indonesian archipelago, and rerouting trade routes would have disastrous effects on Australia's export economy.<sup>60</sup> The reduced economic risks and the economic benefits that Indonesia provided motivated Australia not to intervene and risk damage to this relationship.

### *The ASEAN countries and the norm of non-intervention*

Because of the Cold War and Australia's export relations, Australia had strong incentives to stay allied with other larger South East Asian states and their umbrella organization Association of South-East Asian Nations (ASEAN).<sup>61</sup> <sup>62</sup> Australia's decision to refrain from intervention was therefore contingent upon the position of the region. Woolcott underlined that Australia should not disconnect and isolate itself from these states, as South East Asia is the focal area in Australia's foreign policy.<sup>63</sup> Alan Renouf expressed that Australia was already in a difficult regional position because of tensions in its relationships with Malaysia, the Philippines, and Singapore, and the prospect that China and Vietnam might negatively exploit Australian critique on Indonesia.<sup>64</sup> It was imperative that Australia would align itself with the ASEAN position on East Timor.

From consultations with the ASEAN countries it appeared that no ASEAN state had

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<sup>57</sup> Holdich to Fraser, Canberra, 6 August 1976, NAA: A1209, 76/55, vii. Holdich was the Acting First Assistant Secretary Department of the Prime Minister and Cabinet.

<sup>58</sup> R. J. Smith to Peacock, Canberra, 26 April 1978, A9737, 92/012409, vii. Smith was the First Assistant Secretary, Legal and Treaties Division. Citation: 'The presumption of recognition is cogent when concluding a bilateral treaty, especially if the treaty relates to territorial claims or affects the rights and obligations of individuals. Applying these principles to the East Timor situation it is clear that negotiations with Indonesia on a seabed boundary south of East Timor would give rise to a strong legal presumption that Australia had moved to a de jure recognition of Indonesia's incorporation of East Timor. In all the circumstances the Government may prefer to 'slip' into de jure recognition of Indonesia's incorporation of East Timor. [...] If questions are asked about these changes the Government could explain its position by arguing that it was necessary to acknowledge Indonesia's claim to East Timor for the purpose of negotiating an international agreement which is very much in Australia's interest'.

<sup>59</sup> Policy planning paper, Canberra, 3 May 1974, NAA: A1838, 696/5, ii.

<sup>60</sup> Pritchett to Rogers, Canberra, 15 August 1974, NAA: A1838, 696/5, iii. Pritchett was the First Assistant Secretary, Department of Defence.

<sup>61</sup> The Association of South-East Asian Nations was established in 1967 existing of Indonesia, Malaysia, Singapore, Thailand and the Philippines. Its main objective was to ensure stability in the Southeast Asian region.

<sup>62</sup> Cold War and the fear of communism are further discussed under "Geopolitics".

<sup>63</sup> Woolcott to Canberra, Jakarta, 3 October 1975, NAA: A10463, 801/13/11/1, xiv.

<sup>64</sup> Renouf to Willesee Canberra 28 October 1975, NAA: A1838, 3038/10/1/2, ii.

interest in correcting Indonesia. All ambassadors told Woolcott that they did not want to publicly comment on the issue nor on the possibility of an intervention. If Indonesia would invade, they would position themselves ‘as helpful to Indonesia as they could be in the circumstances’.<sup>65</sup> Building on the realist constructivist approach, it can be argued that this broad agreement was grounded in the ASEAN commitment to the norm of non-intervention. The period of colonialism had led the states to resent any form of intervention and a humanitarian intervention would imply an infringement of Indonesia’s sovereignty. Whitlam explicitly told Suharto that states should indeed not meddle in each other’s internal affairs.<sup>66</sup> Whitlam thus recognized that it was not in Australia’s interest to intervene and unilaterally counter this norm.

## **§2.4 Geopolitics**

### *Australia’s non-colonial responsibility*

The Australian government made it clear that it would not assume colonial responsibilities in East Timor and risk upheaval in its own colony Papua New Guinea. Whitlam explained this in a statement to the House of Representatives:

We have no national obligations or interest in getting reinolved in colonial or post colonial affairs in Portuguese Timor at the very time when Papua New Guinea's imminent independence is leading to the ending of our colonial role there. We have no ethnic or cultural ties with the Timorese which would suggest a role for Australia.<sup>67</sup>

Although Portugal kept pressing for Australian contribution, the government repeatedly argued that Australia was already providing much assistance in comparison to other countries.<sup>68 69</sup> Australia was not principally opposed to the idea of humanitarian intervention, but rather did not see East Timor as its responsibility and thus national interest.

### *The Cold War and the threat of communism*

In the 1970s, the Cold War was at its height and Southeast Asia experienced a domino effect

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<sup>65</sup> Woolcott to Canberra, Jakarta, 27 March 1975, NAA: A10463, 801/13/11/1, viii.

<sup>66</sup> Record of second meeting between Whitlam and Soeharto, Wonosobo, 6 September 1974, NAA: A10463, 801/13/11/1, iii.

<sup>67</sup> Whitlam to Jakarta, Lisbon and New York, Canberra, 27 August 1975, NAA: A 10463, 801/13111/1, xii.

<sup>68</sup> Renouf to Whitlam, Canberra, 4 September 1975, NAA: A1838, 3038/1311011, i.

<sup>69</sup> Feakes to Willesee, Canberra, 29 October 1975, NAA: A1838, 3038/10/1/2, ii. Feakes was the First Assistant Secretary South-East Asia & PNG Division.

of communist take-overs.<sup>70</sup> It was thus in Australia's interest to preserve the alliance with pro-western Indonesia and ensure that no additional states would turn communist. Indonesia was convinced that a newly independent unstable East Timor would be prone to communist influence and that FRETILIN showed signs of pro-communist behavior.<sup>71</sup> However, in the beginning of 1975 Australian intelligence organizations found no evidence of communist interest in East Timor or pro-communist conduct within FRETILIN. Whitlam communicated this to Indonesia, but Suharto remained skeptical.<sup>72</sup> In September 1975, the Australian government became more suspicious:

While Fretilin is not a communist party [...] it has a pro-communist element and there is enough potential communist influence for it to arouse considerable concern in the ASEAN countries [...] if Portugal were now to seek to hand over power to Fretilin as the way out of its present problems.<sup>73</sup>

Another document stressed that the regional stability depended on the non-communist governments and their concerns about communist behavior should be taken seriously.<sup>74</sup> It seems that the influence of communism on the decision to refrain from intervention was more based on supporting the ASEAN states that feared communism than Australia's own communist worries.

Another link with communism is the position of the United States (US) on East Timor. Woolcott declared that the US Ambassador to Indonesia had told him that Kissinger had personally told him not to get involved in East Timor. The US was already dealing with enough problems of greater importance overseas, i.e. the Cold War and the Vietnam War.<sup>75</sup> Without US support, a humanitarian intervention during the Cold War was highly impracticable.

### *UN and Australia's role as regional hegemonic power*

After the Indonesian invasion, the UN discussed the possibility of humanitarian intervention. Australia was involved in drafting proposals for a peacekeeping force, but was aware that by making these suggestions it risked damage to its alliances: 'In effect Australia would be

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<sup>70</sup> Woolcott to Canberra, Jakarta, 7 April 1975, NAA: A1838, 49/2/1/1, vi.

<sup>71</sup> Ibidem.

<sup>72</sup> Whitlam to Soeharto, Canberra, 28 February 1975, NAA: A10463, 801/13/1 III, vii.

<sup>73</sup> Woolcott to Canberra, Jakarta, 6 September 1975, NAA: A10463, 801113/11/1, xiii.

<sup>74</sup> Woolcott to Renouf, Jakarta, 10 March 1976, NAA: A1838, 3038/13/10/1, iii.

<sup>75</sup> Woolcott to Canberra, Jakarta, 17 August 1975, NAA: A10463, 80111311111, xi.

taking Indonesia to the Security Council – a very grave step. At worst it could lead to considerable costs in terms of our overall relationship, not only with Indonesia but with the ASEAN world generally.’<sup>76</sup>

Australia considered the proposal for an international intervention as intolerable, because it was afraid that the interference of great powers would impact Australia’s regional hegemony. Alan Renouf commented that an international peacekeeping mission ‘would be determined much more by great-power considerations than by any regional preferences’.<sup>77</sup> In order to avoid this scenario, Australia proposed a draft for a regional peacekeeping mission:

Such an approach would in our view be better regarded regionally and should be equally acceptable in domestic terms in Australia. [...] If Indonesia decides it wants a peace-keeping force, the other ASEANs might well consider it. But they might not react on the basis of a unilateral Australian initiative.<sup>78</sup>

This citation affirms how important Indonesia’s approval was for Australia.

In the same document, the government concluded that it was in its best interest to propose a UN observer team that would ‘assist in maintaining the peace and to help prepare the way for an ascertainment of the peoples’ wishes’.<sup>79</sup> It is remarkable that Australia fulfilled a relatively active role in the UN against a background in which ‘movement for international intervention whether by the United Nations or other countries has never gained the required support’.<sup>80</sup> It is likely that this general disinterest led Australia to decide in 1976 to downscale its interest in intervening:

Any Australian support for an initiative to introduce a UN peace-keeping force into Timor [...] would be neither effective nor politic. It is not in Australia’s interests to support in this way the now radicalised Fretilin [...]. It would not be in our interest to clash with the Indonesians over an initiative for peace-keeping.<sup>81</sup>

In short, with the initial prospect of an intervention, it was in Australia’s interest to assert control but this interest ceased when it became clear that neither the international community

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<sup>76</sup> Renouf to Fraser, Canberra, 8 December 1975, NAA: A1838, 935117/3, xii.

<sup>77</sup> Ibidem.

<sup>78</sup> Ibidem.

<sup>79</sup> Ibidem.

<sup>80</sup> Canberra to Jakarta, Canberra, 5 September 1975, NAA: A10463, 801/13/11/1, xiii.

<sup>81</sup> Department of Defence Paper, Canberra, 4 February 1976, NAA: A1838, 3038110113/1. This paper was requested by the Prime Minister.

nor Indonesia itself was open to an intervention.

## **§2.5 Conclusion**

The period from 1974-1976 that covers the Portuguese withdrawal, the Indonesian invasion, and the official annexation of East Timor had many moments at which Australia was forced to discuss the option of intervention. On the domestic level, there was widespread criticism by the population, opposition and media on the non-interference policy. Although the government was pushed towards more involvement, it made sure that its actions did not become too politically. Namely, the study of the regional level revealed that the government believed it was more important to contain damage to its relationship with Indonesia. This relationship was not only crucial for maintaining regional stability, but was also of great economic importance for Australia. Moreover, as Australia had interests in allying with the ASEAN states, it was aware that it should not oppose their norm of non-intervention or criticize Indonesia and act in isolation. In regard to the geopolitical level, Australia was clear in not wanting to assume any colonial responsibilities. During the Cold War, there existed a fear in the region that an unstable (independent) East Timor would attract communists. Australia therefore included the combatting of communist signs in its policymaking. Furthermore, the US announced not to support any action against Indonesia, which made an intervention practically impossible. In the UN, Australia initially proposed a regional peacekeeping mission to avoid a loss of regional hegemonic power. Nonetheless, the possible damage to the relationship with Indonesia and the lack of international involvement made it in Australia's interest to refrain from intervention. The normative structures of non-intervention and sovereignty reinforced this decision. Throughout 1974-1976, the relationship with Indonesia was the main motive for Australia's policy on East Timor.

### 3. Foreign policy of the Howard government regarding East Timor in 1997-1999

#### §3.1 Historical background

The 1997 Asian economic crisis struck Indonesia. The economic downfall resulted in a social collapse, and in May 1998, President Suharto resigned. The fall of Suharto marked the start of Indonesia's transition to democracy under the more progressive President B. J. Habibie. This was a window of opportunity to revive the struggle for self-determination in East Timor and in May 1999, the UN, Portugal, and Indonesia announced a short-term referendum on the status of the territory. The prospect of independence frustrated the pro-Indonesian groups and they responded to the announcement with violent attacks on civilians favoring independence.<sup>82</sup> On 30 August 1999, 78,5 percent of the Timorese voted against special autonomy.<sup>83</sup> <sup>84</sup> This overwhelming outcome generated a coordinated campaign of terror against (suspected) independence supporters by pro-Indonesian militia and the Indonesian army (TNI). The violence caused over fifteen hundred deaths, displacement of a quarter of the population, and destruction of seventy percent of the infrastructure.<sup>85</sup>

The pervasive killings provoked worldwide outrage, and especially in Australia the crisis gained much attention. Prime Minister John Howard accepted the UN's request to lead a humanitarian intervention under the conditions that Indonesia consented and the UN Security Council invoked Chapter VII.<sup>86</sup> <sup>87</sup> On 20 September 1999, the Australian-led INTERFET was established with the mandate to address the humanitarian and security situation until the arrival of the UN peacekeepers in 2000.<sup>88</sup> Within two weeks, most of the violence was detained and humanitarian assistance was widely present.<sup>89</sup> Australia thus became an active participant in the East Timor crisis.

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<sup>82</sup> Henry, I. (2014). "Unintended Consequences: An Examination of Australia's 'Historic Policy Shift' on East Timor", *Australian Journal of International Affairs*, 68:1, 59.

<sup>83</sup> Uppsala Conflict Data Program, "Indonesia: East Timor", Retrieved from <https://ucdp.uu.se/#conflict/330>.

<sup>84</sup> The referendum offered the choice between in favor or against special autonomy *within* Indonesia. A vote against implied a preference for independence.

<sup>85</sup> Uppsala Conflict Data Program, "Indonesia: East Timor", Retrieved from <https://ucdp.uu.se/#conflict/330>.

<sup>86</sup> Kelly, P. (2009). *The March of the Patriots: The Struggle for Modern Australia*. Melbourne: Melbourne University Press, 505-506.

<sup>87</sup> Chapter VII allows the force to take military action to restore international peace and security.

<sup>88</sup> Howard, J. (1999). Statement to the House of Representatives on East Timor, Canberra, 21 September 1999. Retrieved from <https://pmtranscripts.pmc.gov.au/release/transcript-30442>.

<sup>89</sup> Downer, A. (1999). Statement to the Griffith Asia Pacific Council Griffith University on "Australia, Indonesia and East Timor - Moving Forward", Brisbane, 29 October 1999. Retrieved from [https://foreignminister.gov.au/speeches/1999/991029\\_ad\\_et.html](https://foreignminister.gov.au/speeches/1999/991029_ad_et.html).

### §3.2 Domestic politics

#### *Agitated opposition, media and population*

During the October 1998 elections, John Howard was re-elected as Prime Minister in a close call. The Opposition Labor Party (ALP) exerted high pressure on Howard to take action in East Timor. The ALP had broken the bipartisan consensus earlier in 1998 by declaring its support for independence.<sup>90</sup> The party used the media as a platform to convey its critique. The opposition and the media angered Howard, because they presented ‘a confused picture’ of the situation and pressured him unrightfully to justify his inaction.<sup>91</sup> Moreover, these distorted views augmented the public outcry. James Cotton, a member of the Foreign Minister’s Advisory Council, later claimed that the population experienced a collective feeling of guilt. Australians increasingly realized that people on their doorstep were suffering; the same people who risked their lives in World War II to help Australia.<sup>92</sup> This domestic attention helped to raise the profile of East Timor, and in November 1998 the Senate decided to undertake a large-scale inquiry into the East Timor issue.<sup>93</sup>

Yet, Howard declared that he saw the pro-East Timor advocates ‘more as a curiosity than a strong force the government felt pressured by to change policies’.<sup>94</sup> He proclaimed to the House of Representatives that the demand for a humanitarian intervention was highly unrealistic because Indonesia did not accept such a force and there was no UN mandate.<sup>95</sup> The infringement of Indonesia’s sovereignty was ‘tantamount to declaring war’ and ‘an option no responsible government could have contemplated’.<sup>96</sup> Although Howard knew that many Australians found his argumentation a ‘legalistic cop-out’, he kept insisting that not emotions, but interests are the foundation for foreign policy:

Nations do not have permanent friends, but only permanent interests. [...] Our relationships are most productive when they are realistic, concentrating on mutual interests, building on those areas where cooperation is possible.<sup>97</sup>

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<sup>90</sup> Commonwealth of Australia (2000). *East Timor: Final Report of the Senate Foreign Affairs, Defence and Trade References Committee*. Canberra: Senate Printing Unit, 174-175.

<sup>91</sup> Howard, J. (2010). “The Liberation of East Timor”, in *Lazarus Rising: A Personal and Political Biography*. Sydney: Harper Collins.

<sup>92</sup> Cotton, J. (2000). “East Timor and Australia- Twenty-five Years of the Policy Debate”, in James Cotton (ed), *East Timor and Australia*, Australian Defence Studies Centre/Australian Institute of International Affairs: Canberra, 2.

<sup>93</sup> Cotton, J. “East Timor and Australia- Twenty-five Years of the Policy Debate”, 13.

<sup>94</sup> Australian Broadcasting Corporation, *The Howard Years*. Disc 1. DVD. Produced by Ges D’Souza. Sydney: ABC.

<sup>95</sup> Howard, J., “The Liberation of East Timor”.

<sup>96</sup> Howard, J., Statement to the House of Representatives, Canberra, 21 September 1999.

<sup>97</sup> *Ibidem*.

Australia would not intervene as long as its alliance with Indonesia remained strategically more important. Nonetheless, the domestic pressure was instrumental in putting East Timor on the policy agenda.

### **§3.3 Regional politics**

#### *Security concerns about Indonesia's political vacuum*

Initially, Howard continued the policy followed by Whitlam's successive governments. When he became Prime Minister, he had not even considered changing it, because East Timor's integration in Indonesia was simply a *fait accompli*.<sup>98</sup> However, Australia was alarmed at the impact of the economic crisis and social tumult on Suharto's ability to provide order and security. In particular, because of TNI's increasing disconnection from Suharto. Howard said: 'The central government in Jakarta, through its local TNI operation, by a combination of deliberate indifference and, occasionally, active encouragement, allowed a situation to develop where law and order broke down.'<sup>99</sup> With the prospect of Suharto's collapse, the situation could deteriorate beyond control. This fear turned into reality when the government collapsed on 20 May 1998 and a political vacuum was created. Australia had to change its non-interference policy to minimize spillover effects of Indonesia's political instability. Hugh White, Deputy Secretary of the DoD, later claimed that the Australian intelligence saw the reassertion of an authoritarian military-backed government with high chances of bloodshed as a very realistic scenario.<sup>100</sup> Australia's security interests were no longer safeguarded by Suharto's repressive and stable regime, but dependent on a yet unknown government.

#### *President B. J. Habibie: a momentum for change?*

On 9 July 1998, B. J. Habibie became the new Indonesian President. The switch of regimes and Indonesia's transition to democracy reinforced the struggle for independence in East Timor, which quickly gained in support. Initially, Australia did not respond to this growth, but in November it sent a team to make an inventory of the exact support for independence in East Timor. The Foreign Minister Alexander Downer introduced this report during the meeting of the National Security Committee (NSC) in December 1998. Howard stated that after hearing the results, which proved widespread support, 'most of them then felt that an

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<sup>98</sup> Howard, J., "The Liberation of East Timor".

<sup>99</sup> *Ibidem*.

<sup>100</sup> Cited in: Henry, I., "Unintended Consequences:", 55.

important time had arrived, when it would make sense to reverse longstanding Australian policy on East Timor'.<sup>101</sup> Australia was willing to address the East Timor issue because President Habibie was fundamentally different than Suharto. Downer stated in March 1999: 'There is simply no doubt that, were President Suharto still in power, the resolution of the East Timor problem would not today be a real possibility.'<sup>102</sup> Howard later reflected that Habibie 'did not see the retention of East Timor as a symbol of national self-respect', because 'he lacked the personal attachment of Suharto [...] to the province' and 'felt that East Timor, increasingly, was a costly drag on the heavily stretched resources of the central government'.<sup>103</sup>

However, Australia was unsure whether Habibie had the political space to turn the desire for independence into reality. Michael Thawley, Howard's international adviser, said the government feared that Habibie's progressive actions could anger the TNI and trigger a coup.<sup>104</sup> Peter Varghese, First Assistant Secretary in the Department of the Prime Minister and Cabinet, claimed that Habibie didn't inspire confidence at that time and the transition period could provoke escalations of violence.<sup>105</sup> Additionally, the government was afraid that Habibie's rather forward stance towards independence would stimulate separatist movements elsewhere. This could have disastrous effects on the regional stability. The 1997 White Paper from the Department of Foreign Affairs and Trade (DFAT) already underlined that indeed 'regional security could also be disrupted if one of the many territorial disputes in the region were to flare up'.<sup>106</sup> The 1997 Strategic Policy from the DoD stated: 'It would be a serious mistake to think we could adopt a "fortress Australia" strategy in the event of a deterioration of regional stability.'<sup>107</sup> Cotton argued that a fragmented Indonesia could lead to economic insecurity, attract great powers with imperialistic interests, and generate large refugee streams that could endanger Australia's national security.<sup>108</sup> This combination of the Timorese seizing the momentum for independence and Australia's growing security concerns motivated the government to get politically involved in Indonesia's affairs with East Timor.

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<sup>101</sup> Howard, J., "The Liberation of East Timor".

<sup>102</sup> Downer, A. (1999). Statement to the National Press Club on "Indonesia, East Timor and Australia: New Challenges, Enduring Interests" to, Canberra, 31 March 1999. Retrieved from [https://foreignminister.gov.au/speeches/1999/990331\\_new\\_challenges.html](https://foreignminister.gov.au/speeches/1999/990331_new_challenges.html).

<sup>103</sup> Howard, J., "The Liberation of East Timor".

<sup>104</sup> Cited in: Henry, I., "Unintended Consequences", 56.

<sup>105</sup> Ibidem.

<sup>106</sup> Commonwealth of Australia (1997). *In the National Interest: Australia's Foreign and Trade Policy*, Canberra: Department of Trade and Foreign Affairs, 37.

<sup>107</sup> Commonwealth of Australia (1997). *Australia's Strategic Policy*. Canberra: Department of Defence, 46.

<sup>108</sup> Cotton, J. "East Timor and Australia- Twenty-five Years of the Policy Debate", 2.

'Accidentally' helping East Timor to independence and recalculating interests

Up until the moment that independence was a fait accompli, Australia remained with its position that East Timor's integration in Indonesia best served Australia's interests. In the notorious letter that Howard sent to Habibie in December 1998, Howard explicitly affirmed this. Yet, he went on by stating that the struggle for self-determination was gaining in popularity and Indonesia should consider a political solution that included both special autonomy and a referendum on independence later in time.<sup>109</sup> Habibie responded to the letter with a proposal for an immediate referendum.<sup>110</sup> The letter that was meant to make a small suggestion as a sign of involvement in East Timor had instead catalyzed East Timor's independence. Habibie later declared that 'it was John Howard who made me make a quick decision'.<sup>111</sup> Hugh White, a Defense Officer and member of National Security Committee of Cabinet (NSCC), claimed that 'the outcome that was hailed as a triumph in December differed in every respect from the government's objectives at the start of the year'.<sup>112 113</sup> Habibie's announcement radicalized the East Timorese opinion and independence became an irreversible fact.<sup>114</sup>

With this future prospect and Australia's unintended complicity of it, the government had to recalculate its national interests. For instance, it needed to ensure the security and integrity of the referendum. John Dauth, Deputy Secretary of the DFAT, said that after Habibie's announcement the objective was obvious: 'to see the ballot not just occur, but to see it occur credibly'.<sup>115</sup> In March 1999, the NSCC decided to prepare an additional brigade in order to be ready when there was a need for peacekeepers.<sup>116</sup> In a meeting with Habibie in April, Howard expressed his concerns about the security situation of the referendum and offered Habibie peacekeepers. Howard attempted to develop a sense of shared strategic interest by arguing that a flawed referendum would damage Indonesia's international reputation. However, Habibie firmly rejected and Australia accepted this.<sup>117</sup> Downer later

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<sup>109</sup> Howard, J. (1998). *John Howard to President Habibie*, 19 December 1998. Letter, in *East Timor in Transition 1998-2000: an Australian Policy Chance*, Canberra: Department of Foreign Affairs and Trade, 181–82.

<sup>110</sup> Connery, D., *Crisis Policymaking*, 29.

<sup>111</sup> Australian Broadcasting Corporation, *The Howard Years*. Disc 1.

<sup>112</sup> Among the members of the NSCC were the Prime Minister and Foreign Minister.

<sup>113</sup> Cited in: Kelly, P., *The March of the Patriots: The Struggle for Modern Australia*, 493.

<sup>114</sup> Ibidem.

<sup>115</sup> Cited in: Henry, I., "Unintended Consequences", 66.

<sup>116</sup> Connery, D., *Crisis Policymaking*, 29.

<sup>117</sup> Howard, J., "The Liberation of East Timor".

justified this inaction by claiming that ‘armed force to be used unilaterally against Indonesia would have been foolish and an abrogation of fundamental tenets of international law’ .<sup>118</sup>

Unfortunately, the combination of an overwhelming pro-independence outcome with a pro-Indonesian security force, i.e. TNI, resulted in large-scale attacks against (suspected) independence supporters. It was evident that Habibie did not control the situation. At this moment, the national interest in restoring law and order, consolidating democracy, and containing any spillover effects reached its height. When UN Secretary-General Kofi Annan asked Australia to lead an intervention, Australia responded positively but underlined the necessity for Indonesia’s consent. During the Asia-Pacific Economic Cooperation meeting from 9 to 12 September, Australia successfully rallied international and regional support for an intervention.<sup>119</sup> On 12 September, Habibie agreed under high international pressure to the intervention and with the UNSC Resolution under Chapter VII on 15 September, the humanitarian intervention under the leadership of Australia became reality.<sup>120</sup> In conclusion, the intervention was a result of various unexpected events that forced Australia to adapt its national interests to the prospect of East Timor’s independence. However, in this strategic recalculation of interests, the consent of Indonesia remained the decisive factor for intervention.

#### *The Asian economic crisis, trade disruption and increasing regional power*

As stated before, the 1997 Asian economic crisis had struck hard. Currencies plummeted and the bad state of the economy affected the Asian populations. The Australian government was aware that this could impact Australia’s trade relations and its own economy. The 1997 White Paper explicitly mentioned that Australia’s most important economic interests lied in the Asia Pacific, because the ASEAN states had fast-developing markets that constituted of almost 500 million people.<sup>121</sup> The White Paper stressed the importance of Indonesia because of its size and the fact that more than half of Australia’s export was transferred through the country. A stable Indonesia was highly beneficial for Australia’s economy and national security.<sup>122</sup> Yet, in 1999, Indonesia’s economy had shrunk by 13,7 percent, and inflation in 1998 was over 70 percent.<sup>123</sup> Downer expressed his fear that the insecure situation in East Timor would threaten the Indonesian economy even more. He argued that economic security is not only imperative

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<sup>118</sup> Downer, A., Statement to the Griffith Asia Pacific Council Griffith University, Brisbane, 29 October 1999.

<sup>119</sup> Connery, D., *Crisis Policymaking*, 86.

<sup>120</sup> Ibidem.

<sup>121</sup> Commonwealth of Australia, *In the National Interest: Australia’s Foreign and Trade Policy*, 66.

<sup>122</sup> Ibidem.

<sup>123</sup> Downer, A., Statement to the National Press Club, Canberra, 31 March 1999.

for a healthy export market, but also for political stability, democratization and civil-military reforms.<sup>124</sup>

Remarkably, Australia was the only state in the region that had avoided the economic downturn. Therefore, the crisis offered Australia the opportunity to invest in its position as regional hegemonic power. The 1997 White Paper stated: ‘Having a regionally significant defence force also enhances Australia’s national status and regional standing. This in turn strengthens Australia’s capacity to influence the regional security agenda, and developments in the region more generally.’<sup>125</sup> INTERFET was the ultimate moment for Australia to showcase its power. Downer proclaimed that Australia’s capability to lead INTERFET proved its role as ‘a player in the region and worthy of respect’ because ‘the others could never have done this’.<sup>126</sup> Howard expressed to the House of Representatives that ‘the region has recognized that we are an asset and have a constructive role to play in it’. He further expressed that it was because of Australia’s global links, e.g. with the UN and US, that Indonesia could be convinced that an intervention was in its best interest.<sup>127</sup> Australia had gained the role of respected hegemonic power, which it had been working towards. Howard also remarked that thanks to the quick response of the ASEAN states, Australia could create a force with a large regional component and did not have to act in isolation.<sup>128</sup> This indicates that the ASEAN states had surpassed their norm of non-intervention.<sup>129</sup>

### *The Timor Gap and power politics*

In the 1990s, the Timor Gap treaty with Indonesia provided Australia with large revenues, and this number was expected to grow.<sup>130</sup> The more realistic the independence of East Timor became, the more important it was for Howard to ensure Australia’s rights over the Timor Gap and avoid that other powers or an independent East Timor would demand a share of this revenue. During a committee hearing, the manager of the Philips Oil Company Australia proclaimed that ‘the fragmentation of the treaty would have very important ramifications for Australia, who shares jurisdiction over this area, in terms of regional economic and political

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<sup>124</sup> Downer, A. (1998). “Visit to Jakarta, Indonesia.” Media Release, 30 June 1998.

[http://foreignminister.gov.au/releases/1998/fa087\\_98.html](http://foreignminister.gov.au/releases/1998/fa087_98.html).

<sup>125</sup> Commonwealth of Australia, *In the National Interest: Australia’s Foreign and Trade Policy*, 37.

<sup>126</sup> Cited in: Kelly, P., *The March of the Patriots: The Struggle for Modern Australia*, 515.

<sup>127</sup> Howard, J., Statement to the House of Representatives, Canberra, 21 September 1999.

<sup>128</sup> Ibidem.

<sup>129</sup> Although Indonesia’s consent to the intervention was very important for the ASEAN states, they already agreed to participate during the Asia-Pacific Economic Cooperation meeting at which Indonesia had not yet provided its consent.

<sup>130</sup> Cotton, J. “East Timor and Australia- Twenty-five Years of the Policy Debate”, 16.

stability'.<sup>131</sup> BHP, the largest private exploiter of the Timor Gap, had made contact with the leader of FRETILIN to underline that an independent East Timor would not have to negatively affect the agreements with Australia regarding the gap.<sup>132</sup> However, according to international law, an independent East Timor had the right to gain much more revenue than it was currently receiving (as part of Indonesia).<sup>133</sup> Although it cannot be found in government documents, it is argued that INTERFET was in Australia's economic interest because it increased the chance that East Timor felt obliged to let Australia keep its privileges after independence.<sup>134</sup>

### §3.4 Geopolitics

#### US Support

US support was crucial in the lead-up to INTERFET, as the US could provide the necessary logistics, intelligence, transport and, most importantly: 'intensify diplomatic pressure on Indonesia to accept a UN-sanctioned peacekeeping operation'.<sup>135</sup> Howard emphasized that the US was essential in gaining Indonesia's permission.<sup>136</sup> Without US support and the consequent Indonesian consent, Australia would realistically have decided to refrain from intervention.

#### The UN norm of new interventionism and Australia's fear to lose control

Howard recognized that INTERFET was only possible because 'the world has seen 78.5 percent of East Timorese vote for independence'.<sup>137</sup> With this, he implied the large international awareness for the East Timor issue. Later he described that this willingness was 'fertile ground to allow a new policy direction in late 1998'.<sup>138</sup> Timing can explain the sudden interest in East Timor. After the Cold War, the UN had received much critique on its failed interventions or the lack of them.<sup>139</sup> It was feared that the devastation of East Timor under the eyes of a passive international community might further undermine the credibility of the UN. East Timor could not be the next failure in line.<sup>140</sup> The Secretary-General Kofi Annan was a

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<sup>131</sup> Commonwealth of Australia (1999). *Official Committee Hansard, References Committee. "Economic, Social and Political Conditions in East Timor"* December 9. Canberra: Australian Parliament House, 417.

<sup>132</sup> Cotton, J., "East Timor and Australia- Twenty-five Years of the Policy Debate", 13-14.

<sup>133</sup> Ishizuka, K., "Australia's Policy Towards East Timor", 280.

<sup>134</sup> *Ibidem.*, 282.

<sup>135</sup> Howard, J., "The Liberation of East Timor".

<sup>136</sup> *Ibidem.*

<sup>137</sup> Howard, J., Statement to the House of Representatives, Canberra, 21 September 1999.

<sup>138</sup> Australian Broadcasting Corporation, *The Howard Years*. Disc 1.

<sup>139</sup> The main examples are the Iraq, Somalia, Cambodia, Rwanda, Bosnia and Kosovo.

<sup>140</sup> Simpson, B., "A Not So Humanitarian Intervention", 282.

great promoter of, in his own words, this ‘developing international norm in favor of intervention to protect civilians from whole slaughter’.<sup>141</sup>

Australia had an interest in becoming a successful example of this evolving norm, and by this, also avoiding that another state would take on this role. If another state would lead the intervention, it would marginalize Australia’s hegemonic role in the region. It was therefore in Australia’s interest to take on a position that secured its interests and the outcome it desired.<sup>142</sup> The DFAT Annual Report of 1999-2000 stated that in the case of East Timor, Australia had succeeded in ensuring that international action conformed with its interests’.<sup>143</sup> Although national interests remained imperative in the decision to intervene, the constructivist realist approach of this thesis exposes that it was also an outcome of how Australia conformed its interests to the evolving norm of new interventionism within the international system.

### **§3.5 Conclusion**

In the period of 1997-1999, the East Timorese had revived their struggle for independence against a background of both social-economic difficulties and opportunities for change. The widespread support for this change and the consequent increased tensions in East Timor compelled Australia to reconsider its non-interference policy. The domestic pressure by the opposition, media and population was instrumental in putting East Timor on the agenda. A study of the regional politics revealed that Australia feared for its security and economic interests with Indonesia in a highly volatile transition period. The possibility of regional instability stimulated Australia to start meddling in Indonesia’s affairs. Australia, however, still recognized its interests in the alliance with Indonesia and the other ASEAN states, so their permission to intervene was imperative. The fact that Habibie was more progressive and less emotionally attached to East Timor than Suharto was essential in receiving this. The examination of the geopolitical level proved that the support of the international community, particularly of the US, was also present. This was another requirement for Australia to undertake the intervention. In 1997-1999, Australia took the East Timor crisis as an opportunity to become a practical example of the evolving norm of new interventionism and simultaneously present its capabilities and role of regional hegemony to the world.

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<sup>141</sup> United Nations (1999). “Secretary-General Presents His Annual Report to General Assembly”, 20 September 1999. Retrieved from <https://www.un.org/press/en/1999/19990920.sgsm7136.html>.

<sup>142</sup> Cited in: Cotton, J., "East Timor and Australia- Twenty-five Years of the Policy Debate", 18.

<sup>143</sup> Commonwealth of Australia (2000). *Annual Report 1999-2000*. Canberra: Department of Foreign Affairs and Trade, 85.

## Conclusion

Building on a constructivist realist approach, it can be concluded that the 1970s' decision to refrain from intervention and the 1990s' decision to intervene were based on careful calculations of strategic interests. In these calculations, three interests have shown to be of paramount importance: (1) the maintenance of close ties with Indonesia for political and economic benefits; (2) the upholding of regional stability to ensure safe export relations and prevent spillover effects that damage Australia's national security; and (3) the furthering of the process in which Australia proves its hegemonic regional role and growing capabilities to the ASEAN states and the world.

In the 1970s, Indonesia seemed capable to ensure regional stability and offered Australia beneficial deals, such as the Timor Gap treaty. The possible damage to the strategic alliance with Indonesia and the lack of regional and international willingness to interfere in Indonesia's affairs made it in Australia's interest not to intervene. The then-present norms of non-intervention and sovereignty reinforced this decision. In the 1990s, the Indonesian government experienced political and economic instability and had lost control over the TNI. The political vacuum, risk of spillover effects, and the fact that independence had become a *fait accompli* forced Australia to reconsider its non-interference policy. These circumstances made it in Australia's interest to intervene, although Indonesia's permission remained the ultimate decisive factor. The evolving international norm of new interventionism and Indonesia's transition to democracy ensured the feasibility of an intervention. The high domestic pressure to intervene was in both periods instrumental, but not of overriding importance in the decision-making. Whereas in the 1970s, Australia was working on gaining respect and power in the region, it had reached these objectives in the 1990s and was ready to showcase its capabilities to the world.

The case study of East Timor illustrates that, although evolving international norms regarding humanitarian intervention force governments to reassess their foreign policy, national interests remain the key factor in the decision-making process. When Australia had the choice between a pragmatic position and a principled posture, it prioritized the first in both periods.

By analyzing the motives behind humanitarian intervention, this thesis demonstrates that national interests prevail over moral principles. Nonetheless, an intervention that is not primarily morally motivated does not inherently have an immoral outcome. For further research, it is important to look beyond motives, and examine how, while acknowledging the

presence of national interests, a successful outcome can be best reached. Specifically, more research can be done on how the evolving norm of new interventionism in the international system can help to better align national interests and moral principles.

As stated in the introduction, the primary sources used in this research consisted of Commonwealth records, documents in which policymakers reflect on their motivations, and literature that contains interviews with the policymakers. Combining these various categories of sources minimized the limitations of each category. The Commonwealth records only express the formal perspectives of policymakers at that moment in time. The conventions of these documents ask for brevity and clarity. The non-governmental documents fill this gap, since in these sources the policymakers provide more elaborate explanations, reveal underlying thoughts and reflect on their motivations (later in time). These documents do require a critical examination to differentiate the opinions of the authors from those of the policymakers. Lastly, the Commonwealth records of 1998-1999 are not yet in the official open access period. This means that not all private records are available. Nonetheless, a substantial amount of these records have leaked or have already been released and these have been supported by information from the other categories. For further research, it might be interesting to test the findings of this thesis to the new sources that will become available on 1 January 2020.

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