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**WHO SAVED EAST TIMOR?
NEW REFERENCES TO INTERNATIONAL SOLIDARITY**

“Human life is now confronted with a range of new conditions – wide famines, ecological catastrophe and genocide – that constitute victims who have no social relations capable of mobilizing their salvation, and who, as a result, make an ethic of universal moral obligation among strangers a necessity for the future of life on the planet.”

Michael Ignatieff, *The Warrior's Honor*, 1999

All emancipatory struggles begin as struggles for the impossible. The struggle of the Timorese for their self-determination was undoubtedly one of that kind.

Writing in August 1979, Noam Chomsky stated that “the people of East Timor are among the victims of the current phase of Western ideology and practice. (...) Citizens of the Western democracies may prefer to avert their eyes, permitting their governments to make their essential contribution to the slaughter that continues as Indonesia attempts to reduce what is left of Timor and its people to submission. They also have it within their power to bring these horrifying crimes to a halt” (Kohen and Taylor, 1979: 11). The referendum organised by the United Nations in August 1999, by which an overwhelming majority of the Timorese voted for independence, has been a very meaningful evidence that sometimes the impossible takes place.

This reversal of what seemed to be a definite fate of that insignificant people poses serious questions to the predominant readings of the international reality. Above all, two

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crucial questions must be answered: is the East Timor case an evidence of such a deep change in the role played by the international solidarity that it turns it into a fundamental element within the framework of counter-hegemonic globalisation? Has the triumph of this “impossible” struggle for self-determination set up a rupture with stabilised legacies of the past, namely the positivist-realist common sense?

In order to answer these questions, I shall analyse firstly the contents of such hegemonic legacies and of the counter-hegemonic proposals conveyed by alternative discourses at both the legal and political levels. Subsequently, and within this theoretical framework, I will focus on some specific features of the East Timorese case and inquire whether it may be assumed as an evidence of such a paradigmatic shift.

1. Westphalia and beyond

Richard Falk has called our attention to the fact that the current change in the world order is, in a certain way, symmetric to the one created by the Westphalia Peace Treaties of 1648. “The seventeenth century completed a long process of historical movement from nonterritorial guidance toward territorial decentralization, whereas the contemporary transition process seems headed back toward nonterritorial central guidance” (1989: 5). According to the author, the contemporary crisis of that fragmented political and institutional system and the emergence of new forms of transnational authority are evidences of such symmetry.

The Westphalia peace treaties (1648) have been the international legal symbol of a gradual process of transition between a medieval

"cosmopolitan patchwork of overlapping loyalties and allegiances, geographically interwoven jurisdictions and political enclaves" and “a system of territorial bounded sovereign states, each equipped with its own centralized administration and possessing a virtual monopoly on the legitimate use of violence” (Camilleri and Falk, 1992: 12-14).

In this sense, Westphalia brought a principle of decentralisation to the world institutional order, with its internal and external sides. First of all, Westphalia represented the definition of a political structure for each national community. Such a dynamics was based on the differentiation between public and private spheres and it has

to the international solidarity movement towards East Timor. I would also like to thank Mónica Rafael for her help in the preparation of this version.

been mainly expressed through the progressive monopolization of the legitimate use of force by central authorities. This unprecedented autonomous nature of public authority against the private sphere was at the heart of an understanding of sovereignty as territorially expansive. Private property gradually lost the legal bounds and limits of medieval codes and was crystallised as the power to exclude others from the use of a resource. Territory, the physical basis of sovereignty, was nothing more than a macro-property: "*the state became the royal estate*" (Camilleri and Falk, 1992: 15), in which the king exercised his personal and territorial jurisdiction, which could increase through conquest and colonisation.

The external aspect of the Westphalian legacy is the other side of the coin of national imagined communities. Sovereignty, conceived by Bodin as *summa in cives ac subditos legibusque potestas*, brought with it the idea of a clear contrast between internal and external: monopolization of force by the state within its territory, legitimisation of the use of force between states; order and contractual relations within a state, anarchy and war of all against all outside the borders. In order for the national community to be an imagined community, international community was, by definition, unimaginable (Pureza, 1998: 35). Within this context, the legacy of Westphalia has essentially been "a historically specific form of political space: distinct, disjoint and mutually exclusive territorial formations" (Ruggie, 1998: 172).

We are now at the heart of a reversal of this Westphalian state-centricity. The so-called post-Westphalian age is essentially a very strong dynamics (a return?) towards a nonterritorial political guidance of global challenges. But the fact that this guidance overcomes the traditional identification of politics with national state boundaries is itself contradictory.

On the one side, a new hegemonic combination between the principles of the market and of the state is taking place. Neo-liberal globalisation is operating through facilitating states, whose main role is to guarantee liberalisation, privatisation, minimising economic regulation, rolling back welfare, reducing expenditures on public goods, tightening fiscal discipline, favouring freer flows of capital, strict controls on organised labour, tax reductions, and unrestricted currency repatriation (Falk, 1999: 1). So, the true reality of facilitating states is not so much that of a complete absence of regulatory power, but a reorientation of their priorities and an institutional destruction selectively conducted.

Is there an alternative, counter-hegemonic, reading of the post-Westphalian order? I suggest that such an alternative lies on a new strategic mix between a radical cut with statecentrism and a reconstruction of the nation states' role. International solidarity has to be reinvented in a way that corresponds to the demands of a contemporary *ethos* of cosmopolitan democracy. The metaphor of the *citizen-pilgrim*, used by Richard Falk (1995: 95; 1999: 153), is perhaps the best anticipation of that reinvention. It underlines the major foundation of global citizenship as the contemporary formula of cosmopolitan internationalism: a notion of citizenship based upon the primacy of responsibility over individual autonomy and a stewardship ethic, both of them with an indiscriminate scope.

Together with the citizen-pilgrim, the *militant state* is the other metaphor of a counter-hegemonic reading of the post-Westphalian era. With this metaphor I wish to illustrate the transfiguration of the traditional concept of sovereignty into the offer of the state as a vehicle of support of some crucial emancipatory struggles taking place at the global civil society and led by transnational NGO coalitions. The militant state can be seen as a *post-modern sequel to modern compassionate states*: "Post-modern compassionate states would align themselves with progressive social forces in various specific settings and refuse to endorse the discipline of global capital if the results were to produce social, environmental, and spiritual harm" (Falk, 1999: 6).

2. Positivism and beyond

The Westphalian image of the world has been transformed into common sense by the realist discourse on international relations. Realism is a form of positivism, since it assumes an absolute distinction between facts and values, granting absolute primacy to the first over the latter - a "bias towards objective explanation", according to Frost (1996: 12).

Two main corollaries emerge from this basic equivalence between empirical regularities and normative demands. The first one is the understanding of international politics as mere power politics. Realism has reduced all the intellectual representation of international politics to a problem-solving procedure, which means that it accepts the world as it is (and intends to keep it that way), and assumes the existent forms of social relations and power as a pre-established (and untouchable) framework. For realists, the international political landscape is nothing but a struggle amongst different "national

interests”: this state-centric obsession of realism condemns the world to remain in an eternal state of nature, each state living in permanent suspicion against all others, with no institutional forms for the monopolisation of the use of force (“*ni législateur, ni juge ni gendarme*”).

The second corollary is a consequence of this reasoning: all regulation is self-regulation (Starr, 1995) and there is no place for a true international law. The denial of true and effective legal character to international norms results from the positivist belief in a single kind of legal norm: the one that emanates from the state, having the use of *jus imperium* as a final enforcing mechanism. The only kind of legal discourse recognisable for realism is what Austin called “the sovereign order”, meaning a system of prohibitions and sanctions, supported by state coercion.

Since it does not have that guarantee, international law is limited to the mere role of a contractual basis amongst states – a *bric-a-brac*, according to Combacau (1986: 86) – whose only use is the legitimisation of inter-state practice. That is why Martti Koskenniemi (1989: 40) asserts the primacy of an “ascending pattern of justification” within the positivist-realist perspective of international law: in fact, order and obligation in international affairs are seen as based upon state behaviour and not upon justice, common interests or any other values.

At this point, the question to be asked is obviously the following: which is the impact of the changes that took place in the Westphalian order on this double legacy of realism-positivism? Most of all, the emergence of a post-Westphalian scenario brings with it the perception of a dualism in international law: power politics and empirical effectiveness are not total realities. International law is also founded upon a “descending pattern of justification”, i.e., “upon justice, common interests, progress, nature of the world community or other similar ideas to which it is common that they are anterior, or superior, to state behaviour, will or interest” (Koskenniemi, 1989: 40-41). This means that the post-Westphalian paradigmatic transition in international law is made of two main building blocks: a stronger emphasis on the utopian (counter-hegemonic) dimensions of the international legal discourse (mostly visible in areas like the common heritage of humankind, or human and peoples rights), and a cut with a narrow vision of legal effectiveness, reinforcing international law’s value of symbolic efficacy. Beyond the traditional system of rules, prohibitions and sanctions, there is a post-Westphalian international law, whose fundamental feature is the centrality of emancipation of both individuals, groups, nations and the humankind as a whole.

3. East Timor: a post-positivist struggle

The case of East Timor can be analysed, first of all, as a shift operated in the hegemonic answers given to three main tensions: between *fait accomplis* and legitimacy, between geopolitics and legal order and between efficiency and multilateralism. One first fundamental legacy of the Timorese struggle for independence is that it has added something to the counter-hegemonic elements of these three tensions: legitimacy against *fait accomplis*, legal order against geopolitics, and multilateralism against efficiency.

3.1. *Fait accomplis* and legitimacy

This first tension has been experienced within two different historical contexts.

The first one was the Portuguese colonial rule. East Timor became a Portuguese colony at the start of the 16th century. Treaties signed in 1859 and 1904 set the borderlines between the eastern and the western parts of the island, the latter being under the Netherlands rule and, after its independence in 1949, under Indonesian one. Having become a member of the United Nations in 1955, Portugal was confronted with the applicability of the Charter to its colonial territories. (Galvão Teles, 1997: 195). Against the establishment of a new standard of international legitimacy founded upon the progressive dynamics of the UN in favour of self-determination of colonial peoples (the UN General Assembly has adopted crucial resolutions in that sense since, at least, 1960), the Portuguese colonialist regime has claimed alleged historical rights and has refused to accept the legal duties resulting from the UN Charter, namely the duty to report on the evolution of those territories to self-determination.

"The defence argument, invoked by the Portuguese argument (...) was that Portugal was a multi-continental state to which one could not logically apply Chapter XI of the UN Charter, which recognises the right to self-determination of colonised peoples. On the other hand, Indonesia, with its non-aligned policies, had previously supported the right to self-determination of the people of East Timor and renounced any claim to the territory" (Escarameia, 1993: 47).

Having found itself fighting against History, the Portuguese government has tried to use effectiveness and time as its main allies.

Who Saved East Timor? New References to International Solidarity

The Portuguese democratic revolution of 1974 set a radical change in this understanding. Portugal has not only formally adopted the legal doctrine of the United Nations, but has in fact embraced the ideology of international public service as a new element of its identity within the international system. The fundamental relevance of anti-colonialism in the combat against fascism in Portugal explains how naturally this shift has been placed at the heart of the new democratic regime. Specifically regarding East Timor, Portugal adopted a law in July 1975 (Law 7/75), establishing the decolonisation programme for the territory, to be pursued through popular ballot and, in line with the United Nations legal doctrine, offering three choices: independence, integration or free association with a third state. So, from then onwards, Portugal has seen itself as having a fresh and genuine legitimacy to demand compliance with the self-determination principle, wherever it was disputed, and (obviously) most of all when referring to its former colonies.

The second historical setting for the abovementioned tension was the Cold War. The bipolar rivalry was responsible for the acceptance of the Indonesian invasion and occupation of the territory, and of the genocide suffered by the Timorese people. In fact, the illegitimacy of the Indonesian attitude has been accepted as a reasonable price to pay for the protection of western interests in that region: the fight against communism in Southeast Asia, the passage of nuclear submarines between the Pacific and the Indian waters, the vast oil reserves of the Timor Sea, the safeguard of the catholic minority in the world's most populated Muslim state, etc. (Barbedo Magalhães, 1992: 23; Kohen and Taylor, 1979: 95). To a large extent, the forgetfulness around the Timorese question in the Security Council's agenda since 1976 – meaning its absence from the working agenda of the Council since the approval of resolution 389/76, in April – is an obvious sign of such acceptance. Indeed, the Council's 'art of indecision' (Monteiro, 2001: 7) for twenty-three years resulted from a clear consensus between the five permanent members of the Security Council on the strategic interest of a regional power such as Indonesia. The United States formally demonstrated such a priority as early as 1976, when abstaining in the voting of the above-mentioned resolution ("a practical veto", as pointed out by António Monteiro). The perception about Indonesia's geopolitical relevance in the fight against communism expansion in the region – one must bear in mind the relevant role that the so-called 'domino theory' played in the analysis of the powers' dynamics in the Cold War scenario – granted it clear support by the United

States, the United Kingdom and France¹. Likewise, the Popular Republic of China did not envisage any attitude that could affront such a relevant Asian ally, especially if that meant supporting the claim of the former European coloniser. Finally, the Soviet Union - despite the fact that Suharto's regime resulted from the violent defeat of the pro-Communist government of Sukarno - acted according to *realpolitik's* pragmatism: "Indonesia was (and is) too important within the developing world to be considered an 'enemy to be shot'" (Ibidem: 8).

With this tactic oblivion of legitimacy by the international community as a background, Indonesia felt free to use *fait accomplis* as its main argument. Benedict Anderson (2000: 5) illustrates this point by sharing some information given to him by a personal friend from the Indonesian intelligence, on the eve of the invasion: "Don't worry. In a few weeks, everything will be over (...). Besides, time is on our side." According to Anderson, "the international community's belief was that sooner or later the Timorese Resistance would be destroyed and the world would accept its annexation by Indonesia, as it had accepted Goa's integration in Nehru's India, twenty years before". Therefore, according to him, the fundamental question posed by the Timorese case is "when and why has time moved to the Timorese side?" (Ibidem: 6). As such, and although the UN always regarded this annexation as illegal, condemning it in successive resolutions, Suharto's government always resorted to international community's alleged acquiescence with East Timor's annexation as Indonesia's 27th province.

Against this strategy, the East Timorese struggle for self-determination has always been founded on the central role of legitimacy in international relations. Principles and values such as the prohibition of the use of force, the non recognition of occupation as a legitimate title for sovereignty, the illegality of colonialism and the right to self-

¹ Richard Holbrooke, then deputy-Secretary of State for Asia and the Pacific, was, in 1980, a forceful spokesperson for that pragmatic support of Indonesia: "Indonesia, with a population of 150 million inhabitants, is the fifth most populated nation in the world. It has the largest Muslim population in the world, it is a moderate member of the Non Aligned Movement – it has a moderate role in OPEP – and occupies a strategic position along the maritime routes between the Pacific and Indian Oceans. President Suharto and other prominent Indonesian leaders have publicly demanded the liberation of our hostages in Iran. The position of Indonesia in ASEAN is also important and it has played a central role in the support of Thailand (...) in face of Vietnamese destabilization actions in Indochina (...). Indonesia is, without any doubt, important for our key allies in the region, especially Japan and Australia. We highly value our relationship of cooperation with Indonesia." (cit. in Horta, 1994: 162). The then Permanent Representative of the U.S. in the UN, Daniel Moynihan, has written the following on his action concerning East Timor: "The United States wanted things to run the way they did, and acted in conformity. The State Department wanted the UN to be totally inefficient in whatever action it would take. I have been given this mission and I accomplished it with notable success" (1978: 247).

determination were the major axis of the international Resistance and of the mobilisation of both non governmental and diplomatic allies.

Portugal, the United Nations and international solidarity groups always argued that East Timor remained a non self-governing territory, according to Chapter XI of the UN Charter. This implied that Portugal continued to be the territory's administrative power until Timorese self-determination. Such a stance contested the (weak) Indonesian argument that annexation had been requested by a popular assembly composed by two representatives from each of the Timorese thirteen districts (with the exception of Dili, which had three representatives) and by ten leaders appointed by the interim government. The legal legitimacy argument against the *fait accomplis* also played a major role in condemning Indonesian's annexation. Most of the authors (Clark, 1980; Hannikainen, 1988; Cassese, 1995) have always denounced both the non-representativity of such an assembly and the blatant violation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (resolution 1541 (XV), 1961), where it establishes that integration "should be the result of the freely expressed wishes of the territory's peoples acting with full knowledge of the change in their status, their wishes having been expressed through informed and democratic processes, impartially conducted and based on universal adult suffrage." Notwithstanding this, it should be acknowledged that political and diplomatic action followed instead the dictates of realpolitik. In this context, Portugal's sustained effort for self-determination was frequently seen as a too strict policy, incapable of coping with the attempts for a peaceful solution to relieve the Timorese from suffering (Neves, 2000: 29). Such argument found support in some Portuguese political leaders and actually guided the process' diplomatic course of action during the eighties. This shall be analysed furtheron.

The tension between legitimacy and *fait accomplis* also explains the contrast between silence and media as fundamental tools for the strategies of Indonesia and the Resistance: silence was considered a necessary condition for the successful creation of a *fait accomplis*, and led to the closure of the territory to journalists, NGO's and humanitarian assistance until 1988-89, as if it was a gigantic concentration camp; *media*, as an instrument for raising public awareness on the illegitimate situation in East Timor, has been an utmost priority of both the internal Resistance and the solidarity movements. Clearly, both sides tried to strategically convey the idea that knowledge is a way of (no) power.

3.2. Geopolitics and legal order

East Timor should be considered as one of the “hard cases” to test the validity of a certain theoretical reading of international life. Against a superficial antagonist perspective between pragmatism and idealism, the East Timor case has proved that realist cynicism (that lies exclusively on the cruel potency of geopolitics, expressed either by a pattern of indifference towards human suffering or by over-interventionism) and naive legalism (that over-emphasises the constructive role of formal obligations) are not the only ways to interpret the flow of history (Falk, 1998: 81).

Realpolitik and power politics are the major categories of the realist common sense. Within this framework, there can be no case for a superfluous people that inhabits half of a 19 000 square kilometres island in extremely poor conditions. On the other side, the legalistic reading of international politics tends to highlight a formal representation of reality (legal vs. illegal) void of any factual/power dimensions. In this context, East Timor should be seen as an obvious ‘black and white’ case of clear non-fulfilment of the basic principles of international law.

It should be underlined that there is no inherent conflict between geopolitics and the respect for international law. Falk has clarified this by stating: "When international law reinforces the political will of dominant states, it is likely to be invoked to support global policy initiatives (...). But when a reasonable interpretation of international law inhibits the preferred policies of strong states on matters of high priority, then the law will tend to be cast aside or ignored by its violators (...)" (1998: 58).

East Timor brought something new to this traditional understanding: an alternative use of international rules and of geopolitical factors. International law has played a crucial role in the emancipation of the Timorese people. Both the already mentioned primary rules and secondary rules (mainly UN’s resolutions from 1975 and 1982) have frozen the Indonesian pretensions and kept alive a legal understanding under which Portugal remained as administrative power until a legitimate act of self-determination had taken place. International norms concerning armed aggression, annexation and military occupation, genocide, torture, basic human rights and sovereignty over natural resources have played a major role in denouncing the situation (IPJET, 1995). Both the Resistance and the solidarity movements have often used such rules as basic instruments to call the international community to a coherent position with its ideological discourse on

principles and decency. Not only as individual arguments but also as a discourse: in fact, as Escarameia (1993: 95) has demonstrated, the quest for legal legitimacy has been a permanent concern of the UN treatment of the case. Hence, the resolutions approved on this matter either expressly invoke or implicitly place authoritative documents (particularly fundamental declarations or previous resolutions) in a position of hierarchical superiority, provoking the effect of association of each decision with another one considered “more fundamental” and thus giving added historical and moral legitimacy to each legal step.

But despite this importance of the legal dimension of the case, the truth is that geopolitical factors, broadly speaking, have been essential not only to the strategy of Indonesia (as I have mentioned before) but also to the shift from fate into freedom. Portugal’s adhesion to the European Communities in 1986, the “CNN effect” of the Santa Cruz massacre (1991) and the Nobel Peace Prize awarded to José Ramos Horta and Bishop Belo (1996), alongside with the consequences of the combination between the democratic transition in Indonesia and the economic crisis of the “eastern dragons” (1997 onwards) have been historical opportunities without which legal and political progress would never have occurred. António Monteiro (2001: 5) points out that, “like in other similar cases, only the removal of the principal obstacle to any solution different from the mere consecration of the status quo, that is, the fall of the dictator Suharto, opened real perspectives for a solution of that type [a fair, global and internationally acceptable solution for the East Timor case]. Even so, the fact that the possibility of a referendum over independence has come so quick was surprising. Such a fact was only possible due to the sudden change of heart of the successor of Suharto in that direction.”

Perhaps the major symbol of this alternative use of geopolitical forces has been the pressure put on super powers and international financial institutions (like the International Monetary Fund and the World Bank) to obtain a halt in the destruction of East Timor and the massive killings of its people by the Indonesian army and militias in September 1999, after the public announcements of the referendum results. As John Taylor (1999: 222) synthesised: “actually it was the whole combination of strategies designed to suspend the sale of arms, associated with the threat of specific economical sanctions, directed towards the restructuring of banking and the debts of the big groups that, in the long run, seems to have persuaded Habibie, his Cabinet, and the majority of his principal military personalities to accept the entry of a peacekeeping force.”

3.3. Efficiency and multilateralism

The legacy of the East Timor case also includes a critique of the recent tendencies towards over-emphasizing efficiency as a criterion for international intervention.

Hopes for a multilateral consolidation of the political and conceptual approaches proposed by Boutros Ghali's *Agenda for Peace* seem to have been totally withered by the latest geopolitical shifts of power, the new security challenges and the impetuous economic force of globalisation. What seemed to be a return of the United Nations to its main role in the prevention, management and transformation of international conflicts, ended up with the organisation's political, financial and operational disbelief, creating the conditions for unilateralism to take place (Debiel, 2000).

The debate on the alleged right to humanitarian intervention is a clear evidence of this tendency (Lyons and Mastanduno, 1995). Those favouring this "right" invoke the failure of classical non-intervention rule and its progressive replacement by a post-Westphalian right to enforce the accomplishment of basic human rights wherever gross violations occur and the right to use force if needed. Is there anything really new in this proposal? Richard Falk (1998: 87) has expressed this doubt in question form: "are we dealing mainly with a change in discursive reality such that what has mainly changed is language, not behavior, with major states still retaining on a behavioral level a discretionary option to use force?" The dynamics created after the end of the Cold War has motivated this suspicion: instead of a move towards collective and institutionalised action, the nineties have evidenced "that the UN will be used (...) only when geopolitically useful, especially to provide a 'law-laundering' service, that is, to provide a kind of legitimizing mandate for what is, in its essence, a unilateral, or at best a use of force by a coalition of likeminded states" (ibidem: 66).

Now, it should be reminded that this selectivity has been confirmed in several conflicts during the occupation of East Timor by Indonesia. And it should also be underlined that a few months before the dramatic destruction and massacre that followed the referendum, in September 1999, there had been a crucial step further into the unilateralist direction: NATO's intervention in former Yugoslavia without any kind of mandate from the Security Council, during the Kosovo crisis.

Within this context, the concrete procedure adopted for the creation of an international force of peace enforcing (INTERFET) (Security Council Resolution 1264, 15th

September 1999) has given back the primacy to multilateral decision-making structures, introducing a detour in the dominant tendency of the nineties.

The political price to pay for this option (or imposition?) was undoubtedly very high – although one must always add, as Fernando Neves (2000: 38) reminds, that “the price to pay for Indonesian occupation was, and would be, more much intolerable: the destruction of an entire people”. In line with the May 5 Agreement, which incongruously granted complete control of the territory’s security to Indonesia, the Security Council immorally stood still after the referendum results were announced and the slaughter of the Timorese by Indonesian military and militia proceeded. The Security Council not only followed unclear formal procedures – promoting informal meetings over public debate (Monteiro, 2001: 19) –, but it was also continuously adamant not to affront Indonesia. Constantly attempting to persuade Indonesian authorities to act, the Security Council avoided until the last minute the adoption of strong and adequate measures (already suggested by Portugal, Australia, and the Secretary-General himself) to deal with the terrible situation in the field. Supporting this idea, on 2nd September 1999, the Times quoted a UN spokesman affirming: “This is an operation on Indonesian soil where Indonesia is fully responsible for security. There is no intention at this time to ask for a change in that. Rather, what we are doing is pressing Indonesia to work harder on securing the environment.”

Whilst passionately describing the ‘plumb days’ of the Timorese issue in the United Nations, António Monteiro unsurprisingly quotes the answer from a member of the US permanent mission with the UN when questioned on what would be done by Washington and the Security Council if a bloodshed would take place in East Timor: “Nothing, I’m afraid.” (2001: 27) Such confidence was tragically premonitory of what happened in 1999. It seems indisputable today that at the same time as the Indonesian leaders signed the May 5 Agreement, branches of their military – through militia groups, like *Besi Merah Puti*, *Aitarak* or *Darah Merah* – started to implement the secret plan *Operasi Sapu Jagad* (Global Clean-Sweep). This operation’s objectives were “to portray East Timor as a territory shattered by civil war, unable of self-rule, to sabotage the referendum, and to eliminate the local members of the independence movement” (Taylor, 1999: 204). Likewise, it is irrefutable that the systematic killings and destruction perpetrated during the referendum were facilitated both by the security regime set by the New York Agreements and by UNAMET’s frailty (241 UN international staff members, 420 voluntary, 280 policemen and 50 military).

The unequivocal results of the popular ballot on 30th August (78.5 per cent for independence) led to the killing of independence supporters from all sectors of the Timorese society, attacks to Catholic Church members and installations, destruction of archives and documents, forced deportation of thousands of Timorese, and the looting and destruction of the territory. As militia leader Eurico Guterres threatened, if the people chose independence, East Timor would become a “sea of fire”.

In such a situation, similar to ethnic cleansing scenarios like Kosovo or Rwanda, the option for an intervention outside the multilateral institutionalism, namely a multinational regional force outside the UN, would have followed the unilateralist actions of the nineties. In this sense, the East Timor case legacy can be seen as encouraging “a more constitutionally oriented approach to the activities of the Security Council, thereby softening the current impression of its services as a geopolitical rubber-stamp” (Falk, 1998: 68). It must be underlined that INTERFET’s creation is equally relevant in a substantive way, since it translates not the traditional peace keeping or peace enforcing operations, but a new step in the international community’s new tasks in post-conflict social reconstruction.

4. East Timor as a post-Westphalian struggle

The Timorese struggle for self-determination must be perceived as an important precedent of a post-Westphalian combat. For two main reasons: first, East Timor has remained as a topic of the international agenda due to the work of solidarity movements, much more than to the diplomatic initiatives of states and intergovernmental agencies – in this sense, Timor LoroSae is a product of pilgrim-citizenship; second, the role played by Portugal, the former colonial power, as an ally of the Timorese people and of the solidarity movements, and the articulation between the Portuguese diplomacy in the crucial areas of this process (human rights diplomacy, Security Council decisions, regional multilateral organisations, Decolonisation Committee, ...) and those non-governmental actors raise the question of the applicability of the militant state metaphor to Portugal in this specific case.

4.1. The role of pilgrim citizenship

There is nothing new in the use of non-governmental instruments or the establishment of tactic alliances with non-governmental entities for the support of states' interests. Portugal itself had previous experiences in this domain: for example, the use of the atlantist lobby in the United States against Kennedy's administration policy concerning Portuguese colonialism. Besides, the concrete structure of the solidarity movement in the East Timorese case has echoed some previous international references, like the anti-apartheid movement or even the frontist experiences of anti-fascist solidarity and humanitarian assistance movements, and the way these movements had taken advantage of the growing importance of the media.

But, despite these continuities, there is a major difference: in the East Timor case, solidarity movements have not played a defensive role. On the contrary, they became the most prominent strategic ally of the Resistance, articulating with the Timorese leaders the flow and contents of information placed in the agenda of the international media and of the worldwide information networks.

There are two different stages in the formation of the solidarity movement with East Timor.

During the first stage, until the end of the eighties, non-governmental solidarity was fragile, fighting against the indifference of governments and politicians and reduced to some local committees or even to individual activities. In Australia, for example, some individual performances – like those of James Dunn, Robert Wesley Smith or David Scott – have been decisive during that period. Apart from Australia, the Portuguese solidarity movement has been of crucial importance during that decade, since it has performed a direct intermediary function between local Resistance and the outside, and simultaneously stopped the Portuguese government from accepting any kind of deal with the Indonesian authorities and desert from its responsibilities as administrative power (cfr. Section 4.2 ahead). In the frontline of the Portuguese movements, and besides the creation of several committees of support to the RDTL (Democratic Republic of East Timor, unilaterally proclaimed by Fretilin in November 1975), CDPM (Maubere People's Rights Commission) has emerged as a leading entity. This Commission was formed to organise a session of the Permanent Tribunal of Peoples, which took place in Lisbon, in June 1980². Its leader, Luísa Teotónio Pereira, had been

² The Permanent Tribunal of Peoples is a non-governmental organisation set up in 1979 on the pattern of the Bertrand Russell Tribunal on Vietnam and of the Tribunal Russell II on Latin America. It has

involved in the activities of CIDAC (Anti-Colonialist Information and Documentation Centre) for a long time. During the eighties, CDPM served as a privileged (most of the times exclusive) information platform, bringing information on the factual developments inside the territory (silenced by the closure imposed by Indonesia) to the most important international fora, like the UN and its agencies and human rights organisations. A small example of the importance of this role: in one of the negotiation rounds between Portugal and Indonesia under the auspices of the UN Secretary-General, the Portuguese government, using information provided by CDPM, has presented a detailed list of Timorese political prisoners, thus embarrassing the Indonesian representatives, whose report was quite less detailed than that one.

A second group of initial supporters of the Timorese cause was connected with Christian churches, and specially the Catholic Church. The latter has been the centre of a multiplicity of humanitarian and material aid structures. Having emerged as the only local “official” institution that defended Timorese cultural specificity and as a pillar of the day-by-day Resistance to the occupation, the church has become itself an organizative structure of the political Resistance. “The church, priests and religious people are the three elements that threaten East Timor’s integration in Indonesia”, peremptorily stated Suharto’s son-in-law and one of the occupation’s military leaders, major Prabowo (cit. in Taylor, 1993: 300). Indeed, notwithstanding the Vatican’s systematic ambiguity – despite keeping Dili’s apostolic administration outside Indonesia’s Bishop’s conference, it has always given clear priority to the protection of the Indonesian catholic community, often in detriment of the Timorese catholics – the Timorese Church was always at the frontline denouncing human rights violations, demanding a self-determination referendum and preserving the peoples’ identity. Being so, the international solidarity movement had a catholic (or Christian) dimension, founded both on Christian solidarity and on the compromise of progressive groups with the struggle for human rights. This religious part of the solidarity movement included both ad hoc small groups (like “A Paz é Possível em Timor Leste”, from Lisbon), national catholic institutions (like the Catholic Institute of International Relations, from the United Kingdom) and institutionalised international catholic movements, whose focus on the Timorese case has been quite important (Pax Christi or Justice and Peace Commissions, for example).

rendered sentences on several cases, namely the Western Sahara (1979) and East Timor (21 June 1980). This last one was the seventh decision or advisory opinion delivered by the Tribunal.

Who Saved East Timor? New References to International Solidarity

Finally, a third component of this first stage was that of movements fighting against the Indonesian dictatorship in general terms. Having the public denouncement of massive violations of human rights as one of their priorities, those groups saw in the Timorese situation a concrete expression of the dictatorial and militaristic nature of the Indonesian state. At the top of this last group, we find TAPOL, a permanent campaigning body for the release of the Indonesian political prisoners (TAPOL is a contraction of *tahanan politik*, political prisoner). TAPOL has been at the roots of specialised solidarity movements that emerged in the second stage (from 1991 onwards), like the “Parliamentarians for East Timor”, set up by Lord Eric Avebury and Ann Clwyd, supporters of TAPOL. More recently, also Solidamor has acquired much relevance within this third group.

The second stage of the solidarity movement began in the end of the 80's. The departure point was the Santa Cruz massacre, whose coverage by international media can be considered a turning point in the internationalisation of the case. This second stage had three fundamental characteristics. The first one was a stronger emphasis on the connection between the Timorese struggle for independence and the domestic struggle of Indonesians for democracy. This factor pushed the solidarity movement towards Asia, namely in countries like the Philippines or Japan. The second characteristic was the worldwide enlargement of the movement, with strong emphasis on the United States, Australia and Japan. From generalist to specialised groups, all of them adopted as their strategy the inclusion of members from all over the world. One example: the International Platform of Jurists for East Timor, founded in Lisbon in November 1991, was directed by an international executive council with members from the Netherlands, Portugal, United States, Australia, India, Mozambique and Brazil. The third characteristic was the dynamics of coordination between the solidarity groups. This gave rise to the birth of several federations of NGOs with a different interest in the decolonisation process of East Timor, human rights and other aspects of life of the people in and from the territory. Two important examples of this tendency are the International Federation for East Timor (IFET) and the Asia Pacific Coalition for East Timor (APCET), itself member of IFET. In 1999, IFET had 36 member groups from 21 different nationalities, like Australia, Canada, Fiji, Sweden, Portugal and the United States. APCET had 23 member groups from 15 countries of that region. This coordination effort went hand in hand with the deepening of the networking methodology of the solidarity movement, both at the international and the national

levels (for example, the East Timor Action Network/US), and whose global scope was improved by the growing use of e-mail and internet means. It must be stressed that this sudden evolution in the solidarity movement, from the nineties onwards, was anticipated by a fundamental political shift within the Timorese Resistance, operated from 1983 to 1987. This shift consisted in the gradual replacement of an adversarial understanding of the relations between the different Timorese political factions and parties (like Fretilin and UDT) by the creation of a nationalist unitary front (“Convergência Nacionalista”, that became some time after the Timorese Resistance National Council, CNRT), the end of Fretilin as a Marxist-Leninist party and the emergence of Xanana Gusmão as a consensual leader. This determined an added support all around the world, either from diplomatic channels or from states and intergovernmental agencies.

4.2. Portugal: a militant state?

Can a state be compromised with a non-governmental emancipatory struggle? Can a government be an agent of international solidarity with a cause that does not deal with strategic geopolitical interests, that is, motivated only by genuine solidarity? Does a small state have some “comparative advantages” concerning this domain when compared to the major powers?

The role played by Portugal in the international solidarity movement with East Timor has been a fundamental one. In fact, for the better and for the worse, Portugal has been the diplomatic vehicle of the Timorese people’s will to be self-determined. From the moment of the invasion in 1975 until the referendum in 1999, Portugal led the diplomatic efforts to reach a fair and legal solution to the case, denouncing the occupation, the gross and massive violations of basic human rights, and the illegal appropriation of Timorese natural resources³. The truth is, however, that the effective involvement of the Portuguese state until 1982 was extremely faded, increasing in the following years, and it progressively heightened from 1986 onwards. John Taylor, one of the most respectable experts of the Timorese case, blatantly affirms: “globally, Portuguese foreign policy gave too little, too late. The government’s international

³ Portugal presented a claim against Australia in the International Court of Justice in February 1991, concerning an agreement signed by Australia and Indonesia for the exploration and exploitation of oil

actions to publicise the situation in East Timor were usually rhetoric statements, or small thorns in the Indonesian diplomacy. (...) In the years immediately after the invasion, the Portuguese government attempted to renounce its responsibility for political convenience, whilst trying to bury the Timorese case. When this failed, it tried to find an 'honourable solution'. However, it found several difficulties in defending its 'national honour', due to its past actions, its contradictory approach and its 'flexibility' in main areas like self-determination and elections." (1993: 329)

Notwithstanding this obvious truth, it is also a fact that the Portuguese position has evolved a lot, and that the main responsible for that change have been both the internal Resistance of the Timorese and the non-governmental solidarity movement. This evolution can be analysed in four different phases.

The first one took place between 1975 and 1982. We could perhaps call it the phase of "multilateralism as the only way". The philosophy adopted by Portugal has been that the main contradiction of the Timor case was not between Portugal and Indonesia, but between Indonesia and the international community; and, being so, the United Nations should be confronted with its responsibilities in the case. The truth is that in fact the real actors in the diplomatic arena have been the African Portuguese-speaking countries, which kept the question alive in the intergovernmental settings. José Ramos-Horta (1994: 180) is very clear on this matter: "The five African Portuguese-speaking countries were, from 1975 onwards, the diplomatic backup of our struggle. Despite their weaknesses and material limitations, they have never denied support to Fretilin (...). Without that support, the East Timor issue would have been dropped out of the United Nations' agenda shortly after the invasion." He underlines that "between 1976 and 1982, the Portuguese Mission within the United Nations had no input into the drafting of the problem-solving projects for East Timor (...). The Portuguese mission was a disinterested, neutral observer. At least, so it seemed." (Ibidem: 218). The only exception in the Portuguese passivity was Maria de Lourdes Pintasilgo's interventions in the General Assembly, first as prime minister and, later, as special advisor of the Presidency for the Timorese issue.

deposits in the Timor Sea. The final decision was taken in June 1995, through which the Court found itself incompetent to decide on the substantive questions raised by the Portuguese application.

From 1975 to 1981, the resolutions passed by the General Assembly on East Timor evidenced a growing lack of international political support⁴. Already back in 1975, the voting of the resolution led to a strong pessimism: the separate vote on the paragraph stating that it “strongly condemns the Indonesian military intervention in the Portuguese Timor” was demanded, and the result was 59 in favour, 11 against and 55 abstentions. These last ones were from the Arab and western countries and this, according to Ramos Horta (1994: 184), was interpreted in Jakarta as a ‘carte blanche’ to continue East Timor’s annexation process. This means that the multilateralisation was merely a passive one, since Portugal showed an almost absolute lack of capacity of influencing the decisions of the UN.

Having actively participated in the UN follow-up of the Timorese file, Antonio Monteiro describes this phase as follows: “Indonesia had all the interestson its side and was supported by the most influential members of the international community ready to safeguard their political and economic gains; Portugal (and East Timor) had the values on their side... (...). It was a stable balance that in no way burdened the international community. Typical in such situations, the first one to break the balance could be ‘punished’. Only that circumstance justified Jakarta’s tactic: defending itself from an annual resolution, whilst trying to attract new allies so that with time the issue could be forgotten” (2001: 10).

The granting of a mediation mandate to the UN Secretary-General (Resolution 37/30, from 1982) – promoted by Vasco Futscher Pereira, Permanent Portuguese Representative at the UN at this time – is a crucial landmark in the international legal and political battle (Neves, 2000: 32). This is even more so if one considers Security Council’s apathy towards the issue, alongside the impossibility to have a consultative opinion from the International Court of Justice on the legality of the Balibó Declaration as an alleged self-determination act (Horta, 1994: 227).

The second phase, from 1982 to 1986, could be phrased “let’s talk” and its basic assumption was that Portugal should safeguard an alleged core of values: minimum respect for the Timorese basic individual human rights, the presence of the Portuguese

⁴ Resolution 3485 (1975): 72 in favour, 10 against and 43 abstentions; Resolution 3153 (1976): 68 in favour, 20 against and 49 abstentions; Resolution 3234 (1977): 67 in favour, 26 against and 47 abstentions; Resolution 3339 (1978): 59 in favour, 31 against and 44 abstentions; Resolution 3452 (1979): 62 in favour, 31 against and 45 abstentions; Resolution 3527 (1980): 58 in favour, 35 against and 46 abstentions; Resolution 3650 (1981): 54 in favour, 42 against and 46 abstentions. The final resolution passed by the General Assembly (Resolution 37/30, from 1982) had 50 votes in favour, 46 against and 50 abstentions.

culture in the territory and the religious identity of the Timorese. The official rhetoric of the Portuguese authorities during this period was that humanitarian talks were taking place between Portugal and Indonesia and that no external initiatives should cause any kind of trouble in those talks. So, an accord between Indonesia and the Secretary-General set that, from 1983 onwards, the Timorese question was no longer in the agenda of the IV^a UNGA Commission. The consequence was an effective tendency to legitimise the status quo created by Indonesia in the territory.

Meanwhile, a significant victory of the non-governmental solidarity movement had been the creation by the Portuguese Parliament, in 1981, of a Parliamentary Commission on East Timor. A visit of this Commission's members to Australia and the United Nations has evidenced that Portugal was not accomplishing its responsibilities as the administrative power of East Timor, with no initiatives being taken to support the cause of self-determination and even a lack of accomplishment of the duty to report on the situation of the territory to the UN competent bodies. The year of 1986 was a decisive one concerning this gradual acceptance of a *de facto* Indonesian sovereignty in East Timor. In March, Deputy Secretary General Reffendin Ahmed presented a plan by which Portugal would withdraw East Timor from the record of non-autonomous territories in exchange for a set of guarantees by Indonesia concerning the relevant points abovementioned. In July, the Portuguese State Council rejected this plan, not without divergent positions though. This was not the first time that at the highest level of the Portuguese state an abandonment solution had been thought. In 1983, there was a memorandum within the Government recommending that a parliamentary mission should be sent to East Timor, in order to later invoke the economic development promoted by the occupier as a means to smooth diplomatic relations with Indonesia and accept the annexation (Horta, 1994: 277). With the shift in the Portuguese policy regarding East Timor from 1986 onwards, the possibility of making a parliamentary visit was based on very different aims, until it failed in 1991.

The third phase (1986-1997) had as main reference Portugal's *dédoublement fonctionnel*. Portugal became a member of the European Community in 1986 and, under the pressure of NGO solidarity movement, that status was used to internationalise in a sustained manner the Timorese problem. Regarding this, Benedict Anderson (2000: 6) affirms that "time started to shift from the Indonesian to the Timorese side when Portugal joined the European Community". According to the author, until then only courtesy explained why the European powers did not recognise the *de jure* Indonesian

sovereignty over East Timor. Such a frail motivation allowed these countries, mainly the United Kingdom, to promote extremely important arms trade exports and channel considerable resources into Indonesia. So, “it was a matter of how long such courtesy would last”. Portugal’s adherence to the European Community granted it permanent legal veto possibility against any European attempt to recognise annexation. This was extremely relevant, especially if one considers the other member states ‘impatience and incomprehension’, or even the European Commission’s ‘vigorous hostility’ towards Portuguese stances (Neves, 2000: 32).

A significant expression of this new possibility the Common Position assumed by the European Union in 1996, acknowledging that whichever solution should respect “the legitimate interests and hopes of the Timorese people.” This common standpoint, not only joined European countries in a unique official perspective regarding the Timorese problem, it also set the Union’s political and negotiable basis in international fora, such as the UN (Neves, 2000: 34).

Portuguese diplomacy – with Rui Quartin-Santos as coordinator of the Timorese folder, Fernando Reino as Permanent Representative in New York, advised by Ana Gomes, Francisco Ribeiro Teles e José Júlio Pereira Gomes, Costa Lobo’s maintenance in Geneva and António Monteiro as coordinator of political foreign affairs – was pushed by the facts to keep on implementing such internationalisation strategy: the Pope’s visit to the territory (1989), the Santa Cruz massacre (1991), the occupation of the American embassy in Jakarta by timorese students as President Bill Clinton arrived for the annual APEC meeting (1995), and the Nobel Peace Price awarding to Bishop Belo and Ramos Horta have been felt like challenges to an improved strategic alliance between Portugal and the NGO’s. The concrete results have been an added material support to some NGO initiatives and to the diplomatic component of the Timorese Resistance⁵ and a better articulation between diplomacy and solidarity (for example in the Human Rights Commission sessions in Geneva⁶).

⁵ Such articulation was not, however, free from serious gaps and omissions. Referring to 1993, José Ramos Horta (1994: 168-169) exemplifies how his pledges for support from the Portuguese state to employ Bruce Cameron, lobbying specialist in Washington, were ignored by Lisbon. It was the international solidarity movement (Galeria Nazoni, Cooperativa Árvore and Maubere People’s Rights Commission) that paid such a crucial initiative.

⁶ The Resistance, both inside the country and outside, had early realised the strategic relevance of international human rights *fora* for the Timorese fight. It is thus particularly important that the Santa Cruz massacre in November 1991, happened precisely when the UN Human Rights Commission’s representative was in Dili, engaging dialogue with local authorities.

This reinforcement of the Portuguese diplomacy militant character did not merely result in the growing international affirmation of the Resistance and international solidarity's struggle for independence. It also meant an intensification of the Indonesian forces' control and repression in the territory. The arrest and trial of Xanana Gusmão, in 1992, was the first step of an operation led by the Indonesian military special forces (Kopassus) to identify and "clean" those in favour of independence (Taylor, 1999: 197). Hence, the years that followed the Santa Cruz massacre witnessed a radical intensification of positions, and it is within this context that the intensification of Portugal's diplomatic work must be seen.

Finally, the last phase is "the end of the dragon". The dramatic financial crisis faced by Indonesia since 1997 and the inherent contradictions of the beginning of a democratic transition process have been taken by the Portuguese diplomacy as a unique historical opportunity to bind the Indonesian state to a legal compromise, under the auspices of the UN. As Barbedo de Magalhães has underlined, "East Timor has become the major crossroads of the Indonesian transition" (1999: 174).

East Timor's strategic relevance in Indonesian political change was visible both in initiatives from leading Indonesian authorities and in the UN's handling of the process. Indonesian leadership, aware of that relevance, was forced to take the "impossible step": in January 1999, President Habibie, faced with international refusal of his proposal of a special autonomy regime for East Timor, announced the invader's availability to withdraw. "I shall prove to the world that I can make an important contribution to world peace (...). It will roll like a snowball and no one will be able to stop it." More clear was Dewi Fortuna Anwar, presidential advisor for external policy: "Why should we keep East Timor if that is harming us and the Timorese are miserable with the situation?" (Taylor, 1999: 201). On the other hand, talks between Indonesia and Portugal under the auspices of the Secretary-General, that since 1983 had been limited to small measures to rebuild trust between the parts, had a clear impetus from 1997 onwards, with Kofi Annan's appointment as United Nations Secretary-General. Having announced early on its willingness to have an active stance on this matter, Annan quickly nominated a personal representative (Jamsheed Marker, from Pakistan) for the East Timor problem. This scenario slowly evolved with the opening of Portuguese and Indonesian interest sections in other countries diplomatic representations, as well as with the preparatory dynamics for the negotiation of the New York Agreements. And it was already close to a rapid transition to independence that, in early 1999, Kofi Annan

created a contact group to oversee the mediation process, composed by the United States, Japan, Australia, New Zealand, United Kingdom and Canada.

The New York Agreements⁷, signed on 5th May 1999, have not been object of a consensual evaluation. Above all, it is the frailty (and illegitimacy) of granting Indonesia the exclusive responsibility of guaranteeing security during and after the popular ballot that is denounced as a strategic error. Despite the obvious problems that this solution implies, I stand for Patrícia Galvão Teles's opinion that "maybe this was the only possible compromise at the time", and that the agreements were "the fundamental tool allowing the Timorese their self-determination. Even if the price to pay was too high" (1999: 393). Ian Martin, Special Representative of the Secretary-General for the supervision of the popular ballot and Head of the UN Administrative Mission in East Timor, has a similar opinion: "There is no doubt that the East Timorese people would have been spared to another cycle of violence if the popular ballot would have taken place with an international military force mandated to guarantee their security, and the agreements have been criticised for giving Indonesian police the responsibility for guaranteeing security. But there is also no doubt that any attempt to demand an international security presence would have meant the non-existence of an agreement. A stronger position, from key governments, in the East Timor case, might have, with time, changed such reality, but the negotiators worked with the prevailing reality at the start of 1999. What is striking is not that the agreements did not contain stronger security measures, but that they were signed: the truth is that President Habibie's will to accept the choice of independence had little support, in and outside his own government, and even less within the TNI [Indonesian armed forces]" (2000: 28). Once again, Portugal has assumed this deal as a reasonable output, trusting that, in any event, the international community would act to enforce the accomplishment of the agreement and to ensure the respect for the results of the referendum. The massacres of September 1999 challenged this understanding. And, more than ever before, the articulation between the three fundamental pillars of this struggle – Timorese Resistance, Portuguese diplomacy and international solidarity movement – was subjected to a crucial test. The fascinating strength of this articulation has been

⁷ On 5th May 1999, three agreements were signed between Portugal and Indonesia. The first and main one had the fundamental aim of creating a framework so that a genuine self-determination act could happen in East Timor, through a popular ballot on the statute of special autonomy. The second agreement regulates the key aspects of the electoral process (date, calendar, electoral capacity, etc.). Finally, the agreement on

globalised by the channels of the global village: media, information networks, global civil society, etc. Perhaps better than any academic reasoning, a true and very amusing episode of that September 1999, synthesises and works like a metaphor of this triangle (Resistance, Portugal, NGO's) as the one that really saved East Timor. In a hugely crowded demonstration before the United States embassy in Lisbon, the Ambassador told the representatives of the demonstrators that the US Administration was ready to assume its responsibilities in favour of the people of East Timor. The reason was the immense mobilisation of the public opinion all around the world. That demonstration was, he said, very conclusive, since he had already seen it ... in CNN news (and not through the window of the Embassy...)!

Conclusion: who was saved after all?

After twenty-four years of oppression and ordail, the people of East Timor was at last able to exercise its right to self-determination. Until independence is formally declared, Timor will remain a non-autonomous territory, since the administrative power of the territory was transferred from Portugal (*de jure* authority) and Indonesia (*de facto* authority) to the United Nations – that created the United Nations Transitory Administration in East Timor. UNTAET had three main responsibilities: government and public administration, humanitarian and emergency rehabilitation, and military. It had a very wide mandate, including the provision of security and the maintenance of law and order throughout the territory, the assistance in the development of civil and social services, as well as ensuring the coordination and relief of humanitarian assistance and the support of capacity building for self-government, whilst promoting the establishment of conditions leading to a future sustainable development (Galvão Teles, 1999: 420).

Legally speaking, the United Nations has mere non-sovereign administration powers, such as in Western Iran (UNTEA), Cambodia (UNTAC), Eastern Slavonia (UNTAES) or in Kosovo (UNMIK). The uniqueness of the Timorese contribution to international solidarity historical patrimony also lays in the several questions raised by the mandate's wideness, namely regarding whether this is a crucial precedent in the United Nations' new tasks in the contemporary world.

security aims at defining obligations, mainly Indonesian ones, on the guarantee of order during and after the referendum.

James Traub qualifies UNTAET's mission in a meaningful way: "an exercise in benevolent colonialism" (2000: 75). This sustains Edward Luttwak's provocative hypothesis that, in most of the cases, UN multilateral interventions aiming at putting an halt to systematic and massive violation of fundamental human rights "cannot be mere raids or visitations *à la* Somalia", but "they must instead lead to the establishment of UN protectorates that can build infrastructures, provide education, and administer all the necessary functions of civil government. Of necessity the duration of these protectorates is more likely to be measured in decades rather than in years" (2000: 62).

Timor can thus be seen as a small-scale rehearsal of UN new tasks, which bring together post-Westphalian motivations (universal protection of human rights) with typically Westphalian views (building the nation-state based on administrative and civil chaos).

This immediately raises two kinds of problems and concerns. First, despite being called benevolent, colonial attitude is at the opposite of emancipatory practice. Well-known testimonies of UNTAET's members confirm this reserve. Pedro Bacelar de Vasconcelos, from UNTAET's Political, Constitutional and Electoral Affairs Department, points out that "the vaguely neo-colonial approach, resulting from the marriage between the politically correct American academy and Indiana Jones attitude in exotic scenarios, gives rise to a gaping inability to understand the Timorese, to get on with them, and to understand what is important for this last lap of transition to independence" (interview in "Público", 26.12.2000). Another UNTAET high member, Jarat Chopra denounces that "the United Nations, in the field, works as if it was in New York. (...) keeping them [the Timorese] from entering the administration was a deliberate strategy, of those who wanted to concentrate the maximum number of UN officials in their teams, to increase their power in the system. Because they think that, if they fail their mission, that will harm their curriculum. When that becomes the only reason to act, it starts to affect the chain of events" (interview in "Expresso", 7.7.201).

Another problem joins this first one. The rise and time length of UN tasks makes it even more dependent of states' financing, as well as of related political will to commit to long-term and potentially unproductive expenditures. Now, it is obvious that the conditions are created for the principal contributing states for the UN – the ones who have repeatedly expressed not being available for the responsibilities in the "business" of building countries – to demand that the Organisation's actions be supported by voluntary contributions from (other) interested Member States (Australia and Portugal, in particular) and not by the general budget, once independence is formalised.

Who Saved East Timor? New References to International Solidarity

Within this context, a worrying framework arises: “there is little constructed capacity. There will be a vacuum between what the Timorese will need and what the Mission will leave them. (...) the UN will set the elections without having created capacity in East Timor - and then it will leave, leaving disaster behind it” (Jarat Chopra in “Expresso”, 7.7.2001).

Who was saved after all?

The Timorese struggle for self-determination added valuable elements to History as an emancipatory narrative. This was at first seen as impossible, then as unlikely and, finally, it happened. Or started to happen. Because emancipation is never a moment, but always a process. Xanana Gusmão, leader of the Timorese Resistance, speaks for this always unachieved ambition: “The people of East Timor did not simply wish for independence, did not simply fight to have a flag, an hymn, a president and a government. The Timorese people cherished other dreams that knew could only happen through independence. Only independence would make them active owners of their development, both at the collective level and at the level of individual freedoms and citizenship rights” (2000: 39).

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