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**THE STANDARD OF CIVILISATION IN HISTORICAL AND CONTEMPORARY  
INTERNATIONAL RELATIONS: THE CASE OF EAST TIMOR**

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## Abstract

The standard of civilisation has been prominent in both historical and contemporary international relations theory and discourse. The practices associated with it have resulted in a multidisciplinary field of research that examines the causes and consequences of dividing the world into distinct categories of civilisational status, whereby people and societies are judged to be either 'civilised' or 'uncivilised'.

The conquest and colonisation of the non-European world relied heavily on the use of civilisational language. During this time, 'civilised' nations used force and violence to purportedly teach and nurture the 'uncivilised barbarians.' While this practice was argued to be underpinned by humanitarianism, moral responsibility, and universal values, it often misrepresented what was truly happening in the colonies, in which violence, exploitation, and cultural dislocation was standard practice.

The thesis intends to bring renewed attention to the dangers of employing civilisational practice and language in contemporary international relations. It will explore the evolution of the concept across time, in order to discern how civilisational language can shape the understanding of permissible actions against people, and in particular, how violence and intervention is legitimised. The thesis then considers whether the standard of civilisation has been employed in the context of a number of interventions in the country of East Timor.

The thesis concludes that the case of East Timor indicates that civilisational language and its associated practices continue to exist in contemporary international relations. The perpetuation of the practice of the standard of civilisation generates destructive consequences for the states it is wielded against and for the wider international community.

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## Introduction

The standard of civilisation is a term which has been used to both describe and rationalise the practice of dividing the world into distinct categories of civilisational status, whereby the 'inherent' differences in people and societies ultimately leads to the classification of being either 'civilised' or 'uncivilised.' The practices associated with it have resulted in a multidisciplinary field of research which examines the causes and consequences of dividing the world into distinct categories of civilisational status. This thesis sets out to examine the discourse on the standard of civilisation in historical international relations, through an exploration of the hypothesis that contemporary military intervention continues to employ civilisational language to justify and legitimise violence and force.

It is in this context that this thesis will analyse how and why the discourse on the standard of civilisation is used in historical and contemporary international relations, with a particular focus on multiple interventions in East Timor.<sup>1</sup> In doing so, it will address a number of key questions: Who are deemed to be the civilised? Who are deemed uncivilised? How are these distinctions measured or determined? How and why do these distinctions change over time? What role does identity formation play in civilisational discourse? Why is discourse on the standard of civilisation employed by actors in international relations? And to what effect? Most critically, this thesis will explore how the casting of people in terms of civilisation shapes the understanding of permissible actions against them. The finding of this thesis is that the civilisational practices and language conducted by western European nations during colonisation are, indeed, reproduced in contemporary international relations.

The standard of civilisation is a concept which has been described as "the assumptions, tacit and explicit, used to distinguish those that belong to a particular society from those that do not."<sup>2</sup> Civilisational discourse has been employed throughout history to provide the rationale for various forms of domination, exploitation and violent actions against those people determined to be on the 'outside' of civilised international society. This discourse tends to position western European countries (and later their settler colonies) as the enlightened and advanced nations. Conduct between these nations would be governed by the principle of equality, supported by international law. In this regard, an equal community of nations was created among civilised peoples, and aggressive war and conquest against each other was ruled out.

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<sup>1</sup> The name of the country was officially changed to the Democratic Republic of Timor-Leste when it gained official independence status in May 2002. In this study, the country is referred to as East Timor in the period prior to it achieving official independence. When events are discussed post-independence, the country is referred to as Timor-Leste.

<sup>2</sup> Gerrit Gong, *The Standard of 'Civilisation' in International Society* (Oxford: Clarendon Press, 1984), 3.

While on the periphery of the international system, the uncivilised were not afforded protection from the conquering and colonial ambitions of the civilised states. The discourse on the standard of civilisation is inextricably bound to processes of colonialisation, in this regard. Colonialism began in the fifteenth century, during the Age of Discovery, and has its origins in the Portuguese and Spanish discoveries of the so-called 'New World.' During this Age of Discovery, and the colonialisation of the non-European world which followed, western European monarchies and states employed the use of civilisational language in order to justify and legitimise their violent pacification and domination of indigenous societies. This language, which included labelling the 'uncivilised' as animals, barbarians, and subhuman, had the impact of excluding and disciplining peoples and societies understood as 'different and alien.' Largely justified by the natural law theorising of medieval and discovery-era theorists, this language attempted to give normative and legal underpinnings to the violent interventions in the non-European world.

This thesis adopts the definition of colonialism as outlined by German historian Jürgen Osterhammel. According to Osterhammel, colonialism is a relationship of domination which occurs between a minority of foreign invaders against an indigenous majority.<sup>3</sup> From this perspective, most decisions which affect the lives of the colonised people are implemented by their colonial rulers, in the pursuit of the self-interest of the "distant metropolis."<sup>4</sup> Colonisers tended to reject any cultural compromises with the colonised populations and they carried out their domination and subjugation of indigenous populations with the conviction "of their own superiority and of their ordained mandate to rule."<sup>5</sup> Awet Tewelde Weldmichael succinctly summarises this position as the "almost universal understanding of the West's rule over the rest."<sup>6</sup>

The use of civilisational language also has an important relationship with the formation of identity. In order to fully recognise the commonalities among the equal community of civilised nations, it was necessary to identify those who were different, or those who were the 'other.' According to Gerrit Gong, what the civilised world had in common only became apparent when it was: "juxtaposed with the 'barbarous' and 'savage' worlds."<sup>7</sup> In this regard, the standard of civilisation thereby "helped define the internal identity and external boundaries of the nineteenth century's dominant society."<sup>8</sup> This process has had the consequence of creating a hierarchical international system, whereby exceptions to the rules

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<sup>3</sup> Jürgen Osterhammel, *Colonialism: A Theoretical Approach*, trans. Shelly J. Frisch (Princeton: Markus Wiener Publishers, 1997), 16.

<sup>4</sup> Ibid.

<sup>5</sup> Ibid., 16-17.

<sup>6</sup> Awet Tewelde Weldmichael, *Third World Colonialism and Strategies of Liberation: Eritrea and East Timor Compared* (Cambridge: Cambridge University Press, 2013), 2.

<sup>7</sup> Gerrit Gong, *The Standard of 'Civilisation' in International Society*, 36.

<sup>8</sup> Ibid., 238.

that applied to civilised nations have been promoted against the ‘uncivilised,’ in order to justify and legitimise intervention against them.

## Methodology

### Historical Analysis

As political theorist E.H Carr has stated, “our first business, it will be said, is to collect, classify and analyse our facts and draw our inferences; and we shall then be ready to investigate the purpose to which our facts and our deductions can be put.”<sup>9</sup> In this regard, the first method that this thesis employs is the use of historical analysis. By employing a framework of examining historical events and discourse a better appreciation can be gained of its drivers and its characteristics. This is critical to helping to identify evidence of its contemporary use in international relations, which, in turn, facilitates a better understanding of the inherent dangers in the continued use of the moralistic and interventionist rhetoric which accompanies the standard of civilisation.

Through this approach, the thesis seeks to “trace the thread of life and language that connects past and present,” in order to present a more “critical perspective on our present.”<sup>10</sup> As Antony Anghie argues, it is only through a study of history that we can “identify the cunning of colonialism.”<sup>11</sup> It is Anghie’s assertion that by identifying historical cases of colonialism, and in the case of this thesis also the standard of civilisation, we can identify the different forms in which it reproduces itself: “even while seeking to conceal its presence, and the role that international law plays in this process.”<sup>12</sup>

Primary and secondary sources of historical material will be examined in this study. Speeches, ministerial briefings, and diplomatic correspondence will be analysed, in order to gather evidence of civilisational language being used to justify and legitimise military intervention. Some of the primary material in this study was obtained by a request for information through the New Zealand Official Information Act of 1982.

### Discourse Analysis

This study recognises the significant influence that language has over actions and decision making in international relations. Indeed, as Ken Booth argues: “it is vital that students of IR [international relations] give language more attention than hitherto, as words shape as well

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<sup>9</sup> E.H Carr, *The Twenty Years’ Crisis, 1919-1939: An Introduction to the Study of International Relations*, 2<sup>nd</sup> ed. (London: Macmillan, 1946), 2.

<sup>10</sup> Terrence Ball, James Farr, and Russell L. Hanson, “Introduction,” in *Political Innovation and Conceptual Change*, eds. Terrence Ball, James Farr, and Russell L. Hanson (Cambridge: Cambridge University Press, 1989), 4.

<sup>11</sup> Antony Anghie, “Time Present and Time Past: Globalisation, International Financial Institutions, and the Third World,” *New York University Journal of International Law and Politics* 32, no.2 (2000): 289-90.

<sup>12</sup> *Ibid.*

as reflect reality.”<sup>13</sup> It certainly appears that civilisational language has both described and shaped the reality of the international system.<sup>14</sup> It is for this reason that the thesis will employ the use of discourse analysis. According to Mark B. Salter, “discourse analysis places language at the centre of its analysis, and in keeping with the critical spirit of its proponents, focuses on the effects and implications of particular linguistic acts.”<sup>15</sup> In this regard, the thesis will examine how the discourse of civilisational identity has been used to shape the understanding of permissible actions against people. From Jacinta O’Hagan’s perspective, discourse analysis can be used to “predict and prescribe political interaction; to define and justify a particular form of community; and to evaluate the particular institutions, values, and practices of societies at global and regional levels.”<sup>16</sup> This study will use this method, in order to reveal the repetitive and continuous use of civilisational language to create the inferior ‘other,’ in order to justify violence and domination in international relations.

### Classical Realism

In order to provide a critical analysis of the standard of civilisation, civilising missions, and the colonial activities of western European nations, the thesis will also examine the utility of employing the lens of classical realism to viewing international relations. The political theory of classical realism was developed based on the political thought of earlier philosophers and writers, but it largely came in to prominence during the inter-war period following World War I. Initially representing a reaction against the “wish-dreams of the initial stage,” or liberal international theory, realism “places its emphasis on the acceptance of facts and on the analysis of their causes and consequences.”<sup>17</sup>

For classical realists, there is a strong belief that considerations of self-interest and power lie at the centre of decision-making by states. From this perspective, this insight was severely undervalued by liberal thinkers of the interwar period. While other political theories were considered for use in this study, and have direct relevance to the domination and subjugation of colonial territories, it was considered that classical realism provides an undervalued and understudied critique of colonialism and standard of civilisation discourse. Indeed, the three realist scholars that this study examines all provide damning indictments on the liberal international understanding that universal morality and ethical standards existed, and could be made independent of politics. They also questioned the assumption that having a ‘universal conscience of mankind’ was both an achievable and desirable

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<sup>13</sup> Ken Booth, “Discussion: A Reply to Wallace,” *Review of International Studies* 23, no. 3 (1997): 374.

<sup>14</sup> Brett Bowden, *The Empire of Civilisation: The Evolution of an Imperial Idea* (Chicago: University of Chicago Press, 2009), 8.

<sup>15</sup> Mark Salter, “Not Waiting for the Barbarians,” in *Civilizational Identity: The Production and Reproduction of ‘Civilizations’ in International Relations*, eds. Martin Hall and Patrick Thaddeus Jackson (New York: Palgrave Macmillan, 2007), 82.

<sup>16</sup> Jacinta O’Hagan, “Civilizational Identity,” in *Discourses of Civilizational Identity*, eds. Martin Hall and Patrick Thaddeus Jackson (New York: Palgrave Macmillan, 2007), 24.

<sup>17</sup> E.H Carr, *The Twenty Years’ Crisis*, 10.

outcome. In this regard, classical realism strongly *warns against* the use of language which has all encompassing and universal appeal, as it has dangerous and unintended consequences.

From a classical realist perspective, purported universal principles, as are found in the standard of civilisation discourse, have the effect of creating a troubling friend versus enemy dichotomy,<sup>18</sup> or dangerous distinctions between so-called “peace-loving nations” versus the “forces of evil.”<sup>19</sup> These distinctions are argued to ultimately lead to the dehumanisation of the ‘enemy other,’ which would make conflict against them appear more permissible and intense.<sup>20</sup> It is in this context, that classical realism provides an interesting and compelling framework to understanding the dangers of the standard of civilisation.

### Case Study: East Timor

In the case of interventions in East Timor, the argument will be made that on a number of occasions ‘exceptions’ to the overarching international legal principle of non-intervention were deemed permissible, as civilisational discourse was employed in order to legitimise and justify colonisation, conquest, and domination over the population.

The case of East Timor was chosen due to the unique nature in which multiple interventions have taken place, by a host of different actors. In this regard, there was an interest in examining whether civilisational discourse was employed in all of the cases of intervention studied. Each of the interventions studied in East Timor were distinctly different. In the case of the first invention, Portuguese colonialism occurred from the sixteenth century until the twentieth century. It was when the Portuguese decided to leave its colony in 1974 that the invasion and occupation by Indonesia occurred.

When the Australian-led peacekeeping coalition, the International Force for East Timor (INTERFET) arrived in East Timor in 1999, it was one of the few United Nations Security Council (UNSC) mandated missions in which Chapter VII of the UN Charter was used to give it a legal basis.<sup>21</sup> Following the intervention of INTERFET, the UN decided that further work in

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<sup>18</sup> Carl Schmitt, *The Concept of the Political* [1932], trans. George Schwab (Chicago: Chicago University Press, 2008), 49.

<sup>19</sup> Hans Morgenthau, *In Defense of the National Interest: A Critical Examination of American Foreign Policy* (New York: Alfred A. Knopf, 1951), 94.

<sup>20</sup> Carl Schmitt, *The Concept of the Political*, 27; and Hans Morgenthau, “The Mainsprings of American Foreign Policy: The National Interest vs. Moral Abstractions,” *The American Political Science Review* 44, no.4 (1950): 839.

<sup>21</sup> The UNSC adopted Resolution 1264 on 15 September, 1999. It had determined that the situation in East Timor had constituted a threat to peace and security, under Chapter VII of the UN Charter, and as a result it authorised the establishment of a multinational force. The United Nations Security Council, “Resolution 1264 (1999) of 15 September 1999, *The United Nations*, accessed 14 July, 2016, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N99/264/81/PDF/N9926481.pdf?OpenElement>.

East Timor was required, in order to tackle the issue of it being a 'failed state.' It was in this context that UNTAET was mandated by the UNSC to rebuild the country.

UNTAET, alongside the UN Mission in Kosovo (UNMIK), was completely different from any mission the UN had conducted in past. The level of control and power wielded by the UN in the cases of East Timor and Kosovo were unparalleled. Over time, the mission came under increased criticism for its unwillingness to involve the Timorese in decision making processes. In this regard, the absolute control and power wielded by UN officials was regarded by some commentators as being neo-colonial in nature.

It is evident that in each of these cases of intervention in East Timor that civilisational discourse was used by the interveners, in order to justify and legitimise their initial intervention and their continued presence in the country. In these cases, a clear pattern emerged, whereby the intervener was cast in the 'intervention story' as the enlightened civiliser, bringing to the East Timorese the gift of advanced civilisation. The Timorese, on the other hand were cast, time and again, as the uncivilised, weak, inferior, others.

It is in the context of the continued occupation of different external actors that this thesis will examine how and why this process of positioning interveners as the enlightened civilised, while the Timorese were the weak, inferior, primitive, uncivilised, took place. It will be determined that casting of the people of East Timor in this light legitimised and justified violence and domination over them and resulted in negative consequences for Timorese society.

### Structure of the Thesis

This thesis will begin by engaging with the early works of well-known philosophers and political theorists in order to explore the evolution of the discourse on civilisation in international relations. The first chapter will examine the historical discourse on the standard of civilisation from the thirteenth until the nineteenth century. The use of natural law, and its tendency to be employed in order to legitimise and justify intervention against non-Christian societies, will be examined first. The centrality of natural law in legitimising violence and intervention in the conquest of the New World and the later colonisation of non-European territories, will then be examined. This chapter will also explore the development of liberal international theory, and in particular, the normative and moralistic language used to underpin the liberalism of this era.

The second chapter will analyse twentieth century thinking on the standard of civilisation. It will explore the formation of the League of Nations and the United Nations, with reference to the idealism and utopianism inherent to the projects. Following this, there is an examination of the internationalised legal systems of dealing with colonial territories during this period. Consideration is given to how the two total wars of the period resulted in a

challenge to the conceptions that the uncivilised barbarians were only in the colonies, and outside of western Europe. In practice, however, it will be outlined that domination and exploitation of peoples considered outside of the international system continued.

Chapter Three explores the critique of liberal imperialism provided by classical realist thinkers E.H Carr, Carl Schmitt, and Hans Morgenthau. It will look at the rejection of the liberal international understanding that universal morality and ethical standards exist. It will then consider how classical realism can be used as a compelling critique against moral universalism, the invocation of 'common humanity,' and friend versus enemy dichotomies. It will find that classical realism provides a compelling critique of colonialism and the standard of civilisation.

The final chapter will apply the consequences of the analysis undertaken in the previous chapters and consider it directly in relation to a number of interventions in East Timor. The scope of the analysis in the case of East Timor will include the colonisation of the country by Portugal, the invasion and occupation by Indonesia, as well as the contemporary peacekeeping efforts of the Australian-led coalition in the late 1990s, and the later nation and state building projects under United Nations (UN) auspices.

This thesis will contend that the standard of civilisation and its accompanying civilising missions have endured over time. While at times they have been reproduced and rebranded under different labels, their targets and their effects have largely remained the same. The objective of this thesis is to bring attention to the dangers of employing civilisational language. By identifying and understanding the nature and characteristics of the standard of civilisation, and its effects, it is hoped that we can attempt to end the practice, rather than continue to be in a repetitive cycle of denigrating entire societies of peoples, in an attempt to legitimise violence and force against them. In the case of East Timor, it will be shown that the positioning of the East Timorese people as inferior, backward and primitive, had the effect of making intervention against them more dangerous and violent. Indeed, it will be argued that the discourse on the standard of civilisation, with its purported universal values and liberal norms, has the propensity to generate destructive and violent consequences, in stark contrast to its promised 'civilising' role.

## Chapter One: Discourse on Intervention, Colonisation and the Standard of Civilisation

In order to understand the implications of the discourse of civilisation in contemporary international relations, it is necessary to have an understanding of how and why this concept gained such influence in historical discourse and practice. In this context, this chapter will examine the evolution of the discourse on civilisation from the thirteenth to the nineteenth century. In particular, this chapter will analyse *how* and *why* discourse on the standard of civilisation was employed to justify intervention and violence against those deemed to be 'barbarians' and 'uncivilised.' How did the casting of peoples in terms of civilisation shape the understanding of permissible actions against them? This chapter will examine how the casting of non-Christian societies, as being naturally and inherently different, enforced the theory that Christians had the right and the authority to exercise control over pagans and legitimately dispose them of their land and property. This practice was later adapted to be wielded against non-European societies, who were deemed to be 'uncivilised' or 'barbarians.' In this regard, very specific language was used by western European nations during their conquering and colonisation of the non-European world. This language, which included labelling the 'uncivilised' as animals, had the impact of excluding and disciplining peoples and societies understood as 'different and alien.' This process was employed in order to give normative and legal underpinnings to the violent interventions conducted by Western European nations. The historical use of the discourse on the standard of civilisation had profound impact on legal understandings of indigenous population status and rights, for centuries to come.

### Pope Innocent IV: The Status and Rights of Infidels

The emergence of medieval discourse on conquest, colonisation, and the standard of civilisation can be traced back to the Crusades undertaken by Christian armies, from the years 1096 to 1271.<sup>22</sup> The dominant school of thought on the nature of man at this time was the Alanian position, under the authority of the hierocratic canonist Alanus. From an Alanian perspective, infidels, by virtue of their non-Christianity, possessed no natural legal right to control property or territory.<sup>23</sup> The casting of all non-Christians as being naturally different imbued the theory that Christians had the right to exercise control over pagans, and legitimately dispossess them of their land and property. It was in this regard that Christian armies attempted to rationalise and justify their domination and conquest of non-Christian societies.

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<sup>22</sup> James. A. Brundage, *Medieval Canon Law and the Crusader* (Madison: University of Wisconsin Press, 1969), 76.

<sup>23</sup> Robert. A. Williams, *The American Indian in Western Thought: The Discourses of Conquest* (Oxford: Oxford University Press, 1990), 45.

Over time, however, an alternative theory on the natural rights of man began to gain greater prominence in philosophical discourse. The Humanist response sought to challenge the Alanian understanding of the natural rights of man, and was heavily influenced by the work of Greek philosopher Aristotle. Underpinning this challenge was the understanding that infidels *had* natural legal rights, including the right to hold property, and they should be provided some measure of protection against the dispossession of their property.<sup>24</sup> This understanding was, in part, promoted on the understanding that all men were created by god, and therefore all men held natural rights.<sup>25</sup> This firmly challenged the Alanian principle that natural rights were bestowed only on Christian populations, by virtue of their Christianity. The papacy was reportedly so afraid that this Aristotelian vision would take hold, and threaten the Church's own Alanian worldview, that they outlawed the use of Aristotle's work in all Church libraries.<sup>26</sup> By the mid-thirteenth century, one of the most influential doctrines, centred on this debate on the rights and duties of non-Christian and Christian societies, was put forward by Pope Innocent IV, in his legal commentary on an earlier papal decree by Pope Innocent III, titled *Quod super his*.<sup>27</sup>

The commentary by Pope Innocent IV was particularly focused on examining the legal questions raised by medieval Christian violence and domination of non-Christian societies. Central to Innocent's theorising was his examination of the debates on whether conditions existed where Christians could legally and legitimately dispossess infidels of their sovereign control over territory and property. This question would become central to the understanding and justification of conquest and colonial expansion for centuries to come.<sup>28</sup> In a critical departure from the normative understanding of previous Papal discourse, Innocent readily accepted that non-Christian peoples *did* possess the same natural-legal rights as Christians. The central tenet was that all human beings, whether Christian or not, had the right under natural law to exercise social and political rights, by rational means. As a result of this reasoning, Innocent argued that non-Christians should be able to determine their own leaders and exercise sovereign control over property and territory.<sup>29</sup> Furthermore, on account of 'infidels' possessing these naturally-endowed rights, Christians could not legally invade and plunder their lands, solely because of the infidels non-Christian status. Pope Innocent's understanding of the natural rights of infidels can be succinctly summarised in the following excerpt:

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<sup>24</sup> Ibid.

<sup>25</sup> Ibid.

<sup>26</sup> Ibid., 43.

<sup>27</sup> For a detailed discussion on Pope Innocent IV's commentary *Quod super his* see James A. Brundage, *Medieval Canon Law*, 76-81.

<sup>28</sup> Brett Bowden, *The Empire of Civilisation: The Evolution of an Imperial Idea* (Chicago: University of Chicago Press, 2009) 107.

<sup>29</sup> Pope Innocent IV, "Commentaria Doctissima in Quinque Libros Decretalium," in *The Expansion of Europe: The First Phase*, ed. and trans. James Muldoon (Pennsylvania: Pennsylvania University Press, 1977), 191.

Sovereignty, possessions, and jurisdiction can exist licitly, without sin, among infidels, as well as among the faithful. Things were made for every rational creature... and because of this, we say it is not lawful for the pope or for the faithful to take sovereignty or jurisdiction from infidels.<sup>30</sup>

Read in isolation, this decree by Innocent could be seen as a largely progressive moment in the historical analysis of the rights of non-Christian societies, yet Innocent's theorising did not conclude on this point. Rather, Innocent proceeded in his commentary to sanction the continued intervention in the domestic affairs of non-Christian populations by hypothesising a number of exceptions to his principle that 'infidels' possessed natural rights.

It was Innocent's strong belief that the papal office reserved the right of intervention in the affairs of *all* the Church's subjects, including infidels. Innocent based this reasoning on the premise that St Peter had been entrusted by Christ to care for the spiritual well-being of the whole "human flock," which necessarily included infidels and pagans.<sup>31</sup> Innocent also argued that intervention against infidels could take place if they had clearly violated natural law.<sup>32</sup> According to Innocent, Christian princes were permitted to raise armies to punish serious violations of natural law by non-Christians, as long as the armies allowed missionaries to accompany them, in order to convert heathen lands to Christianity.<sup>33</sup> Innocent deliberately left it unsaid what exactly constituted natural law, allowing for interpretation to come from the papacy on a case-by-case basis. He did, however, outline two primary examples of what would constitute a breach of natural law in his mind; sexual perversion and the worship of idols.<sup>34</sup> The third primary exception to Innocent's understanding of the natural rights of infidels, was that they had to allow Christian missionaries to be in their presence in order to preach gospel, otherwise Christian armies would, again, be justified in waging war against them.<sup>35</sup> These three principles of exception were a novel attempt by Innocent to reach synthesis between the aforementioned Alanian and Humanist positions. While he accepted that non-Christians possessed natural rights, affording them some measure of protection, his exceptions allowed for the continued intervention against them.

For more than three centuries following his death, the thinking of Pope Innocent IV strongly influenced those who theorised on international law, intervention, and the natural rights of man. Pope Innocent was the first medieval theorist to attempt to systematically address the question of whether Christian nations could legally and legitimately intervene against non-Christians. His pronouncements on the status of infidel rights was arguably his most enduring contribution to Western legal thought.<sup>36</sup> Innocent's attempt to synthesise the

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<sup>30</sup> Ibid.

<sup>31</sup> Ibid., 191-192.

<sup>32</sup> Ibid., 192.

<sup>33</sup> Ibid.

<sup>34</sup> Ibid.

<sup>35</sup> Ibid.

<sup>36</sup> Robert. A. Williams, *The American Indian*, 44.

Alanian and the Humanist positions helped to spark a debate on the rights of man that would last centuries. While one interpretation of Innocent's work could be that his theorising had attempted to afford infidels a measure of protection against intervention by Christian nations, an alternative position could also be suggested. It could be argued that Innocent merely perpetuated the theory that there could be justified differential treatment of non-Christians societies, and that rules of protection could be discarded, if and when it suited Christian armies.

An analysis of later discourse on the standard of civilisation demonstrates that Innocent's three primary exceptions to the principle of non-intervention against infidels, provided European colonisers with an expansive legitimising mandate for wars of colonisation and conquest, and helped European nations enforce their own vision of civilisation on the world. Indeed, Innocent's exception-based approach to non-intervention continues to be a dominant feature of intervention discourse in contemporary international relations. In the case of interventions in East Timor, the argument has been made on a number of occasions that 'exceptions' to the overarching international legal principle of non-intervention were permissible, as specific circumstances made it legitimate and legal for colonisation, conquest, and control over the population to occur. This argument, in direct relation to the East Timor case, will be examined in closer detail later in the thesis.

### Conquest of the New World

Pope Innocent's theorising on the natural rights of man, and the exceptions to the protections afforded against intervention, continued to have a profound influence on the justifications used during the violent suppression of indigenous populations, through to Europe's discoveries of the New World.<sup>37</sup> The discovery of the New World began with Christopher Columbus' first expeditions on behalf of the Spanish Crown during his voyages to the Americas in the late fifteenth century. The mission of European monarchies, which had employed explorers such as Columbus, were heavily oriented towards economic and territorial gains, which would in turn enhance their states' own standing in Europe. Analysis of this early period of conquest illuminates a brutal and violent regime of domination and exploitation. As Barry Hindess argues, it was deemed quite acceptable at the time to drive native populations from their lands, enslave them, work them to death, or even at times hunt them for "sport."<sup>38</sup> The indigenous peoples who were not killed through direct violent action, or introduced disease and illness, were controlled and dominated by varying methods, including compulsion, periods of discipline, and forced schooling in the ways of the 'civilised' Europeans.<sup>39</sup>

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<sup>37</sup> The New World is today the continents of North and South America.

<sup>38</sup> Barry Hindess, "The Liberal Government of Unfreedom," *Alternatives: Global, Local, Political* 26, no. 2 (2001): 101.

<sup>39</sup> *Ibid.*

The conquest by Europeans of the New World required both a normative and a legal basis in order to be viewed as legitimate. The colonising nations of Europe held strong to the belief that legal rationale, underpinned by normative reasoning, was a necessary instrument of empire.<sup>40</sup> The dominant understanding of the rights of man at this time followed more closely to the Humanist position, whereby dispossession of property and territory could not be justified solely due to a population's non-Christianity. In this context, the theorising of Pope Innocent IV provided an early basis of the rules which governed the interactions between the colonisers and the indigenous populations. Indeed, the Spanish Crown drew upon the work of Innocent in order to justify the conquistadors violent treatment of the peoples of the New World.<sup>41</sup> The argument was made by the conquerors that military action, in order to force compliance, was a legal exercise. The reasoning given was that the peoples of the New World had violated natural law, in part through their worship of false idols and sexual promiscuity, and therefore the Spanish, as an advanced civilised nation, could legally and justifiably take action against them. Rather than afford protection, Innocent's commentary was wielded to enforce the idea that because they were 'different' to the civilised Europeans, the indigenous population of the New World could be treated differently.

An analysis of the discourse used at this time also reveals that there was a strong attempt to legitimise the violent subjugation of the indigenous populations by employing specific language to further enforce the understanding they were 'different' to the European conquerors. According to José de Acosta, a sixteenth-century Spanish Jesuit missionary in the New World, the native populations were, "absolutely barbarous, and these are Indians who have neither laws nor King nor fixed dwellings but go in herds like wild animals and savages."<sup>42</sup> Brett Bowden identifies a similar pattern, whereby the colonisers and missionaries tended to refer to the indigenous populations as animals, insects, and infants: "anything but civilised human beings."<sup>43</sup> Positioning the native populations as being subhuman, inferior, and different, had the effect of helping to justify the violence required to enslave and conquer them. This process of employing specific language to cast a population as 'different' and being the 'other' is an enduring feature in international relations, and is a crucial element of standard of civilisation discourse. A similar pattern of language can also be identified during interventions in East Timor, whereby the Portuguese, the Indonesians, and later the United Nations and Australia, justified intervention and violence on the basis that the Timorese were primitive, weak, and different. The positioning of the Timorese in this light had striking parallels to the standard of civilisation discourse employed during the conquest and colonisation of the New World.

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<sup>40</sup> Robert. A. Williams, *The American Indian*, 6.

<sup>41</sup> Ibid.

<sup>42</sup> José de Acosta, *Natural and Moral History of the Indies* [1590], ed. Jane E. Mangan, trans. Frances M. López-Morillas (North Carolina: Duke University Press, 2002), 359.

<sup>43</sup> Brett Bowden, "Civilization and Savagery," in *The Ashgate Research Companion to Regionalisms*, eds. Timothy Shaw, Andrew Grant, and Scarlett Cornelissen (Farnham, England: Ashgate Publishing Ltd, 2012), 273.

## Francisco de Vitoria: The Law of Nations

In response to the reports of the extremely violent treatment and subjugation of the indigenous populations in the New World, a number of influential philosophers and theologians began to question some of the arguments used to justify the conquistadors' actions. The most influential of these sixteenth century theologians was Francisco de Vitoria. Vitoria was a Spanish Dominican Friar, who himself was also heavily influenced by Pope Innocent IV's natural-law based discussion of infidel rights. He was a leading proponent of the revival of the work of Saint Thomas Aquinas,<sup>44</sup> arguing strongly that the law of nature underpinned man's relationship with the world, which in turn governed the practice of human society.<sup>45</sup> Vitoria was the first Spanish philosopher to systematically apply the implications of natural-law discourse directly to Spain's treatment of the native populations of the Americas. Vitoria's conception of a binding 'Law of Nations' will be discussed in more detail in the coming section, but it is important to note that it gained great prominence in sixteenth century discourse, and beyond. The legal code that Vitoria promoted in the Law Nations would go on to become the ordering principle regulating the growing contact between the 'civilised' states of western Europe, and the 'uncivilised' 'barbarians' for centuries to come.<sup>46</sup>

In Vitoria's lecture *On the Indians Lately Discovered* he grappled with the question, "by what rights were the barbarians subjected to Spanish rule"?<sup>47</sup> Upon consideration, Vitoria adopted the position that the native populations of the Americas had some faculty of reason, and therefore possessed natural legal rights.<sup>48</sup> From Vitoria's perspective, man was a rational creature and therefore natural rights afforded him the civil rights of ownership over property.<sup>49</sup> In an argument the parallels the one given by Innocent before him, Vitoria expressed his belief that the Spanish colonialists could not simply dispossess the native population of their natural-legal right to have control over property:

the barbarians in question can not be barred from being true owners, alike in public and private law, by reason of the sin of unbelief or any other mortal sin, nor does such sin entitle Christians to seize their goods and lands.<sup>50</sup>

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<sup>44</sup> Michael Donelan, "Spain and the Indies," in *The Expansion of International Society*, eds. Hedley Bull and Adam Watson (New York: Clarendon Press, 1984), 83.

<sup>45</sup> Anthony Pagden and Jeremy Lawrance, "Introduction," in *Francisco de Vitoria: Political Writings*, eds. Anthony Pagden and Jeremy Lawrance (Cambridge: Cambridge University Press, 1991), XV.

<sup>46</sup> Brett Bowden, *The Empire of Civilisation*, 15.

<sup>47</sup> Francisco de Vitoria, "On the Indians Discovered Lately," in *Francisco de Vitoria: Political Writings*, eds. Anthony Pagden and Jeremy Lawrance (Cambridge: Cambridge University Press, 1991), 233.

<sup>48</sup> *Ibid.*, 250.

<sup>49</sup> *Ibid.*, 242.

<sup>50</sup> Francisco de Vitoria, as cited in Brett Bowden, *The Empire of Civilisation*, 114.

Should property be taken from these 'barbarians,' Vitoria argued that it would be considered theft "no less than if it were done to Christians."<sup>51</sup> These passages from Vitoria show a dismissal of the foundational premise of the aforementioned Alanian position, in a similar nature to that proposed by Innocent. In a departure from Innocent's earlier theorising, however, Vitoria further argued that even if the 'barbarians' refused to abide by commandments from the Pope, there would still not be sufficient cause to make war on them and seize their property.<sup>52</sup> This reasoning demonstrated Vitoria's more secular orientation. Despite Vitoria's seemingly progressive stance, further examination of his theorising reveals that he advocated a number of exceptions to his principle that native populations had natural-rights, which afforded them protection from external interference and intervention. As with Innocent before him, this had the impact of continuing to provide justifications for the conquest and violent domination over populations deemed to be 'different.'

Central to Vitoria's theorising on the conquest and treatment of native populations was his conception of a universally binding 'Law of Nations.' Vitoria maintained that all societies were bound by this body of natural-law, which governed and dictated their conduct. The assertion was made strongly by Vitoria that any transgressions against the Law of Nations could serve to justify conquest over the native populations, going as far as to claim that the Spanish could enforce against them "the rights of war, despoiling them of their goods, reducing them to captivity, deposing their former lords and setting up new ones."<sup>53</sup> This argument is analogous to Pope Innocent's theorising that punishments could be carried out against infidels if they breached natural law. One of Vitoria's arguments was that under the Law of Nations, natives could not "causelessly prevent the Spaniards from making their profit where this can be done without injury to themselves."<sup>54</sup> Accordingly, from Vitoria's perspective, while natural law bought with it some protection for the 'natives,' it also came with duties. In the end, native populations were deemed to have breached these duties, time and again, and they were thus wielded against them, in order to justify the violent intervention directed at them by their colonisers.

In addition to Vitoria's theory on the permissibility of taking action against native populations, should they breach the Law of Nations, he also saw a civilising role for Christian nations. As natives were viewed by Vitoria as having some faculty of reason, by virtue of their human nature, he attributed their limited intellect and bad behaviour to their upbringing: "I for the most part attribute their seeming so unintelligent and stupid to a bad and barbarous upbringing, for even among ourselves we find many peasants who differ little from brutes."<sup>55</sup>

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<sup>51</sup> Francisco de Vitoria, "On the Indians Discovered Lately," in *Francisco de Vitoria: De Indis et De Ivre Belli Relectiones*, ed. Ernest Nys and trans. John Pawley Bate (Washington: Carnegie Institution of Washington, 1917), 123.

<sup>52</sup> *Ibid.*, 137.

<sup>53</sup> *Ibid.*, 155.

<sup>54</sup> *Ibid.*, 152-153.

<sup>55</sup> *Ibid.*, 127-128.

From Vitoria's perspective, the way in which to improve the lives of these 'unintelligent barbarians' was for advanced Christian nations to teach and nurture them in the way of advanced civilisation. This would, eventually, overcome their 'barbarous upbringings'. In circumstances where it was deemed that native populations were incapable of administering proper governance, Vitoria argued that the Spanish should, forcibly if necessary, take control of the administration. According to Vitoria, there were circumstances whereby natives needed to be, "ruled and governed by others, and that it is good for them to be subject to others, just as sons need to be subject to their parents until of full age, and a wife to her husband."<sup>56</sup> Vitoria later expanded on this thought, arguing that 'brotherly correction' of the 'natives' by Christians was an obligation which must be performed in some circumstances, "it concerns Christians to correct and direct them [the natives]; nay, it seems that they are bound to do so."<sup>57</sup> In these statements from Vitoria lie some of the earliest expressions of the idea of 'white mans burden'; that is the *obligation* of the 'civilised' white Europeans to attempt to bring the 'barbarians' into the ranks of the civilised society of states.<sup>58</sup> This view by Vitoria necessarily meant that international society was hierarchical, with the civilised nations playing the part of the teachers, tutors, and enforcers, over the unintelligent and lower ranked 'barbarians,' who required tutelage.

Vitoria's theory on the Law of Nations provided Western discourse with one of the most important arguments on the rights of 'civilised' Europeans to conquer and colonise native populations. However, from the outset, there appeared to be an inherent flaw in Vitoria's argument that there existed universal natural rights, but with exceptions for some select peoples. Vitoria's view that there were exceptions to the protections which natural law provided had the impact of excluding and disciplining peoples and societies understood as "different and alien."<sup>59</sup> Vitoria had argued that the indigenous population of the Americas were, by nature, afforded protection under universal natural laws, and this should provide ground for their humane treatment. However, his exceptions made it possible to discipline them as being in breach of the same universal natural laws, which had obligated them to accept civilised nations right to trade and proselytise them.<sup>60</sup>

Antony Anghie has described Vitoria's exception-based view as being, "schizophrenic," noting that Vitoria viewed the 'natives' as being "both alike and unlike the Spaniards."<sup>61</sup> Anghie maintains that it was this 'schizophrenia' on Vitoria's behalf which resulted in the perpetuation of the argument that the Spanish had legitimate and justifiable

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<sup>56</sup> Ibid.

<sup>57</sup> Ibid., 160-161.

<sup>58</sup> Brett Bowden, *The Empire of Civilisation*, 114-115.

<sup>59</sup> Antony Anghie, "On the Indians Lately Discovered and Sixteenth-Century International Law," *Proceedings of the Annual Meeting (American Society of International Law)* 92 (1998): 374.

<sup>60</sup> Martti Koskenniemi, *The Gentle Civilizer of Nations: The Rise and Fall of International Law 1870-1960* (Cambridge: Cambridge University Press, 2002), 142.

<sup>61</sup> Antony Anghie, "Francisco de Vitoria and the Colonial Origins of International Law," *Social and Legal Studies* 5, no. 3 (1996): 326-27.

reasoning for intervening against the peoples of the Americas.<sup>62</sup> Indeed, Spanish political elites successfully wielded Vitoria's exceptionality principle to inevitably find that the 'natives' had violated the universally binding Law of Nations, with these 'violations' subsequently being used as justification for conquest and colonisation.

In a similar manner, the Portuguese wielded civilisational language in order to justify and legitimise their conquest and domination of Timorese society. The Portuguese colonisers cast themselves as the enlightened tutors, while the Timorese were the "ignorant Pariahs in Asia."<sup>63</sup> The Timorese, in this context, were regarded as being subordinate 'creatures,' who, as a result of their inferior nature and strange cultural practices, were not abiding by the Law of Nations. The Portuguese, therefore, promoted the theory that they had an obligation to teach, through force if necessary, the Timorese to become civilised. It is in this context that it is evident that the work of Vitoria exerted a profound impact on the legal conceptions of indigenous populations status and rights,<sup>64</sup> as well as having a significant impact in shaping future discourse on European colonialism and the standard of civilisation.

### Peace of Westphalia: Sovereignty, But Not for All

While the natural law theorising of theologians such as Francisco de Vitoria continued to be used in order to justify and legitimise European colonial activity, western European states were also fighting wars inside the borders of Europe. The Peace of Westphalia was a series of peace treaties in 1648, which sought to settle many of these conflicts within Europe. The Treaties contained explicit provisions for religious tolerance, which sought to overcome the powerful religious differences in Europe between Catholics, Calvinists, and Lutherans,<sup>65</sup> by granting the signatories supreme political authority within their own domains.<sup>66</sup> Before Westphalia, western European populations had a variety of conflictual and overlapping sources of authority.<sup>67</sup> The Treaties had the effect of assigning sovereign rulers to the signatories' territories, who would therefore have primary authority and control over their populations.

It is often argued that the Peace of Westphalia has had a significant impact on the development of international law, nation states, and on the way states interact today. The Treaties have been argued to be pivotal to modern conceptions of the state, as well as to

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<sup>62</sup> Ibid., 326-327.

<sup>63</sup> Royal Commission of Portugal, as cited in Perry Anderson, "Portugal and the End of Ultra-Colonialism Part Two," *New Left Review* 16 (1962): 95. Emphasis is in the original.

<sup>64</sup> Robert. A. Williams, *The American Indian*, 106.

<sup>65</sup> Treaty of Westphalia. "Peace Treaty between the Holy Roman Emperor and the King of France and their Respective Allies," *Yale Law School: The Avalon Project*, accessed 17 May, 2016, [http://avalon.law.yale.edu/17th\\_century/westphal.asp](http://avalon.law.yale.edu/17th_century/westphal.asp).

<sup>66</sup> Ibid.

<sup>67</sup> Barry Hindess, "Sovereignty as Indirect Rule," in *Law, Ethics and Governance: Re-envisioning Sovereignty: The End of Westphalia*, eds. Trudy Jacobsen, Charles Sampford, and Ramesh Thakur (Hampshire, England: Routledge, 2016), 302.

formation of the principles of modern state sovereignty.<sup>68</sup> Today, the term ‘Westphalian sovereignty’ is commonly held to mean, “the legitimated right of sovereigns to govern their peoples free of outside interference, whether any such external claim to interfere was based on political, legal or religious principles.”<sup>69</sup> In this context, Jackson Nyamuya Maogoto argues that from Westphalia through until the early nineteenth century, the concept of state sovereignty, “retained its conception as supreme authority, granting a state exclusive jurisdiction and control over all objects and subjects in its territory, to the exclusion of any other influence.”<sup>70</sup> However, this analysis fails to recognise or account for the fact that the Westphalian system was at its core a western European conception, which covered and applied only to those territories and populations which were conceived to be part of the family of the ‘civilised’ nations.

While the Peace of Westphalia promoted the principle of non-interference in the internal affairs of the participating states of western Europe, historical analysis shows clearly that these principles did not apply to those living outside of western European borders. The principle of non-interference imposed no constraint on the actions of European colonisers, who continued to conquer and colonise territories not covered by these international agreements. The dominant thinking at the time was that the territories outside of Europe could not be conceived as sovereign states, as the people living in those territories had not reached an adequate ‘standard of civilisation’. This argument is captured well in the writings of John Westlake, an English legal scholar, who wrote:

International law has to treat natives as uncivilised. It regulates, for the mutual benefit of the civilised states, the claims which they make to sovereignty over the region and leaves the treatment of the natives to the conscience of the state to which sovereignty is awarded.<sup>71</sup>

From Westlake’s perspective, it would be absurd to conceive non-Europeans as having sovereignty, and therefore protection from outside interference, as their civilisational status warranted their tutelage by the civilised Europeans. From his reasoning, it would be for the civilised to determine their treatment.

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<sup>68</sup> Ali Mazrui, “The Moving Cultural Frontier of World Order: From Monotheism to North-South Relations,” in *Culture, Ideology and World Order*, ed. R.B.J Walker (London: Westview Press, 1984), 32. It is important to note, however, that there are a number of scholars who discount the true influence of the Peace of Westphalia on the contemporary understanding of the state, and state sovereignty. See for example Stéphane Beaulac, “The Westphalian Model in Defining International Law: Challenging the Myth,” *Australian Journal of Legal History* 8, no.2 (2004): 188. Beaulac argues that the treaties agreed to at Westphalia have little to do with the creation of the modern state system, and any relationship between Westphalia and modern sovereignty is a myth.

<sup>69</sup> M.S. Janis, as cited in Stéphane Beaulac, *The Power of Language in the Making of International Law: The Word ‘Sovereignty’ in Bodin and Vattel and the Myth of Westphalia* (Leiden, the Netherlands: Martinus Nijhoff Publishers, 2004), 68.

<sup>70</sup> Jackson Nyamuya Maogoto, “Westphalian Sovereignty in the Shadow of International Justice? A Fresh Coat of Paint for a Tainted Concept,” in *Law, Ethics and Governance: Re-envisioning Sovereignty: The End of Westphalia*, eds. Trudy Jacobsen, Charles Sampford, and Ramesh Thakur (Hampshire, England: Routledge, 2016), 211.

<sup>71</sup> John Westlake, *Chapters on the Principles of International Law* (Cambridge: Cambridge University Press, 1894), 143.

The colonising nations of Europe had no difficulty in employing natural-law arguments to legitimise territorial expansion outside of the borders of Europe, in spite of the protections afforded to western European nations under the Peace of Westphalia. In this regard, the arguments put forward by Pope Innocent IV and Francisco de Vitoria, to the effect that breaches of natural law would allow for legitimate intervention, were used heavily by colonialists. This had the impact of dividing the world into those who were afforded protection from intervention, against those who were not. According to P.A. Hayman and John Williams, this process of ensuring that populations outside of Europe were kept from benefiting from the new conception of Westphalian sovereignty was a deliberate act. This was arguably done because the sovereignty of the European states “required the contrast to the subordination of the colonies to acquire meaning, and a normative contrast - civilisation versus barbarism - to acquire legitimacy.”<sup>72</sup> This, again, demonstrates the continuing process of demarcating and entrenching ‘differences’ between the perceived ‘civilised,’ and the ‘barbarians.’ In the relations between European states and populations outside of European borders, the Treaties of Westphalia reiterated and reinforced previous medieval practices, which reasserted the perception of the superiority of European Christianity and Western ‘civilisation.’<sup>73</sup>

### Enlightenment Era: True Universal Principles? Or Just for the Privileged Few

When western European nations continued with their conquest and colonisation in the eighteenth and nineteenth centuries, they continued to do so with a set of assumptions about the proper and legitimate conduct to be had with non-European populations. Events such as the drafting of France’s ‘Declaration of the Rights of Man and of the Citizen,’ as well as the United States ‘Declaration of Independence,’ had promoted an understanding of the natural and equal rights of man in western European and American discourse.<sup>74</sup> These events, strongly associated with the ‘Enlightenment era,’ added credence to the theory that under the law of nature *all men* were created equal and should, therefore, be afforded the same protection from the waging of war against them. Central to this Enlightenment period was also the promotion of the principles of democracy, liberty, common humanity, and humanitarianism. The universality of these concepts, and the purported support of them in international law, were heavily promoted by Enlightenment jurists and theorists.<sup>75</sup> Prominent figures during this Enlightenment era included Voltaire, Immanuel Kant, Jean-Jacques Rousseau, Adam Smith, and John Locke. German jurist and political theorist Carl Schmitt commented that enlightenment era thinkers held on to the belief that “humanity...is a

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<sup>72</sup> P.A. Hayman and John Williams, “Westphalian Sovereignty: Rights, Intervention, Meaning and Context,” *Global Society*, 20, no.4, (2006): 525.

<sup>73</sup> Robert H. Jackson, “Sovereignty in World Politics: A Glance at the Conceptual and Historical Landscape,” *Political Studies*, 47, no. 3 (1999): 443.

<sup>74</sup> Leonard Woolf, *Imperialism and Civilisation* (London: L. and V. Woolf, 1933), 31.

<sup>75</sup> Martti Koskenniemi, *The Gentle Civilizer of Nations*, 131.

universal, i.e., all-embracing, social ideal, a system of relations between individuals.”<sup>76</sup>

The impact this period of enlightened thinking has had on the current international system, and modern liberal international theory, in particular, is arguably immeasurable. For example, Bowden argues that the dominant “architects” of international society today, “continue to be informed and influenced by a faith in the Enlightenment ideal of progress and humankind’s universal linear march toward modernity.”<sup>77</sup> However, as was evident in the natural-law theories promoted by medieval and discovery-era theologians, as well as in the Treaties of Westphalia, exceptions to the promoted ‘universal’ ideals become the dominant occurrence. The ‘exceptions’ in enlightenment discourse directly contradict any purported ‘universality’ inherent to the principles.

### The Exceptions to the ‘Universal’ Principles

While it was largely promoted in the dominant discourse of the nineteenth century that all men were created equal, and there existed universal principles of humanitarianism, many also recognised that in reality exceptions existed in practice with regard to the nature of the protection and rights they truly afforded. One example can be found in the work of late nineteenth century American diplomat, Henry Wheaton, who argued strongly that there did not exist one uniform set of international legal principles which applied to all states: “public [international] law, with slight exceptions, has always been, and still is, limited to the civilized and Christian people of Europe or to those of European origin.”<sup>78</sup> Purported universal principles of equality and humanity could be superseded, in this regard, in order to allow for intervention against ‘uncivilised’ peoples. The standard of civilisation, in effect, policed which populations could become part of the international society of states, and essentially determined whether or not a state was sovereign.<sup>79</sup> This process is evident in the reasoning given for the ‘legitimate’ conquest of Algeria, by James Lorimer, a Scottish scholar in the late nineteenth century:

Grotius lays it down that a band of robbers is not a State. On this ground the Barbary States were never recognised by European nations; and the conquest of Algeria by France was not regarded as a violation of international law... [had] Algeria come to respect the rights of life

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<sup>76</sup> It is important to note, however, that Schmitt was a strong critic of the purported ‘universal’ ideals espoused by Enlightenment thinkers, he argued that “the eighteenth-century humanitarian concept of humanity was a polemical denial of the then existing aristocratic-feudal system and the privileges accompanying it.” Schmitt maintained that any concept of universal humanity could only materialise when, “the real possibility of war is precluded and every friend and enemy grouping becomes impossible.” In this context, it was Schmitt’s view that it was near impossible to believe that there would come a time when true universal principles, such as humanity, could exist. Schmitt’s critique of these liberal ideals will be examined in detail in an upcoming chapter. See Carl Schmitt, *The Concept of the Political* [1932] trans. George Schwab (Chicago: Chicago University Press, 2008), 55.

<sup>77</sup> Brett Bowden, *The Empire of Civilisation*, 2-3.

<sup>78</sup> Henry Wheaton, *Elements of International Law*, 3rd ed. (London: Sampson Low, Son and Co., 1863), 16-17.

<sup>79</sup> For further analysis, see Gerrit Gong, *The Standard of ‘Civilisation’ in International Society* (Oxford: Clarendon Press, 1984), 100.

and property, its history would not have permanently deprived it of the right to recognition.<sup>80</sup>

The conquest of Algeria was deemed to be legitimate on account of the fact that a civilised nation, France, had conquered the 'barbarous' state of Algeria. From Lorimer's perspective, had Algeria reached a standard of civilisation, then it could have been recognised as a sovereign state, and be protected from the conquering French.

### The Civilising Role of Europeans: A cursory nod to Enlightenment Principles

The exceptions to the 'universal' liberal principles of the Enlightenment era had a profound impact on both intervention and colonial policies in the nineteenth century and beyond. While exceptions continued to allow for the justification of intervention outside western Europe, there was a recognition that it would appear improper to not acknowledge these universal principles, and effusive humanitarian rhetoric, in the practice of intervention. Western European political elites began to promote civilisation as a duty or responsibility of advanced Europeans to spread, in order to improve the standards and conditions of the native populations in the colonies. Due to the perceived economic, political, and social 'backwardness' of the populations in colonial territories, they were largely deemed by the European colonisers to be unsuited for holding sovereignty. Until such time that these non-European populations reached a suitable standard of civilisation, they could not be afforded protection from the Westphalian principle of non-interference under international law. The civilised states would, therefore, take control of the uncivilised states, and nurture and tutor them in the proper ways of advanced civilisation. This was otherwise known as the 'civilising mission,' or 'white man's burden.' This process closely mirrored Vitoria's assumptions concerning the obligations of Christians to have a civilising role over non-Christian populations.

Discourse on the civilising role of Europeans had a direct impact on intervention and colonial policies of the late nineteenth century. One example which demonstrates the central role of the civilising mission can be found during the Berlin Conference on Africa in 1885, whereby the European colonial powers agreed (among themselves) to "bind themselves to watch over the preservation of the native tribes, and to care for the improvement of the conditions of their moral and material well-being," with the ultimate goal being to, "instruct the natives and bringing home to them the blessings of civilisation."<sup>81</sup> International law, in this regard, began to become deeply embedded with the language of the standard of civilisation.<sup>82</sup> From Martti Koskenniemi's perspective, this was done deliberately, as it would have been "impossible to rationally explain, let alone to justify, why non-European

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<sup>80</sup> James Lorimer, *The Institutes of the Law of Nations: A Treatise of the Jural Relations of Separate Political Communities*, vol. 1. (Edinburgh: William Blackwood and Sons, 1883), 160-61.

<sup>81</sup> As cited in Roland Paris, "International Peacebuilding and the Mission Civilisatrice," *Review of International Studies* 28, no.4 (2002): 651.

<sup>82</sup> Martti Koskenniemi, *The Gentle Civilizer of Nations*, 135.

communities could be subjected to massive colonization,” without the discourse on civilising missions.<sup>83</sup>

By employing the use of civilisational language, European colonising nations were able to report that their interventions against non-Europeans were based on moral and principled underpinnings. The argument was made that humanitarian principles, as expounded by Enlightenment thinkers, were being followed, and once the ‘blessings of civilisation’ were brought to the native tribes, they could also enter the ranks of ‘civilised states.’ Once this process had occurred, external intervention into their domestic affairs would no longer be necessary, or indeed, legitimate. Until such time, however, the ‘civilised states’ had an *obligation* to interfere in the affairs of the ‘uncivilised,’ in order to teach and instruct them in western European ‘universal’ norms, values, and principles.

These civilising missions were not only based on the sense of European social, cultural, and economic supremacy, but also on theories of racial superiority.<sup>84</sup> A common view of the colonialists at this time was that the non-white skinned natives of overseas territories were “not members of the same moral order.”<sup>85</sup> This notion of racial superiority was deeply entrenched in the ideology of the European colonisers, and further underpinned the legitimisation, in their view, of the differential treatment of colonial populations. As with the language used to justify violence during the conquest of the New World, this nineteenth century language positioned the populations in the colonies as being inferior and different, which had the effect of helping to legitimise the violence required to enslave and dominate them.

### Reality of Civilising Missions: Trails of Brutality, Exploitation, and Cultural Dislocation

Evident in the discourse of the civilising mission at this time, however, was a clear tension between the violence required to suitably keep colonial subjects under control, and the liberal ideals promoted by Enlightenment thinkers. As Jürgen Osterhammel has commented, methods of warfare, which had long disappeared from use against fellow Europeans, were now considered legitimate in the face of the colonial “enemy who did not seem to subscribe to the same cultural code.”<sup>86</sup> In the eyes of many colonialists, the use of previously outlawed military action was now deemed to be legitimate if wielded against subjects in the colonies. One example of this thinking can be found in the work of J.F.C Fuller, a Colonel in the British Army in the early twentieth century. Colonel Fuller, in his book *The Reformation of War*, writes, “in small wars against uncivilised nations, the form of warfare to be adopted must

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<sup>83</sup> Ibid.

<sup>84</sup> Roland Paris, “International Peacebuilding,” 651.

<sup>85</sup> A.P Thornton, *Doctrines of Imperialism* (New York: John Wiley & Sons, Inc., 1965), 159.

<sup>86</sup> Jürgen Osterhammel, *Colonialism: A Theoretical Overview*, trans. Shelly Frisch (Princeton: Markus Wiener Publishers, 1997), 44.

tone with the shade of the culture existing in the land, by which I mean that, against peoples possessing a low civilisation, war must be more brutal in type."<sup>87</sup>

While European colonising nations spoke of the altruistic claims of bringing the universal principles of equality, liberty, and humanitarianism to the 'hordes of barbarians' in the colonies, it is evident that often their rhetoric did not match their actions. An analysis of those living under colonial rule and the 'civilising mission' too often reveals maltreatment, violence, forced labour, sexual exploitation, as well as the loss of land and resources.<sup>88</sup> Indeed, as William Bain has suggested, those living under colonial rule:

could only look on with cynicism as their colonial masters spoke of the white man's burden. They are apt to remind all who ask, not of their advancement at the hand of a benevolent, humane and enlightened colonial ruler, but of their encounter with the West, the arch aggressor of modern times.<sup>89</sup>

Roland Paris offers a similar bleak view of the entire colonial process, maintaining that expressions of moral responsibility and universal values by European colonial powers often misrepresented what was truly happening in the colonies, in which colonial states, "blazed a trail of brutality, exploitation, and cultural dislocation."<sup>90</sup> Charles Salomon, who wrote on French colonisation in the late nineteenth century, argued that there was "no word more vague, and has permitted the commission of more crimes, than that of civilization."<sup>91</sup> Salomon saw absolute hypocrisy in discourse which professed that there were moral underpinnings to civilising missions, and he further maintained that a cursory look at history proved that "all colonies begins with violence, injustice and shedding of blood: the result is everywhere the same; the disappearance of the native races coming into contact with civilized races."<sup>92</sup>

In the context of nineteenth century colonialism, there is a strong argument to be made that the effusive legal commitments and rhetoric on the rights of man, as well as the civilising role of the Europeans were, in fact, often misused to provide cover for brutal repression and violence against colonial populations. While intervention and colonialism were often glorified by the civilised nations as the process of the gifting of civilisation, the reality was that those living outside of western Europe were more often than not subjected to repressive and violent subjugation, in order to extract the most profit for the colonising nation as possible. From Hans Morgenthau's perspective, the nineteenth century legal

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<sup>87</sup> Colonel J.F.C Fuller, as cited in Brett Bowden, "Civilization and Savagery," 279.

<sup>88</sup> William Bain, *Between Anarchy and Society: Trusteeship and the Obligations of Power* (Oxford: Oxford University Press, 2003), 129.

<sup>89</sup> Ibid.

<sup>90</sup> Roland Paris, "International Peacebuilding," 651.

<sup>91</sup> Charles Salomon, as cited in Martti Koskenniemi, *The Gentle Civilizer of Nations*, 106.

<sup>92</sup> Ibid.

commitments to 'civilise' clearly served the political purposes of particular nations.<sup>93</sup> Morgenthau argued that the so-called universal principles promoted by Enlightenment theorists were not universal at all, and indeed the 'universal' principles being promoted simply sought to protect the nation-states in Europe.<sup>94</sup> From Morgenthau's perspective, these 'universal' principles were never intended to have universal applicability, and therefore these principles were never going to truly provide protection for the states outside western Europe. The dangers that Morgenthau finds inherent to the promotion of these universal liberal ideals will be examined in detail in an upcoming section of this thesis.

### John Stuart Mill: Non-Intervention, with Exceptions

One of the most influential debates on the standard of civilisation in the nineteenth century can be found in the work of John Stuart Mill. As an English philosopher and former administrator for the East India Company, Mill is widely known for his promotion of the liberal principles of equality, liberty, and individual freedom, as well as work on the defence of the principle of non-intervention. In his 1859 essay *A Few Words on Non-Intervention*, the central argument made by Mill was that the principle of non-intervention should be promoted and protected. From Mill's perspective, the relations between 'civilised' nations should be governed by the principle of equality, and furthermore, international law should regulate the conduct and relations between these civilised nations.<sup>95</sup> In this regard, Mill followed closely the theorising of Francisco de Vitoria, and even referred to his doctrine on the proper relationship between civilised nations as also being the 'Law of Nations.' Mill outlined his strong belief in the principle of non-intervention in the following statement, "among civilised peoples, members of an equal community of nations, like Christian Europe, aggressive war, conquest and annexation are out of the question."<sup>96</sup> However, Mill's liberalism has been argued to be inextricably linked to the practice of exceptionalism.<sup>97</sup> Of interest to this thesis is Mill's theory on the permissibility of circumventing the principle of non-intervention against those deemed to be 'barbarians'.

While Mill's fundamental premise was that the principle of non-intervention should be promoted and protected, he also outlined a number of 'legitimate' exceptions to this theory, including that intervention against 'barbarians' could be permissible under some circumstances. From Mill's perspective, to suppose that the same international principles of protection, and the same rules of international morality, could operate between civilised nations and "the barbarians" in the colonies, was a very grave error.<sup>98</sup> Mill argued strongly that if one was to characterise intervention against "barbarous people" as a "violation of the

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<sup>93</sup> Hans Morgenthau, "To Intervene or Not to Intervene," *Foreign Affairs* 45, no.3 (1967): 425.

<sup>94</sup> *Ibid.*, 425-26.

<sup>95</sup> John Stuart Mill, "A Few Words on Non-Intervention," [1859] *New England Review* 27, no.3 (2006): 260.

<sup>96</sup> *Ibid.*

<sup>97</sup> Beate Jahn, "Barbarian Thoughts: Imperialism in the Philosophy of John Stuart Mill," *Review of International Studies* 31, no.3 (2005): 599.

<sup>98</sup> John Stuart Mill, "A Few Words on Non-Intervention," 259.

Law of Nations,” it would only show one to be uneducated on the subject.<sup>99</sup> As such, in keeping with the reasoning of many philosophers and theologians before him, Mill maintained that there were exceptions to the protection that the Law of Nations afforded. In particular, he suggested that there were some who by reason of limited faculty were not deserving of protection from intervention by outsiders. Mill defined these people as “barbarians,” who had limited capabilities, no civilised government, and a woeful inability to reciprocate in international agreements.<sup>100</sup> This inability to abide by the principle of reciprocity and follow international law, in conjunction with their ‘uncivilised’ governments, made maintaining a stable relationship with the ‘barbarians’ impossible. If a stable relationship could not be maintained, Mill believed that civilised nations could not just be content with taking a defensive position, rather a more aggressive intervention could be required.<sup>101</sup> Civilised nations would be permitted, in Mill’s view, to conquer the barbarous nation, and “assert so much authority over them, and so break their spirit.”<sup>102</sup> While this language appears to portray seemingly unlimited bounds to the intervention permissible against barbarians, Mill did later theorise that intervention by civilised nations should be for the “benefit” of the barbarians.<sup>103</sup>

After dividing the world into the superior civilised, versus the inferior barbarians, Mill made the further argument that while intervention could take place, it should occur with the end objective of bringing the ‘barbarians’ to a standard of civilisation. While from Mill’s reasoning the barbarians had no international legal rights as a nation, he believed they should, at the earliest possible opportunity, obtain the necessary conditions to become one.<sup>104</sup> In his essay *On Liberty*, Mill expanded upon this idea, arguing that “despotism [by civilised nations] is a legitimate mode of government in dealing with barbarians, provided the end be their improvement, and the means justified by actually effecting that end.”<sup>105</sup> From this statement it can be interpreted that intervention could be viewed as both morally and legally legitimate, if the objective was to improve the lives of these barbarians, and if by assisting them it was likely they would obtain civilised status. From Mill’s perspective, a form of ‘benign colonialism’ or civilising mission could exist, whereby the advanced nations would teach and nurture the barbarians, in the hopes of assisting them in gaining civilised status.<sup>106</sup>

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<sup>99</sup> Ibid.

<sup>100</sup> Ibid.

<sup>101</sup> Ibid.

<sup>102</sup> Ibid.

<sup>103</sup> Ibid. See also John Stuart Mill, *On Liberty* [1859] (London: The Walter Scott Publishing Co. Ltd, 2011), 19.

<sup>104</sup> John Stuart Mill, “A Few Words on Non-Intervention,” 259.

<sup>105</sup> John Stuart Mill, *On Liberty*, 19.

<sup>106</sup> Where Mill’s argument becomes more complicated is in his assertion that intervention and civilising missions could not bring about free and legitimate government, and thereby civilised status, in all circumstances. From Mill’s perspective, there were clear limitations to the civilising role of Europeans, as he believed that it was impossible to export freedom and legitimate government to colonised peoples, if they had not demonstrated some capacity to obtain it through their own volition. Mill argued in *Representative Government*: “the government of a people by itself has a meaning and a reality; but such a thing as government of one people by another does

In the work of John Stuart Mill there is a clear perpetuation of the theory that relations between civilised nations are to be governed by the principle of equality, whereas the relations between civilised and 'barbarian' peoples were hierarchical, centred on the notion that the barbarians were somehow 'different'. It is clear that the characterisations of the civilised versus barbarous nations were employed as an exclusionary tactic during Mill's time, which attempted to justify and legitimise intervention against peoples deemed to be on the periphery of international relations. It is Mill's assumption that there existed a rank of societies, on a scale of civilisation, which determined whether you were afforded the rights to so-called universal principles of equality and liberty. Contemporary scholars, such as Beate Jahn, have argued that Mill's philosophy was, "rooted in a need to justify the political inequality of humanity on cultural grounds."<sup>107</sup> Political theorist, Bhikhu Parekh, takes this idea even further, with the assertion that Mill's articulations had the effect of creating "a Manichean theory of two worlds, one is an area of light, the other that of darkness, one is perfect and without blemish, the other irredeemably evil, and each governed by radically different principles and norms."<sup>108</sup>

The work of Mill on non-intervention, and the creation of 'legitimate exceptions' to the principle in the face of the 'uncivilised,' continues to identify with issues that are relevant in contemporary international relations. Indeed, from the perspective of Carol Prager, Mill's work is "timeless."<sup>109</sup> It is undeniable that exceptions to the norm of non-intervention, such as those employed by Mill, can be found in abundance in contemporary political discourse. Mill's position that in humanity there exist those with unequal moral status, and therefore unequal rights, resonates strongly with the discourse employed by outside interveners in East Timor. In the Timor context, the characterisation of the entire society as being primitive and inferior is analogous to Mill's barbarian classification. From the colonisation of East Timor by Portugal, to more contemporary interventions by Indonesia, and later the United Nations, the Timorese were largely determined to have limited capabilities, no civilised government, and an inability to reciprocate in international agreements. These determinations made aggressive intervention against them appear more legitimate. When providing rationale for their interventions, each of the external actors used the justification that it was being done for the betterment of the Timorese, either by nurturing them towards advanced civilisation, or developing liberal principles of democratisation and good governance. It was if Mill had written a handbook on how to justify intervention in the domestic affairs of another nation, and each of the interveners followed it to the letter. In this regard, Mill's exceptions to the

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not and cannot exist." Mill was of the opinion that if the colonial populations did not have "sufficient love of liberty to be able to wrest it from merely domestic oppressors," then the liberty bestowed on them by outside hands would not be real and legitimate. See John Stuart Mill, *Considerations on Representative Government* [1861] (London: The Electric Book Company, 2001), 320; and "A Few Words on Non-Intervention," 262.

<sup>107</sup> Beate Jahn, "Barbarian Thoughts," 600.

<sup>108</sup> Bhikhu Parekh, as cited in Inder S. Marwah, "Complicating Barbarism and Civilization: Mill's Complex Sociology of Human Development," *History of Political Thought* 32, no.2 (2011): 350.

<sup>109</sup> Carol Prager, "Intervention and Empire: John Stuart Mill and International Relations," *Political Studies* 53 (2005): 621.

principle of non-intervention continue to have a strong relevance today.

## Conclusion

This chapter has traced the evolution of the preeminent discourse on the standard of civilisation from the thirteenth through until the late nineteenth century. In commentary which was first advanced by Pope Innocent IV, the dominant discourse promoted across this time period was the theory that exceptionality existed in international relations, where certain peoples, by virtue of their perceived uncivilised status, were not afforded protection from external intervention and interference. The standard of civilisation was employed with the clear objective of creating a hierarchical international system, whereby the casting of peoples as ‘barbarians’ and ‘different’ was an attempt to legitimise violent action against them. Civilised nations, on the other hand, were afforded protection from external intervention, owing to the comity of nations and the governing principle that equality among them should regulate their conduct. Due to their ‘civilised’ status, the norm of non-intervention afforded them protection from interference by external forces.

By the eighteenth century, any intervention against ‘civilised’ western European states had been outlawed. In this regard, international law was employed consistently to legitimise the differential treatment of the ‘barbarians’ outside of western Europe. As Jean-Jacques Rousseau observed, “everywhere the strong [are] armed against the weak with the formidable power of the law,” and as a result, “justice and truth must be bent to serve the most powerful: that is the rule.”<sup>110</sup> The refusal to recognise those outside of western Europe as having sovereign control over territory, resources, and peoples, had the impact of greatly preventing non-Europeans from shaping the development of contemporary international law.<sup>111</sup> This meant that from the infancy of the international legal system, non-European values and norms were sidelined, while European ones were held to be ‘universal,’ both in nature and application. Civilisation was dominantly perceived as applying to western Europeans only, and from Osterhammel’s perspective, this notion that non-Europeans were utterly different from Europeans, “was a cornerstone of colonialist thought.”<sup>112</sup>

There were genuine attempts by philosophers and theologians to build some measure of protection for indigenous populations against the violent actions of colonisers and conquerors. These attempts can certainly be found in Innocent and Vitoria’s theorising on the natural rights of man, and also in the rights promoted by Enlightenment-era thinkers. The theoretical perspectives analysed during this timeframe indicate that thought was indeed given to the need to better protect those deemed to be on the ‘outside’ of international

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<sup>110</sup> Jean-Jacques Rousseau, “The State of War,” in *Rousseau on International Relations*, eds. Stanley Hoffmann and David P. Fidler (Oxford: Oxford University Press, 1991), 33.

<sup>111</sup> Anne Orford, *Reading Humanitarian Intervention: Human Rights and the Use of Force in International Law* (Cambridge: Cambridge University Press, 2003), 28.

<sup>112</sup> Jürgen Osterhammel, *Colonialism*, 108.

society. However, time and again, exceptions to universal principles and non-intervention continued to give 'civilised' nations the mandate to commit their patterns of violent domination and subjugation. Exceptionality is a contradiction of universalism. If exceptions exist, and indeed, are being promoted and wielded as tools of intervention, it is clear that the liberal 'universal' rights being advanced, never truly existed in reality. Indeed, an examination of the 'civilising missions,' which purported to uphold these universal values, revealed the inherent tensions between the liberal ideals such as equality and humanitarianism, versus the violence required to keep colonial subjects under control.

The writing and theorising of the preeminent theologians, philosophers, and scholars in this chapter has had a significant impact on later discourse on intervention and the standard of civilisation. As Anghie argues, early theologians, such as Francisco de Vitoria, were significant contributors to the development of a set of concepts and arguments which continue to be employed by major powers in contemporary international relations.<sup>113</sup> From Anghie's perspective, these concepts, "are simultaneously used to describe and evaluate, compare and contrast, commend and condemn."<sup>114</sup> The manner in which international law was wielded in the narrative of liberal internationalism, which represents itself as the "legal conscience of the civilized world,"<sup>115</sup> also has resonance in contemporary international relations scholarship. Indeed, these phenomena are certainly evident in the case of East Timor, whereby exceptionality to the norm of non-intervention was applied, time and again, to legitimise interference and military occupation in the country. When the United Nations and the Australian-led International Force for East Timor (INTERFET), intervened in East Timor in the late 1990s and early 2000s, they did so under the banner of universal humanitarian principles, and used international law to justify their presence in the country. The 'conscience' of the civilised world was called upon, and it was determined that intervention was necessary to save the inferior, poor, and weak Timorese. East Timor was determined to be on the periphery of international society, and the 'failing' of the state was deemed to be causing a threat to international peace and security. The dangers of employing this discourse will be examined in further detail in an upcoming chapter. In the next chapter, twentieth century thinking on the standard of civilisation will be analysed.

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<sup>113</sup> Antony Anghie, "Francisco de Vitoria and the Colonial Origins of International Law," 332-33.

<sup>114</sup> Ibid.

<sup>115</sup> Martti Koskenniemi, *The Gentle Civilizer of Nations*, 176.

## Chapter Two: The Changing Faces of the Civilised and the Barbarians

Serious challenges to the standard of civilisation project emerged in the early twentieth century, with significant shifts in the understanding of who in the international system could be deemed 'civilised,' and who were the 'barbarians'. While eighteenth and nineteenth century discourse had tended to portray western Europeans to be enlightened civilisers, with those on the 'outside' cast as the barbarians, the twentieth century saw a disruption of this logic. This chapter will examine the challenges and shifts to the discourse on civilisation, with an early focus on emerging classical realist critiques of the liberal underpinnings of the civilising missions. It will then examine how the changes to the discourse of the standard of civilisation largely came about as a result of the unprecedented total wars of World War I and World War II. During these world wars, the discourse of civilisation was heavily interwoven into the propaganda of both sides, in order to demonise and dehumanise the enemy. The intensely violent actions committed during the wars, however, meant that for the first time the 'barbarian' was seen to be dominantly inside the borders of Europe. This arguably changed the way that Europeans saw themselves, and also had an impact on their understanding of the nature of people outside of Europe.

Following both world wars, there were concerted attempts to create a peaceful international environment, based on liberal and idealistic beliefs in a common humanity, universal human rights, and the possibility of a harmony of interests among states. These periods will be examined, with a particular focus on the attempt to internationalise the control of colonial territories, firstly under the auspices of the League of Nations, and later under the United Nations (UN). While the two international systems of controlling colonies, and the peoples in them, were touted to represent significant changes to the relations between those once deemed the 'civilised' and the 'barbarians,' it is clear that the casting of certain peoples in terms of civilisation continued to shape the understanding of permissible actions against them. It appears that the altruistic liberal claims of 'developing' peoples outside of Europe, now underpinned by the twentieth century sense that there could be a 'universal conscience of humanity,' was largely unsupported by any real conviction or action. In this regard, international law, and the new systems it supported, revealed how the basic structure of the civilising missions were reproduced and rebranded in the twentieth century.

### John A. Hobson: The 'Parasitic' Civilised

Over the course of the twentieth century, a number of scholars and theorists began to seriously challenge the liberal and universal principles which were purported to underpin colonialism and civilising missions. One such scholar was John A. Hobson, an English economist and social scientist, who wrote at the beginning of the twentieth century. Hobson was known at the time as being one of the most ardent critics of colonialism and

imperialism,<sup>116</sup> though a more detailed reading of his works reveals that, like John Stuart Mill, he believed that intervention by civilised nations against “lower races” was not “prima facie illegitimate.”<sup>117</sup> Hobson argued that intervention was justifiable if civilised nations were acting, “primarily to secure the safety and progress of the civilisation of the world,”<sup>118</sup> and if they were also, “acting for the real good of the subject race.”<sup>119</sup> However, where Hobson departs from Mill is in his strong belief that there has never been a legitimate example, in either historical or contemporary discourse, where the “theory of white government,” has truly sought to secure the interests of the “governed peoples” in the colonies.<sup>120</sup> Indeed, from Hobson’s perspective, the so-called ‘civilised nations’ of the early twentieth century were parasites, whose predatory actions were visible in their exploitation of the peoples and natural resources in the colonies:

The condition of the white rulers of these lower races is distinctively parasitic; they live upon these natives, their chief work being that of organising native labour for their support. The normal state of such a country is one in which the most fertile lands and the mineral resources are owned by white aliens and worked by natives under their direction, primarily for their gain: they do not identify themselves with the interest of the country or its people, but remain an alien body of sojourners, a ‘parasite’ upon the carcass of its ‘host’ destined to extract wealth from the country and retiring to consume it at home.<sup>121</sup>

It is Hobson’s assertion that sovereign states do not act in the interest of other external actors. Instead, “modern history is selfish, materialistic, short-sighted... [and] varied by occasional collusion.”<sup>122</sup> Hobson’s arguments demonstrate clearly his criticism of the liberal, idealistic, and universal rhetoric employed to attempt to justify colonialism and the ‘civilising’ missions of his time. In doing so, Hobson provides an early glimmer of classical realist theory, which seeks to explain the inherently selfish nature at the core of state behaviour in international relations. The utility of employing a classical realist perspective, to understand the motivations of state behaviour and provide a critique of the liberal underpinnings of the standard of civilisation discourse, will be examined in closer detail in an upcoming section of this chapter.

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<sup>116</sup> Roland Paris, “International Peacebuilding and the ‘Mission Civilisatrice,’” *Review of International Studies* 28, no.4 (2002): 651.

<sup>117</sup> John A. Hobson, *Imperialism: A Study*, 3<sup>rd</sup> ed. (London: Unwin Hyman, 1938), 232.

<sup>118</sup> *Ibid.*

<sup>119</sup> *Ibid.*

<sup>120</sup> *Ibid.*, 283

<sup>121</sup> *Ibid.*, 282.

<sup>122</sup> *Ibid.* English political scientist and philosopher, Goldsworthy Lowes Dickinson, agreed with Hobson’s sentiment that the ‘civilised nations’ did not have the best interests of the ‘subject race,’ in mind. Dickinson argued that “never has any state made any conquest in order to benefit the people concerned, and not in order to benefit itself.” Dickinson further claims that states conquer by war and violence, and then label it a civilising mission, only in order to “secure or extend their power.” See Goldsworthy Lowes Dickinson, *Causes of International War* (New York: Harcourt Brace & Howie, 1920), 52-54.

While from Hobson's perspective, intervention against 'lower races,' could theoretically be legitimate under narrow circumstances, he limited the possibility of intervention being carried out even further by arguing that in order for it to be deemed legitimate, it would need to be carried out by "an organised representative of civilised humanity."<sup>123</sup> Hobson had recognised that states had consistently demonstrated patterns of self-centric and self-serving action, and as a result he was not willing to lay legitimate intervention in the hands of individual states. Hobson was of the opinion that until a "genuine international council" existed, which had the ability to oversee, accredit, and supervise a civilised nation with the duty of educating the "lower races," then intervention should not take place.<sup>124</sup> This concept foreshadows the later creation of the League of Nations mandate system, created to deal with colonial territories following the end of World War I, which will be examined in detail below.

Despite his apparent championing of the idea of the creation of an overarching sovereign power in the international system, Hobson went on to acknowledge that he had strong reservations about the probable success of a genuine international council. It was Hobson's fear that "self-chosen oligarchs among the nations," may attempt to deride the process, "under the cloak of the civilising mission," and furthermore, these civilised nations may learn to live parasitically on the lower races, and impose on them fraudulent acts, in the name of the lower races "own good."<sup>125</sup> Hobson further feared that collusion would take place among the dominant nations of the time, in order to wield control over the international council, for their own self-interest.<sup>126</sup> Hobson called this fear, "the largest and gravest peril of the early future."<sup>127</sup> It is clear, again, in Hobson's theorising that he is demonstrating a classical realist perspective in attempting to explain the inherent dangers in installing a fictitious 'sovereign' power in the international system. As detailed below, Hobson's fears of these dangers were not unfounded.

### World War One: Barbarians on the Inside

World War I marks an important historical turning point for the discourse on the standard of civilisation. The World War resulted in the mass social and military mobilisation of people and resources across the globe, while at the same time, technological advances allowed for the spread of propaganda, with extremely strong nationalistic undertones, never before seen on this scale. The discourse of civilisation was heavily interwoven into this wartime propaganda, with Daniel Pick noting that it would be difficult to overestimate the centrality of the notion of 'civilisation' in the language of World War I.<sup>128</sup> Time and again, political leaders employed

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<sup>123</sup> John A. Hobson, *Imperialism*, 285.

<sup>124</sup> *Ibid.*, 239.

<sup>125</sup> *Ibid.*

<sup>126</sup> *Ibid.*

<sup>127</sup> *Ibid.*

<sup>128</sup> Daniel Pick, *War Machine: The Rationalisation of Slaughter in the Modern Age* (New Haven: Yale University Press, 1993), 153.

language to separate 'us' from 'them,' with an analysis of the discourse showing that both sides of the war regularly accused each other of committing barbaric acts, while at the same time both also claiming to be on the right side of civilised society.<sup>129</sup> Mark B. Salter provides the example that it was largely believed in Britain during the war that the citizens of Germany were "visibly marked - if not by his/her skin colour, then by his/her unmaskable barbarous behaviour."<sup>130</sup> This rhetoric aimed to both bolster strong sentiments of national identity, as well as to demonise and dehumanise the 'external' enemy.

By wars end, the Allied Powers were victorious against the Central Powers, at the cost of approximately seventeen million civilian and military casualties. Significantly, the war had been waged by Europeans, against Europeans, and as a result the concession had to be made that the 'barbarian' enemy must have been present within European borders. For once, the 'barbarians' were not exclusively on the 'outside,' and in the colonies. Indeed, E.H Carr recognised that the onset of World War I bought with it a changing perception of who was civilised and who was uncivilised. From his perspective, the reality of war and conflict had been "spirited out of sight by the political thinkers of Western civilisation,"<sup>131</sup> for over a hundred years. According to Carr, during this period "the brutalities which, in the eighteenth and nineteenth centuries, were confined to dealings between civilized and uncivilized peoples were turned by civilised peoples against one another."<sup>132</sup>

The fact that such violent and brutal actions had been committed inside the bounds of Europe laid a challenge to the belief of the civilisational superiority of white western Europeans. R.J. Vincent argues that the challenging of the civilisational superiority of Europeans was a direct result of the 'barbarity' of their own actions, "whites [were] laying to rest the notion of their instinctive comity by butchering each other in such unprecedented numbers."<sup>133</sup> Further to this, Vincent argued that the actions of Europeans during World War I had resulted in the challenging of the belief that advanced civilisation could only be European.<sup>134</sup> In the aftermath of this unprecedented total war, so shocked were people that this level of brutality and violence could occur in Europe, and be perpetrated by Europeans, that there were calls for the creation of an overarching international governing body to ensure that devastation on this scale would not occur again.<sup>135</sup> The League of Nations was

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<sup>129</sup> See for example Woodrow Wilson, "Joint Address to Congress Leading to a Declaration of War Against Germany," *The U.S National Archives and Records Administration*, accessed 08 August, 2016, <http://www.archives.gov/historical-docs/todays-doc/?dod-date=402>.

<sup>130</sup> Mark B. Salter, *On Barbarians: The Discourse of 'Civilisation' in International Theory* (British Columbia, Canada: University of British Columbia, 1999), 148.

<sup>131</sup> E.H Carr, *The Twenty Years' Crisis 1919-1939: An Introduction to the Study of International Relations*, 2<sup>nd</sup> ed. (London: MacMillan & Co. Ltd, 1946), 225.

<sup>132</sup> Ibid.

<sup>133</sup> R.J. Vincent, "Racial Equality," in *The Expansion of International Society*, eds. Hedley Bull and Adam Watson (New York: Clarendon Press, 1984), 240.

<sup>134</sup> Ibid.

<sup>135</sup> See for example Woodrow Wilson, "The Pueblo Speech: 25 September 1919," *Stanford University*, accessed 17 May, 2016,

subsequently founded on 10 January 1920, with its Covenant maintaining that the purpose of the organisation was to “promote international cooperation and to achieve international peace and security.”<sup>136</sup>

### Wilsonian Idealism and the League of Nations

In the immediate post-war era, United States President Woodrow Wilson was at the forefront of efforts to create a peaceful international environment, based on the fervent belief in the possibility of a harmony of interests among states. Wilson, and his supporters, argued strongly that peace and cooperation between states was a common and universal goal, which would, in the end, supersede any conflicting interests, or antagonistic politics. In this regard, there was thought to be a common and universal interest in the maintenance of international peace and order.<sup>137</sup> Underpinning this Wilsonian or utopian theory, was a faith that “regardless of race or religion,” fundamental and universal principles of rights would create a “universal conscience of mankind.”<sup>138</sup> In outlining his vision for the future, Wilson relied heavily upon purported expressions of absolute and universal liberal principles of humanity; such as equality, democracy, and humanitarianism. In a public address in Alabama in 1913, Wilson asserted his unwavering position on these moral principles: “We dare not turn from the principle that morality, and not expediency, is the thing that must guide us, and that we will never condone iniquity because it is most convenient to do so.”<sup>139</sup>

As E.H Carr later commented, this utopian theory of the international system was largely borrowed from the work done by earlier Enlightenment-era thinkers.<sup>140</sup> For advocates of the Wilsonian vision, optimism concerning a peaceful and cooperative future was based on the, “triple conviction that the pursuit of the good was a matter of right reasoning, that the spread of knowledge would soon make it possible for everyone to reason rightly on this important subject, and that anyone who reasoned rightly on it would necessarily act right.”<sup>141</sup> In order to achieve this harmony of interests in the international system, and in order to spread and entrench these universal and moral rights, Wilson stressed the need for supportive international law and institutions.

In Wilson’s famous ‘Fourteen Points’ address, he called strongly for the creation of an international institution to guarantee the political independence and territorial integrity of all

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[http://sheg.stanford.edu/upload/Lessons/Unit%209\\_WWI%20and%20the%201920s/League%20of%20Nations%20ORIGINAL%20DOCUMENTS.doc](http://sheg.stanford.edu/upload/Lessons/Unit%209_WWI%20and%20the%201920s/League%20of%20Nations%20ORIGINAL%20DOCUMENTS.doc).

<sup>136</sup> League of Nations, “Preamble of the Covenant of the League of Nations,” *Yale Law School*, accessed 01 April, 2016, [http://avalon.law.yale.edu/20th\\_century/leagcov.asp](http://avalon.law.yale.edu/20th_century/leagcov.asp).

<sup>137</sup> E.H. Carr, *The Twenty Years Crisis*, 88-89.

<sup>138</sup> Woodrow Wilson, as cited in Thomas Knock, *To End All Wars: Woodrow Wilson and the Quest for a New World Order* (Princeton: Princeton University Press, 1992), 8.

<sup>139</sup> Woodrow Wilson, “Address Before the Southern Commercial Congress in Mobile, Alabama: October 27, 1913,” *The American Presidency Project*, June 15, 2016, <http://www.presidency.ucsb.edu/ws/?pid=65373>.

<sup>140</sup> E.H Carr, *The Twenty Years’ Crisis*, 24-25.

<sup>141</sup> *Ibid.*

states.<sup>142</sup> Wilson maintained that this new organisation would make “the accepted principles of international law,” become, “the actual rule of conduct among the governments of the world.”<sup>143</sup> After the international peace treaty to deal with the aftermath of the war was signed at Versailles, at which the legal basis for the League of Nations was affirmed, Wilson sent a message back to the American public, declaring that the new organisation: “associates the free Governments of the world in a permanent league in which they are pledged to use their united power to maintain peace by maintaining right and justice. It makes international law a reality supported by imperative sanctions.”<sup>144</sup> As Koskenniemi comments, international law was seen by utopian idealists, such as Wilson, as the tool which would “channel political tensions into committees, assemblies, and formal dispute settlement mechanisms.”<sup>145</sup> In this regard, the utopian thinkers of the early twentieth century viewed the creation of the League of Nations as being the watershed moment that would end the possibility of war. They saw its creation as a pathway towards a world state, which would embrace all of humanity with it.

Given the purported global expressions of absolute and universal liberal principles, which were so strongly argued to underpin the creation of the League, the question was raised as to what should be done with the colonial possessions of the defeated states of World War I. Wilson was reportedly fixed on the belief that there needed to be an international solution to the ‘colonial problem.’<sup>146</sup> As one of his fourteen points, Wilson declared that all colonial claims should be based on, “the strict observance of the principle that in determining all such questions of sovereignty the interests of the populations concerned must have equal weight.”<sup>147</sup> For many, Wilson’s idealism was an inspiring rallying call for human equality, where he appeared to condemn the misuse of political power in the colonies, and the unequal voice afforded to those living under colonial rule.<sup>148</sup> An expectation was generated that something ‘new’ needed to be done, to deal with the colonial territories. As Koskenniemi asserts, these territories grew to represent, “a form of colonial administration [which could] no longer be carried out by single colonial sovereigns, but by the international community.”<sup>149</sup>

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<sup>142</sup> Woodrow Wilson, “President Woodrow Wilson’s Fourteen Points: January, 1918,” *Yale Law School: The Avalon Project*, accessed June 15, 2016, [http://avalon.law.yale.edu/20th\\_century/wilson14.asp](http://avalon.law.yale.edu/20th_century/wilson14.asp).

<sup>143</sup> Woodrow Wilson, as cited in Lloyd E. Ambrosius, “Woodrow Wilson, Alliances, and the League of Nations,” *The Journal of the Gilded Age and Progressive Era* 5, no.2 (2006): 148.

<sup>144</sup> *Ibid.*

<sup>145</sup> Martti Koskenniemi, *The Gentle Civilizer of Nations: The Rise and Fall of International Law 1870-1960* (Cambridge: Cambridge University Press, 2002), 461.

<sup>146</sup> *Ibid.*, 5.

<sup>147</sup> Woodrow Wilson, “President Woodrow Wilson’s Fourteen Points.”

<sup>148</sup> Bhikhu C. Parekh, “Liberalism and Colonialism: A Critique of Locke and Mill,” in *The Decolonisation of Imagination: Culture, Knowledge and Power*, eds. Bhikhu C. Parekh and Jan Nederveen Pieterse (New Jersey: Zed Books, 1995), 81.

<sup>149</sup> Martti Koskenniemi, *The Gentle Civilizer of Nations*, 173.

## The League of Nations Mandate System

During the deliberations on what to do with the colonial possessions of the defeated states of World War I, the concept of a system whereby external states would have formal legal control and guardianship over the territories was suggested in the work of General Jan Smuts, an influential South African and British Commonwealth military leader. General Smuts had argued that the colonies of the losing powers of World War I were too uncivilised to properly engage in self-governance, and thus proposed that external states, namely the victorious Allied Forces, should be endowed with the responsibility to administer their affairs.<sup>150</sup> According to Smuts, as a result of the variances in the conditions of life in the colonies, the degree of the 'guiding hand' by the external state would need to vary considerably.<sup>151</sup> In his view, the German colonies in the Pacific and Africa were identified as requiring particular attention, as they were "inhabited by barbarians, who not only cannot possibly govern themselves, but to whom it would be impracticable to apply any ideas of political self-determination in the European sense."<sup>152</sup> This position promoted by Smut mirrors closely the earlier belief in European 'civilising missions,' as has been examined in preceding sections. Wilson and his advisors borrowed heavily from Smuts' proposal in order to establish a new system for controlling colonial territories, which would be called the League of Nations Mandate System.

Under Article 22 of the Covenant of the League of Nations, it was decreed that a system would be created whereby the colonies and territories which were no longer under the sovereign control of the losing states of World War I would be held in a "sacred trust of civilisation."<sup>153</sup> Owing to their inability to "stand by themselves under the strenuous conditions of the modern world,"<sup>154</sup> these territories would be entrusted to the tutelage of so-called 'advanced nations,' namely the victors of World War I. The League agreed with Smuts' assessment that the character and level of control wielded over the mandate territories would need to differ, based on an assessment of their stage of development, their economic conditions, and the geographical location of the territory.<sup>155</sup> The assessment of development or, in other words, each territory's position in the hierarchy of civilisation, would necessarily be conducted by representatives of these 'advanced nations.' The drafters of the Covenant arrived at the conclusion that there were three civilisational categories to the mandate system, which were known as A, B, and C class mandates.<sup>156</sup>

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<sup>150</sup> J.C. Smuts, *The League of Nations: A Practical Suggestion* (London: Hodder and Stoughton, 1918), 25.

<sup>151</sup> *Ibid.*, 16.

<sup>152</sup> *Ibid.*, 15.

<sup>153</sup> The League of Nations, "Article 22 of the Covenant of the League of Nations," *Yale Law School*, accessed 01 April, 2016, [http://avalon.law.yale.edu/20th\\_century/leagcov.asp](http://avalon.law.yale.edu/20th_century/leagcov.asp).

<sup>154</sup> *Ibid.*

<sup>155</sup> *Ibid.*

<sup>156</sup> Refer to the table below for details on the mandate territories, as well as their respective administrative powers. The first category (A) included the territories which had previously belonged to the Ottoman Empire, these were deemed to have reached a fairly advanced state of development, and therefore administrative advice

Table 1. The League of Nations Mandate Territories <sup>157</sup>

Class	Mandate Territory	'Advanced' Nation: Administrative Power
A	Iraq	Great Britain
	Palestine*	Great Britain
	Syria and Lebanon	France
	*(included modern-day Israel and Jordan)	
B	Togo	France and Great Britain
	Cameroons	France and Great Britain
	Tanganyika	Great Britain
	Ruanda-Urundi	Belgium
C	South-West Africa	South Africa
	New Guinea	Australia
	Samoa	New Zealand
	Marshall, Caroline, and Mariana Islands	Japan

and assistance would only be until such time that they would be able to “stand alone.” The second category (B) was chiefly those of Central Africa, who were deemed to have demonstrated a lesser level of civilisation. Administration in this case would necessarily be more heavy-handed. For the third category of mandates (C), the ‘advanced nations’ would have nearly unbridled control over the territories. According to the League, this group, primarily from South-West Africa and the South Pacific, required the highest level of administrative control, owing to the “sparseness of their population, or their small size, or their remoteness from the centres of civilization.” The administrating nations had the power to wield such wide ranging control over these ‘third class’ territories, that the League maintained that they could act as if the mandate was an integral part of the ‘advanced nations’ own sovereign territory. See The League of Nations, Article 22.

<sup>157</sup> Information on mandate territories and administrative powers was gathered from Neta Crawford, “Decolonisation as an International Norm: The Evolution of Practices, Arguments and Beliefs,” in *Emerging Norms of Justified Intervention: A Collection of Essays from a Project of the American Academy of Arts and Sciences*, eds. Laura Reed and Carl Kaysen (Cambridge: Committee on International Security Studies and the American Academy of Arts and Sciences, 1993), 41.

The concept of guardianship and tutelage over the mandate territories was represented at the time as a significant shift in the relationship between perceived civilised and uncivilised states. The commitment made by the civilised nations was that they would altruistically assist the development of colonial populations, and over time their teaching and nurturing would help the 'uncivilised' become enlightened and civilised societies. This would be based strongly on Wilsonian idealism and the liberal principles of self-determination, liberty, and humanitarianism. While this process was largely contracted out to the victors of World War I, in order to retain some oversight over the process, Wilson dictated that the League of Nations would maintain an overarching authority, to ensure that the civilised nations put the interests of the mandate territories over their own. According to President Wilson:

it shall be the duty of the League to see that all nations which are assigned as the tutors and advisors and directors of those peoples, shall look to their interests and to their development before they look to the interest and material desires of the mandatory nation itself.<sup>158</sup>

This gesture can be seen as a nod towards the concerns raised by scholars, such as Hobson, who believed that state self-interest would inevitably and naturally be promoted over the interests of colonial populations. However, with this in-built oversight mechanism in place, Wilson clearly believed that the drafters of the League of Nations had created an innovative internationalised system of protection. Wilson was reportedly so proud of the drafting of Article 22 that he proclaimed that a system had been created whereby territorial aggrandisement and exploitation of "the world's most disadvantaged peoples," would finally come to an end.<sup>159</sup>

For Will J. Selzer, the mandate system represented a fundamental shift in how the Western nations acted towards the colonies, as "moral obligations were translated into legal commitments, the performance of which were subjected to international scrutiny and supervision under a formal and regularised procedure."<sup>160</sup> However, deeper analysis of the mandate system suggests that Hobson's fear that the international law would be controlled by domination nations, for the state self-interest, was well-founded. Many commentators, even those that had expressed support for Wilson's liberal ideals, viewed the mandate system with suspicion.<sup>161</sup> Serious tensions between President Wilson's idealism, and the true nature of state behaviour in the international system, can be found as early as the decision making process regarding which of the administrating states would have control over each of the colonial territories.

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<sup>158</sup> Woodrow Wilson, as cited in William Bain, *Between Anarchy and Society: Trusteeship and the Obligations of Power* (Oxford: Oxford University Press, 2003), 101.

<sup>159</sup> Ibid.

<sup>160</sup> Will J. Selzer, *The Trusteeship Council of the United Nations and Self-Government: With Particular Reference to British East Africa* (Michigan: University Microfilms International, 1959), 4.

<sup>161</sup> William Bain, *Between Anarchy and Society*, 103.

The selection process to determine which of the 'advanced nations' would have power and control over the mandate territories demonstrated early on that state interest in this process was not overly altruistic, nor truly based on Wilson's utopian universal principles. Who got to control which of the colonial territories was a process of intense political wrangling and contention. Analysis of these deliberations demonstrates that there were numerous occasions where the 'advanced nations' were not overly interested in who was best suited to assist the development of the individual mandate territories, rather their arguments over who obtained control were centred primarily on notions of self-interest and security concerns.

One prime example of this taking place can be found in the report that Australian Prime Minister, William Hughes, spoke forcefully about Australia's claim to the largest of Germany's Pacific Islands, New Guinea. Prime Minister Hughes maintained that Australia could not be at peace if New Guinea was in the hands of another power, whether that be an European ally, or even in the hands of the League of Nations.<sup>162</sup> Hughes had argued with his fellow 'advanced nation' leaders that the Pacific islands "encompassed Australia like a fortress," and as a result were, "as necessary to Australia as water to a city."<sup>163</sup> The Australian Prime Minister boldly put forward Canberra's claim to New Guinea in his assertion that, "New Guinea was essential to the safety of Australia; Australia was a democracy; the Australians were on the spot."<sup>164</sup> Absent from these assertions was the claim that Canberra was best placed to assist in the development of the people of New Guinea. So assured of his country's right to have control over this territory, it was reported that Hughes threatened to derail Australia's support for the entire League of Nations project if his demands were not met.<sup>165</sup> In the end, Hughes was successful in his claim for mandate power over New Guinea, and the Australian government was gifted supreme sovereign control over the Pacific nation.

It is clear that despite the liberal principles expounded in President Wilson's idealism, Article 22 of the Covenant of the League of Nations perpetuated eighteenth and nineteenth century standard of civilisation discourse and practice. The 'new' system of internationalised control over the territories did little to change the reality of the international system. This was particularly evident in the continuation of the positioning of powerful European states, and their predominantly white former colonies, as the enlightened civilisers, and pitting them against those under their tutelage as the 'uncivilised barbarians.' An examination of the conduct of the 'civilised' nations uncovers plenty of evidence to suggest that exploitation continued unabated, despite the explicit prohibition in the League's Covenant. The reality was that the administering powers continued their patterns of subjugation, violence, and forced labour practices in the colonies, including the ones under the mandate system.<sup>166</sup> For G. L.

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<sup>162</sup> William Hughes, as cited in William Bain, *Between Anarchy and Society*, 98.

<sup>163</sup> Ibid.

<sup>164</sup> Ibid.

<sup>165</sup> Ibid., 100.

<sup>166</sup> Neta Crawford, "Decolonisation as an International Norm," 41.

Dickinson, there was no section of the League's Covenant more important than Article 22, but he was fiercely critical of the "pursuit of imperialistic policies" during the bargaining for control over the mandates, where the 'advanced nations,' had been "inspired by economic imperialism of the crudest kind."<sup>167</sup> So much for the sacred trust of civilisation, Dickinson lamented.<sup>168</sup> While this continued to be the case, Dickinson argued that the Covenant of the League could never be anything more than "a piece of solemn hypocrisy."<sup>169</sup> In complete agreement with Dickinson's position, Woolf noted that the mandate system was clearly intended to be used as a "cloak of fine phrases to cover the nakedness of the older imperialism, to continue the subjection and exploitation...under the new name of a sacred trust instead of that of a Joint Stock Company."<sup>170</sup> It certainly appeared that the mandate system simply perpetuated what had already existed in international relations, whereby the governance of peoples would be determined by external 'enlightened' powers, while traditional forms of governance in the colonies continued to be disregarded as the strange and uncivilised actions of 'barbarians'.

Analysis of the mandate system leads to the conclusion that *realpolitik* conflicted with the purported moral and liberal underpinnings of President Wilson's idealism. As Neta Crawford has argued, it would have been viewed "unseemly to simply transfer the spoils to the victors without at least a nod to self-determination."<sup>171</sup> As a result, the advanced nations nodded to liberal ideals on paper, but continued with their policies of economic, cultural, and social exploitation in the colonies. This appears strikingly similar to what happened when enlightenment-era philosophy failed to translate into reality. The stark reality, in the context of the mandate system, was that the victors of war wanted their spoils, and the League of Nations lacked the authority to demand that powerful states act any differently. In spite of Wilson's view that fundamental and universal principles of rights would create a "universal conscience of mankind,"<sup>172</sup> state self-interest prevailed, and the control, with the threat or use of violence and force, continued in the colonies largely unabated.

### World War Two: Barbarians on the Inside, Again.

The outbreak of another World War in 1939 saw the destruction of any semblance of peace in the international system. As with World War I, the dichotomised discourse of the civilised and the barbarian was used extensively in war time propaganda, by both the Allied Forces and the Axis Powers. Allied leaders regularly described Adolf Hitler as being barbaric and claimed that Nazism posed the greatest threat to 'civilisation'.<sup>173</sup> On the opposing side, Hitler referenced the violence and oppression conducted in the British colonies as providing his

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<sup>167</sup> G. L. Dickinson, *Causes of International War*, 91; 101.

<sup>168</sup> *Ibid.*, 101.

<sup>169</sup> *Ibid.*, 101.

<sup>170</sup> Leonard Woolf, *Imperialism and Civilisation*, 2<sup>nd</sup> ed. (London: L. and V. Woolf, 1933), 127.

<sup>171</sup> Neta Crawford, "Decolonisation as an International Norm," 40.

<sup>172</sup> Woodrow Wilson, as cited in Thomas Knock, *To End All Wars*, 8.

<sup>173</sup> Mark B. Salter, *On Barbarians*, 173.

blueprint for the Third Reich's "ruthless and barbarous manner."<sup>174</sup> As was witnessed during the era of conquest and colonisation, the actions of both sides of the war required the discursive practice of 'othering,' whereby the 'enemy other' was vilified and described as subhuman, in order to legitimise the violence necessary to defeat them. In regards to the Third Reich, "Jews, Sinti and Roma, homosexuals, Poles, and communists were represented as inferior and less-than-human."<sup>175</sup> As has been explored earlier, this process mirrors the actions and language employed by European conquistadors and colonialists, who referred to colonial subjects as subhuman and as animals, in order to legitimise violent acts against them. Of key interest is how identity was politicised by political leaders, in order to elicit support for increasing levels of violent actions.

The application of colonial language and practices during both World Wars had a significant impact on standard of civilisation discourse. In the end, the clear demarcations between the European 'civilised' and the non-European 'uncivilised,' which had endured even before the time of Pope Innocent IV, was seriously challenged. The level of brutality and violence conducted made it problematic to attempt to return to the previously simplistic colonialist dichotomy of the civilised coloniser versus the barbarian colonised. Indeed, the actions that had once made colonial subjects appear 'uncivilised' prior to the war, such as the worship of idols and perceived sexual deviance, now "paled before a thunderstruck confrontation of gas chambers and genocide. The glamour of the European image faded in the fiercer glow of high-explosive bombs on London and Hamburg."<sup>176</sup> From Alfred Zimmern's perspective, there was no doubt that barbarians were located inside of Europe, as he noted at the onset of the war that, "our choice is not between a civilized life of our own and admitting the barbarian within our walls. He dwells there already."<sup>177</sup> The abrogation of the comity of nations, the abandonment of the principle of non-intervention between 'civilised nations,' and the disregard for international law appeared to effectively put paid to the notion that the world could continue to be neatly divided into nineteenth and early twentieth century classifications of the 'civilised' and the 'barbarian.'

At the close of the war, with the League of Nations dissolved, the victors of the war were left, again, with a decision to make as to what needed to be done with the colonial territories. It appeared that an opportunity had arisen whereby outdated dichotomised civilisational discourse and actions could be finally be done away with. Optimism appeared to

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<sup>174</sup> Adolf Hitler, *Hitler's Table Talk: 1941-1944*, trans. Norman Cameron and R.H. Stevens (London: Weidenfeld and Nicolson, 1953), 527. Hitler regularly used the civilised/barbarian dichotomy in order to sell to the German public the violence required for German imperial conquest. He inverted the use of the word barbarian to signify positive action on behalf of the Third Reich. It was Hitler's argument that to be 'barbaric' in international relations was both a necessary and natural action. Hitler pointed squarely at the actions of British colonialists, as prior evidence of barbarism being conducted, for the national interest.

<sup>175</sup> Mark B. Salter, *On Barbarians*, 179.

<sup>176</sup> A.P. Thornton, *Doctrines of Imperialism* (New York: John Wiley & Sons, Inc., 1965), 209.

<sup>177</sup> Alfred Zimmern, *The Prospects of Civilisation* (London: Oxford University Press at the Clarendon Press, 1939), 29.

be short lived, however, as the League's system simply served as the archetype for the establishment of further tutelage and domination over the colonies and the perpetuation of hierarchical protection mechanisms under international law.

### The United Nations: Universal Rights for All?

When the UN was formed in 1945, representatives of fifty countries came together under very similar circumstances to their predecessors under the League of Nations. The Charter of the UN declared that the Member States were determined, "to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind."<sup>178</sup> This second attempt in the twentieth century at an overarching international institution was also strongly underpinned by professed universal liberal principles, previously firmly promoted by Enlightenment thinkers and then later by Wilsonian utopianism. The second line of the Preamble of the Charter outlines this clearly, where it reaffirms the organisation's "faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small."<sup>179</sup> The effusive universal rhetoric of the UN Charter was advanced even further by the Universal Declaration of Human Rights (UDHR), adopted in December 1948. UDHR has been heralded a "milestone document in the history of human rights," whereby the Declaration was proclaimed to be the "common standard of achievements for all peoples and all nations."<sup>180</sup> In this regard, it set out that a list of negotiated 'fundamental human rights' would be universally applicable and protected.<sup>181</sup> With these enshrined fundamental human rights in hand, it appeared to be the opportune moment to create lasting change to the treatment of those once labelled the 'barbarians.'

### The United Nations Trusteeship System

The replacement of the League of Nations by the UN bought with it the substitution of the old mandate system with a new trusteeship arrangement. Like the mandate system which preceded it, the international trusteeship system embraced the legal use of foreign tutelage as a method for the 'enlightenment' of colonial territories. Eleven territories were held under this trusteeship system, with each of the territories subject to separate agreements with their

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<sup>178</sup> The United Nations, "Preamble of the Charter of the United Nations," *The United Nations*, accessed 04 July, 2015, <http://www.un.org/en/sections/un-charter/un-charter-full-text/index.html>.

<sup>179</sup> Ibid.

<sup>180</sup> The United Nations, "The Universal Declaration of Human Rights," *The United Nations*, accessed on 04 July, 2015, <http://www.un.org/en/universal-declaration-human-rights/>.

<sup>181</sup> For the full range of fundamental human rights enshrined in the Declaration, see Ibid. While the Declaration is not commonly held to be legally binding, it is argued that it contains a set of universal principles and rights, which inspired human rights standards to be enshrined in later international instruments, which are argued to be legally binding. One example being the International Covenant on Civil and Political Rights. See the Office of the High Commissioner on Human Rights, "Declaration on Human Rights Defenders," *The United Nations*, accessed on 04 July, 2015, <http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Declaration.aspx>.

respective administrating states regarding the level of authority and control which would be wielded over them.<sup>182</sup> Similar to Article 22 of the League of Nations Covenant, Article 76 of the UN Charter stated that its purpose was to promote the political, economic, and social advancement of the trust territories, with the goal being their development towards self-government and self-determination.<sup>183</sup> Again, the administering states were expected to promote the interests of the colonial territories, above those of their own.<sup>184</sup> As a result of the civilisational language wielded by both sides during the world wars, there were serious attempts by the drafters of the Charter to avoid explicit civilisational discourse, which had also been very evident in the League of Nations mandate system. While direct use of rhetoric such as 'civilised,' 'uncivilised,' and the 'sacred trust of civilisation' is absent from the Charter, the effects of the trusteeship system largely mirrored that of its predecessor.

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<sup>182</sup> Refer to the table below for details on the trust territories, as well as their respective administrative powers.

<sup>183</sup> United Nations, "Article 76 of the United Nations Charter," *United Nations*, accessed 01 July, 2016, <http://www.un.org/en/sections/un-charter/un-charter-full-text/index.html>.

<sup>184</sup> *Ibid.*

Table 2. The United Nations Trust Territories <sup>185</sup>

Trust Territory	Administering Power	Date of Independence
Western Samoa	New Zealand	1962
Marshal Islands Micronesia Northern Marianas Palau	United States	1990* 1990* 1990 – Self governing as Commonwealth of US 1994*  * Semi-autonomous: Compact of Free Association with the US
New Guinea	Australia	1975 - United with the Non-Self-Governing Territory of Papua, to become the independent State of Papua New Guinea
Nauru	Australia, on behalf of Australia, New Zealand and the United Kingdom	1968
British Cameroons	Great Britain	1961 - Northern territory incorporated into Nigeria; southern territory incorporated in Cameroon
French Cameroons	France	1960 - Cameroon
Ruanda-Urundi	Belgium	1962 - Became Rwanda and Burundi
Somaliland	Italy	1960 - United with British Somaliland Protectorate to form Somalia
Tanganyika	Great Britain	1961 - Tanzania
British Togoland	Great Britain	1957 - Incorporated into Ghana by plebiscite
French Togoland	France	1960 - Togo

<sup>185</sup> Information on trust territories and administrative powers was gathered from: The United Nations, “The United Nations and Decolonisation: Trust Territories,” *The United Nations*, accessed January 10, 2016, <http://www.un.org/en/decolonization/selfdet.shtml>.

The trusteeship system continued the pattern of positioning powerful states (and their conduits) as the enlightened civilisers, and pitted them against those under their tutelage. While the architects of the trusteeship system argued that the liberal principles of self-government and self-determination were central to the new system, and that it represented the international community's condemnation of colonial exploitation and violence,<sup>186</sup> there is strong evidence to suggest that these ideals were only given lip service by the great powers. Indeed, in his study of twentieth century colonialism, Osterhammel notes that the trusteeship system did nothing to change the realities of those living under colonial rule.<sup>187</sup> While Anghie argues that these systems of colonial control had the effect of transforming the "native and her territory into an economic entity," which was always with the primary intention to cultivate profits, and export them back to the metropolis.<sup>188</sup> Even if the administering nations had the betterment of the colonial populations in mind, which appears to be a contentious argument given historical evidence, it did not overcome the fact that the basic dichotomy between the 'civilised' and the 'uncivilised' was still at play, even if no longer specifically articulated in those terms.<sup>189</sup> Indeed, Koskenniemi observes that the mandate and trusteeship systems continued to, "play upon a Eurocentric view about the degrees of civilization and legal status."<sup>190</sup>

## Conclusion

It appears that the altruistic liberal claims of 'developing' colonial territories for the benefit of its peoples, underpinned by a sense of a newly gained 'universal conscience of humanity,' was largely unsupported by any real conviction or action during the early to mid-twentieth century. In practice, domination and exploitation of peoples considered outside of the international system continued. In order to attempt to legitimise their actions, powerful states used the new systems of international law to continue their 'tutelage' of their colonial subjects. In the aftermath of World War II, the level of brutality and violence conducted did make it problematic to attempt to return to the previously simplistic colonial dichotomy of the civilised coloniser versus the barbarian colonised, but this did not mean that the hierarchal nature of the international system changed in any meaningful way. Protections were continued to be afforded to the privileged in the system (namely the United States, western Europe, and their Allies), while the rest of the world continued to be dominated and controlled by the 'civilised,' or in the more palatable language of the 'democratic, peace loving nations.' International law continued to be wielded as a mechanism to ensure this domination and control was sustained. While no longer carried out with explicit reference to

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<sup>186</sup> Antony Anghie, "Time Present and Time Past: Globalisation, International Financial Institutions, and the Third World," *New York University Journal of International Law and Politics* 32, no.2 (2000): 278.

<sup>187</sup> Jürgen Osterhammel, *Colonialism: A Theoretical Overview*, trans. Shelly Frisch (Princeton: Markus Wiener Publishers, 1997), 115-116.

<sup>188</sup> Antony Anghie, *Time Present and Time Past*, 283.

<sup>189</sup> Ali Mazrui, "The Moving Cultural Frontier of World Order: From Monotheism to North-South Relations," in *Culture, Ideology and World Order*, ed. R.B.J Walker (London: Westview Press, 1984), 35.

<sup>190</sup> Martti Koskenniemi, *The Gentle Civilizer of Nations*, 174-175.

civilisational status, the trusteeship system, and the continued domination and subjugation performed by powerful states, reveals how the basic structure of the civilising missions was reproduced and rebranded under new forms of international law and international institutions. In the analysis to follow, the classical realist critique of these twentieth century civilising missions, and particularly the moral universalism which accompanies it, will be examined.

## Chapter Three: The Dangers of Moral Universalism: A Classical Realist Critique.

In the inter-war period, a number of influential voices added weight to the understanding that purported acts of liberal ‘moral universalism,’ and the interventionist logic which accompanied it, had damaging effects on the international system. In particular, it was argued that a system of viewing international relations, whereby there was an acceptance of the facts and reality of the world, and a following analysis of their causes and consequences, was desperately needed.<sup>191</sup> In this context, the political theory of classical realism was developed, based on the political thought of earlier philosophers and writers such as Thucydides, Niccolò Machiavelli, and Thomas Hobbes. Classical realism emphasises the “irresistible strength of existing forces and the inevitable character of existing tendencies,” and insists that the best practice is in accepting and adapting oneself to these existing forces and tendencies.<sup>192</sup> In this context, this chapter will examine the work of three of the most influential theorists at the forefront of the creation and development of the political theory of classical realism; E.H Carr, Carl Schmitt, and Hans Morgenthau. Their reflections on the international system have a number of significant commonalities, including the understanding that consideration of self-interest and power lie at the centre of decision-making by states. From their perspectives, this insight was severely undervalued by liberal thinkers of the time, such as President Wilson, who conversely thought that the establishment of international institutions would lead to the elimination of power politics from international relations.

These three realist scholars rejected the liberal international understanding that universal morality and ethical standards existed, and could be made independent of politics. They also questioned the assumption that having a ‘universal conscience of mankind’ was both an achievable and desirable outcome. From a classical realist perspective, when a liberal thinker preaches that an action or policy is the result of some sense of moral universalism, it is immediately perceived to be a disingenuous claim, whereby it is likely that, “[he] is clothing his own interests in the guise of universal interests for the purpose of imposing it on the rest of the world.”<sup>193</sup> Furthermore, the invocation of ‘humanity’ as an all encompassing and universal concept has dangerous and unintended consequences, which need to be recognised.<sup>194</sup> From a classical realist perspective, these purported universal principles also have the effect of creating a troubling friend versus enemy dichotomy,<sup>195</sup> or as Morgenthau characterised it, the creation of a clear and dangerous distinction between so-called “peace-

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<sup>191</sup> E.H Carr, *The Twenty Years’ Crisis*, 10.

<sup>192</sup> Ibid.

<sup>193</sup> Ibid., 75.

<sup>194</sup> See for example Ibid., 88; Carl Schmitt, *The Concept of the Political* [1932] trans. George Schwab (Chicago: Chicago University Press, 2008), 54; Hans Morgenthau, “The Mainsprings of American Foreign Policy: The National Interest vs. Moral Abstractions,” *The American Political Science Review* 44, no.4 (1950): 850-851.

<sup>195</sup> Carl Schmitt, *The Concept of the Political*, 49.

loving nations” versus the “forces of evil.”<sup>196</sup> These distinctions made between peoples would ultimately lead to the dehumanisation of the ‘enemy other,’ which would make conflict against them appear more permissible and intense.<sup>197</sup> This process has strong parallels to the actions of colonial nations, and the accompanying standard of civilisation discourse, as previously outlined in this thesis.

Carr, Schmitt, and Morgenthau, were all heavily critical of the idealism and utopianism underpinning both the League of Nations and the United Nations, arguing that their creation was symptomatic of one-sided intellectualism,<sup>198</sup> and based on a fraudulent and flawed belief in utopian and liberal ideals, which simply did not exist in reality.<sup>199</sup> The ontological debate between realism and liberalism (including their various sub-branches) endures in international relations today. Indeed, French historian Albert Sorel foresaw this enduring battle occurring, when he argued as early as the 1870s that there would be an “eternal dispute between those who imagine the world to suit their policy, and those who arrange their policy to suit the realities of the world.”<sup>200</sup> In this context, this chapter will examine the dangers Carr, Schmitt, and Morgenthau saw in the liberal international theory, heavily promoted during their time, and will also consider their proposals for an alternative way of theorising about international relations. Later in this thesis, the continued applicability and relevance of the critique of liberal international theory will be explored in direct reference to intervention in East Timor.

### E.H Carr: A Reaction Against the Wish-Dreams of the Initial Stage

E.H Carr is widely considered to be one of the most important pioneers of the political theory of classical realism. His book *The Twenty Years' Crisis* went to press in July 1939, and had reached the proofing stage when World War II broke out in September 1939. Carr made the decision not to revise the book in light of the outbreak of the new war, but rather leave it as it was written at the time.<sup>201</sup> As a result, his work stands as both a critique and a prophetic warning of the dangers of the utopian liberalism of the inter-war period. From Carr's perspective, he saw the crisis of the twenty years between 1919 and 1939 as being, “the abrupt descent from the visionary hopes of the first decade to the grim despair of the second, from a utopia which took little account of reality, to a reality from which every element of utopia was rigorously excluded.”<sup>202</sup> In this regard, Carr was heavily critical of the utopian

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<sup>196</sup> Hans Morgenthau, *In Defense of the National Interest: A Critical Examination of American Foreign Policy* (New York: Alfred A. Knopf, 1951), 94.

<sup>197</sup> Carl Schmitt, *The Concept of the Political*, 27; and Hans Morgenthau, “The Mainsprings of American Foreign Policy,” 839.

<sup>198</sup> E.H Carr, *The Twenty Years' Crisis*, 27.

<sup>199</sup> See for example *Ibid.*, 9-10; Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty* [1922], trans. George Schwab (Chicago: Chicago University Press, 2005), 36-37; Hans Morgenthau, *Politics Among Nations: The Struggle for Power and Peace*, 6<sup>th</sup> ed. (New York: Knopf, 1985), 112.

<sup>200</sup> Albert Sorel, as cited in E.H Carr, *The Twenty Years' Crisis*, 11.

<sup>201</sup> *Ibid.*, 1.

<sup>202</sup> *Ibid.*, 224.

'reality' that the liberal thinkers of the early twentieth century had attempted to convince the world was an achievable possibility.<sup>203</sup> For Carr, the purported ethical standards and universal principles which liberalism promoted to be independent of politics were particularly troubling.<sup>204</sup> It was Carr's view that the international liberalism of the twentieth century had strong parallels to the development of natural law in Western discourse, and he referenced German historian Friedrich Meinecke in order to explain his view of the role of utopianism in the international politics of the period:

The profound defect of the Western, natural law type of thought was that, when applied to real life of the state, it remained a dead letter, did not penetrate the consciousness of statesmen, did not hinder the modern hypertrophy of state interest, and so led either to aimless complaints and doctrinaire suppositions or else to inner falsehoods and cant.<sup>205</sup>

Given his strong misgivings around liberal ideology, it was Carr's belief that a reassessment and acknowledgment of the true utility of liberal international relations theory was required.

It was Carr's argument that the "utopian stage" of political science, so fervently supported by Wilson and his liberal devotees, was in fact simply an "initial stage" or "infant science" of political theory.<sup>206</sup> During this stage, Carr argued that the liberal advocates would pay "little attention to the analysis of cause and effect;" rather, they would devote their energies to the elaboration of purported visionary projects, "whose simplicity and perfection give them an easy and universal appeal."<sup>207</sup> In this regard, attention would be concentrated nearly entirely on the *end* alleged to be achieved. Carr noted that the end appeared so important to the liberal, that any analytical criticism of the *means* of achieving it would likely be "branded as destructive and unhelpful."<sup>208</sup> From Carr's perspective, the reliance and adherence to the utopian ideals of this stage facilitated the return to war in the 1930s. It was the bankruptcy of the foundations of twentieth century liberalism that had made the international system untenable, and it was not at all surprising to Carr that war confronted the world again. When these liberal 'visionary projects' ultimately broke down, because of their woeful inability to be grounded in reality, it would only be then that leaders would "reluctantly call in the aid of analysis."<sup>209</sup> Indeed, it was during the interwar period that more and more European political elites began to concede that the liberal underpinnings of the purported 'civilising missions' had been a farce. An example of this can be found in the work

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<sup>203</sup> While some have dismissed Carr's views as providing an overly critical and bleak view of international relations, typically based only on a cursory reading of his works, Carr himself admitted that, at its core, realism had a critical and somewhat cynical way of viewing the world. It was Carr's view that there would be occasions where utopian thought would need to be discussed seriously, in order to "counteract the barrenness of realism." Indeed, Carr argued that "mature thought combines purpose with observation and analysis," and "sound political thought and sound political life will be found only where both have their place." See *Ibid.*, 10.

<sup>204</sup> *Ibid.*, 21.

<sup>205</sup> Friedrich Meinecke, as cited in *Ibid.*, 88.

<sup>206</sup> *Ibid.*, 5; 8.

<sup>207</sup> *Ibid.*, 5.

<sup>208</sup> *Ibid.*, 8.

<sup>209</sup> *Ibid.*, 5.

of Albert Sarraut, who would go on to become the Prime Minister of France. Speaking in his capacity as Colonial Secretary of State for France in 1923, Sarraut's position can be summarised in the following:

What is the use of painting the truth? At the start, colonisation was not an act of civilisation, was not a desire to civilise. It was an act of force motivated by interests...The origins of colonisation is nothing else than enterprise of individual interests, a one-sided and egotistical imposition of European capitalist aggressiveness, one which has been rightly termed 'colonial imperialism'.<sup>210</sup>

This excerpt from Sarraut should not be read as a total rejection of the colonial project (which France was heavily invested in); rather Sarraut believed it was important to embed some truth and reality in the process. Colonial possessions were to be obtained and protected, but it was important to note, from Sarraut's perspective, that the reality was that this was done solely with the interest of the western colonising nations in mind.

Carr's criticism of liberalism was also based on his dismissal of the liberal belief in the harmony of interests between states, which had been so heavily upheld by Wilson and his followers. Carr thought that the doctrine of the harmony of interests was, in fact, "an elegant disguise for some particular interest," and that any theories of a common morality, promoted by the so-called representatives of the international community, were actually just the products of the dominant groups of nations.<sup>211</sup> As soon as any attempt was made to apply these purported universal principles to concrete political reality, Carr argued that they would be revealed as the "transparent disguises of selfish vested interests."<sup>212</sup> For Carr, this meant that the entire League of Nations project was doomed to fail, as "the unruly flow of international politics," could never be dealt successfully by the "formulae inspired by the doctrines of nineteenth century liberal democracy."<sup>213</sup> If there was no true harmony of interests between states, nor a universal conscience of humanity, as Carr had asserted, then this suggests that the entire liberal project of the League of Nations was built on fraudulent foundations. In this context, Carr was sharply critical of the establishment of the League, and particularly of the view that the organisation could eliminate power politics from international relations.

From Carr's perspective, the architects of the League of Nations had attempted to advance the idea that power politics was "the mark of the bad old times," with the impact being that power had become "a term of abuse."<sup>214</sup> However, the primary reason that power politics was marred with such contempt, according to Carr, was that the leading powers had

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<sup>210</sup> Albert Sarraut, as cited in Kwame Nkrumah, *Towards Colonial Freedom: Africa in the Struggle Against World Imperialism* (London: Heinemann, 1962), 3-4.

<sup>211</sup> E.H Carr, *The Twenty Years' Crisis*, 79.

<sup>212</sup> *Ibid.*, 88.

<sup>213</sup> *Ibid.*, 31.

<sup>214</sup> *Ibid.*, 103.

a primary interest in the preservation of the status quo, which they enjoyed through a virtual monopoly of political power.<sup>215</sup> International cooperation leading to peace was not the true end game, rather these leading powers did not want other states to disrupt the status quo, and challenge their ascendance in the international system. Indeed, as Jeremy Moses comments in his analysis of Carr, the ultimate ends of utopian liberalism, when viewed through Carr's lens, "lay not in the promise of perpetual peace, but in the maintenance and expansion of a particular constellation of power."<sup>216</sup>

In his condemnation of the utopianism of the early to mid-twentieth century, Carr observed a problematic trend, whereby moralism was being wielded to create differences between peoples, in an attempt to legitimise action against them. According to Carr, there was inherent danger in the propagation of theories which were designed to "throw moral discredit on an enemy."<sup>217</sup> In this regard, Carr cited former French Foreign Minister, Alexandre Colonna-Walewski, in order to demonstrate the pervasiveness of this thought in European diplomacy. In 1857, Colonna-Walewski said, "it [is] the business of a diplomat to cloak the interests of his country in the language of universal justice."<sup>218</sup> For Carr, the double process of morally discrediting one's enemy, while at the same time justifying one's own, was abundantly widespread in the early twentieth century. According to Carr,

To depict one's enemies or one's prospective victims as inferior beings in the sight of God has been familiar technique at any rate since the days of the Old Testament. Racial theories, ancient and modern, belong to this category; for the rule of one people or class over another is always justified by a belief in the mental and moral inferiority of the ruled.<sup>219</sup>

Carr similarly discussed the dangers of using civilisational language to discredit the enemy, and to justify policy objectives. He cites an American naval adviser who had argued strongly that "civilisation demands...that naval warfare be placed on a higher plane."<sup>220</sup> Carr observed that during World War I, this type of conviction was carried, "to a pitch of emotional frenzy."<sup>221</sup> According to Carr, it was therefore the role of the realist to "uncover the hollowness of this conviction," and expose these dangerous distinctions for what they were, for, "principles are deduced from the policies, not the policies from the principles."<sup>222</sup> If these disingenuous theories designed to discredit an enemy were to continue to cloak themselves in "international morality," then Carr feared that the international arena would continue to

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<sup>215</sup> Ibid.

<sup>216</sup> Jeremy Moses, "Moral Triumphalism in Recent Australia Foreign Policy: Harsh Lessons from Timor-Leste and the Solomon Islands," Paper presented at the *New Zealand Political Science Association Annual Conference*, University of Canterbury, August 2006, 6.

<sup>217</sup> E.H Carr, *The Twenty Years' Crisis*, 72.

<sup>218</sup> Ibid.

<sup>219</sup> Ibid., 71.

<sup>220</sup> Ibid., 73-74.

<sup>221</sup> Ibid., 77.

<sup>222</sup> Ibid., 73.

be dominated by, “consummate international hypocrites.”<sup>223</sup> In this sense, Carr’s fears for the future of international relations, were very closely aligned with that of German scholar, Carl Schmitt.

### Carl Schmitt: Humanity, the Favourite Tool of Imperial Expansion

Carl Schmitt was a prominent conservative legal scholar and political theorist in post-World War I Germany, and is considered one of the leading critics of liberalism, as well as the purported universal moral principles which accompany it. His critique of liberalism and parliamentary democracy primarily inspired his work in *The Concept of the Political*, which George Schwab calls “undoubtedly one of the most important tracts of political thought of the twentieth century.”<sup>224</sup> Schmitt’s association with Nazism, however, resulted in a “shadow” over his life, and the discrediting of some of his writings from that period.<sup>225</sup> However, this association fails to weaken the strength of his insights on the dangers of liberalism, utopianism, and universalistic humanitarian rhetoric. Indeed, Moses argues that it was perhaps Schmitt who, “best pinpointed the dangers of an emergent liberal humanitarianism in international politics as a recipe for ongoing wars of intervention.”<sup>226</sup>

In Schmitt’s view, universalistic moral principles and the language of humanity had the impact of lifting all restraint on how war could be waged. From Schmitt’s perspective, the invocation of the language of humanity, by liberal leaders such as Wilson, would actually make it possible for people to be “driven to the most extreme inhumanity.”<sup>227</sup> In an argument similar to that of Carr’s, Schmitt believed that by invoking the term humanity, there necessarily would be the creation of the ‘enemy other,’ who would thus be removed from humanity altogether.<sup>228</sup> This would result in violent and abhorrent actions being committed against the enemy, which under ‘normal’ circumstances would be unlawful under international law. In a similar pattern to what occurred during the colonisation period, methods of warfare and violence, which had long disappeared from use against fellow Europeans, were now, again, considered legitimate in the face of the enemy who did not seem to subscribe to the same cultural code.<sup>229</sup> Of interest here is how identity is politicised by political leaders, particularly in times of conflict and war, in order to elicit support for increasing levels of violent actions. Thus, according to Schmitt:

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<sup>223</sup> Ibid., 80.

<sup>224</sup> George Schwab, “Introduction,” in *The Concept of the Political* [1932], by Carl Schmitt, trans. George Schwab (Chicago: Chicago University Press, 2008), 5.

<sup>225</sup> Martti Koskenniemi, *The Gentle Civilizer of Nations: The Rise and Fall of International Law 1870-1960* (Cambridge: Cambridge University Press, 2002), 424.

<sup>226</sup> Jeremy Moses, “Moral Triumphalism in Recent Australia Foreign Policy,” 3.

<sup>227</sup> Carl Schmitt, *The Concept of the Political*, 54.

<sup>228</sup> Carl Schmitt, “The Legal World Revolution,” *Telos* 72 (1987): 87-88.

<sup>229</sup> Jürgen Osterhammel noted that this was the case during European colonisation of non-European territories in the eighteenth and nineteenth centuries, see *Colonialism: A Theoretical Overview*, trans. Shelly Frisch (Princeton: Markus Wiener Publishers, 1997), 44.

If he discriminates within humanity and thereby denies the quality of being human to a disturber or destroyer, then the negatively valued person becomes an unperson, and his life is no longer of the highest value: it becomes worthless and must be destroyed. Concepts such as 'human being' thus contain the possibility of the deepest inequality and become thereby 'asymmetrical.'<sup>230</sup>

For Schmitt, the creation of the political enemy would necessarily make them the "other, the stranger... existentially something different and alien," and this process would make, in the extreme case, conflict against them possible.<sup>231</sup> In this context, Schmitt argued that justifying one's action on the basis of any claim to moral universalism, would have incalculable negative effects.<sup>232</sup> Humanity could never be a political concept, for Schmitt, as there was "no political entity or society and no status [which] corresponds to it."<sup>233</sup> It was therefore both false and dangerous for liberals to claim otherwise. Tracy B. Strong ascertains that Schmitt's attempt to remove claims of universal moral principles from the liberal repertoire is because of his fear that, "in such frameworks *all* claims to good will recognise no limits to their reach."<sup>234</sup>

It is in the context of Schmitt's belief in the dangers of the concept of a universal humanity, that he was highly critical of the League of Nations. For Schmitt, the League did not represent humanity, it was not universal, nor was it truly an international organisation.<sup>235</sup> Indeed, because the League was underpinned by purported universal principles, Schmitt argued that it introduced "new possibilities for wars, permits wars to take place, sanctions coalition wars, and by legitimizing and sanctioning certain wars it sweeps away many obstacles to war."<sup>236</sup> What Schmitt observed occurring during this interwar period was that the Great Powers and the League were veiling their political objectives under the dichotomy of the good friend, versus the bad enemy.<sup>237</sup> This creation of the distinction between friend and enemy liberated the Great Powers and the League from restraint in dealing with 'the enemy.'<sup>238</sup> While liberals claimed that the League could positively 'depoliticise' the world, through the aid of definitions and constructions such as that of a 'common humanity,' Schmitt argued that it was foolish and deceptive to disregard the centrality of states and politics in international relations.<sup>239</sup> Instead, Schmitt viewed liberal thought as a disingenuous

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<sup>230</sup> Carl Schmitt, "The Legal World Revolution," 88.

<sup>231</sup> Carl Schmitt, *The Concept of the Political*, 27.

<sup>232</sup> *Ibid.*, 54

<sup>233</sup> *Ibid.*, 55.

<sup>234</sup> Tracy B. Strong, "Foreword," in *The Concept of the Political* [1932], by Carl Schmitt and trans. George Schwab (Chicago: Chicago University Press, 2008), xxi.

<sup>235</sup> Carl Schmitt, *The Concept of the Political*, 55.

<sup>236</sup> *Ibid.*, 54.

<sup>237</sup> Martti Koskenniemi, *The Gentle Civilizer of Nations*, 434.

<sup>238</sup> One of the central theme of Schmitt's *The Concept of the Political* is his understanding of the "friend-foe" or "friend-enemy" distinction. For Schmitt, political actions and motives can be reduced to the distinction between friend and enemy. The friend/enemy distinction is central to Schmitt's definition of politics, and as such he is not critical of states that make these distinctions. It is the injection of universal values and categories into them that Schmitt considers foolish and dangerous. See Carl Schmitt, *The Concept of the Political*, 26.

<sup>239</sup> *Ibid.*, 70.

attempt to tie the political to the ethical, and to subjugate it to economics.<sup>240</sup> As with Carr, Schmitt believed that the true objective of the Great Powers, and by effect their control over the League, lay in their attempt to guarantee the “existing frontier” of the status quo.<sup>241</sup> In this context, Koskenniemi maintains that Schmitt was highly critical of the universalising tendencies of international law, which could not be detached from his overall negative view on the depoliticisation and neutralisation characterising Western liberal thought.<sup>242</sup>

### Hans Morgenthau: The Messianic Fervour of the Moral Code

Hans Morgenthau was strongly influenced by Schmitt’s theories on the dangers of purported universal moralism in international relations, and he argued correspondingly that there would be serious negative consequences if liberal international theory continued in its disingenuous attempt to ‘depoliticise’ the international system. Morgenthau is widely considered one of the most influential theorists on political realism in the post-World War II period. He was strongly influenced by the work of both Carr and Schmitt, with Morgenthau’s 1929 university dissertation being conceived partly as a reply to Schmitt’s *The Concept of the Political*.<sup>243</sup> Morgenthau’s own work in *Politics Among Nations* became pivotal to the evolution of classical realism in the post-World War II era. Like Carr and Schmitt before him, Morgenthau was heavily critical of utopianism symptomatic of the post-World War I era, and of the universal moral rhetoric which accompanied it. Morgenthau continued his criticism of liberal international theory following the end of World War II, and was particularly vocal in his opposition to the false claims that the United Nations symbolised the depoliticisation of the international system, as well as the fallacy that it operated as the true sovereign, capable of enforcing the moral principles which underpinned liberal theory.

In his critique of liberal international theory, Morgenthau was particularly focused on “penetrating through humanitarian rhetoric,” in order to make a genuine assessment of the dangers of moral universalism.<sup>244</sup> For Morgenthau, it was evident that humanitarian and moral rhetoric was being wielded by powerful states, in order to disguise their own national interests. It was his assessment that statesmen, more often than not, reasoned in “simple moralistic terms of absolute good and absolute evil.”<sup>245</sup> The impact of this, in Morgenthau’s view, was the creation of a clear and dangerous distinction between so-called “peace-loving nations” versus the “forces of evil,” leaving the only policy option available: “to crush the enemy; force him into unconditional surrender; [and] re-educate him in the ways of democratic, peace-loving nations.”<sup>246</sup> Morgenthau, like Schmitt, argued that this process

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<sup>240</sup> Ibid., 61.

<sup>241</sup> Ibid., 56.

<sup>242</sup> Martti Koskenniemi, *The Gentle Civilizer of Nations*, 427.

<sup>243</sup> Ibid., 440.

<sup>244</sup> Ibid., 451.

<sup>245</sup> Hans Morgenthau, *In Defense of the National Interest*, 223.

<sup>246</sup> Ibid., 94.

intensified the likelihood, and the intensity, of conflict in the international system, by supporting the ideological justifications for violent actions against the 'enemy'.<sup>247</sup>

For Morgenthau, the use of moral and humanitarian rhetoric to justify and legitimise violence and conflict was abundantly evident during World War II. During the war, conflicts between the 'democratic' and 'non-democratic' nations were clearly represented as a contest between good and evil, with both sides promoting their particular view of being the 'good' and the 'righteous,' in the absolute good versus absolute evil dichotomy.<sup>248</sup> Morgenthau viewed this as the practice whereby "the moral code of one nation flings the challenge of its universal claim with messianic fervor into the face of another, which reciprocates in kind."<sup>249</sup> In this context, Morgenthau believed strongly that the use of this moral reasoning and rhetoric had resulted in the view that the end of the war could only come about through the utter destruction of the evil incarnate, which from the perspective of the Allied Forces was the Axis Powers.<sup>250</sup> At the heart of these moral claims, for Morgenthau, was the reality that these struggles were actually for international advantage, in terms of power.<sup>251</sup> This struggle for power was only perpetuated further, with the assistance of international legal principles, in the post-War period.

At the close of World War II, and with the creation of the United Nations, Morgenthau continued his criticism of the universal morality argued to underpin liberal international theory. Morgenthau had been influenced by Carr and Schmitt's views on the dangers of the liberal attempt to shape international law in order to 'depoliticise' the international system. From Morgenthau's perspective, depoliticisation was actually a political calculation by powerful states to enforce the status quo, and further consolidate their advantages and power in the system.<sup>252</sup> Indeed, for Morgenthau, international law was little more than "the transient expression of power by hegemonic states."<sup>253</sup> In this regard, the purported universal moralism of the UN project was simply used by a host of different powerful states to justify and disguise their own particular claims. As Morgenthau argued, it was commonplace for all nations to appear as "champions of the United Nations, and quote its Charter," simply in order to support the particular policies they were pursuing.<sup>254</sup> As a result, the policies of these states, each claiming to be representative of *the* universal conscious of *all*, became contradictory, as each state was in truth attempting to conceal its true character under the guise of universality.<sup>255</sup> In many cases, the 'messianic fervour' of the moralism argued to

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<sup>247</sup> Hans Morgenthau, "The Mainsprings of American Foreign Policy," 839.

<sup>248</sup> Ibid.

<sup>249</sup> Hans Morgenthau, *Politics Among Nations: The Struggle for Power and Peace* [1948], 6<sup>th</sup> ed. (New York: Knopf, 1985), 246.

<sup>250</sup> Hans Morgenthau, "The Mainsprings of American Foreign Policy," 852.

<sup>251</sup> Ibid., 839.

<sup>252</sup> Hans Morgenthau, *Scientific Man vs. Power Politics* (London: Latimer House Limited, 1947), 42-44.

<sup>253</sup> Jeremy Moses, "Moral Triumphalism in Recent Australia Foreign Policy," 9.

<sup>254</sup> Hans Morgenthau, *Politics Among Nations*, 112.

<sup>255</sup> Ibid.

underpin the foreign policy of nations, became so consuming that these nations began to believe their own rhetoric, which Morgenthau viewed as being particularly dangerous.<sup>256</sup> Morgenthau's belief in this practice can be aptly summarised in the following:

Thus, carrying their idols before them, the nationalistic masses of our time meet in the international arena, each group convinced that it executes the mandate of history, that it does for humanity what it seems to do for itself, and that it fulfils a sacred mission ordained by Providence, however defined. Little do they know that they meet under an empty sky from which the Gods have departed.<sup>257</sup>

In this context, Morgenthau is clear in his belief that any appeal to moral principles in the international sphere has no concrete universal meaning, rather they are the reflections of the preconceptions of a particular nation.<sup>258</sup> From Morgenthau's perspective, the UN would always be beholden to the interests of the powerful states in the international system, and therefore it could never truly have the authority and power to control and dictate state behaviour. The UN, in Morgenthau's view, would never be the true 'sovereign.' The basic fact of international politics was "the absence of a society able to protect the existence, and to promote the interests, of the individual nations."<sup>259</sup> Clearly, this view was diametrically opposed to the liberal beliefs so fervently upheld by Woodrow Wilson during the creation of the League of Nations, and later by Franklin D. Roosevelt when the UN was established.

## Conclusion

In their assessments of the dangers of liberal international theory, Carr, Schmitt, and Morgenthau, all called for greater emphasis to be given to the acceptance of facts and reality, and on the analysis of their causes and consequences. The task of the realist, as Carr put it, was to "bring down the whole cardboard structure of utopian thought by exposing the hollowness of the material out of which it is built."<sup>260</sup> In this regard, each of these classical realist theorists argued that political realism should be used to thoroughly undermine liberal internationalism, and particularly its dangerous purported universal and absolute moral standards. This task would not be without its detractors, indeed, Schmitt forewarned that the liberal would attempt to refute the "political phenomena and truths," of realism, and would instead call it "amoral, uneconomical, unscientific and above all declare this a devilry worthy of being combated."<sup>261</sup> These critiques of realism endure today, and as this thesis will soon demonstrate in relation to intervention in East Timor, they continue to be wielded against all those who question the moral universalism of liberal projects.

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<sup>256</sup> Ibid., 249.

<sup>257</sup> Ibid.

<sup>258</sup> Hans Morgenthau, *In Defense of the National Interest*, 35.

<sup>259</sup> Hans Morgenthau, "The Mainsprings of American Foreign Policy," 854.

<sup>260</sup> E.H Carr, *The Twenty Years' Crisis*, 75.

<sup>261</sup> Carl Schmitt, *The Concept of the Political*, 65-66.

For all of the theorists examined in this chapter, the manner in which international law was controlled and employed in the narrative of liberal international theory was especially concerning. There is certainly evidence to suggest that expressions of moral responsibility and universal values, often through the auspices of international institutions and international law, misrepresented and concealed what was happening in reality. Whether it be extreme violence in the face of the 'inhuman' enemy of World War I and II, or the continuation of oppression and subjugation against the native populations in the colonies, conflict and continued intervention remained ever-present in international relations. As has been demonstrated throughout this thesis, it appears that liberal theory has been held out, disingenuously, to be representative of the legal and moral conscience of humanity. It is in this context that Carr, Schmitt, and Morgenthau viewed international liberal theory being responsible for the creation of the environment necessary to legitimise violence and war, in order to suppress, and ultimately destroy completely, the 'enemy other'. Indeed, Carr, Schmitt, and Morgenthau all strongly warned against the liberal penchant for casting of peoples and territories as being outside of humanity, as it inevitably made them vulnerable to the imperialistic ambitions of powerful states, and made international conflict more possible.

In the context of this thesis, there is great interest in the patterns that these classical realists observed. Throughout the early to mid-twentieth century, there appears to be a consistent and repetitive process of the use of universal moral rhetoric to create the appearance of inherent differences between peoples, in order to legitimise and justify violence and intervention against them. In this regard, there certainly appears to be strong parallels between twentieth century liberal international theory, and the exceptions to the protections afforded under natural-law, identified in this thesis from the thirteenth century onwards. In Pope Innocent IV's time, standards of protection could be discarded, if and when, it suited Christian armies. In President Wilson's time, standards of protection and the norm of non-intervention could be discarded, if and when, it suited the Allied Forces armies. Evident, also, is a strong correlation between the language employed to justify intervention in the twentieth century, and that of standard of civilisation discourse identified throughout this thesis. While by the end of World War II this was largely not carried out with explicit reference to civilisational status, the continued use of effusive moral language to legitimise intervention reveals how the basic structure of the civilising missions was reproduced and rebranded under new international law and in international institutions.

These processes appear to be continuing in contemporary international relations. Indeed, the use of international law to legitimise intervention, and the subsequent domination and control of East Timor in the late 1990s and early 2000s offers a pertinent example of this problem. Furthermore, the position that in humanity there exists those with unequal moral status, and therefore unequal rights, which legitimises intervention against them, resonates strongly with the discourse employed by outside interveners in the case of East Timor. The next chapter of this thesis will consider the apparent patterns of language

employed, across history, to justify intervention against the Timorese. In this regard, it will consider closely the very same dangers Carr, Schmitt, and Morgenthau identified in relation to liberal humanitarianism in international politics. It will also consider how the basic structure of the civilising missions was reproduced in East Timor. Indeed, it will be argued that interventions were never based on the altruistic notions of a common humanity, or universal human rights, in the case of East Timor. Rather, as Carr, Schmitt, and Morgenthau all identified, intervention is symptomatic of calculated assessments of national interest, and the desire of powerful nations to retain their ascendance, or preserve the status quo, in the international system.

## Chapter Four: The Standard of Civilisation and East Timor

There has been a continuous pattern of violence and subjugation against the country of East Timor, by a number of outside interveners. In order to legitimise and justify these interventions, civilisational language has been employed, time and again, to cast the entire East Timorese society as being backward, primitive, and different. In each of the cases that will be explored in this chapter, the interveners have attempted to position themselves as the enlightened civilisers, by using emotive and effusive language which portrays their 'civilising' role in the country. It is in this context, that this chapter will analyse *how* and *why* discourse on the standard of civilisation was employed to justify intervention and violence against the East Timorese. How did the casting of them as being naturally and inherently different and backward enforce the theory that external actors had the right and the authority to exercise control over them and 'legitimately' dispossess them of their sovereignty?

This chapter will begin with an examination of the colonisation of East Timor by Portugal, which first promoted the understanding of the inferior and backward nature of Timorese society. The invasion and occupation by Indonesia will then be explored, with direct reference to the language used by the Indonesians to justify and legitimise their occupation of the country. In the case of the Australian and New Zealand Governments, the use of civilisational language to distance themselves from the crisis, during Indonesia's occupation, will be analysed. In particular, briefings and diplomatic correspondence on the crisis in East Timor, produced by these governments at the time, will be analysed in order to discover how these two countries had already made a determination on their wish for the future of East Timor, based solely on their own national interest. In this regard, civilisational language was also used to reinforce and justify their decisions to not become directly involved in the conflict. Finally, this chapter will consider how contemporary intervention in East Timor, through an Australian-led peacekeeping mission and later a UN mandated nation and state-building exercise, also relied heavily on moralistic and civilisational language. Of particular interest is how the actions of the contemporary interveners demonstrated that there are strong parallels with the colonialisation and the civilising missions of previous-eras. In the case of East Timor, it appears that a contemporary form of the standard of civilisation was manifested in the twentieth and early twenty-first century, to the detriment of Timorese society.

### The First Wave of Intervention: Portuguese Colonialism

In the sixteenth century, Portuguese explorer Ferdinand Magellan became the first European to lead a voyage of discovery which fully circumnavigated the globe. From 1519 to 1522, Magellan and his crew explored the western coast of Africa, rounded the Cape of Good Hope, and eventually crossed the Indian Ocean, establishing trading outposts and scouting for new

colonial territories.<sup>262</sup> The Italian scholar, Antonio Pigafetta, accompanied Magellan and his crew on their historic voyage and wrote of the first recorded European contact with the people of Timor, in which he described the Timorese “as hunters and foragers, who, save for golden ornaments that dangled on silk thread from their ears, and went around naked.”<sup>263</sup> The Portuguese are not the first to have reported contact with the people of Timor, however, as it has been discovered that Chinese and Moslem traders were already well acquainted with the various coastal trading points in the region by this time..<sup>264</sup>

During the sixteenth century, Portuguese presence in what is now known as the Indonesian archipelago primarily consisted of annual voyages to collect sandalwood and slaves, and trade in finished goods.<sup>265</sup> By the seventeenth century, it was clear that Portuguese predominance in the area was being challenged by the Dutch, with the Portuguese being driven almost entirely out of South-East Asia, with the one exception being the eastern half of the island of Timor.

From Jill Jolliffe’s perspective, Portuguese colonisation and occupation of East Timor could thus be characterised as having two phases. The first phase was the mercantile phase, in which the Portuguese exercised power primarily through coastal contact and small trading posts, “relying on political treaties with local coastal *liurais* [tribal chiefs] to maintain a balance of power in the interior.”<sup>266</sup> The second phase, the settler phase, only came about when their presence in the region was threatened by the Dutch, and “when penetration and direct force against interior kingdoms became necessary to assert supremacy.”<sup>267</sup> This quest to hold on to their position in Timor was, in part, based on economic considerations, as the region supplied the Portuguese with highly lucrative sandalwood and slaves. Indeed, both the Dutch and the Portuguese carried out their flourishing slave trade from Timor well into the nineteenth century, when it was reported that, “Timorese of reproducing age have been deported as slaves for several centuries,” and that practically every ship arriving in Batavia<sup>268</sup> from Timor carried slaves.<sup>269</sup> By 1895, the process had begun whereby a series of boundary agreements were signed between the Dutch and Portuguese, which formally gave Portugal legal control

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<sup>262</sup> Howard J. Wiarda, “Portugal in Asia: Ongoing Social and Political Concepts and Institutions,” in *Nationbuilding in East Timor*, eds. Graca Almeida Rodrigues and Heather Wharton (Clementsport, Canada: The Canadian Peacekeeping Press, 2002), 43.

<sup>263</sup> David Hicks, *Rhetoric and the Decolonisation and Recolonisation of East Timor* (New York: Routledge, 2015), 17.

<sup>264</sup> Jill Jolliffe, *East Timor: Nationalism and Colonialism* (St Lucia, Queensland: University of Queensland Press, 1978), 22.

<sup>265</sup> John G. Taylor, *East Timor: The Price of Freedom* (London: Zed Books Ltd, 1999), 3.

<sup>266</sup> Jill Jolliffe, *East Timor: Nationalism and Colonialism*, 22.

<sup>267</sup> *Ibid.*

<sup>268</sup> Batavia was the capital city of the Dutch East Indies, which is now known as Jakarta.

<sup>269</sup> Jill Jolliffe, *East Timor: Nationalism and Colonialism*, 25.

over the Eastern side of the island, while the Dutch gained sovereign jurisdiction of the western side, amalgamating it into its large sphere of control over the Dutch East Indies.<sup>270</sup>

Despite centuries of colonial rule over the eastern half of Timor, it was not until the nineteenth century that strong evidence of ‘standard of civilisation’ discourse became evident in the official policies of the Portuguese government. In 1898, a Portuguese Royal Commission released its report on the country’s colonial possessions, concluding that:

The state [Portugal]... should have no scruples in *obliging* and if necessary *forcing* these rude Negroes in Africa, these ignorant Pariahs in Asia, these half savages in Oceania, to work, that is, to better themselves by work, to acquire through work, the happiest means of existence, to civilise themselves through work.<sup>271</sup>

Indeed, as Selver B. Sahin concludes, “the Portuguese colonial historiography attributes a civilising role to Portuguese rule in the island” and, furthermore, the Portuguese tended to depict “the military campaigns taken against Timorese rebellious subjects as acts of benighted pacification or civilisation efforts.”<sup>272</sup> As has been outlined earlier in this thesis, the process of the conquest and colonisation of territories required, by the nineteenth century, both a normative and a legal basis in order to be viewed as legitimate, particularly by the nineteenth century. In this regard, the commentary of natural-law theorists, such as Francisco de Vitoria, greatly influenced the language employed by Portuguese colonisers. Certainly, the cursory reference in the Commission’s 1898 report to working their colonial subjects in order to bring them the “happiest means of existence” and to “civilise” them, could be interpreted as an attempt to satisfy the burgeoning arguments that intervention and violence in the colonies required moral and humanitarian justifications to be viewed as legitimate.

In 1930, under Prime Minister Antonio Salazar, Lisbon further formalised Portugal’s ‘civilising mission’ under its new Colonial Act. The Act had the core function of centralising Lisbon’s political control over the colonies, bringing them under its direct rule.<sup>273</sup> The legislation had the impact of reducing the already minimal rights held by the inhabitants of the colonies, by creating clear demarcations between the civilisational status of all native populations. According to Jolliffe, Salazar’s new Act stressed that all constitutional rights were dependent upon “assimilation to a Portuguese standard of civilisation.”<sup>274</sup> In the context of East Timor, Portuguese officials made the decision to identify and divide the population into two primary categories; the *indigenes* (‘unassimilated’ natives) or the *não civilizado*

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<sup>270</sup> Awet Tewelde Weldmichael, *Third World Colonialism and Strategies of Liberation: Eritrea and East Timor Compared* (Cambridge: Cambridge University Press, 2013), 30.

<sup>271</sup> Royal Commission of Portugal, as cited in Perry Anderson, “Portugal and the End of Ultra-Colonialism Part Two,” *New Left Review* 16 (1962): 95. Emphasis is from the original.

<sup>272</sup> Selver B. Sahin, “Building the State and Nation in Kosovo and East Timor,” (University of Canterbury, Christchurch, 2007), 152-153. [http://ir.canterbury.ac.nz/bitstream/10092/3328/1/Thesis\\_fulltext.pdf](http://ir.canterbury.ac.nz/bitstream/10092/3328/1/Thesis_fulltext.pdf)

<sup>273</sup> John G. Taylor, *East Timor: The Price of Freedom*, 12.

<sup>274</sup> Jill Jolliffe, *East Timor: Nationalism and Colonialism*, 42.

(‘uncivilised’ persons), versus the *assimilados* (‘assimilated’ natives).<sup>275</sup> In order to gain *assimilados* status, one had to speak Portuguese, earn a sufficient income, and prove that he possessed a “good character,”<sup>276</sup> or “lived in the European manner.”<sup>277</sup> In return, they would be gifted voting rights and Portuguese citizenship. By demonstrating that uncivilised people existed in East Timor, and at the same time showing the progression to *assimilados* status was a possibility (at least on paper), it meant that the Portuguese could claim that their continued occupation of Timor was warranted and legitimate. The Portuguese could claim, in this regard, that their presence was a requisite for the development of the Timorese and the continued march of its people toward advanced civilisation. To put this claim into perspective, however, it has been reported that by 1950, only 1.8 percent of the entire population of East Timor was considered by Portuguese officials to have obtained *assimilados* status.<sup>278</sup> Affording privileged civilisational status to only select few in Timor also played well into Portugal’s overall calculated policy of divide and rule, and helped them to justify violence against those they had deemed being *não civilizados*. Indeed, the Timor-Leste Commission for Reception, Truth and Reconciliation later recorded that the Portuguese colonisers’ “tactics of playing groups against each other” had weakened indigenous political alliances, which deeply restricted “the development of the unity that is required for nation building.”<sup>279</sup>

There is a conspicuous dearth of information on the conditions of colonial life under Portuguese rule in the early to mid-twentieth century, particularly under the authoritarian regime of Prime Minister Salazar. Indeed, Jolliffe characterises East Timor as being “a closed book to the outside world.”<sup>280</sup> What can be agreed upon, according to Jolliffe, is that the brutal practices of twentieth century Portuguese colonialism occurred in East Timor.<sup>281</sup> While the Portuguese government claimed that its presence in Timor was based on its advanced civilisational status, and its nurturing of the Timorese towards advanced civilisation, the reality of life under Portuguese rule appears to be marred by bloody and violent pacification operations, as well as forced labour practices. As just one example, in 1910 there were a number of large-scale rebellions against the Portuguese in East Timor. These uprisings were ultimately violently quelled when two Portuguese warships were sent to Timor. It has been reported that in excess of 3,000 Timorese were killed, and over 4,000 captured and imprisoned for their roles in the rebellion.<sup>282</sup> The Timorese involved in the rebellions reported that their efforts were in response to the brutality and subjugation inflicted by their colonial

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<sup>275</sup> John G. Taylor, *East Timor: The Price of Freedom*, 13.

<sup>276</sup> Ibid.

<sup>277</sup> Selver B. Sahin, “Building the State and Nation in Kosovo and East Timor,” 127.

<sup>278</sup> Jill Jolliffe, *East Timor: Nationalism and Colonialism*, 42.

<sup>279</sup> The Timor-Leste Commission for Reception, Truth and Reconciliation, “Chega! The Report of the Commission for Reception, Truth and Reconciliation,” 7, accessed 22 July, 2014. <http://www.cavr-timorleste.org/>.

<sup>280</sup> Jill Jolliffe, *East Timor: Nationalism and Colonialism*, 43

<sup>281</sup> Ibid.

<sup>282</sup> The United Nations Department of Political Affairs, Trusteeship and Decolonization, “Decolonization: Issue on East Timor, August 1976,” 7. *The United Nations*, accessed 27 January, 2014. [http://www.un.org/en/decolonization/pdf/decolonization/decon\\_num\\_7-1.pdf](http://www.un.org/en/decolonization/pdf/decolonization/decon_num_7-1.pdf).

masters.<sup>283</sup> During World War II, Australian soldiers were able to provide some insight into the actions of the colonial rulers, and reported back their observations of the cruel forced labour practices conducted by the Portuguese. As one account put it “it is a common sight to see gangs of natives roped or chained together working on the rice fields or marching back to the calaboose at night.”<sup>284</sup> In 1947, an Australian soldier returned to Timor in his capacity as a member of the Australian War Graves Commission, and what he observed provides a damning indictment on the entire Portuguese ‘civilising’ role in East Timor:

After centuries of colonial rule the natives are as backward and helpless as ever...Forced labour under the whip goes on from dawn to dusk, and the Portuguese colonists, including those exiled from Salazar’s Portugal... live with the same mixture of civility and brutality as they had 350 years ago.<sup>285</sup>

It was reports such as these which had caused John A. Hobson to label the so-called ‘civilised nations’ of the twentieth century as parasites, who fed upon the carcass of their ‘host,’ in order to extract wealth from the country, and then retired to consume it at home.<sup>286</sup>

An analysis of the policy and actions of the Portuguese government identifies the use of civilisational language, wielded in order to legitimise the violent subjugation of indigenous populations. In the context of the colonisation of East Timor, the Portuguese had positioned the Timorese, and indeed the native populations of all of their colonial territories, as being subhuman, inferior, and different. This process allowed Portuguese officials to justify the violence required to conquer and enslave the Timorese, both to their domestic constituents in Lisbon, and to other ‘advanced’ European nations. The argument was made by the Portuguese that the economic, political, and social ‘backwardness’ of the Timorese meant they were unsuited to having sovereign control over their own territory and resources. Until such time that the Timorese had reached a suitable standard of civilisation, it was essential that the Portuguese retain supreme sovereign control, so they could ‘nurture’ the Timorese towards a western conception of civilisation. The identification of people as being inferior, barbarians, savages, animals, or even subhuman, is a process that is repeated time and time again in the Timor context, and is certainly not only evident in the case of Portuguese conquest and colonisation. As Carl Schmitt later warned, the language of humanity, which evidently underpins Portugal’s civilisational discourse, actually had the effect of driving “the most extreme inhumanity.”<sup>287</sup> In the context of the colonisation of East Timor, it was never truly an ‘act of civilising,’ and the desire to colonise the small South-East Asian territory was not based on moral reasoning, nor on a sense of humanitarian duty. At its core, colonisation was an act of force and violence, motivated by the state self-interest of Portugal, or as Albert

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<sup>283</sup> James Dunn, *Timor: A People Betrayed*, 2<sup>nd</sup> ed. (Sydney: ABC Books, 1996), 17.

<sup>284</sup> The Allied Directorate of Intelligence, as cited in Jill Jolliffe, *East Timor: Nationalism and Colonialism*, 43.

<sup>285</sup> Glen Francis, as cited in *ibid.*, 47.

<sup>286</sup> John A. Hobson, *Imperialism: A Study*, 3<sup>rd</sup> ed. (London: Unwin Hyman, 1938), 282.

<sup>287</sup> Carl Schmitt, *The Concept of the Political* [1932], trans. George Schwab (Chicago: Chicago University Press, 2008), 54.

Sarraut aptly termed colonialism, “[the] one-sided and egotistical imposition of European capitalist aggressiveness.”<sup>288</sup>

### Decolonisation or Recolonisation?

During World War II, Portuguese colonial control of East Timor was temporarily suspended when the island was first invaded by the Japanese, and then by the Allied Australian and Dutch forces.<sup>289</sup> At the end of the war, the capital Dili was almost entirely in ruins, with James Dunn commenting that it appeared the war had taken the country “back to the Stone Age.”<sup>290</sup> In the post war period, Lisbon was both unwilling, and unable, to devote the funds necessary to rebuild the country. Ultimately, the Portuguese relied on their favoured method of carrying out forced labour practices, in order to rebuild the infrastructure only most necessary to the colonial leaders.<sup>291</sup>

In the post-war period, the global efforts towards decolonisation were rapidly gaining momentum. East Timor’s former Dutch-controlled neighbours, Indonesia, formally gained their independence in 1949.<sup>292</sup> By 1960, a resolution had been drafted and agreed upon by nearly all members of the UN General Assembly,<sup>293</sup> in which colonialism was condemned as “alien subjugation, domination, and exploitation.”<sup>294</sup> Titled, Resolution 1514 (XV), the Declaration on the Granting of Independence to Colonial Countries and Peoples, it directly referenced the rights rhetoric of the UN Charter, whereby the fundamental human rights, and equal status of all people, was to be upheld for, “nations large and small.”<sup>295</sup> According to Brent Wellsch, the decolonisation process represented a “normative shift” in international legal thought, regarding the inalienable rights of native populations. From Wellsch’s

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<sup>288</sup> Albert Sarraut, as cited in Kwame Nkrumah, *Towards Colonial Freedom: Africa in the Struggle Against World Imperialism* (London: Heinemann, 1962), 3-4.

<sup>289</sup> While Portugal remained neutral during World War II, Japanese forces became convinced that the Allied Forces (namely Australia) was planning to seize East Timor and use it as a base to attack Japan’s position. The Japanese ultimately committed 20,000 troops to the small island territory. Allied Australian and Dutch forces responded by landing in East Timor, where it became the scene of intense and brutal fighting between the two combatants. The war fought in Timor was reportedly responsible for the death of approximately 40,000 Timorese. For a more detailed account of the experience of World War II for East Timor, see James Dunn, *Timor: A People Betrayed*, 15-25.

<sup>290</sup> *Ibid.*, 23.

<sup>291</sup> *Ibid.*, 25.

<sup>292</sup> The Proclamation of Indonesian Independence was delivered on 17 August, 1945, and marked the beginning of the armed Indonesian resistance against the Dutch colonialists. In 2005, the government of the Netherlands announced that they had accepted the 17 August, 1945 as Indonesia’s de facto date of independence. See Government of the Netherlands, “Relations between the Netherlands and Indonesia,” *Government of the Netherlands*, accessed 12 July, 2016.

<https://www.government.nl/topics/international-relations/contents/indonesia>.

<sup>293</sup> Most of the nations holding colonial territories abstained from voting on the resolution, which included: Portugal, South Africa, Australia, Belgium, France, Spain, Great Britain, and the United States.

<sup>294</sup> The United Nations and Decolonisation, “Declaration on the Granting of Independence to Colonial Countries and Peoples: Adopted by General Assembly Resolution 1514 (XV) of 14 December 1960,” *The United Nations*, accessed on 01 July, 2014. <http://www.un.org/en/decolonization/declaration.shtml>.

<sup>295</sup> *Ibid.*

perspective, “modes of tutelage and wardship were outlawed, and self-government was accepted as the natural right of all nations. Thus, this process officially ended the era of empire.”<sup>296</sup> However, this view offers an overly simplistic assessment of the process, and fails to recognise the actual impact of the discourse on the decolonisation of colonial states. Indeed, Robert H. Jackson argues that in reality sovereignty was still often based on the judgement, by the most privileged in the international system, of whether a state was ‘capable’ of providing for its subjects.<sup>297</sup> In this context, the international system continued to be divided into two distinct tiers: those deemed to be capable of being sovereign, and those that were not. Certainly, in the case of East Timor, the rhetoric on decolonisation resulted in very little change to modes of tutelage and wardship, which were wielded over them for decades to come, from multiple sources. Sovereignty, self-determination, and self-government for the Timorese was truly a distant prospect.

It was not until the overthrow of Salazar’s regime in 1974 that the process of Portugal’s withdrawal from East Timor began. The new Portuguese government made decolonisation one of its priority issues, noting that the colonies had been a significant drain on the Portuguese economy.<sup>298</sup> The Portuguese government offered the Timorese three choices: continued links with Portugal and a gradual path towards independence, integration with Indonesia, or complete and rapid independence.<sup>299</sup> Timorese political parties, which had been previously outlawed in the colonies under Salazar’s rule, quickly emerged. Two pro-independence parties rapidly gained widespread support, the União Democrática Timorense (UDT) and Frente Revolucionária de Timor-Leste Independente (FRETILIN), with the two parties later forming a political alliance. Supporting integration with Indonesia, Associação Popular Democrática Timorense (APODETI), garnered a significantly smaller support base at the time.

Timorese officials made a number of visits to Jakarta during this period to discuss with the Indonesian government the prospects of a viable and peaceful decolonisation process for the country. In 1974, Timorese officials reported, “there would be no point in our joining Indonesia after decolonisation...instead of the Portuguese over us we would have the Javanese. This would be recolonisation, not decolonisation.”<sup>300</sup> FRETILIN’s platform was strongly based on the total rejection of colonialism, and in its first party manifesto it asserted strongly its policy to struggle against “colonialism and any form of domination of our

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<sup>296</sup> Brent Wellsch, “The Ethics of Reconstruction: The Dissolution and Re-emergence of Trusteeship Within International Society,” (Dalhousie University, Nova Scotia, Canada, 2007), 2. <http://www.collectionscanada.gc.ca/obj/thesescanada/vol2/002/MR31692.PDF>.

<sup>297</sup> Robert H. Jackson, “Quasi-States, Dual Regimes, and Neo-Classical Theory: International Jurisprudence and the Third World,” *International Organisation* 41, no.4 (1984): 532.

<sup>298</sup> John G. Taylor, *East Timor: The Price of Freedom*, 171. The cost of counterinsurgency wars in their African colonies, in particular, had a large burden on an already bleak economic outlook.

<sup>299</sup> Jill Jolliffe, *East Timor: Nationalism and Colonialism*, 61.

<sup>300</sup> Awet Tewelde Weldmichael, *Third World Colonialism and Strategies of Liberation*, 33.

people.”<sup>301</sup> During 1974 and 1975, Portuguese officials also held regular meetings with their Indonesian counterparts, to discuss the independence process for the people of East Timor, and provide assurances that its neighbour would not pose a threat to Indonesian peace and security. During the course of these meetings, Indonesia reaffirmed its position that Portugal retained legitimate authority over East Timor, and that it encouraged the “speedy and orderly implementation of the act of self-determination by the people of Portuguese Timor.”<sup>302</sup>

By July 1975, the prospects of a peaceful resolution to the question of East Timor’s future broke down, with the alliance between UDT and FRETILIN disintegrating. It has been reported that some UDT leaders had been in secret contact with high-ranking Indonesian officials, who had warned that they would not tolerate an independent East Timor on their doorstep, which had ‘communist’ links (a claim made against FRETILIN).<sup>303</sup> Reportedly, Indonesian officials ordered UDT to take immediate steps to dismantle FRETILIN, and to form an anti-communist front against them. In return, Indonesia promised its support for UDT leadership in the independence process.<sup>304</sup> With the tacit support of the Indonesians, in August 1975, some leaders from UDT attempted to overthrow and imprison FRETILIN members, and seized a number of key institutions in Dili, leading to a bloody civil war.<sup>305</sup> Approximately 3,000 Timorese fled the capital during the fighting, and nearly all remaining Portuguese officials escaped the country.<sup>306</sup> By November, it appeared that FRETILIN had quelled the UDT assault, and had gained almost entire control of the country. Having found itself in *de facto* control, FRETILIN proclaimed that East Timor had decided upon independence, and it subsequently announced the renaming of the country: The Democratic Republic of East Timor. However, the declaration of independence ended up being one of the triggers for Indonesian President Soeharto, who would soon authorise the full-scale invasion of East Timor.<sup>307</sup>

On 4 December, 1975, the Indonesian Government reiterated its official position that, in spite of the violent civil war, Portugal continued to have the “sole authority in the Territory.”<sup>308</sup> However, at the same time, moral rhetoric crept into the language used by Indonesia, and in the very same statement it also claimed that it had a “moral obligation to

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<sup>301</sup> As cited in David Hicks, *Rhetoric and the Decolonisation and Recolonisation of East Timor* (New York: Routledge, 2015), 67.

<sup>302</sup> The United Nations Department of Political Affairs, Trusteeship and Decolonization, “Decolonization: Issue on East Timor,” 22.

<sup>303</sup> Roger S. Clark, “Decolonisation of East Timor and United Nations Norms,” *Yale Journal of World Public Order* 7 no.1 (1980-1981): 7.

<sup>304</sup> *Ibid.*

<sup>305</sup> *Ibid.*

<sup>306</sup> P. H. Gibson, Acting Secretary of External Relations and Trade to The Minister of External Relations and Trade, “Briefing by New Zealand Ministry of External Relations and Trade, 13 May 1991,” Released under the Official Information Act.

<sup>307</sup> The Timor-Leste Commission for Reception, Truth and Reconciliation, “Chega!” 57.

<sup>308</sup> The United Nations Department of Political Affairs, Trusteeship and Decolonization, “Decolonization: Issue on East Timor,” 29.

protect the people in the Territory of Timor,” purportedly in order to ensure that “the aspirations and wishes of the *entire* people of Portuguese Timor,” were respected.<sup>309</sup> Certainly, the claim being made by Indonesia was that FRETILIN’s control over the country was not the will of the population, and certainly not supported by APODETI, nor most UDT advocates. Most interesting, for the purpose of this thesis, is the Indonesian Government’s use of moralistic claims of responsibility and its associated obligation to ‘protect’ the people of East Timor. With the benefit of hindsight, it can now be recognised that this language was used with the specific intention of justifying and legitimising their impending military intervention in the country. While Indonesia was one of the first nations to have “destroyed the vestiges of colonialism,” in their own liberation from Dutch rule more than twenty-five years earlier, they ended up becoming the perpetrators of oppressive re-colonisation against their less-powerful neighbour.<sup>310</sup>

### Indonesian Invasion

After initially announcing that it was content with the assurances gained from Portugal that East Timor’s independence would not be a threat to Indonesian peace and security, President Soeharto began to increasingly believe that his country’s security could only be assured if the Timorese did not gain sovereign control of its territory. The reasons for this change have been heavily debated in literature, though one of the dominant arguments is that this policy change was “heavily conditioned by the Cold War anti-communism of the time.”<sup>311</sup> Indeed, in the Indonesian use of the fear of communism in Timor, Jakarta was able to find sympathetic ears among its key Western and Asian allies for the intervention. On December 7, 1975, Indonesian forces invaded East Timor. On the same day, the Portuguese Government informed the President of the UN Security Council (UNSC) that Indonesia had launched a military offensive, using naval, air, and land forces. Portugal labelled the intervention “an act of aggression.”<sup>312</sup> Indonesia initially denied any direct involvement in the military intervention, claiming instead that Dili had been “liberated” by UDT and APODETI forces, and these forces had only been supported by Indonesian “volunteers.”<sup>313</sup> However, only a week later, on 18 December, 1975, Indonesian Foreign Minister, Adam Malik, announced Indonesia’s establishment of a ‘provisional government’ in East Timor.<sup>314</sup>

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<sup>309</sup> Ibid. Emphasis added.

<sup>310</sup> Awet Tewelde Weldmichael, *Third World Colonialism and Strategies of Liberation*, 2.

<sup>311</sup> The Timor-Leste Commission for Reception, Truth and Reconciliation, “Chega!” 33.

<sup>312</sup> The UNSC debated the intervention and unanimously passed a resolution on 22 December deploring the invasion, calling for the immediate withdrawal of Indonesian troops, and reaffirming the right of the people of East Timor to self-determination. See The United Nations Security Council, “Resolution 384 (1975) of 22 December 1975, *The United Nations*, accessed 18 August, 2016, [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/RES/384\(1975\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/384(1975)).

<sup>313</sup> The United Nations Department of Political Affairs, Trusteeship and Decolonization, “Decolonization: Issue on East Timor,” 30.

<sup>314</sup> Roger S. Clark, “Decolonisation of East Timor and United Nations Norms,” 9.

The Indonesian invasion of East Timor was brutally violent. Many scholars and commentators have characterised the initial invasion, and the subsequent actions of the Indonesian forces to control the territory, as being genocidal in nature.<sup>315</sup> The widespread executions of civilians was reliably reported, and the only foreign journalist remaining in East Timor at the time, Australian Roger East, was captured on the day of the invasion and later executed on Dili's waterfront by Indonesian troops.<sup>316</sup> A number of mass killings also occurred in the first days of the invasion.<sup>317</sup> Indeed, it has subsequently been reported that Indonesian troops were given orders to crush the Timorese ruthlessly. According to John G. Taylor, the troops were told "they were fighting communists in the cause of *Jihad* just as they had done in Indonesia in 1965. The Timorese were portrayed as backward, primitive, sub-humans."<sup>318</sup> After the invasion, the Indonesian Armed Forces reported back on the 'condition' of the Timorese they had encountered:

Feeble mentality is very evident among the Timorese, particularly among the older generation. Their feeble mentality results in unhealthy physical and economic conditions. These low social, economic, and mental conditions are the source of many negative features because they result in extremely inappropriate thought processes and experiences... East Timor society so greatly yearns to be guided and directed in all spheres of life.<sup>319</sup>

The civilisational language used by Indonesian forces and officials is striking. The rhetoric is very reminiscent of the language employed by European colonisers, during their 'civilising missions.' The Timorese, in this regard, have clearly been cast as the different, weak, barbarians, who behave badly as a result of their inferior nature. It was the duty, therefore, of the advanced Indonesians to 'guide' and 'direct' Timorese society. The portrayal of the Timorese as being backward and subhuman facilitated the convincing of the Indonesian soldiers that they were fighting against something innately different to themselves. As the Timorese were constructed to be seen as different, and not seen as possessing human qualities, "it made no difference whether he was wearing a uniform and bearing arms or not – whether indeed he was a man, woman or child. He had no more rights than a wild animal or an insect."<sup>320</sup> The casting of the Timorese in this light helped to shape the understanding of permissible actions against them. Indeed, this process helps to explain the level of brutality

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<sup>315</sup> See for example, Awet Tewelde Weldmichael, *Third World Colonialism and Strategies of Liberation*, 127; and Noam Chomsky, "East Timor Retrospective," *Le Monde Diplomatique*, accessed on 12 June, 2014. [https://chomsky.info/199910\\_\\_/](https://chomsky.info/199910__/).

<sup>316</sup> The Timor-Leste Commission for Reception, Truth and Reconciliation, "Chega!" 63.

<sup>317</sup> *Ibid.*, 64. One eyewitness to some of the atrocities reported the following: "At 2.00pm (on December 7, 1975) 59 men, both Chinese and Timorese, were brought onto the wharf... These men were shot one by one... The victims were ordered to stand on the edge of the pier facing the sea, so that when they were shot their bodies fell into the water." As cited in Awet Tewelde Weldmichael, *Third World Colonialism and Strategies of Liberation*, 127.

<sup>318</sup> John G. Taylor, *East Timor: The Price of Freedom*, 70.

<sup>319</sup> Angkatan Bersenjata (Indonesian Armed Forces), as cited in John G. Taylor, *East Timor: The Price of Freedom*, 129.

<sup>320</sup> Michael Howard, "Constraints on Warfare," in *The Laws of War: Constraints on Warfare in the Western World*, eds. Michael Howard, George J. Andreopoulos, and Mark R. Schulman (New Haven and London: Yale University Press, 1994), 8.

and violence inflicted, the summary and widespread executions of civilians, as well as the mass killings, conducted by the Indonesian forces. The Timorese, in this context, needed to be ruthlessly quelled, in order to be malleable to being civilised, which was ultimately for their 'own good.' This process was clearly identified, and warned against, by Hans Morgenthau, when he argued that moralistic terms would lead to the only option available to "crush the enemy; force him into unconditional surrender; [and] re-educate him in the ways of democratic, peace-loving nations."<sup>321</sup>

Classical realist theorists E.H Carr, Carl Schmitt, and Hans Morgenthau all strongly warned against the casting of peoples as being outside of humanity, as it inevitably made them vulnerable to the imperialistic ambitions of powerful states, and made international conflict more possible. The argument could be made that Indonesia's positioning of the Timorese as being outside of humanity, was made easier by the thought already promoted by the Portuguese, that the Timorese were weak, feeble, and inferior. Indeed, it has been argued that the stereotype of the 'barbarian' is most successful when it is leveraged off previously held impressions and opinions. In this context, Homi K. Bhabha, a pre-eminent scholar in the field of contemporary post-colonial studies, asserts that, "the stereotype, which is a major discursive strategy, it is a form of knowledge and identification that vacillates between what is already in place, already known, and something that must be anxiously repeated."<sup>322</sup> In this regard, a repetitive cycle of civilisational language is wielded against the Timorese, and it is increasingly difficult to break it, as the stereotype becomes fixed and begins to become regarded as 'knowledge.' According to Bhabha, it is therefore important in the post-colonial context to expose stereotypes as "false representation of a given reality."<sup>323</sup>

### Indonesia's Violent Recolonisation of East Timor

In the twenty-year period following their intervention, Indonesia strengthened its dominance and control over East Timor. Irena Cristalis characterises this period of Indonesian occupation as "one of the most dreadful humanitarian catastrophes that any nation has ever suffered."<sup>324</sup> While Paul Cleary's position is that it was one of the worst cases of genocide in the twentieth century.<sup>325</sup> The death toll in East Timor, as a direct result of Indonesian intervention and occupation, varies widely. Some observers put the figure at 300,000,<sup>326</sup> while others have put it at the lower number of 183,000.<sup>327</sup> What is clear, however, is that fear and violence were common methods employed by Indonesian officials and forces to subjugate and dominate

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<sup>321</sup> Hans Morgenthau, *In Defense of the National Interest: A Critical Examination of American Foreign Policy* (New York: Alfred A. Knopf, 1951), 94.

<sup>322</sup> Homi K. Bhabha, *The Location of Culture* [1994] republished with new preface by author (New York and London: Routledge, 2004), 94-95.

<sup>323</sup> *Ibid.*, 107.

<sup>324</sup> Irena Cristalis, *East Timor: A Nation's Bitter Dawn*, 2<sup>nd</sup> ed. (London: Zed Books, 2009), 116.

<sup>325</sup> Paul Cleary, *Shakedown: Australia's Grab for Timor Oil* (Crow's Nest, Australia: Allen & Unwin, 2007), XXIX.

<sup>326</sup> Catholic Church of East Timor, as cited by Irena Cristalis, *East Timor: A Nation's Bitter Dawn*, 116.

<sup>327</sup> Paul Cleary, *Shakedown: Australia's Grab for Timor Oil*, 116.

Timorese society. Violence was committed on such a regular basis, that even the Indonesian-appointed Regional People's Representative Assembly in East Timor protested on a number of occasions against the unacceptable violence being committed by Indonesian forces. In spite of the inherent risks involved in making their concerns public, the Assembly reported that they received, "regular verbal as well as written reports or complaints from people about torture, maltreatment, murders, and other unimaginable cases," the Assembly further wrote that select Indonesian military leaders, "have introduced behaviour of conquerors towards a conquered people with great brutality."<sup>328</sup>

The Assembly also recognised at the time the strong parallels between the methods used to conquer and colonise, and those being employed by the Indonesians. Awet Tewelde Weldmichael supports the assertion that this period was "secondary colonialism," in which he argues that it bore a strong resemblance to the colonial activities of western Europeans in the nineteenth and twentieth centuries.<sup>329</sup> According to Weldmichael, Jakarta had "imposed their administrative structures, languages, and rituals on the subjects, who were not only expected to accept losing their own rights but also to sing their colonisers' praise songs."<sup>330</sup> The values and beliefs of Indonesian society were systematically and forcibly enforced in East Timor, in order to reorient the perceived primitive and backward population.

### International Response: Distancing Policies using Civilisational Language

In acquiescing their Western and Asian allies to support, or at a minimum, turn a blind eye to their invasion of East Timor, Jakarta highlighted the fear that independence could lead to the country becoming a base for the infiltration of Indonesia and Australia by communist nations. In May 1974, an official from Indonesia's State Intelligence Agency briefed Australian Embassy staff in Jakarta on the 'evidence' that they had gathered, which showed the credible threat that communism posed in East Timor.<sup>331</sup> Soeharto met with Australian Prime Minister, Gough Whitlam, twice in the lead up to the invasion of East Timor,<sup>332</sup> and in the official Australian reports on the meetings, which are now a matter of public record, Soeharto references the communist threat posed by the Portuguese 'abandonment' of East Timor.<sup>333</sup> In response,

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<sup>328</sup> First Level Regional People's Representative Assembly of the Province of East Timor, "Report on the Development of Government Affairs in East Timor: August 1981," as cited in Awet Tewelde Weldmichael, *Third World Colonialism and Strategies of Liberation*, 134.

<sup>329</sup> *Ibid.*, 8.

<sup>330</sup> *Ibid.*

<sup>331</sup> Australia Department of Foreign Affairs, "Cable from Australian Embassy in Jakarta to Canberra, 22 May 1974," in *Documents on Australian Foreign Policy: Australia and the Indonesian Incorporation of Portuguese Timor, 1974-1976*, ed. Wendy Way (Melbourne: Department of Foreign Affairs and Trade and Melbourne University Press, 2000), 56. Accessed 04 January, 2016.

<http://dfat.gov.au/about-us/publications/historical-documents/Documents/australia-and-the-indonesian-incorporation-of-portuguese-timor-1974-1976.pdf>.

<sup>332</sup> Soeharto and Whitlam first met in Wonosobo, near Yogyakarta, on 6 September, 1974. They later met in Townsville, Queensland, on 4 April, 1975.

<sup>333</sup> The Timor-Leste Commission for Reception, Truth and Reconciliation, "Chega!" 36.

Whitlam appears to have given Soeharto the 'green light' to take over the country.<sup>334</sup> Whitlam advised Soeharto that it was the Australian Government's position that East Timor should be integrated into Indonesia, giving almost identical rationale to what Soeharto had also put forward; it was clear that East Timor was not viable as an independent state, and would therefore become the focus of attention of powerful communist countries.<sup>335</sup>

Contemporary scholars writing on the history of Indonesian occupation of East Timor have largely condemned the actions of the Whitlam government. It is clear that Whitlam and his officials prized greatly the maintenance of good relations with the Indonesians, though Denis Freney argues that to achieve this end, "he was quite willing to allow East Timor to be drowned in blood."<sup>336</sup> Clearly, however, the Australian government was keen to keep their level of direct and public involvement in the conflict minimal. In a brief prepared by the Department of Foreign Affairs in April, 1975, it was reported that "the degree of Australian involvement will, it is hoped, be kept to a minimum."<sup>337</sup> This theme was repeated in a briefing paper prepared by the Australian Ambassador in Jakarta, who suggested that Australian policy should be based on "disengaging ourselves as far as possible from the Timor question."<sup>338</sup> The Ambassador further recommended that if Indonesia was to intervene, Australia should, "act in a way which would be designed to minimise the public impact in Australia and show privately understanding to Indonesia of their problems."<sup>339</sup>

While hoping to keep their direct involvement in the conflict 'to a minimum,' due to their determination of what was best for the national interest, Australian officials also attempted to justify their inaction due to the perceived backwardness of Timorese society. According to a diplomatic cable from the Department of Foreign Affairs (DFA), when Portugal had first announced its intention to leave East Timor, Australian officials had already doubted the ability of the Timorese to demonstrate the necessary skills for "genuine self-government," as a result of their "backwardness" and "inexperience."<sup>340</sup> In the same cable, Australian officials commented on their perception of the 'condition' of the Timorese people, "social and

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<sup>334</sup> There is evidence to suggest that the Australian Prime Minister's support even tipped the scales in Soeharto's own decision making on the invasion. According to a report by the Australian Ambassador to Portugal, until Soeharto's meeting with Whitlam he had been undecided about Timor's future. However, Whitlam support for East Timor's incorporation into Indonesia, "helped them to crystallise their own thinking, and they were now firmly convinced of the wisdom of this course." See Australia Department of Foreign Affairs, "Cable from Australian Embassy in Lisbon to Canberra, 14 October 1974," in *Documents on Australian Foreign Policy*, 119.

<sup>335</sup> Ibid.

<sup>336</sup> Denis Freney, *Timor: Freedom Caught Between the Powers* (Nottingham, England: Spokesman Books, 1975), 53.

<sup>337</sup> Australia Department of Foreign Affairs, "Briefing for the Minister for Foreign Affairs, ANZUS Ministerial Meeting, April, 1975," in *Australian Defence and Foreign Policy 1968-1975*, eds. J.R Walsh and G.J Munster (Hong Kong: J.R Walsh and G.J Munster, 1980), 191.

<sup>338</sup> Australia Department of Foreign Affairs, "Cable from Australian Embassy in Jakarta to Canberra, 17 August, 1975," in *Documents on Australian Foreign Policy*, 313.

<sup>339</sup> Ibid.

<sup>340</sup> Australia Department of Foreign Affairs, "Savingram to Posts from the Department of Foreign Affairs, 3 July, 1974," in *Documents on Australian Foreign Policy*, 63.

economic standards are very backward and depressed but the Timorese, having no other standard of reference, are unaware of the wretchedness of their condition.”<sup>341</sup> In the period immediately before Indonesian intervention, Australian officials had already made their own determination that East Timor was simply not viable, due to the incapacity of the Timorese to “handle” self-governing or independent status.<sup>342</sup> In these examples of diplomatic correspondence, there is a clear use of civilisational language to position the Timorese as being inferior and backward.

While New Zealand did not have nearly the same level of influence on the policies of Indonesia compared with its Australian neighbours, the government’s position on the invasion and occupation of East Timor still provides some clear examples of the distancing policies undertaken by western nations, and the continued positioning of the people of Timor as being backward, inferior, and ultimately, ill-suited for independence. Like the Australians, New Zealand officials duly recognised that in the context of East Timor their strong interest was in maintaining a good relationship with Indonesia, “even if this might on occasion require some measure of compromise on matters of principle.”<sup>343</sup> The year after Indonesian intervention, a Ministry of Foreign Affairs (MFA) brief to the Prime Minister admitted that New Zealand’s “close ties with Indonesia” underpinned their belief that “integration of Timor would be the most logical solution.”<sup>344</sup> In this context, Ministry officials reminded the Prime Minister that New Zealand had been “restrained in any criticism of Indonesia’s actions.”<sup>345</sup>

In a pattern similar to that of Australian officials, New Zealand government staff also used civilisational language in order to help justify their lack of direct and public action on the East Timor issue. In the week after Indonesian intervention, MFA officials referenced East Timor as “a backward colony.”<sup>346</sup> In a report by the New Zealand Ambassador to Indonesia, following his visit to East Timor in 1978, he made his assessment of the ‘condition’ of the Timorese people in striking civilisational language:

In sum, the people are poor, small, riddled with disease and almost totally illiterate, very simple and, as we’re told again and again ‘primitive’. They are almost completely under the influence of their ‘Rajas’. Considered as human stock they are not at all impressive – and this

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<sup>341</sup> Ibid., 64.

<sup>342</sup> Australian Department of Foreign Affairs, “Policy Planning Paper, 3 May, 1974,” in *Documents on Australian Foreign Policy*, 51.

<sup>343</sup> New Zealand Ministry of Foreign Affairs, “Briefing to the Prime Minister on the Issue of Portuguese Timor, 10 December, 1975.” Released under the Official Information Act.

<sup>344</sup> New Zealand Ministry of Foreign Affairs, “Briefing to the Prime Minister for Call by the Ambassador of the Republic of Indonesia, 5 May, 1976.” Released under the Official Information Act.

<sup>345</sup> Ibid.

<sup>346</sup> New Zealand Ministry of Foreign Affairs, “Briefing to the Minister of Foreign Affairs on the Issue of Portuguese Timor, 23 December, 1975.” Released under the Official Information Act.

is something that one has to think about when judging their capacity to take part in an act of self-determination or even to perform as responsible citizens of an independent country.<sup>347</sup>

The judgement being made by these New Zealand officials appears to imply that their perception of the Timorese as being 'simple' and 'primitive,' in some manner justified the actions of Indonesia. It is certainly noteworthy here that an assessment was being made of the 'human stock' of an entire society, in order to rationalise the perceived inability of the Timorese to be responsible citizens, or take part in acts of self-determination. Never mind that the people of East Timor were not given the opportunity to prove these New Zealand officials wrong. Given the effusive humanitarian discourse so deeply enshrined in contemporary international legal thought, one may have thought that this manner of thinking and rhetoric had been banished to the era of conquest and colonialism, but it appears not.

These early policies of distancing, and claims of the Timorese being inferior, primitive, weak, and backward, had a significant impact on the future decisions and policies of the Australian and New Zealand governments. It has been suggested that the decisions made by Whitlam and his officials firmly dictated the course of Australian policy on the issue of Indonesia and East Timor for decades to come. From James Dunn's perspective, Whitlam appeared to have "a disdain for, and insensitivity towards East Timor."<sup>348</sup> Dunn further argues that it was Whitlam's strong belief that the Timorese were, "a nondescript, backward people whose claim to self-rule could hardly be taken seriously."<sup>349</sup> In her book *Negligent Neighbour*, Marie Leadbeater notes New Zealand played a key role in the continued "moral and diplomatic support" of Indonesia's position.<sup>350</sup> Leadbeater is highly critical of the patterns of secrecy in New Zealand's foreign policy on the issue of East Timor, and questions the political allegiances to the United States and Australia, which she views "tie and bind New Zealand foreign policy directions."<sup>351</sup>

The position being promoted throughout these briefings and diplomatic communications was that due to the perceived backwardness of Timorese society, Indonesian intervention could be justified. In this context, an implicit understanding was given that through Indonesian intervention, and the eventual integration of East Timor into Javanese society, the Indonesians would be able to improve the 'condition' of the Timorese, or in other words, 'civilise' them. The Timorese, in this context, were clearly cast as being 'different,' and their 'condition' made them fall 'outside' of the conception of the comity of nations. If the Timorese were considered 'like' the Australians and New Zealanders, and if international law and customs applied to them in practice, it would have been difficult for Canberra and

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<sup>347</sup> New Zealand Ministry of Foreign Affairs, "Cable on East Timor: The Ambassadors Visit, 13 January, 1978." Released under the Official Information Act.

<sup>348</sup> James Dunn, *Timor: A People Betrayed*, 169.

<sup>349</sup> Ibid.

<sup>350</sup> Marie Leadbeater, *Negligent Neighbour: New Zealand's Complicity in the Invasion and Occupation of Timor-Leste* (Nelson, New Zealand: Craig Potton Publishing, 2006), 14.

<sup>351</sup> Ibid., 14-16.

Wellington to explain their acquiescence to Indonesia's actions. Being cast as being on the 'outside' of international society provided the rationale for various forms of domination, exploitation, and violent actions, against the Timorese.

It is noteworthy that Australian and New Zealand officials had felt that it was within their purview to make resolute conclusion on the perceived lower nature and backward condition of the entire Timorese society. This reveals their own sense of superiority, as well as their belief in their 'enlightened' nature. This demonstrates the ongoing hierarchical nature of the international system, where exceptionality can be promoted in order to justify and legitimise violent intervention, against identified 'lower ranked' peoples. The process of stereotyping an entire society of people as being "existentially something different and alien,"<sup>352</sup> had extremely negative consequences for the people of East Timor. Indeed, Carl Schmitt had warned against policies of this nature, whereby using humanitarian rhetoric in order to deny the qualities of being human would result in life no longer being of the highest value, becoming worthless, and ultimately needing to be destroyed.<sup>353</sup>

### State Self-Interest Reigns Supreme

By 1978, the Australian Government had made public their decision to grant *de facto* recognition to the Indonesian occupation of East Timor. This recognition allowed Australian officials to begin negotiations with Jakarta on the rights to the seabed between Australia and East Timor, which held highly lucrative hydrocarbon deposits. Even prior to the Indonesian invasion, the Australian government had recognised privately that negotiating with Jakarta on the issue would be easier than having to 'close the gap' with Portugal, or an independent East Timor.<sup>354</sup> In order to deflect criticism of Canberra's decision to recognise Indonesian control of the country, government officials advised the Foreign Minister that he should *emphasise the potential benefit to Australia* that the seabed would bring: "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>355</sup> In the case of East Timor, humanitarian principles, fundamental human rights, and self-determination, were all

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<sup>352</sup> Carl Schmitt, *The Concept of the Political*, 27.

<sup>353</sup> Carl Schmitt, "The Legal World Revolution." *Telos* 72 (1987): 88.

<sup>354</sup> In a Secret Cable to DFA in August, 1975, Ambassador Woolcott wrote the following: "We are all aware of the Australian defence interests in the Portuguese Timor situation but I wonder whether the Department has ascertained the interest of the Minister of the Department of Minerals and Energy in the Timor situation. It would seem to me that this Department might well have an interest in closing the present gap in the agreed sea boarder and this could be much readily negotiated with Indonesia by closing the present gap that with Portugal or independent Portuguese Timor. I know I am recommending a pragmatic rather than a principled stand but that is what national interest and foreign policy is all about." Australia Department of Foreign Affairs, "Cable from Australian Embassy in Jakarta to Canberra, 17 August, 1975," as cited in *Documents on Australia Defence and Foreign Policy*, 200.

<sup>355</sup> Australia Department of Foreign Affairs, "Briefing to the Minister of Foreign Affairs," as cited in Paul Cleary, *Shakedown*, 29-30.

cast aside. Not only did Australian officials feel that state self-interest reigned supreme, they were willing to exploit revenue generating potential to the Australian public, in order to justify their actions.

When Gareth Evans became Australian Foreign Minister in 1988, he expressed his determination to add “ballast” to the relationship with Jakarta, and his intention to conclude negotiations on the seabed agreement.<sup>356</sup> In February, 1991, Evans and Indonesian Foreign Minister, Ali Alatas, conducted a highly publicised signing ceremony for the newly concluded agreement, in an airplane flying directly over East Timor. Clinking their champagne glasses, they toasted what John Pilger described as “the division of their spoils.”<sup>357</sup> During his visit to Indonesia in regards to the signing, Evans was asked by journalists how he reconciled the continued reports of mass killings and human rights abuses against the Timorese with Australia’s close relationship with Indonesia, Evans replied that the human rights record had “in our judgment, conspicuously improved, particularly under the present military arrangements.”<sup>358</sup> This was in spite of overwhelming evidence, from reputable agencies such as the International Committee of the Red Cross, of continuing mass killings and allegations of genocidal acts.<sup>359</sup> When later asked about the international legal principle of not recognising and exploiting territory taken by force, Evans responded:

What I can say is simply that the world is a pretty unfair place, that it’s littered over the course of the decades and the centuries with examples of acquisitions by force which have proved to be, for whatever reason, irreversible.<sup>360</sup>

Michael E. Salla maintains that rhetoric such as this was consistent with Australia’s overall strategy in regards to the abysmal human rights situation in East Timor, whereby criticism against Indonesia was consistently deflected. When pressed on the issue by the Australian media, Salla asserts that the government would only ever express its views “in a context of overall improvements in Indonesia’s human rights environment, thereby minimising Indonesian reaction to Australian or international criticisms by acknowledging past or overall improvements.”<sup>361</sup> John G. Taylor supports this assertion in his analysis of Australian foreign

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<sup>356</sup> Gareth Evans, as cited in James Cotton, “Introduction: East Timor and Australia - Twenty-Five Years of the Policy Debate,” in *East Timor and Australia: AIIA Contributions to the Policy Debate*, ed. James Cotton (Canberra, Australia: Australian Defence Studies Centre and the Australian Institute of International Affairs, 1999), 9.

<sup>357</sup> Video of the signing ceremony can be viewed in *Death of a Nation: The Timor Conspiracy*, produced and directed by David Munro, written by John Pilger (Birmingham, England: Central Independent Television, 1994), at 57 minutes, accessed 05 December, 2015, <http://johnpilger.com/videos/death-of-a-nation-the-timor-conspiracy>.

<sup>358</sup> Gareth Evans, as cited in John Pilger, “Only Australia remains true to the uber-sheriff in Washington, 5 April, 2004.” Accessed 05 December 2015, <http://johnpilger.com/articles/only-australia-remains-true-to-the-uber-sheriff-in-washington>.

<sup>359</sup> John G. Taylor, *East Timor: The Price of Freedom*, 97.

<sup>360</sup> Gareth Evans, as cited in Mark Aarons, “Independence or Death,” in *East Timor: A Western Made Tragedy*, eds. Mark Aarons and Robert Domm (Sydney: Left Book Club, 1992), 39.

<sup>361</sup> Michael E. Salla, “Australian Foreign Policy and East Timor,” 170.

policy at the time, and further argues that Canberra's policy was to "publicly feign disbelief and ignorance of events in [the] remote island."<sup>362</sup>

The actions of Australia and New Zealand in regards to the invasion, and subsequent twenty-year occupation of East Timor, can be largely characterised by their attempt to distance themselves publicly from the issue. Behind closed doors, briefings and diplomatic records show implicit support for the intervention, while publicly, they were careful not to overly chastise the Indonesians. The use of civilisational language can be seen as an attempt to provide justification for why the Indonesians were *forced* into intervening militarily in East Timor, and, in turn, why the two countries avoided direct involvement in the crisis. Even when brutal and violent treatment of the Timorese was reliably reported, there is evidence to suggest that the situation was deliberately misrepresented to the public. The fundamental human rights 'of nations big and small,' certainly did not appear to hold significant sway in the policymaking of Australia or New Zealand. The argument could be made, in this regard, that civilisational discourse can have a dual effect. While it can be used as a tool to legitimise and justify violent intervention on the part of the intervener, it can also be employed by external actors in an attempt to distance themselves from having any responsibility in the situation. For Australia and New Zealand, the determination was made that state self-interest dictated that East Timor should be under Indonesian control, even if it was contrary to universalistic humanitarian rhetoric, which has been enshrined and agreed upon in international law. In order to convince their domestic constituents of this 'exception to the rule,' they relied on the fear of communism and civilisational discourse to promote false stereotypes of the Timorese, in order to justify and legitimise their inaction.

### The Massacre at Santa Cruz

On 12 November, 1991, Indonesian forces opened fire on a group of Timorese demonstrating at the Santa Cruz cemetery.<sup>363</sup> An estimated 180 people were killed, and many more injured, all while the events were filmed by journalists.<sup>364</sup> Some of the video footage was later turned into a documentary, which Weldmichael notes, "shocked its viewers' consciences into doing something...and irreversibly turned the tide of international apathy towards the suffering of the Timorese."<sup>365</sup> Santa Cruz was certainly a turning point for public awareness and attention on the continued domination and brutal repression of the Timorese people. Indeed, Benedict

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<sup>362</sup> John G. Taylor, *East Timor: The Price of Freedom*, 55.

<sup>363</sup> The group had gathering at the cemetery in regards to the murder of Sebastião Gomes, who had been shot dead by troops two weeks earlier. For a detailed account on the events which led to the massacre at Santa Cruz Cemetery, see Awet Tewelde Weldmichael, *Third World Colonialism and Strategies of Liberation*, 236-241.

<sup>364</sup> John G. Taylor, *East Timor: The Price of Freedom*, 213-14. International journalists were granted the rare opportunity to enter East Timor in order to cover the visit of a Portuguese delegation to Dili. The visit, however, had been cancelled just prior to its departure from Lisbon, and just before the events of Santa Cruz.

<sup>365</sup> Max Stahl, an experienced documentary film maker, was one of the journalists who managed to smuggle video footage out of Timor, documenting the horrors that occurred at Santa Cruz. The footage was later turned into the documentary *In Cold Blood*. See Awet Tewelde Weldmichael, *Third World Colonialism and Strategies of Liberation*, 240.

Anderson argues that the footage of the Santa Cruz massacre “proved to have more immediate impact than the mountains of written evidence accumulated by human rights organizations on the sixteen previous years of brutal Indonesian rule.”<sup>366</sup>

While Santa Cruz was an important moment for galvanising activism and public attention, with academic research and media coverage on East Timor increasing after the event,<sup>367</sup> this did not equate to meaningful direct action on the part of any of Indonesia’s key Western or Asian allies. Indeed, Australian Foreign Minister Gareth Evans immediately attempted to minimise the involvement of the Indonesian Government in the massacre, telling reporters that the event was “an aberration, not an act of state policy.”<sup>368</sup> Clinton Fernandes reports that both Evans, and Australian Prime Minister Paul Keating, continued to pursue closer military ties with the Soeharto regime in the aftermath of Santa Cruz, in spite of a public outcry, including from Australian citizens.<sup>369</sup> An Amnesty International report supports the assertion that there appeared to be no meaningful change to bilateral and multilateral assistance given to Indonesia, even though some governments had argued that they had linked their economic assistance to Indonesia’s human rights performance.<sup>370</sup> Indeed, the report found that in many cases, aid donations to Indonesia *increased* in the period immediately following Santa Cruz, leading Amnesty to lament, “the willingness of foreign governments to conduct business as usual sends a clear signal that human rights take second place to economic interests.”<sup>371</sup> However, in spite of the lack of change to the foreign policy of Indonesia’s allies, Scott Selders argues that, importantly, the massacre had revealed that Indonesia could no longer declare, “it had brought modernization to backwater East Timor and that the Timorese, aside from a few malcontents, appreciated these efforts.”<sup>372</sup> Indeed, Indonesian Foreign Minister Ali Alatas later famously admitted; “12 November 1991 constituted a watershed in Indonesian diplomacy on East Timor and since that date, international support for Indonesia’s position inexorably declined while that for the independence movement in East Timor markedly increased.”<sup>373</sup>

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<sup>366</sup> Benedict Anderson, *The Spectre of Comparisons: Nationalism, Southeast Asia and the World* (London and New York: Verso, 1998), 137.

<sup>367</sup> Awet Tewelde Weldmichael, *Third World Colonialism and Strategies of Liberation*, 213.

<sup>368</sup> Gareth Evans, as cited in Clinton Fernandes, “R2P and the East Timor Intervention,” in *Responsibility to Protect and Sovereignty*, eds. Ramesh Thakur and Charles Sampford (Farnham, England: Ashgate Publishing Limited, 2013), 71.

<sup>369</sup> *Ibid.*

<sup>370</sup> Amnesty International, *Indonesia and East Timor: Power and Immunity: Human Rights Under the New Order* (Report number: ASA 21/017/1994, 31 August, 1994, 7) Accessed 04 June, 2016. <https://www.amnesty.org/en/documents/asa21/017/1994/en/>.

<sup>371</sup> *Ibid.*

<sup>372</sup> Scott Selders, *Patterns of Violence: Narratives of Occupied East Timor* (Concordia, Canada: Concordia University Press, 2008), 101.

<sup>373</sup> Ali Alatas, *The Pebble in the Shoe: The Diplomatic Struggle for East Timor* (Jakarta: Aksara Karunia, 2006), 64.

## Change to the Indonesian Position: Independence at Last?

In May, 1998, President Soeharto resigned, in the wake of the Asian economic crisis and popular demonstrations against him in the streets of nearly all Indonesia's major cities. As with the exit of the Portuguese more than twenty years earlier, it took the dismantling of a regime in the intervener's country to see the possibility of independence glimmer again in East Timor. It was only one month after Soeharto's resignation that Foreign Minister Alatas convinced the newly appointed President Habibie to announce a 'special status' for East Timor, which gave it increased autonomy from Indonesia.<sup>374</sup> East Timorese leaders rejected this offer, however, and immediately called for a referendum to be internationally supervised on East Timor's future.<sup>375</sup> Negotiations occurred, primarily between Indonesian and Portuguese officials under UN auspices, and a number of packages, falling short of independence, were offered. The Timorese held strong to their demand for a referendum.<sup>376</sup>

By May, 1999, the UN, Indonesia, and Portugal all agreed that a 'popular consultation'<sup>377</sup> would be held in East Timor, in August, under the supervision of the UN. The consultation would involve asking the Timorese if they were willing to approve a special autonomy agreement for the territory within Indonesia. A vote against autonomy would be interpreted as an expression of support for independence. Earlier, the Indonesian government had also announced that FRETILIN leader, Xanana Gusmao, would be moved to house arrest, from Cipinang Prison where he had been serving a twenty-year prison sentence. This move reportedly came about as a result of direct pressure from UN Secretary General, Kofi Annan, who had visited Gusmao, and wanted him to play an active role in the country's political future. It appears, however, that the announcements largely caught the Indonesian armed forces off-guard, and a number of leading politicians and army officials publicly objected to the government's change of policy.<sup>378</sup>

## Bloodshed and 'Chaos' in East Timor

The United Nations Security Council (UNSC) announced in July 1999 that it had established, through Resolution 1246, the United Nations Mission in East Timor (UNAMET), with its

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<sup>374</sup> It has been reported that President Habibie had limited ties to the Indonesian armed forces in East Timor, and found the international public and media criticism on Jakarta's role in Timor "embarrassing." As the new leader of Indonesia, some have suggested he was keen to impress on his allies his commitment to human rights and international law. While in Alatas's infamous phrase (and the title of his later book), Timor was "a pebble in the shoe." For a detailed analysis of the motivations of Habibie and Alatas on the issue of East Timor at this time see Irena Cristalis, *East Timor: A Nations Bitter Dawn*, 93-96.

<sup>375</sup> John G. Taylor, *East Timor: The Price of Freedom*, 222.

<sup>376</sup> One such proposal came in August 1998, when Foreign Minister Alatas proposes 'wide-ranging' autonomy for East Timor, whereby Jakarta would only exclude Timorese control over foreign affairs, defence, and some financial matters. Portugal tells the Indonesians that it is prepared to consider the proposal, but only as an interim measure. Timorese leaders rebuff the offer.

<sup>377</sup> Indonesia reportedly rejected the term 'referendum,' because of implications for the legitimacy of their occupation. See Irena Cristalis, *East Timor: A Nations Bitter Dawn*, 152.

<sup>378</sup> John G. Taylor, *East Timor: The Price of Freedom*, 223.

primary task being to both organise and conduct the popular consultation.<sup>379</sup> On the announcement of the UN-led consultation, it has been reported that leaflets were distributed across East Timor, “warning that death lists had been drawn up, and that death squads were preparing to go from village to village, eliminating pro-independence supporters.”<sup>380</sup> Attacks against Timorese by paramilitaries from Indonesia increased, and Secretary General Annan had to twice postpone the consultation as a result. Just before the consultations were to take place, Catholic Church officials in East Timor reported that the militia attacks had claimed approximately 6,000 lives in the past six months, and a further 80,000 people had become internally displaced as a result of the violence.<sup>381</sup> On 30 August, the consultations finally took place, and UNAMET subsequently announced that 78.5 percent of East Timorese had voted to reject the Indonesian Government’s autonomy proposal.<sup>382</sup> Almost immediately after the announcement of the will of the majority of Timorese to be independent, Indonesian militia increased their attacks on Timorese civilians.

The New Zealand Government had proposed in early September that a regional grouping of countries could “mount a support operation to prevent the country from descending into chaos and halt the bloodshed.”<sup>383</sup> However, the Australian Government, unwilling to involve itself directly in the conflict, rebutted: “just for everyone who still has not got the message, Australia has no intention of invading Indonesia.”<sup>384</sup> In May, 1999, Australian Foreign Minister Alexander Downer had argued strongly against any deployment of peacekeepers in East Timor, employing civilisational language to argue that any intervention would have neo-colonial attributes:

We still hear the call from bunyip Napoleons for Australia to send peacekeeping forces to East Timor immediately... such people seem to confuse ‘peacekeeping’ with ‘gunboat diplomacy’ in their enthusiasm for us to ‘go teach the natives a thing or two.’ Perhaps they need to be taught the lesson learnt by my children long ago - that talking tough doesn't make you tough, any more than wearing a costume will make you Superman.<sup>385</sup>

However, with the violence not showing any end in sight, and with UNAMET personnel fleeing the country,<sup>386</sup> it became evident in the halls of the UN in New York that ‘something’ had to

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<sup>379</sup> The United Nations Security Council, “Resolution 1246 (1999) of 11 June 1999,” *The United Nations*, accessed 23 February, 2016,

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N99/174/13/PDF/N9917413.pdf?OpenElement>.

<sup>380</sup> John G. Taylor, *East Timor: The Price of Freedom*, XX.

<sup>381</sup> *Ibid.*, XXIII.

<sup>382</sup> As cited in Boris Kondoch, “The UN Administration of East Timor,” *Journal of Conflict & Security Law* 6, no.2 (2001): 248.

<sup>383</sup> New Zealand Foreign Minister, Don McKinnon, as cited in John G. Taylor, *East Timor: The Price of Freedom*, XXIX.

<sup>384</sup> This statement was completely out of sync with Australia claim just months earlier, that it had revoked its recognition of Indonesia’s annexation, and now viewed East Timor as a non-self governing territory. See *ibid.*

<sup>385</sup> Alexander Downer, as cited in Jeremy Moses, “Moral Triumphalism,” 13-14.

<sup>386</sup> As UNAMET personnel briefed Timorese leaders on their decision to leave the capital, the following comments by Madre Esmeralda, a Canossian Sister in Dili, was recorded. “For twenty years, the Timorese people have not

be done. On 15 September, 1999, the UNSC, approved a peacekeeping mission to East Timor,<sup>387</sup> and Australia decided in the end that it would, “don the Superman costume and fly to the rescue of the beleaguered East Timorese people.”<sup>388</sup>

### INTERFET: Enter the Enlightened Civilisers

The International Force for East Timor (INTERFET) had the key objectives under its mandate to restore peace and security in East Timor, support the activities of UNAMET staff, and to facilitate humanitarian assistance for the people of East Timor.<sup>389</sup> The mission was authorised by the UNSC to “take all necessary measures,” in order to achieve its mandate.<sup>390</sup> The deployment of INTERFET, whose strength ultimately reached 11,500 troops,<sup>391</sup> was not a typical ‘blue-helmeted’ UN peacekeeping mission due to the urgency under which it was deployed. Instead, INTERFET was a multinational force, led by Australia and supported by an array of other countries, including New Zealand.<sup>392</sup>

In order to rationalise and justify their about-turn on the policy of direct intervention in East Timor, the governments of Australia and New Zealand relied on the use of emotive and moralistic language. This language had the effect of positioning the Timorese as the weak, suffering, vulnerable victims, in desperate need of saving.<sup>393</sup> In this regard, it would be the responsibility of the ‘advanced’ nations of Australia and New Zealand to be their liberators, and to protect and save them. Clear distinctions were created between the powerful heroes and the weak victims. This language echoed strongly the language used to legitimise the civilising missions of the nineteenth century, whereby the benevolent tutelage of the uncivilised, who were unable to govern themselves, would be conducted by advanced and enlightened nations.

Rather than employing language to distance Australia from the crisis, Prime Minister John Howard was faced with the duty of explaining to the Australian public his governments rationale for now leading a military intervention in East Timor. In his *Address to the Australian*

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believed in anyone. But UNAMET had reassured them every day that whatever the outcome, they would stay after the vote. The people believed this...They voted. Now you'll leave us to die like dogs? We want to die like people.” As cited in Irena Cristalis, *East Timor: A Nation's Bitter Dawn*, 222.

<sup>387</sup> The UNSC adopted Resolution 1264 on 15 September, 1999. It had determined that the situation in East Timor had constituted a threat to peace and security, under Chapter VII of the UN Charter, and as a result it authorised the establishment of a multinational force. The United Nations Security Council, “Resolution 1264 (1999) of 15 September 1999, *The United Nations*, accessed 14 July, 2016, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N99/264/81/PDF/N9926481.pdf?OpenElement>.

<sup>388</sup> Jeremy Moses, “Moral Triumphalism,” 14.

<sup>389</sup> The United Nations Security Council, “Resolution 1264.”

<sup>390</sup> Ibid.

<sup>391</sup> Jarat Chopra, “The UN's Kingdom of East Timor,” *Survival* 42, no. 3 (2000): 28.

<sup>392</sup> The international force comprised of some twenty countries by the completion of its mandate. The primary troop contributing countries were, however, Australia, the United States, New Zealand, and Thailand. Irena Cristalis, *East Timor: A Nation's Bitter Dawn*, 237.

<sup>393</sup> Anne Orford, *Reading Humanitarian Intervention*, 172.

*Nation*, Howard first spoke of how Australian's had been "horrified by the violence against the people of East Timor."<sup>394</sup> What was particularly concerning, according to Howard, was the sense that a "small, vulnerable community was about to be denied the freedom they have sought for so long."<sup>395</sup> In this context, he later argued to Parliament that Australia carried the "special burden of leadership," to see that peace was installed in East Timor.<sup>396</sup> Howard asserted in the same speech that: "our troops are going to defend what *this society believes to be right*."<sup>397</sup> In the case of New Zealand, Defence Minister Mark Burton repeated on a number of occasions that it was New Zealand's strong desire "to protect the democratic rights of a people who have suffered so much."<sup>398</sup> In a later speech, Minister for Overseas Development Aid, Matt Robson, spoke effusively of the 'underprivileged' people of the world, and their keen desire for human rights, linking it to his governments efforts in East Timor: "the cry for human rights comes not from the State but from the people, and by in large, from the under-privileged."<sup>399</sup> Even Anne Orford, who later argues strongly against the emotive interventionist rhetoric of the Australian government, admits that intervention "was made more urgent by the repeated representation of the Timorese as defenceless, powerless, hysterical and unprotected."<sup>400</sup>

The Australian-led intervention in East Timor ushered in a new era of foreign policy in Canberra, termed the 'Howard Doctrine.' This doctrine saw a more assertive and aggressive foreign policy, in which Australia committed itself "to being the provider of first resort of regional security in the Pacific."<sup>401</sup> With this assertive new policy came the necessary sharp increase in the Australian defence budget.<sup>402</sup> Howard told reporters that in the new security environment "defence will have to come first," and he further underlined that this would

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<sup>394</sup> John Howard, "Address to the Nation: September 19, 1999," *Australian Government: Department of the Prime Minister and Cabinet*, accessed 04 July, 2014, <https://pmtranscripts.dpmc.gov.au/release/transcript-30441>.

<sup>395</sup> Ibid.

<sup>396</sup> John Howard, "Speech to Parliament: East Timor, 21 September, 1999," *Australian Government: Department of the Prime Minister and Cabinet*, accessed 04 July, 2014, <https://pmtranscripts.dpmc.gov.au/release/transcript-30442>.

<sup>397</sup> Ibid. Emphasis added.

<sup>398</sup> Mark Burton, "Welcome Home from Timor Parade, 8 June, 2000," *New Zealand Government*, accessed 04 July, 2016, <https://www.beehive.govt.nz/speech/welcome-home-timor-parade>. Also, Mark Burton, "Speech to Medal Presentation Ceremony, Christchurch, 22 August, 2001," *New Zealand Government*, accessed 04 July, 2016, <https://www.beehive.govt.nz/speech/speech-medal-presentation-ceremony-christchurch>.

<sup>399</sup> Matt Robson, "A Wider View of Disarmament and Arms Control, 14 February, 2001," *New Zealand Government*, accessed 04 July, 2016, <https://www.beehive.govt.nz/speech/wider-view-disarmament-and-arms-control>. In an unseemly turn of events, Robson then tried to score political points by appealing to this 'cry' for human rights in East Timor, and attempted to cast his centre-left government as the morally superior political party in New Zealand. Directly after his comment about the underprivileged cry for human rights, Robson asserted: "It is not all surprising to me that centre-left and centre-right governments in New Zealand have a different perspective on these matters."

<sup>400</sup> Anne Orford, *Reading Humanitarian Intervention*, 10.

<sup>401</sup> Malcolm Cook, "The Limits of the Howard Doctrine, 12 February, 2008," *The Lowy Interpreter*, accessed 04 July, 2016, <http://www.lowyinterpreter.org/post/2008/02/12/The-limits-of-the-Howard-Docctrine.aspx>.

<sup>402</sup> The Australian Government initially provided \$860 million in supplementation to the Defence budget to support Australia's military contribution to East Timor. Australian Department of Defence, "Defence Annual Report, 1999-2000," 5. Accessed 06 July, 2016, <http://www.defence.gov.au/AnnualReports/99-00/full.pdf>.

come at the cost of future tax cuts, earlier promised by the government.<sup>403</sup> The Prime Minister was strong in his claim that this assertive policy, and the diverting of public funds in order to achieve it, was based on moral reasoning and principles. According to Howard, the new interventionist policy was due to Australia's principled decision to defend "the values we hold as Australians. We were willing to be in dispute with our nearest neighbour, to defend those values. And we were able to build on our associations with nations outside of Asia in the course of that."<sup>404</sup>

The reference to the association with nations outside of Asia, in order to achieve his new interventionist foreign policy, was Howard's big nod to Australia's relationship with the United States. Fred Brenchley, following an exclusive interview with Howard, termed it "the more muscular Australia prepared to fulfil the role of regional deputy to the global US policeman."<sup>405</sup> According to Brenchley, Howard embraced the 'deputy' concept, and spoke at length about Australia's strength as a regional player: "we have displayed our responsibility, shouldered the burden." In a continuation of his positioning of Australia as being the deputy sheriff, Howard asserted that Australia "has a particular responsibility to do things above and beyond in this part of the world."<sup>406</sup>

The Australian Government was not alone in its sense of a morally justified responsibility and leadership in the region. Albeit on a smaller scale, New Zealand also saw intervention in East Timor as an opportunity to demonstrate its 'enlightened state' credentials, and also to enhance its relationship with the United States. The then New Zealand Foreign Minister, Phil Goff, made explicit Washington's expectation of New Zealand's role in the region, and that the United States had signalled its satisfaction with New Zealand's current activities: "the Americans who look to others in regional areas to help settle conflict and achieve regional security, have acknowledged New Zealand's contribution."<sup>407</sup> In a speech in Washington in 2000, Goff outlined this expectation further, and noted that it was one that New Zealand readily accepted: "there is an expectation in that South West Pacific and beyond that New Zealand and Australia should carry the burden for security response and assistance. That is a responsibility we accept."<sup>408</sup>

The sense of Australia's moral superiority in the region, in particular, was widely picked up in the media reporting of intervention in East Timor. Some commentators agreed

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<sup>403</sup> Fred Brenchley, "The Howard Defence Doctrine," *Bulletin with Newsweek* 117, no.6193 (September, 1999).

<sup>404</sup> Ibid.

<sup>405</sup> Ibid.

<sup>406</sup> Ibid.

<sup>407</sup> Phil Goff, "Consequences of the Crisis over East Timor for Indonesia and the Rest of the Asia-Pacific Region, 5 July, 2000," *New Zealand Government*, accessed 06 July, 2016, <https://www.beehive.govt.nz/speech/consequences-crisis-over-east-timor-indonesia-and-rest-asia-pacific-region>.

<sup>408</sup> Phil Goff, "Recent Developments in the Asia Pacific Region and US/NZ Relations, 13 September, 2000," *New Zealand Government*, accessed 06 July, 2016, <https://www.beehive.govt.nz/speech/recent-developments-asia-pacific-region-and-usnz-relations>.

that it was time for Australia to take its place as the enlightened bringer of peace and justice to the region, with Greg Sheridan arguing that “it is the time that Australia conceived of itself as the US of the South Pacific.”<sup>409</sup> Sheridan went on to argue that Australian soldiers should be stationed semi-permanently in East Timor and “if necessary, other regional basket cases.”<sup>410</sup> In her analysis of the media reporting on intervention, Orford found that Australian-led forces were framed as the heroes, and the “potential saviours of the East Timorese, agents of democracy and human rights able to overpower those bent on killing and destruction.”<sup>411</sup> On the other hand, Orford found that the dominant media portrayal of the Timorese was they were “childlike, primitive [and]...unable to govern themselves.” In this regard, Michael Walzer claims that intervention is incredibly dependent on this victim model, and without it military intervention is very difficult, if not impossible, to justify.<sup>412</sup>

The language employed by the Australian and New Zealand governments clearly attempted to position themselves as the enlightened civilisers, and the bringers of peace and liberal principles to an uncivilised and inferior nation. Their “intervention story,” according to Orford, was premised upon their capacity to bring their own particular liberal vision to the people of East Timor.<sup>413</sup> The language used during this era of a new assertive interventionism, from Australia in particular, resulted in the promotion of the sense they were “agents of freedom, order, democracy, liberalisation, transparency, humanitarianism and human rights.”<sup>414</sup> Analogous to the civilising missions of the nineteenth century, it appeared that Australia and New Zealand had agreed to bind themselves to ‘protect’ the Timorese, care for the improvement of the conditions of their moral and material well-being, and ultimately, instruct and bring home to them the blessings of civilisation.<sup>415</sup>

It certainly appears that there is a compelling relationship between the language employed to justify civilising missions and the intervention by INTERFET forces in East Timor. For the language to have the desired effect, the East Timorese necessarily needed to be portrayed as the antithesis to the Australian and New Zealanders: undemocratic and illiberal, with a woeful inability to protect their own citizens. As Hans Morgenthau previously warned, this process of employing simple moralistic language, in terms of democratic peace-loving nations versus those who are not, only intensified the likelihood, and the intensity, of conflict in the international system.<sup>416</sup> Indeed, Orford argues that the intervention stories created to

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<sup>409</sup> Peter Symonds, “Australian Foreign Minister Unveils Plan for the Colonial Occupation of East Timor,” *International Committee of the Fourth International*, accessed 08 July, 2016, <http://www.wsws.org/en/articles/2006/06/etim-j07.html>.

<sup>410</sup> Ibid.

<sup>411</sup> Anne Orford, *Reading Humanitarian Intervention*, 10.

<sup>412</sup> Michael Walzer, *Arguing about War* (New Haven and London: Yale University Press, 2004), 71.

<sup>413</sup> Anne Orford, *Reading Humanitarian Intervention*, 34.

<sup>414</sup> Ibid.

<sup>415</sup> This has striking similarities to what the western European nations agreed to do in regards to their African colonies during the Berlin Conference on Africa in 1885. See Roland Paris, “International Peacebuilding and the Mission Civilisatrice,” *Review of International Studies* 28, no.4 (2002): 651

<sup>416</sup> Hans Morgenthau, “The Mainsprings of American Foreign Policy,” 839.

justify contemporary intervention in East Timor: “ignore a history in which imperial powers announced and celebrated their superiority in similar language, with tragic consequences.”<sup>417</sup> It is her belief that this humanitarian interventionist rhetoric simply rehearses colonial fantasies, whereby the tutelage of those deemed uncivilised continues in contemporary international relations.<sup>418</sup> In the repetition of their claims to be the enlightened leaders, with responsibility over East Timor, not only are the Timorese denigrated as the inferior, weak, other, but it opens Australia and New Zealand “to allegations of neo-imperialism, bullying and arrogance.”<sup>419</sup>

### UNTAET: The King of East Timor

While INTERFET forces were successful in their mission to expel pro-Indonesian militias from East Timor, they were clearly ill-suited and ill-equipped to address the wide range of challenges which faced East Timor in the immediate post-conflict environment. In order to address the perceived need for the ‘international community’ to ‘rebuild’ the ‘failed’ country, the United Nations Transitional Administration in East Timor (UNTAET) was established by UNSC Resolution 1272.<sup>420</sup> To characterise UNTAET’s mandate as wide ranging would be an understatement. Indeed, alongside the United Nations Interim Administration in Kosovo (UNMIK), the scope of UNTAET’s power and control over the country was unprecedented. The UNTAET mandate granted the mission control over all branches of the government, and it also exercised all legislative and executive authority. The legislative and executive powers for the entire country were ultimately put in the hands of the Special Representative of the Secretary General and Transitional Administrator, Sergio Vieira de Mello. In the absence of an elected legislature in East Timor, de Mello had the sole authority to issue legal regulations.<sup>421</sup> When considering UNMIK and UNTAET, Louise Frechette, the UN Deputy Secretary General at the time, remarked that they were: “qualitatively different from almost any other the Organisation has ever undertaken. In each place the United Nations is the administration, responsible for the fulfilling all the functions of a State... this is a new order of magnitude for [the] Organisation.”<sup>422</sup>

The attempt by UNTAET to be peace-keeper, nation-builder, and state-builder, all at the same time, was made possible due to the new post Cold War environment. In this new international

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<sup>417</sup> Anne Orford, *Reading Humanitarian Intervention*, 34.

<sup>418</sup> *Ibid.*, 10.

<sup>419</sup> Jeremy Moses, “Moral Triumphalism,” 25-26.

<sup>420</sup> Resolution 1272 was established under Chapter VII of the UN Charter, it decreed that UNTAET would be “endowed with overall responsibility for the administration of East Timor and will be empowered to exercise all legislative and executive authority, including the administration of justice.” United Nations Security Council, “Resolution 1272, 25 October, 1999,” *The United Nations*, accessed 23 August, 2016, <http://www.un.org/en/peacekeeping/missions/past/etimor/docs/9931277E.htm>.

<sup>421</sup> Jarat Chopra, “Building State Failure in East Timor,” in *State Failure, Collapse and Reconstruction*, ed. Jennifer Milliken (Oxford: Blackwell Publishing, 2003), 227.

<sup>422</sup> Louise Frechette, as cited in Ralph Wilde, *International Territorial Administration: How Trusteeship and the Civilising Mission Never Went Away* (Oxford: Oxford University Press, 2010), 32.

environment, there was a strong revival of the idea that liberal democratic principles and institutions should be transplanted onto conflict ridden societies, in order to bring about international peace and security. In this regard, the spreading of democracy was a crucial element of the security policies for many powerful states, particularly the United States. This was based heavily on the premise that liberal democracies do not wage war against each other, so the spread of liberalism and democracy inevitably leads to a more peaceful international environment.<sup>423</sup> In this regard, there was a reconceptualization of how best to deal with state collapse, or state failure.<sup>424</sup> The assumption was made by many policy makers that 'failed' or 'failing' states required the intervention of outside forces, in order for them to be 'rebuilt' in the image of western liberal democracies and to ensure that 'humanitarian' suffering was addressed.<sup>425</sup> In some cases, it was argued that states had the *responsibility* to intervene in cases where states were failing to protect their own citizens.<sup>426</sup> In this regard, 'Westphalian' notions of state sovereignty could be suspended, or sovereignty could be shared, for an indefinite period.<sup>427</sup> Sovereignty, in this context, would be held in a conservatorship, by enlightened advanced states, until the failed or failing state had reached an adequate level of 'internationally recognised' statehood.

It became widely promoted that military intervention, in order to rebuild failing states and provide humanitarian assistance, was a legitimate and justifiable exercise in the post Cold War-era. The manner in which intervention was legitimised so closely resembled the UN trusteeship system for the colonial territories after World War II, that some scholars actually explicitly called for *neo-trusteeship* in the case of East Timor.<sup>428</sup> While Peter Lyon conceded that the attempt to resurrect the UN trusteeship system would promote a backlash from some observers, given the "unhappy memories of colonialism," he argued, nonetheless, that "the weak and disadvantaged people of the world" would be in "improved conditions" under a new system of UN trusteeships.<sup>429</sup> From the perspective of Elsin Wainwright, the security

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<sup>423</sup> This is otherwise down as the 'Democratic Peace Theory,' and is based on the ideas first promoted by enlightenment-era theorist Immanuel Kant. See *To Perpetual Peace: A Philosophical Sketch* [1795], trans. Ted Humphrey (Indianapolis: Hackett Publishing, 2003).

<sup>424</sup> James Cotton, *Timor-Leste and the Discourse of State Failure*, 457.

<sup>425</sup> While outside of the bounds of this thesis, there is clearly a strong conceptual link with the spread of democracy, the war on terror, and the policies surrounding failing and failed states. See Greg Fry, "Our Patch: The War on Terror and the New Interventionism," in *Intervention and State-Building in the Pacific: The Legitimacy of 'Cooperative Intervention'*, eds. Tarcisius Tara Kabutaulaka and Greg Fry (Manchester: Manchester University Press, 2008), 79.

<sup>426</sup> See International Commission on Intervention and State Sovereignty, "The Responsibility to Protect, December, 2001" *Report of the International Commission on Intervention and State Sovereignty*, accessed 02 July, 2016, <http://responsibilitytoprotect.org/ICISS%20Report.pdf>.

<sup>427</sup> Stephen D. Krasner, "Sharing Sovereignty: New Institutions for Collapsed," *International Security* 29, no.2 (2004): 89.

<sup>428</sup> James D. Fearon and David D. Latin explicitly mention East Timor as a state that has benefited from neo-trusteeship. See "Neotrusteeship and the Problem of Weak States," *International Security* 28, no.4 (2004): 7. For a broader argument on neo-trusteeship see also Stephen D. Krasner, "Sharing Sovereignty: New Institutions for Collapsed," 85; and Steven Ratner and Gerald Helman, "Saving Failed States," *Foreign Policy* 89, no.4 (1992): 4.

<sup>429</sup> Peter Lyon, "The Rise and Fall and Possible Revival of International Trusteeship," *The Journal of Commonwealth and Comparative Politics* 31 no.1 (1993): 105-107.

challenges of failed states, such as that in East Timor, had *forced* the hands of policymakers to “overcome many post-colonial hang-ups.”<sup>430</sup> It is her strong assertion that state-building does not need to equate to neo-colonialism, and in this regard she specifically references the UN trusteeship system as a model which should be employed.<sup>431</sup> It appears that the UN, aware of the likelihood of the neo-colonial tag being applied to UNTAET, made the careful decision to term it a ‘Transitional Administration,’ avoiding altogether the ‘trusteeship’ label. However, if one compares UNTAET with the previous trusteeship system, it becomes clear that they both serve similar purposes and have negative effects on the populations they are employed against.

As has been previously outlined, the underlying assumption of the League of Nations mandate system and UN trusteeship system was the belief that sovereignty is something that can be held in suspension, while civilised nations tutor and nurture the uncivilised towards a standard of advanced civilisation. In the case of UNTAET, this rationale is very much apparent. The fundamental assumption was made that the bringing of liberal principles, such as democracy and good governance, would further the Timorese march towards a Western conception of civilisation. Indeed, as has been previously outlined, it was often argued by Western leaders involved in the crisis that the transmission of liberal principles was the special responsibility of western nations, and in the end it would bring about the liberation of the Timorese, the betterment of their welfare, and the entrenchment of their fundamental human rights.<sup>432</sup> In the case of UNTAET, it certainly appears that it assumed a position of neo-trusteeship, in all but name. Supreme authority was vested and exercised only by the UN administrators “in an exceedingly centralized fashion, to the detriment of the future political and civic leaders of independent Timor-Leste.”<sup>433</sup> Indeed, six months after arriving in East Timor, Jarat Chopra questioned when the transitional period of the mission would actually *begin*.<sup>434</sup>

### The UN’s Crisis of Legitimacy

By 2000, there was a growing sense that the vast powers intrusted to UNTAET and Special Representative de Mello, were actually *creating* a crisis of legitimacy.<sup>435</sup> Indeed, the UN ended

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<sup>430</sup> Elaina Wainwright, *Our Failing Neighbour: Australia and the Future of Solomon Islands* (Barton, Australia: Australian Strategic Policy Institute, 2003), 30.

<sup>431</sup> Ibid.

<sup>432</sup> See for example John Howard, “Transcript of Prime Minister the Hon John Howard MP on the Official Launching of the Menzies 200 Club and the Celebration of the 50<sup>th</sup> Anniversary of Sir Robert Menzies being Elected Prime Minister of Australia,” *Australian Government: The Department of the Prime Minister and Cabinet*, accessed 01 August 2016. <https://pmtranscripts.dpmc.gov.au/release/transcript-11394>.

<sup>433</sup> Michael J. Butler, “Ten Years After: (Re) Assessing Neo-Trusteeship and UN State-building in Timor-Leste,” *International Studies Perspectives* 13, no.1 (2012): 99.

<sup>434</sup> Jarat Chopra, “The UN’s Kingdom of East Timor,” *Survival* 42, no.3 (2000): 34.

<sup>435</sup> At the beginning of the Mission, de Mello tried justify the lack of Timorese participation in the rebuilding process as an attempt to ensure that the UN did not favour one emerging political party over another: “The inclination of the UN is thus to be cautious about delegating power in the interest of avoiding furthering any particular political party. There is consultation, but all essential decision making and executive authority remains

up wielding such a high level of control over East Timor that James Traub asserts that it was not simply helping form a new government, it *was* the new government.<sup>436</sup> In his description of the level of control the UN wielded, Traub states: “UNTAET issues postage and UNTAET signs treaties. At the airport in Dili, a Timorese in a U.N. uniform puts an “UNTAET” stamp in each passport.”<sup>437</sup> In this context, UNTAET’s reluctance to share any control over the country with the Timorese fuelled intense resentment and unhappiness with the UN staff.<sup>438</sup> According to Chopra, who served in East Timor under the UN, foreign staff exhibited colonial behaviour and were disposed to wield a sense of superiority over the Timorese.<sup>439</sup> Chopra reported that many in the mission had expressed their belief that: “the Timorese could not be relied on, that they lacked skills and were not ready for self-government, that the UN should stay and its personnel could keep their jobs for longer.”<sup>440</sup> According to Chopra, he witnessed some officials attempting to methodically prevent the participation of Timorese in the transitional government of their own country.<sup>441</sup> This sentiment was strongly supported by FRETILIN leader, Xanana Gusmão, who commented that international staff were of the opinion that: “the East Timorese simply lack capacity.”<sup>442</sup>

National reaction against UNTAET’s failure to consult and involve the people of East Timor in the decision-making processes of their own country grew over the course of the mission in East Timor. As Gusmão put it: “We don’t feel very comfortable with some people acting like kings of East Timor, coming here to impose their models.”<sup>443</sup> In an overt threat to de Mello and the UN, Gusmão contended: “we are strong enough to expel anyone from East Timor.”<sup>444</sup> With such a limited influence over the development of policies by the Timorese, Chopra commented that the status of the UN in East Timor was “comparable with that of a pre-constitutional monarch in a sovereign kingdom.”<sup>445</sup> The intense criticism of UNTAET’s actions led to the members of the Timorese cabinet to write to de Mello, and the following excerpt provides an overview of their frustrations over the lack of influence Timorese had over the running of their own country:

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with the UN.” As cited in Joel C. Beauvais, *Benevolent Despotism: A Critique of U.N. State-Building in East Timor* *International Law and Politics* 33, no.110 (2001): 1120.

<sup>436</sup> James Traub, “Inventing East Timor,” 74.

<sup>437</sup> A number of ‘in vogue’ terms were invoked to explain and justify this level of control over the Timorese, including (but not limited to) neo-trusteeship, subordinate sovereignty, dissolved sovereignty, and shared sovereignty.

<sup>438</sup> This is in spite of the fact that the United Nations Security Resolution 1242 had stressed the need for UNTAET to “consult and cooperate closely with the East Timorese people in order to carry out its mandate effectively with a view to the development of local democratic institutions.”

<sup>439</sup> Jarat Chopra, “Building State Failure in East Timor,” 225.

<sup>440</sup> Ibid.

<sup>441</sup> Ibid.

<sup>442</sup> Xanana Gusmão, “New Year’s Message, 31 December, 2000,” *ETAN*, accessed on 05 January, 2016, <http://www.etan.org/et2001a/january/01-06/01xanan.htm>.

<sup>443</sup> Xanana Gusmão, as cited in Irena Cristalis, *East Timor: A Nation’s Bitter Dawn*, 250-251.

<sup>444</sup> Ibid.

<sup>445</sup> Jarat Chopra, “The UN’s Kingdom of East Timor,” 30.

We continue to be used as a justification for the delays and confusion in a process which is outside our control. The East Timorese Cabinet members are caricatures of ministers in a government of a banana republic. They have no power, no duties, nor resources to function adequately.<sup>446</sup>

It has been reported that some of the members of the cabinet had called for acts of civil disobedience against the UN, with some going as far as to suggest declaring unilateral independence from yet another group of “invaders.”<sup>447</sup> This turn of events ended up being the catalyst for a purported ‘reorientation’ of the UN’s approach to the political authority and participation of the Timorese in the reconstruction of East Timor.<sup>448</sup> Indeed, soon after receiving the letter, de Mello announced his intention to move towards ‘co-government’ with the Timorese, with the end objective being the transfer of full authority.<sup>449</sup> This widely became known as a process of “Timorisation” of the civil administration of the country, and led to the creation of a National Consultative Council of Timorese, which would purportedly create more opportunities for the people of East Timor to become involved in the decision making processes for the reconstruction of the country.

The disillusionment and dissatisfaction with the UN’s performance did not abate following the empty promises of a ‘Timorisation’ process. Indeed, Chopra notes that the CNRT was provided with little true authority or decision-making power, and it appeared that de Mello was unwilling to share any control over his kingdom.<sup>450</sup> It was Chopra’s strong belief that UNTAET dragged its feet with respect to true power sharing with the Timorese.<sup>451</sup> For Joel C. Beauvais, Timorisation was largely symbolic and “unaccompanied by adequate capacity-building.”<sup>452</sup> In this context, it has been suggested that staffing decisions regarding the appointment of East Timorese verged on “tokenism.”<sup>453</sup> As a result, it appeared that the rhetoric of ‘Timorisation,’ was empty discourse, with it losing all credibility when its purported objectives did not match the reality. Indeed, in his reflections on the UNTAET mission, de Mello admitted that he never had a clear conception of how to “exercise fair governance with absolute power,” and his only choice was to seek a model of “benevolent despotism.”<sup>454</sup>

The primary focus of this study has been on the number of interventions conducted in East Timor, in order to ascertain if civilisational language and practice have occurred in the country. It is important to note, however, that the country today has finally gained its independence. On 20 May, 2002, the United Nations ceded control over the country and the

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<sup>446</sup> As cited in Joel C. Beauvais, “Benevolent Despotism: A Critique,” 1130.

<sup>447</sup> Joanna Jolly, as cited in Jarat Chopra, “The UN’s Kingdom of East Timor,” 34.

<sup>448</sup> Joel C. Beauvais, “Benevolent Despotism: A Critique,” 1127.

<sup>449</sup> Ibid.

<sup>450</sup> Jarat Chopra, “The UN’s Kingdom of East Timor,” 32.

<sup>451</sup> Joel C. Beauvais, “Benevolent Despotism: A Critique,” 1130.

<sup>452</sup> Ibid.

<sup>453</sup> As cited in Jarat Chopra, “The UN’s Kingdom of East Timor,” 33.

<sup>454</sup> Sergio de Mello, as cited in Irena Cristalis, *East Timor: A Nation’s Bitter Dawn*, 250.

East Timorese finally gained sovereign status and became the Democratic Republic of East Timor. Most recently, in 2012, parliamentary elections were deemed “free and fair” by “internationally recognised standards.”<sup>455</sup> Some commentators have expressed the view of “cautious optimism” that the nascent democratic institutions will continue to advance in the country.<sup>456</sup> The impact that centuries of occupation and domination have had on Timor-Leste are considerable, however. Future research on the continued impact of intervention, which is beyond the bounds of this study, on the current situation in Timor-Leste, would greatly add to the understanding of the negative and destructive consequences of civilisation language and practices.

## Conclusion

Across all of the cases of intervention and occupation in East Timor analysed in this chapter, there was a consistent perpetuation of the idea that the interveners were the enlightened bringers of civilisation. Indeed, language on the standard of civilisation featured heavily across all of the cases examined. In the case of Portuguese colonialism, there was a systematic process of creating a clear demarcation in the civilisational status of East Timorese people. In their demonstration that uncivilised people existed in East Timor, and at the same time showing a progression to advanced civilisational status was a possibility, Portugal was able to claim that their continued intervention in Timor was warranted and legitimate. The identification of the people of East Timor as being inferior, barbarians, savages, animals, or even subhuman, added weight to the theory they were uncivilised, and that they required tutelage. Until such time that the Timorese had reached a suitable standard of civilisation it was essential, from Lisbon’s perspective, that the Portuguese retain supreme control, so they could ‘nurture’ the Timorese.

With Portugal’s hasty exit from East Timor, Indonesia quickly entered the vacuum. For Indonesia, there was a strong sense that its invasion and continued occupation of East Timor needed to be justified in civilisational terms. Particularly in relation to the initial invasion period, Jakarta was keen to promote the image of the Indonesian’s as the ‘protectors’ and often spoke to the ‘moral obligation’ that it had to protect the people of East Timor. This role as a protector was absolutely at odds with the brutal campaign of violence required to subjugate and dominate the Timorese population. The violence necessitated the positioning of the Timorese as being utterly different to the Indonesians. In this regard, Indonesia’s violent recolonisation project relied on the use of civilisational language to depict the people of East Timor as backward, primitive, sub-humans. Reports by Indonesian officials on the ‘condition’ of the Timorese attempted to reinforce the stereotype that they had a feeble mentality and low social, economic, and mental conditions, which resulted in their

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<sup>455</sup> Nancy Bermeo, “Foreword,” in *Dynamics of Democracy in Timor-Leste: The Birth of a Democratic Nation, 1999-2012*, by Rui Graça Feijó (Amsterdam: Amsterdam University Press, 2016), 11.

<sup>456</sup> Nancy Bermeo, “Foreword,” in *Dynamics of Democracy in Timor-Leste: The Birth of a Democratic Nation, 1999-2012*, by Rui Graça Feijó (Amsterdam: Amsterdam University Press, 2016), 11.

inappropriate actions. It would be the task, therefore, of the enlightened Indonesian's to 'direct' them, in all spheres of life.

In order to justify their inaction in the face of the brutally violent occupation of East Timor, the Australian and New Zealand governments continued this repetitive pattern of stereotyping the Timorese people. It was deemed to be in the national interest of both governments for East Timor to become integrated into Indonesia, and therefore officials attempted to enforce the impression that they were ill-suited for independence. Comments on the 'condition' of the Timorese were used, again, to dismiss their ability to take part in an act of self-determination, and they denigrated the people of East Timor as poor, small, and primitive. This language was simultaneously employed to reinforce the impression that the Timorese were inherently different. If the people of East Timor were considered 'like' the Australians and New Zealanders, it would have been more difficult for the governments to explain their lack of action in the face of the brutal repression and violence. In this context, it appears that the use of civilisational language can have a dual effect: it can be used as a tool to legitimise and justify violent intervention on the part of the intervener, while at the same time it can be employed by external actors in an attempt to distance themselves from the situation.

When analysed in light of the actions of previous interveners, there appears to be nothing new about the manner in which INTERFET and UNTAET went about their intervention and occupation of East Timor. The initial peacekeeping mission and the later post-conflict reconstruction efforts mirrored the processes of colonialisation and the civilising missions of previous interventions. Indeed, the legitimacy issues that UNTAET experienced in East Timor are best understood when examined in reference to earlier examples of the conquering and colonisation of the country. It was in the constant perpetuation of the inferior and backward nature of the Timorese that UNTAET staff felt they could justify their unwillingness to cede any meaningful control and power over the country. With striking similarities to the civilising missions, and the earlier UN trusteeship system, the population of East Timor was placed under the tutelage and control of the UN, in order to facilitate the nurturing in the ways of advanced western civilisation. Indeed, contemporary nation and state-building efforts in places such as East Timor appeared to reinvigorate the idea that enlightened nations could determine and define the international standards of acceptable state behaviour and take over a states sovereignty in order to implant these acceptable standards and norms. In this regard, Christopher Hobson argues that "democracy has taken on the conceptual characteristics of 'civilisation,' associated with notions of progress, development, modernisation and a host of other laudable traits."<sup>457</sup>

In order to legitimise and justify all of these interventions, the logic of exclusion and inclusion was heavily relied upon and the Timorese were continuously cast as the primitive,

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<sup>457</sup> Christopher Hobson, "Democracy as Civilisation," *Global Society* 22, no.1 (2008): 85.

backward, inferior, others. The ingrained stereotyping of the people of East Timor, first promoted by the Portuguese, was employed time and again, and proved very difficult to overcome. As has been previously outlined, these stereotypes are most successfully wielded when they are leveraged off previously held impressions and opinions. In this context, the people of East Timor have suffered at the hands of continuous and repetitive efforts to engrain these stereotypes. This has, in turn, facilitated violent intervention against them, as well as constant periods of subjugation and domination by external forces. In this regard, there is a strong argument to be made that effusive humanitarian and liberal rhetoric has done little to protect the people of East Timor from the neo-colonial and neo-imperial ambitions of more powerful states. Indeed, it appears that liberal discourse has been wielded by those powerful states in order to make conflict in the international system more possible and perhaps more dangerous.

## Conclusion

This thesis has argued that a form of the standard of civilisation, and its accompanying civilising missions, are evident in contemporary international relations. While at times they have been reproduced and rebranded under different labels, the way in which the discourse on civilisation is employed to create a hierarchical international system, is enduring. By identifying and understanding the nature and characteristics of the standard of civilisation, it is hoped that we can attempt to end the practice, rather than the alternative which is the continuation of the repetitive cycle of denigrating entire societies of peoples, in an attempt to legitimise violence and force against them. In the case of East Timor, it has been shown that the positioning of the East Timorese people as inferior, backward and primitive, had the effect of making intervention against them more dangerous and violent. Indeed, the discourse on the standard of civilisation, with its purported universal values and liberal norms, has demonstrated its propensity to generate destructive and violent consequences, in stark contrast to its promised 'civilising' role.

The investigation into the history of the discourse on the standard of civilisation has revealed that it emerged from a long tradition of natural law theorising. Both Pope Innocent IV and Francisco de Vitoria provided early understandings of the natural rights of man and the resulting protections that the Law of Nations provided. In the cases of both philosophers, this study found that their commentary sanctioned the continued intervention in the domestic affairs of non-European populations by hypothesising a number of exceptions to their understanding that 'uncivilised' peoples possessed natural rights.<sup>458</sup> In this context, Vitoria also provided one of the earliest expressions of the idea that civilised nations had a duty of 'brotherly correction' of the 'natives,' whereby civilised nations were *bound* and *obligated* to administer proper governance over the uncivilised, and teach and nurture them in the ways of advanced civilisation.<sup>459</sup>

It has been argued that this positioning of certain societies as being different and inferior provided European colonisers with the normative and legal basis to conduct their conquest and colonisation of non-European societies. In this regard, civilisational language gave them an expansive legitimising mandate for violence and conflict. Rather than provide a 'civilising hand,' the reality of those living under colonial rule was often brutally violent regimes of domination and exploitation.<sup>460</sup> This early historical use of the discourse on the

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<sup>458</sup> Pope Innocent IV, "Commentaria Doctissima in Quinque Libros Decretalium," in *The Expansion of Europe: The First Phase*, ed. and trans. James Muldoon (Pennsylvania: Pennsylvania University Press, 1977), 191-192; and Francisco de Vitoria, "On the Indians Discovered Lately," in *Francisco de Vitoria: De Indis et De Ivre Belli Relectiones*, ed. Ernest Nys and trans. John Pawley Bate (Washington: Carnegie Institution of Washington, 1917), 54.

<sup>459</sup> *Ibid.*, 160-161.

<sup>460</sup> Roland Paris, "International Peacebuilding and the Mission Civilisatrice," *Review of International Studies* 29, no.4 (2002): 651.

standard of civilisation has been argued to have had a profound impact on legal understandings of indigenous population status and rights, for centuries to come.

During the eighteenth century it has been explained that there was an attempt to reconceptualise the rights of man. It has been argued that in the dominant discourse of this era was an understanding that all men were created equal, and there existed universal principles of humanitarianism and human rights.<sup>461</sup> It was understood, therefore, that man should be afforded the same protections from the waging of war against them. However, as was evident in the natural law theories promoted by Innocent and Vitoria, exceptions to the promoted 'universal' ideals became the dominant occurrence. These 'exceptions' in enlightenment discourse directly contradicted any 'universality' to the principles. As a result, it has been argued the actual impact of this effusive language was found to be nearly non-existent for the people under colonial rule. Purported universal principles of equality and humanity were superseded, in order to allow for the continued intervention against 'uncivilised' peoples.

Due to the discourse on humanitarianism and equality, there was an acceptance by the colonising nations that it would appear improper to not acknowledge these 'universal principles' in the practice of intervention.<sup>462</sup> It has been argued that it became widely recognised that it was necessary to promote civilisation as the duty or responsibility of advanced European nations to spread. If the colonisers expressed that their interventions in the colonies were in order to improve the standards and conditions of the native populations, then their actions gained legitimacy. It has been demonstrated, in this regard, that in order to do so, civilisational language had to be employed to position those living in the non-European world as being uncivilised, inferior, subhuman and animals. This study has shown that as with the earlier conquests in the New World, this language provided cover for brutal repression and violence against non-European populations, during colonisation processes in the eighteenth and nineteenth centuries.

As a result of the unprecedented total wars of World War I and World War II, this study has found that there were challenges to the understanding of who in the international system could be deemed 'civilised,' and who were the 'barbarians'. Civilisational language was heavily interwoven into the propaganda of both sides of the wars, in order to demonise and dehumanise the enemy.<sup>463</sup> However, because these wars were fought in Europe, against Europeans, it meant that 'enlightened civilisers,' could necessarily become the 'barbarian other.' This arguably changed the way that Europeans saw themselves, and also had an impact on their understanding of the nature of people outside of Europe.

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<sup>461</sup> Leonard Woolf, *Imperialism and Civilisation* (London: L. and V. Woolf, 1933), 31.

<sup>462</sup> Roland Paris, "International Peacebuilding," 651.

<sup>463</sup> Daniel Pick, *War Machine: The Rationalisation of Slaughter in the Modern Age* (New Haven: Yale University Press, 1993), 153

When the League of Nations was created in the post World War I-era, there was a concerted attempt to create a peaceful international environment, based heavily on the enlightenment principles of the eighteenth century.<sup>464</sup> In what became known as ‘Wilsonian idealism,’ liberal and idealistic beliefs in a common humanity, universal human rights, and a harmony of interests among states were promoted.<sup>465</sup> For the some of the colonial territories, a new system of internationalised control was installed. Under the League of Nations mandate system, external states were granted formal legal control and guardianship over territories, in a “sacred trust of civilisation.”<sup>466</sup> The newly formed international institution would have oversight over the tutelage by external states, in order to ensure that the interests of the colonies were being respected.<sup>467</sup>

After World War II, there was a second attempt at creating an international institution to promote international peace and security. Under the United Nations, the universal liberal principles, previously firmly promoted by enlightenment thinkers and then later by Wilsonian utopianism, were upheld.<sup>468</sup> Again, this new international institution attempted to internationalise the control of colonial territories.<sup>469</sup> Like the mandate system before it, it has been argued that the new trusteeship system, embraced the legal use of foreign tutelage as a method for the ‘enlightenment’ of colonial territories. It was found that while the direct use of rhetoric such as ‘civilised,’ ‘uncivilised,’ and the ‘sacred trust of civilisation’ is absent from the trusteeship system, the effects of the trusteeship system largely mirrored that of its predecessor. Both the mandate and trusteeship systems continued the pattern of positioning powerful states as the enlightened civilisers, with those considered to be uncivilised kept under their tutelage. Of key interest to the thesis was how the language and practices of the standard of civilisation were used through international institutions, and in international law, as a tool to exclude and discipline societies considered outside the comity of nations.

Classical realism has provided an important critical analysis of the standard of civilisation, civilising missions, and the colonial activities of western European nations. Each of the realist theorists examined in the thesis have provided damning criticisms of liberal imperialism of universal moralistic language and practices. Carl Schmitt forewarned that realism would not be without its own critiques, who would attempt to refute the “political phenomena and truths,” of realism, and would instead call it “amoral, uneconomical,

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<sup>464</sup> E.H Carr, *The Twenty Years Crisis 1919-1939: An Introduction to the Study of International Relations*. 2<sup>nd</sup> ed (London: MacMillan & Co. Ltd, 1946), 24-25.

<sup>465</sup> See for example Woodrow Wilson, “President Woodrow Wilson’s Fourteen Points: January, 1918,” *Yale Law School: The Avalon Project*, accessed June 15, 2016, [http://avalon.law.yale.edu/20th\\_century/wilson14.asp](http://avalon.law.yale.edu/20th_century/wilson14.asp).

<sup>466</sup> The League of Nations, “Article 22 of the Covenant of the League of Nations,” *Yale Law School*, accessed 01 April, 2016, [http://avalon.law.yale.edu/20th\\_century/leagcov.asp](http://avalon.law.yale.edu/20th_century/leagcov.asp).

<sup>467</sup> Woodrow Wilson, as cited in William Bain, *Between Anarchy and Society: Trusteeship and the Obligations of Power* (Oxford: Oxford University Press, 2003), 101.

<sup>468</sup> The United Nations, “Preamble of the Charter of the United Nations,” *The United Nations*, accessed 04 July, 2015, <http://www.un.org/en/sections/un-charter/un-charter-full-text/index.html>.

<sup>469</sup> United Nations, “Article 76 of the United Nations Charter,” *United Nations*, accessed 01 July, 2016, <http://www.un.org/en/sections/un-charter/un-charter-full-text/index.html>.

unscientific and above all declare this a devilry worthy of being combated.”<sup>470</sup> Instead, it has been argued that classical realism provides an undervalued and understudied critique of colonialism and standard of civilisation discourse.

E.H Carr, Carl Schmitt, and Hans Morgenthau all strongly warned against the use of language which had all encompassing and universal appeal, as it has dangerous and unintended consequences. It has been argued that this language has the effect of creating a troubling friend versus enemy dichotomy,<sup>471</sup> or dangerous distinctions between so-called “peace-loving nations” versus the “forces of evil.”<sup>472</sup>

The thesis has examined and analysed a range of interventions in the case of East Timor. It has been argued there has been a continuous pattern of violent actions and subjugation against the country of East Timor. In order to legitimise and justify these interventions, civilisational language has been employed, time and again, to cast the entire East Timorese society as being backward, primitive, and different. In each of the cases that were explored in this study, the interveners have attempted to position themselves as the enlightened civilisers, by using emotive and effusive language which portrays their ‘civilising’ role in the country.

The standard of civilisation did not disappear with the creation of the United Nations, nor with the Universal Declaration of Human Rights. It did not disappear with the advent of the decolonisation process. There continues to be a hierarchical division of the world into those who can be intervened against, and those who cannot. These divisions continue to be in accordance with western standards of civilisation. The interventions conducted in East Timor were never based on the altruistic notions of a common humanity, or universal human right. Rather, in each case intervention was symptomatic of calculated assessments of national interest, or the interest of states shielded behind international law and institutions.

As has been argued throughout this thesis, irrespective of the time in history, the discourse of the standard of civilisation and its practices have been employed. It is evident that there is a pattern of language and justifications used in order to conduct both historical and contemporary interventions. While some of the specific rhetoric used has evolved over time, the effect of classify entire societies of people as being inferior and different has endured. It has been argued that the case of East Timor proves that civilisational language and its associated practices continue to exist in contemporary international relations.

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<sup>470</sup> Carl Schmitt, *The Concept of the Political* [1932], trans. George Schwab (Chicago: Chicago University Press, 2008), 65-66.

<sup>471</sup> *Ibid.*, 49.

<sup>472</sup> Hans Morgenthau, *In Defense of the National Interest: A Critical Examination of American Foreign Policy* (New York: Alfred A. Knopf, 1951), 94.

This research strongly suggests that civilisational language and its associated practices generate destructive consequences for the states it is wielded against and for the wider international community. The objective of the study was to bring attention to the dangers of employing civilisational language in order to justify and legitimise intervention. In this regard, the ongoing significance of the research is that it can be used to challenge the use of civilisational language and practices in other cases. If civilisation language emerges in other contexts, it can be identified more readily and the dangers of its use can be advised.

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