

DOKUZ EYLÜL UNIVERSITY
GRADUATE SCHOOL OF SOCIAL SCIENCES
DEPARTMENT OF INTERNATIONAL RELATIONS
INTERNATIONAL RELATIONS PROGRAM
MASTER’S THESIS

HUMANITARIAN INTERVENTION:
A COMPARATIVE ANALYSIS ON KOSOVO AND
EAST-TIMOR

Aslıhan KARATAŞ

Supervisor
Assoc. Prof. Dr. Ali Şevket OVALI

İZMİR-2021

MASTER THESIS/PROJECT
APPROVAL PAGE

University : Dokuz Eylül University
Graduate School : Graduate School of Social Sciences
Name and Surname : Aslıhan KARATAŞ
Title of Thesis : Humanitarian Intervention: A Comparative Analysis on Kosovo and East-Timor

Defence Date : 25/08/2021
Supervisor : Doç.Dr. A. Şevket OVALI

EXAMINING COMMITTEE MEMBERS

<u>Title, Name and Surname</u>	<u>University</u>	<u>Signature</u>
Doç.Dr. A. Şevket OVALI	- Dokuz Eylül Üniversitesi
Doç.Dr. İrem AŞKAR KARAKIR	- Dokuz Eylül Üniversitesi
Doç.Dr. Altuğ GÜNAL	- Ege Üniversitesi

Unanimity ()

Majority of votes ()

The thesis titled as "**Humanitarian Intervention: A Comparative Analysis on Kosovo and East-Timor**" prepared and presented by Aslıhan KARATAŞ is accepted and approved.

Prof. Dr. Asuman ALTAY
Müdür

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05/07/2021

Aslıhan KARATAŞ

ABSTRACT
Master's Thesis
Humanitarian Intervention:
A Comparative Analysis on Kosovo and East-Timor
Ashhan KARATAŞ

Dokuz Eylül University
Graduate School of Social Sciences
Department of International Relations
International Relations Program

Humanitarian intervention, which has close links with just war tradition and the principle of sovereignty, is a highly debated topic in international relations. The decision to intervene or not to intervene, together with the question of whether intervention is a threat to the state's sovereignty or a necessity for maintaining international peace and security, are the main problems of the humanitarian intervention debate.

Transformation in the international system with the end of the Cold War has increased the possibility of humanitarian interventions. Though UN Charter prohibits the threat or use of force in international relations, as formulated in Article 2(4), it allows UN-authorized interventions only in cases where the UN Security Council approval is granted.

This thesis compares interventions in East Timor and Kosovo through a careful examination of the term humanitarian intervention. By doing so, the thesis discusses similar and different aspects of these two interventions that occurred in the same year, produced parallel results, but carried out by different actors.

Key Words: Humanitarian Intervention, East Timor, Kosovo, NATO, United Nations

ÖZET
Yüksek Lisans Tezi
İnsani Müdahale:
Kosova ve Doğu Timor Üzerine Karşılaştırmalı Bir Analiz
Ashhan KARATAŞ

Dokuz Eylül Üniversitesi
Sosyal Bilimler Enstitüsü
Uluslararası İlişkiler Anabilim Dalı
İngilizce Uluslararası İlişkiler Programı

Haklı savaş geleneği ve egemenlik ilkesi ile yakın bağları olan insani müdahale, uluslararası ilişkilerde oldukça tartışılan bir konudur. Müdahale etme veya müdahale etmeme kararı müdahalenin devletin egemenliğine yönelik bir tehdit mi yoksa uluslararası barış ve güvenliğin korunması için bir zorunluluk mu olduğu sorusuyla birlikte, insani müdahale tartışmasının temel sorunlarıdır.

Soğuk Savaş'ın sona ermesiyle birlikte uluslararası sistemdeki dönüşüm, insani müdahalelerin gerçekleşmesi olasılığını artırmıştır. BM Tüzüğü, Madde 2(4)'te formüle edildiği gibi uluslararası ilişkilerde güç kullanma tehditi ya da güç kullanımını yasaklasa da, yalnızca BM Güvenlik Konseyi onayının verildiği durumlarda BM tarafından yetkilendirilmiş müdahalelere izin verir.

Bu tez çalışması, Doğu Timor ve Kosova'daki müdahaleleri insani müdahale terimini itinalı bir şekilde inceleyerek karşılaştırmaktadır. Böylece, bu çalışma aynı yıl içinde meydana gelen, paralel sonuçlar üreten, ancak farklı aktörler tarafından yürütülen bu iki müdahalenin benzer ve farklı yönlerini tartışmaktadır.

Anahtar Kelimeler; İnsani Müdahale, Doğu Timor, Kosova, NATO, Birleşmiş Milletler.

HUMANITARIAN INTERVENTION: A COMPARATIVE ANALYSIS ON KOSOVO AND EAST-TIMOR

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ABBREVIATIONS

AIETD	All-inclusive Intra-East Timorese Dialogue
APEC	Asia-Pacific Economic Cooperation
APODETI	Timorese Popular Democratic Association
ASDT	Timorese Social Democratic Association
ASEAN	Association of Southeast Asian Nations
CNRM	National Council of Maubere Resistance
CNRT	National Council of the Timorese Resistance
CRRN	Revolutionary Council of National Resistance
CSCE	Conference for Security and Cooperation in Europe
DFY	Democratic Federation of Yugoslavia
FALINTIL	National Liberation Forces of East Timor
FRETILIN	Revolutionary Front for an Independent East Timor
FRY	Federal Republic of Yugoslavia
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IMF	International Monetary Fund
IMT	International Military Tribunal
INTERFET	International Force for East Timor
IR	International Relations
KFOR	Kosovo Force
KLA	Kosovo Liberation Army
KOTA	Association of Timorese Warrior Sons
NATO	North Atlantic Treaty Organization
OSCE	Organization for Security and Cooperation in Europe
PGET	Provisional Government of East Timor
SFRY	Socialist Federal Republic of Yugoslavia
TNI	Indonesian National Military Forces
TRABALHISTA	Labor Party

UDHR	Universal Declaration of Human Rights
UDT	Timorese Democratic Union
UN	United Nations
UNAMET	United Nations Mission in East Timor
UNMIK	United Nations Mission in Kosovo
UNSC	United Nations Security Council
UNTAET	United Nations Transitional Administration in East Timor



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INTRODUCTION

Humanitarian intervention has been a highly controversial topic since the end of the Cold War. The debates about the topic have coincided with the discussions on human security and national security issues. Yet, the lack of a consensus on the legal doctrine of humanitarian intervention and its practical implications left the topic as one of the most problematic issues in international relations. Due to its debated nature, whether it is a threat to state's sovereignty or a necessity for maintaining international peace and security, the debates about the theory and practice of the concept seem to last without any significant achievement.

The concept includes a two-folded debate. If humanitarian intervention takes place, its legitimacy becomes debated. If humanitarian intervention or attempts to put it into practice fails, another debate occurs about the causes of failure. Unsuccessful experience of UN's first peace enforcement operation in Somalia, failure of the Security Council to act in Rwanda in 1994, and late operation in Bosnia in 1994-95 all encompass and display the key arguments of these two folded debates. Also, NATO's intervention in Kosovo in 1999, without the authorization of the UNSC, reinvigorated the debates about the humanitarian intervention itself. As for the East Timor intervention of 1999, members of the UNSC ultimately managed to act together, preventing the possible problems about the legitimacy of the operation. These incidents have made a significant impact on the use of force for humanitarian purposes and inevitability influenced the way people think and analyze about humanitarian intervention.

This study focuses on East Timor and Kosovo cases for comparison, as both incidents have some important similar features. Both territories were small and poor with rich and strong neighbors around them. Both experienced a violent ethnic conflict that ended with humanitarian interventions. Those interventions occurred in the same year and, at the end of the interventions, the UN took over the administration of these two territories. UNTAET ended in May 2002, and UNMIK in 2008 when those states declared their independence. There are several studies in the field which compare UN transitional administrations or the success of the state-

building process in both cases. Nevertheless, the lack of a study comparing these two interventions that produce similar outcomes is missing and this study attempts to fill this gap in the literature. In this regard, our main research questions are formulated as follows; what is humanitarian intervention, are there any similarities or differences between these two cases of humanitarian intervention, what are the main causes of differences and similarities?

The findings in this research is based on the information obtained from both primary and secondary sources, aiming to benefit from various qualitative methods. By analyzing official statements of state organs, press releases and the documents of the governmental and non-governmental organizations, the research investigates the pre-intervention and intervention periods in detail. The reason for such limitation is twofold. The first one is the time and space limitations. Since the post-intervention period requires a wider scope on the post-conflict situation, this study limits itself with the pre-intervention and intervention period. However, it highlights the key events following the interventions. Second, since there has been existing literature about state-building processes in two cases, this study aims to limit itself with the comparison of interventions.

In this regard this study falls into three sections. The conceptual framework will be drawn in the first chapter with special emphasis on the theoretical debates about humanitarian interventions. Through the examination of the intellectual roots of humanitarian intervention, this chapter will reveal the links between just war tradition and the principle of sovereignty in IR. The first chapter will also address International Relations (IR) theories' stance on humanitarian intervention and its applications. Following that, the chapter will review the historical evolution of humanitarian intervention in IR. It will also analyze the use of force enshrined in UN Charter and discuss the contradictions it contains. After careful examination of various definitions, a working definition of humanitarian intervention will also be provided in this section.

The second chapter will focus on the East Timor case. This chapter will include detailed historical accounts on East Timor, starting from pre-colonial rule to the intervention period. East Timor was a Portuguese colony from the 16th century to

the mid-1970s. Indonesian forces invaded East Timor in 1975 and declared the territory as the 27th province of Indonesia. At a time when Cold War in full swing, Indonesia defended its action mainly on security grounds. Seen as a fortress of Western camp in Southeast Asia, Indonesia managed to keep control of territory for twenty-four years. During these years, East Timorese carried out clandestine activities and resisted Indonesian authorities by conducting guerilla warfare. United Nations did not recognize this invasion, instead regarded East Timor, as a non-self-governing territory under the administration of Portugal. Following the end of the Cold War, the world paid more attention to the region and became more involved in the issue. Especially after the Santa Cruz massacre in 1991, Indonesia faced sanctions due to its oppressive actions against East Timorese. On 5 May 1999, Indonesia accepted a UN conducted popular consultation in East Timor which would decide the future status of the territory. When an overwhelming majority of East Timorese voted for independence, the violence increased in the country. After strong international pressure, Indonesian President Habibie agreed to the deployment of a multinational force. Ultimately, UN Security Council passed resolution 1264, authorizing Australian-led international force for East Timor.

The third chapter will examine the Kosovo case. By providing the roots of the conflict, it will discuss the significance of the region for the conflicting parties. Kosovo meant for Serbs a historical, but also a religious place, and their emotional attachment to the region has been strengthened through their national narratives and myths. After the defeat of Serbs against Ottomans in the Battle of Kosovo in 1389, the region has become more important for Serbian nationalist movements, and Albanians have been regarded as “others” due to their shared Muslim identity with Ottomans. While both nations have considered themselves as the first inhabitants of the territory, the conflict between them lasted centuries. During the presidency of Josip Broz Tito in the Socialist Federal Republic of Yugoslavia, this conflict seemed to be relatively frozen, but it had resurfaced with Tito’s death. While Yugoslavia entered into a disintegration process in the early 1990s, the autonomous status of Kosovo was abolished, despite Kosovar Albanians objections. Witnessing the independence of Bosnia with Dayton Accords in 1995, Kosovar Albanians have

transformed their passive resistance into an armed resistance. In 1998, the conflict between two nations turned into a war, and violence escalated in the region. Despite UN Security Council resolutions that called the Serbian government to stop the conflict in Kosovo, violence continued in the region. NATO launched an air campaign on 24 March 1999 against the Federal Republic of Yugoslavia which lasted seventy-eight days. Yet, NATO's intervention caused controversy over the legality of action since there was no authorization of the UN Security Council. After briefly mentioning post-intervention period, this study will continue with the concluding chapter, within which main implications are presented, as well as analyzing the similar and different sides of the cases, and limitations of the study.

CHAPTER ONE

HUMANITARIAN INTERVENTION

1.1. INTELLECTUAL ROOTS OF HUMANITARIAN INTERVENTION

The intellectual roots of humanitarian intervention, intervention, or the principle of non-interference stem from the doctrine of just war. There also has been a dispute among scholars whether humanitarian intervention is inconsistent with the concept of sovereignty. This section will reveal the links between just war tradition and the principle of sovereignty in IR.

1.1.1. Just War Doctrine

Starting with the fundamental question what makes a war just, just war theorists sought to conceptualize the conditions of war, identify justifiable causes, and lay down the principles applicable. Just war doctrine as a moral law term; has been used by theologians to justify or restrict wars between states or communities, by associating them with the work of God and religious teachings. The systematic discussion of just war began with such questions, and among theologians who tried to understand whether any society or state has the right to declare war, and under which conditions these wars could be considered fair and legal. The concept, which arguably has even deeper-laid seeds in ancient Greek thought, later on came to be systematically discussed by theologians such as St. Augustine, St. Thomas Aquinas, and Francisco de Vitoria, and gradually evolved into the basis of contemporary understanding of the intervention concept.

The first proponents of the just war doctrine were trying to find a middle ground between “Christian pacifism” and the “necessity of Christians to fight”¹. While Christian pacifism advocates “turning the other cheek”² without seeking

¹ Renee Jeffery, **Hugo Grotius in International Thought**, Palgrave Macmillan, New York, 2006, p. 47.

² Turning the other cheek is a phrase in Christian doctrine from the Gospel of Matthew in the New Testament and is part of the Sermon on the Mount. “But I say unto you, That ye resist not evil: but whosoever shall smite thee on thy right cheek, turn to him the other also”. See Matthew 5:39.

revenge for harmful acts which one suffered, the supporters of just war theory offer a moral-religious law that allows Christians to go to war. Indeed, the roots of just war theories' were based on the need to justify warfare on religious grounds, as well as moral and legal ones³. Instead of condemning war as a sin in all cases, showing the justness of a war in the light of the commandments of God has become the starting point of the just war tradition.

The term just war is discussed extensively in the literature with reference to the moral values of war and warfare, often in a bid to investigate whether a war or its means are just or not⁴. Roman theologians and philosophers continued the discussions about legality and justness of war. Although the question of just war was first raised in ancient Greece, it attained a systematic approach only with the Romans, who tried to formulate a body of rules regarding the notions of just war, and who attempted to present a systematic understanding which greatly influenced and shaped contemporary conceptualization of humanitarian intervention⁵.

Ius ad bellum and ius in bello are the two main lines of arguments regarding just war and humanitarian intervention. Ius ad bellum is about when it is just to start a war, and ius in bello means how the war can legitimately fought⁶. Richard Miller provides a list of the criteria for each category.

³ Arthur Nussbaum, "Just War: A Legal Concept?", **Michigan Law Review**, Vol: 42, No: 3, December 1943, p.478.

⁴ Mona Fixdal and Dan Smith, "Humanitarian Intervention and Just War", **Mershon International Studies Review**, Vol: 42, No: 2, November, 1998, p.285.

⁵ Joachim von Elbe, "The Evolution of the Concept of the Just War in International Law", **The American Journal of International Law**, Vol: 33, No: 4, October 1939, p.666.

⁶ Fixdal and Smith, p.286.

Table 1: Just War Criteria by Category

Criterion	Definition
Ius ad Bellum (the Justice of Resort to War)	
Right Authority	Only a legitimate authority has the right to declare war
Just Cause	We are not only permitted but may be required to use lethal force if we have a just cause.
Right Intention	In war, not only the cause and the goals must be just, but also our motive for responding to the cause and taking up the goals.
Last Resort	We may resort to war only if it is the last viable alternative
Proportionality	We must be confident that resorting to war will do more good than harm
Reasonable Hope	We must have reasonable grounds for believing the cause can be achieved
Relative Justice	No state can act as if it possesses absolute justice.
Open Declaration	An explicit formal statement is required before resorting to force
Ius in Bello (the Justice of the Conduct of War)	
Discrimination	Noncombatants must be given immunity and protection
Proportionality	Military actions must do more good than harm

Source: Richard Miller, **Interpretations of Conflict, Ethics, Pacifism, and the Just War Tradition**, University of Chicago Press, Chicago, 1991 quoted in Fixdal and Smith, p. 286.

Ancient philosophers influenced the just war theorists to follow their footsteps, especially by focusing on the right to resort war, i.e. ius ad bellum. According to some philosophers in ancient Greece, warfare could only be possible between Hellenic and non-Hellenic people. Plato did not consider hostilities between Greek city-states as war. War is only possible if the other party is barbaric - that is, not Hellene. After Plato, who claimed that war could take place because of the need for territorial expansion, Aristotle also tried to justify war by arguing that war must be fought against slaves who refuse to bow to their masters. It was Aristotle who stated that the wars fought against barbarians were natural and just, but intra-Hellenic warfare was a disease and such enmity was to be called discord⁷ as Plato also claimed⁸. Aristotle's natural theory of slavery justified the root causes of war. Non-Hellenes were nothing but enemies, and they must be defeated for their own interest

⁷ Frederick H. Russell, **The Just War in the Middle Ages**, Cambridge University Press, Cambridge, 1975, p.3.

⁸ Plato stated that; "When Hellenes fight with barbarians and barbarians with Hellenes, they will be described by us being at war when they fight, and by nature enemies, and this kind of antagonism should be called war; but when Hellenes fight with one another we shall say that Hellas is then in a state of disorder and discord, they being by nature friends; and such enmity is to be called discord." See Plato, **The Republic**, Trans. By Benjamin Jowett, Digireads.com Publishing, 2016.

by those who are Hellenic and a war against them was virtuous and therefore, legitimate, argued Aristotle⁹.

As a theologian and philosopher, it was Saint Augustine (354-430) who inserted the concept of just war between the principles of “evangelical patience” and the “Christian’ pacifism”, making use of Roman legal notions¹⁰. Even though his thoughts are considered contradictory by some commentators, St. Augustine can be labeled as the first Christian war theorist, given his attempt to limit war and his ideas about unjust ways of fighting. No major Christian theologian advocated a pacifist position since the reign of Constantine. Christians, from the decades marked by the rule of Eastern Roman Emperor, Constantine the Great, to the time of Saint Augustine, considered war as permissible, but limitations applicable and just-war were often left as topics that have not been discussed systematically¹¹. It was Saint Augustine, who tried to build a middle path between Christian pacifism and military participation¹².

According to Saint Augustine, wars are acceptable, if the goal is to secure the peace. He insisted that resort to war could only be an option to ensure “tranquil peace” as Marcus T. Cicero also pointed out¹³. Instead of simply encouraging violence, Saint Augustine focused on the need for just cause in war. However, by leaving unanswered questions about what the right or the justifiable ways of wars, he fell short of presenting a systematic theory. Besides, one can argue that his belief system contradicts with the Christian morality and Jesus Christ's teachings. While Christian dogma is strongly against the all forms of violence as summarized in the dictum 'turn the other cheek', Saint Augustine states that, according to the Old as well as the New Testament, soldiers should be seen as “faithful believers”. On the one hand, he points out that warfare is nothing more than brutality and that it brings horror. On the other hand, he emphasizes military force –and thus war- as the only

⁹ Michael Gagarin (Ed.), **The Oxford Encyclopedia of Ancient Greece and Rome**, Oxford University Press, Oxford, 2010, p.365.

¹⁰ Russell, p. 16.

¹¹ E. M. Atkins and Robert Dodaro, **Augustine: Political Writings**, Cambridge University Press, Cambridge, 2001, p.xxiv.

¹² Nussbaum, p.455.

¹³ In line with Cicero's philosophical vein, he says that the “aim of the war must be to provide an unperturbed life in peace”. Nussbaum, p.455.

way to protect society from a world which is assumed to be full of sin and hatred. These seemingly conflicting views reduce the clarity of Saint Augustine's way of thinking¹⁴.

According to Saint Augustine, war might be permissible as a temporary necessity, but it cannot be idealized. In his letter to St. Boniface¹⁵ he wrote: "...war only what necessity demands...Be a peacemaker, therefore, even in war, so that by conquering them you bring the benefit of peace even to those you defeat". By saying that keeping the peace must be the only goal in war, he stressed that wars can occur out of necessity, rather than as arbitrary consequences of the will of the people¹⁶.

Saint Augustine believes that only the legitimate ruler of the land, which is either a prince or a king, whose authority is derived from the God, has the power to conduct wars. Without a legitimate authority, war cannot be just¹⁷. Thus Saint Augustine referred to the right authority, the first criterion of *ius ad bellum*. Although his just war theory does not distinguish between offensive and defensive war¹⁸, he puts Cicero's analysis of justice to the core of his theory; "the just man puts the good of society first"¹⁹. So whether a war is offensive or defensive, wars must surely be waged by the right authority to ensure the good of society.

St. Thomas Aquinas, who was born into a wealthy South-Italian family in 1225²⁰, made a very significant contribution to the evolution of the just war concept. Inspired by the St. Augustine's ideas, he came up with three essential criteria for just war which continues to serve as the criteria of justness for humanitarian interventions today. Firstly, only a prince, who is the sovereign by natural order, holds the authority for declaring war and waging it²¹. Like St. Augustine²², St. Aquinas also considers the prince as the only authority which protects the state's or its subjects' interests. Secondly, a just war requires a just cause. According to St. Augustine;

¹⁴ Atkins and Dodaro, p.xxiv.

¹⁵ St. Boniface was Bishop of Rome between 418 and 422. He was in correspondence with Augustine and he supported to Augustine. See Atkins and Dodaro, p.230.

¹⁶ Letter 189 to Boniface, see Atkins and Dodaro, p.217.

¹⁷ Russell, pp.21-22.

¹⁸ Russell, p.21.

¹⁹ Atkins and Dodaro, p.xxix.

²⁰ Robert W. Dyson, **Aquinas Political Writings**, Cambridge University Press, Cambridge, 2004, p.xvii.

²¹ Dyson, p.240.

²² Russell, p.21.

“...just war is customarily defined as one which avenges injuries, as when a nation or state deserves to be punished because it has neglected either to put right the wrongs done by its people or to restore what it has unjustly seized.”²³. At this point, St. Aquinas differentiates from St. Augustine on his views on just cause. For St. Augustine, there must be some wrongdoings that lead the prince to fighting against them. The opponent must have done wrong²⁴. But for St. Aquinas, damage previously inflicted by the opponent will also serve fine as a just cause²⁵.

Thirdly, “a righteous intent” is a must for a just war. Working for a good cause or averting an evil are the necessary conditions for claiming just war. As St. Augustine states “Among true worshippers of God, those wars which are waged not out of greed or cruelty, but with the object of securing peace by coercing the wicked and helping the good, are regarded as peaceful”. Thinking parallel with Augustine, Aquinas stated that wars without right intentions would not be legal, even if they had just cause and were based on the right authority²⁶.

Augustine and Aquinas mainly focused on a single specific question: can Christians legitimately use force²⁷? While Augustine is known as one of the first Christian theorist to discuss the concept of just war, Thomas Aquinas was the one who developed a more systematic understanding about the just war tradition. In this sense, St. Aquinas also contributed to the current debates on humanitarian interventions and many problems such interventions may lead to. For Aquinas, sedition cannot be considered as just war, because there is no justice and the common good in sedition. The revolt of a separatist group in the state or kingdom cannot be counted as a just war because it does not meet the conditions of both right authority and just cause²⁸. While sedition is opposed to the common good of the community, that is, does not seek benefit for the whole community, rebellion against tyrannical rule to cause a disruption is different for tyrannical rule is guided by the private good

²³ Dyson, pp. 240-241.

²⁴ Dyson, p.240.

²⁵ Dyson p.241.

²⁶ Dyson, p.241.

²⁷ Fixdal and Smith, p.286.

²⁸ Dyson, p.250.

of the sovereign, rather than by the common good²⁹. In such a case, if people are going to suffer less than they suffer under the tyrannical ruler, then disruption of such a government can be considered just war³⁰. In parallel to the points made by Aquinas centuries ago, today humanitarian intervention has an emphasis on the requirement that it should not produce worse results than the situation before intervention. If people are going to suffer more with the intervention than they did before, the legitimacy of the intervention becomes questionable. As St. Augustine also pointed out, it would be unlawful for people to use more violence than is necessary, even if they were in a state of self-defense³¹. Therefore, reducing human suffering is one of the priorities of humanitarian intervention.

Another name who made significant contributions to the evolution of the just war theory is Francisco de Vitoria, who was born in Spain at 1483, and who worked as a professor of theology in the University of Salamanca as Catedra de Prima³².

Vitoria addressed the problems which arose with discovery of the New World, and subsequent conquests by the Spanish. Despite the Pope and the Emperor-centered worldview of his time, Vitoria recognized the newly discovered Native Americans as political entities³³ and raised the question whether the war of the Spaniards against the Indians was just war or not³⁴.

By focusing on sovereignty, he stated that the right to declare war belongs to the community³⁵ and constitutes the core element of sovereignty. Vitoria underlined that a war which waged on by the sovereign cannot be 'just war' if there is no just cause. Neither religious differences nor the personal interests of the rulers justify the war. He emphasized in Second Relectio (On the Indians), that the sovereign's desire to expand his territory or to further his personal reputation is not among the reasons that justify the war³⁶. He also points out the differences between the legitimate king

²⁹ Dyson, pp.250-251.

³⁰ Dyson, p.251.

³¹ Russel, p.264.

³² Catedra de Prima means principal chair of theology in English. See Nussbaum, p.458.

³³ Ertuğrul Uzun and Elif Uzun, "Uluslararası Hukukun Temelleri ve Francisco de Vitoria", **Uluslararası Hukuk ve Politika**, Vol: 5, No: 18, 2009, pp.47-48.

³⁴ Nussbaum, p.458.

³⁵ "Which is not a part of another community, but has its own laws, and its own council and its own magistrates", see Elbe, p.674.

³⁶ Elbe, p.674.

and tyrant, in line with Aristotelian tradition. While the tyrant runs government for his own interest, legitimate kings use their power for the “good of the commonwealth”³⁷.

In his book -De iure belli-, after claiming that Christians have the right to wage wars, Vitoria proceeds to discuss the just causes of war. A prince's right to resort to war depends on some conditions. In parallel to what St. Augustine pointed out, Vitoria argues that there must be some wrongdoings done by the Prince's subjects or foreigners³⁸.

Vitoria mentions two categories of war: offensive and defensive war. In the latter, the legitimate king can declare a war to protect himself or the territorial integrity of his territory and property. Offensive war, in turn, can be waged on for defensive purposes or for repossession of lost property, but also against those who did wrong³⁹. Both categories of, however, are subject to the requirement to have establishing peace and security as the ultimate purpose, so as to be considered just war⁴⁰. In addition, in his book of De iure belli, Vitoria stated that the deliberate killing of innocents in any kind of offensive or defensive war can, under no circumstances, be considered legitimate⁴¹.

Alongside frequent references to St. Augustine, Vitoria also mentioned Aquinas' concepts of right intention, just cause, and right authority in his writings. Besides, he started to systematize the criteria of *ius in bello* -the rules which have to be followed in the war and for the right conduct in war-. At the end of De iure belli, he delineates the three rules of war:

- 1) *Since princes have the authority to wage war, they should strive above all to avoid all provocations and causes of war... The prince should only accede to the necessity of war when he is dragged reluctantly but inevitably into it.*
- 2) *Once war has been declared for just causes, the prince should press his campaign not for the destruction of his opponents, but for the pursuit of the justice for which he fights and the defence of his homeland, so that by fighting he may eventually establish peace and security.*

³⁷ For more information see Anthony Pagden and Jeremy Lawrance, **Francisco De Vitoria: Political Writings**, Cambridge University Press, Cambridge, 1991, p.303.

³⁸ Pagden and Lawrance, p. 303.

³⁹ Francisco De Vitoria, **The First Relectio**, available at https://www.constitution.org/victoria/victoria_4.htm, (05.06.2020).

⁴⁰ Uzun and Uzun, p. 57.

⁴¹ Uzun and Uzun, p. 56.

3) *Once the war has been fought and victory won, he must use his victory with moderation and Christian humility. The victor must think of himself as a judge sitting in judgment between two commonwealths, one the injured party and the other the offender; he must not pass sentence as the prosecutor, but as a judge*⁴².

Vitoria's contributions to the concept of just war, in the form of criteria such as last resort and proportional use of force as stipulated in these three rules are most significant. Besides, he can be considered as one of the first thinkers to point out a connection between the concept of humanitarian intervention and just war.

Vitoria has also contributed to modern-day understanding of humanitarian intervention with the idea of declaring war to save innocents from tyrants. Surely, this war, according to Vitoria, would be based on God's commandment⁴³, and would thus be a divine mission and a necessity⁴⁴. According to Vitoria, if the tyrannical power engages in oppression such as human sacrifice or the cannibalism towards its own subjects, these practices constitute just cause for the prince to declare war against the tyrannical state⁴⁵. However, in order to label such a war just one, the legitimate authority, which is the king or the prince of the land, must issue a warning to the other side before commencing any war against them. But if the tyrannical practices continue despite the warnings, declaring war becomes a legitimate course of action⁴⁶. Thus, Vitoria demonstrated the relationship between humanitarian intervention and just war. That is why many humanitarian interventions present their aims as protect the rights of the innocent people, in line with the requirements of the just war school of thought.

Another significant figure who contributed to the doctrine of just war, Francisco Suarez, was born into a wealthy family on 5 January 1548, in Granada, and was influenced much by Aquinas and Vitoria, even though he diverged from their

⁴² Pagden and Lawrance, pp.326-327.

⁴³ Based on the God's commandments to each man concerning his neighbors; Vitoria argues that each man should protect his neighbor even without the Pope's authority. See Pagden and Lawrance, pp.287-288.

⁴⁴ Hakkı Hakan Erkiner, Grotius Öncesinde İlk Modern Uluslararası Hukuk Düşüncesinin Oluştugu Tarihsel Koşullar ve Erken Klâsik Dönemdeki Öğreti, **Marmara Üniversitesi Hukuk Fakültesi Hukuk Araştırmaları Dergisi**, Vol: 18, No: 1, 2012, p.104.

⁴⁵ Pagden and Lawrance, p.288.

⁴⁶ Uzun, p.55.

line on certain issues⁴⁷. While Vitoria built his ideas about just war on the conquest of the New World, in Suarez's thinking, these debates have been replaced by a broader intellectual discussion⁴⁸. Suarez, like Vitoria before him, believes that there is a direct relation between the national and the universal benefit, wherein- the former is dependent on the latter, and universal benefit comes first⁴⁹. But for Suarez, the main concern is the survival of the state, as opposed to Vitoria's concern for all humanity (universal concern)⁵⁰.

Under the framework of *ius ad bellum*, Suarez has developed his own just war perspective with the insights provided by his predecessors. The first two conditions he proposes are shared with the previous thinkers'. Firstly, he believes that only a legitimate power has the authority to wage war. Secondly, the cause of the war must be just. Suarez takes a similar position with Aquinas on what constitutes just cause. However, Suarez stands apart from Vitoria regarding legitimate authority, by pointing out that some princes have supreme authority, while others are merely subjects⁵¹. While Vitoria claimed that the subordinate princes could justifiably take the initiative if the supreme prince ignores the wrongdoings, Suarez argued that without a legitimate authority of a supreme prince, war could not be waged justly⁵² and such a war would be considered a violation of justice and benevolence⁵³. However, Suarez agrees with Vitoria on the need to defend the innocent, as he states that princes may justly intervene to save the innocent, but the prince must, again, be the supreme one⁵⁴.

Suarez also mentioned that the Bible provides justification for not only defensive but also offensive warfare -a point not seen explicitly in Aquinas' writings⁵⁵. According to Suarez whereas defensive war is about to repelling an

⁴⁷ G. Scott Davis, "Francisco Suarez (1548-1617)", **Just War Thinkers: From Cicero to the 21st Century**, (Eds. Daniel R. Brunstetter and Cian O'Driscoll), Routledge, Abingdon, UK, 2018, p.107.

⁴⁸ Davis, p.110.

⁴⁹ "Bonum commune omnium nationum, bonum commune generis humani". See Erkiner, p.117.

⁵⁰ Erkiner, p.121.

⁵¹ Davis, p.111.

⁵² Gregory M. Reichberg, "Suárez on Just War", **Interpreting Suárez: Critical Essays**, (Ed. Daniel Schwartz), Cambridge University Press, Cambridge, 2012, p.193.

⁵³ Francisco Suárez, **Selections from Three Works**, (Ed. Thomas Pink), reprinting the Carnegie text of Williams et al., Liberty Fund, Indianapolis, 2015, p.919.

⁵⁴ Davis, p.111.

⁵⁵ Reichberg, p.186.

ongoing attack, an offensive war is a method of punishment to be inflicted on those who refuse to redress the wrongdoing⁵⁶. For Suarez, war -whether defensive or offensive-, “absolutely speaking, is not intrinsically evil, nor is it forbidden to Christians”⁵⁷.

Suarez furthered the third condition by borrowing insights from Aquinas. Here in the third condition, he differentiates from the thinkers discussed so far, by arguing that the right intention must be maintained throughout and after the war, and not only at the time of deciding to go to war. He concluded that “thirdly, the method of [war’s] conduct must be proper, and due proportion must be observed at its beginning, during its prosecution, and after victory”⁵⁸. While his first two conditions covered *ius ad bellum*, third one forms *ius in bello* which Aquinas mentioned with reference to the right intention⁵⁹. Thus, Suarez introduced another criterion for *ius in bello*, arguing that war must be the last resort.

The Dutch political and legal theorist of the 17th century, Hugo Grotius, was born in 1583 in Delft, Netherlands. Henry IV would call him the Miracle of Holland for his reputation in philosophy, verse and theology⁶⁰. Grotius studied the concept of just war within the framework of international law and made significant contributions to the field.

Hugo Grotius as a statesman and diplomat, has been called the “father of international law”⁶¹ and his book *De Jure Belli ac Pacis* (On the Law of War and Peace) is considered one of the most significant contributions to the evolution of international law. As he built on the ideas of his predecessors, he also deftly examined and coined the main concepts of law. Concepts such as natural law, human laws, or positive law formed the basis of his writings. Grotius also firmly distinguished *ius civile*, *ius gentium*, and *ius naturale*, which can be translated into

⁵⁶ Davis, p.110.

⁵⁷ Suarez, p.911.

⁵⁸ Davis, pp.111-112.

⁵⁹ Reichberg, p.188.

⁶⁰ For biographical background, see, Charles Edwards, **Hugo Grotius: The Miracle of Holland: A Study in Legal and Political Thought**, Nelson-Hall, Chicago, 1981.

⁶¹ Anthony F. Lang, Jr., “Hugo Grotius (1583–1645)”, **Just War Thinkers: From Cicero to the 21st Century**, (Eds. Daniel R. Brunstetter and Cian O’Driscoll), Routledge, Abingdon, UK, 2018, p.128.

modern day English as civil law, the law of nations, and the natural law⁶². According to him, “realm of law” can be divided into two basic fields. One of them is natural law which is “eternal”, and “unchangeable”. The other one is positive or volitional law. Thus, he came up with the distinction of human and divine law. Natural law is based on human nature, and it may command or forbid the things related to or dependent on human nature. In this context, human laws are split into three categories. *Ius civile* -civil law- is enforceable on the whole state, and emanates from the citizens' will. The second type is enforceable to entities that are smaller than states; cities, provinces and such. Third and the last one, also known today as international law, is the law of nations, that is to say laws enforceable in the wider international community⁶³. In Roman law, *ius gentium*, (Latin: for the law of nations) does not arise from an agreement between states. Rather, states adopt different and “unilateral laws” of other states, -trying to match or harmonize their laws with those of other states. However, volitional law of nations is arguably more comparable to today’s international law. According to Grotius, *ius voluntarium* is based on the common consent of different states. Instead of advocating the position of particular states, it promotes the advantage of the great society of states⁶⁴.

In his book, *De Jure Belli ac Pacis* (On the Law of War and Peace) which was published in 1625, he focused on the question whether war can be justified or not. *De jure Belli ac Pacis* is divided into three separate books; Book I tries to explain what war is and provides definitions of political concepts like sovereignty. Book II investigates the reasons of war while focusing on traditional causes of war like his predecessors did, namely “self-defense”, “repossession of illegally taken property”, and “punishment of wrongdoing”. As he did so, the inspiration of other just war philosophers becomes apparent. In Book III, he discusses when, and under which circumstances specific actions during the war could be considered just and fair (*ius in bello*)⁶⁵.

⁶² Gordon E. Sherman, “Jus Gentium and International Law”, *American Journal of International Law*, Vol: 12, No: 1, January 1918, p.57.

⁶³ Hugo Grotius, **Hugo Grotius on the Law of War and Peace: Student Edition**, (Ed. Stephen C. Neff), Cambridge University Press, Cambridge, 2012, (Student Edition), p.xxiv.

⁶⁴ Grotius, Student Edition, p.xxxiii.

⁶⁵ Lang, p.134.

Grotius also remarkably paved the way for current debates about humanitarian intervention, examining whether or not kings have the right to go to war in order to punish other states. According to him, the just cause for declaring war is not limited to only the situations where the King's subjects are harmed. Kings can also resort to just war when other states harm their own subjects as well⁶⁶. Thanks to Grotius, today's commentators on international law can forcefully argue that resort to war to protect other communities beyond state's own borders is not a novel innovation in humanitarian intervention debates, as Hugo Grotius effectively argued that the sovereigns could go to war against those who commit crimes against nature.

Grotius offers a wider framework about the purposes of punishment. He argues that not every war is necessarily "repugnant to the Law of Nature" or the law of Gospel⁶⁷. He then claims that some wars are right and lawful. However, there is a significant difference between his two important works - *De Jure Belli ac Pacis* and *De Jure Praedae* -, on the point of who has the legitimate authority to declare and wage war. In his earlier work, *De Jure Praedae*, Grotius opposed his predecessors such as Aquinas, who claimed that only a sovereign prince could wage war. Instead, Grotius argued that "private wars are justly waged by any persons whatsoever"⁶⁸. However, in the latter book, *De Jure Belli ac Pacis*, he claimed that only a sovereign can be seen as the legitimate authority to declare war and has the right to make peace. The sovereign holds the power to declare war and have peace, because only the sovereign authority could make a decision independently⁶⁹.

Regarding the defense of the innocents against tyranny, he shares the same perspective with Vitoria. However, he differs from his predecessor by claiming that wars waged on behalf of others are "nobler" than the wars which aims just for revenge for the sides involved⁷⁰. By paying specific attention to war conducted on behalf of others, Grotius also influenced today's contemporary humanitarian intervention debates wherein theorists who advocate humanitarian intervention also

⁶⁶ Lang, p.137.

⁶⁷ Hugo Grotius, **The Rights of War and Peace**, (Ed. Richard Tuck), Liberty Fund, Indianapolis, 2005, p.185.

⁶⁸ Jeffery, p.39.

⁶⁹ Jeffery, p.40.

⁷⁰ Hugo Grotius, **Savaş ve Barış Hukuku**, Translated by Seha L. Meray, Say Yayınları, İstanbul, 2011, p.73.

argue that humanitarian intervention to save innocents who cannot defend themselves is as noble as a war waged for the country's self-defense.

The particular following passage from the *De Jure Belli ac Pacis* is particularly noteworthy:

*"..If the Injustice be visible, as if a Busiris, a Phalaris, or a Thracian Diomedes exercise such Tyrannies over Subjects, as no good Man living can approve of, the Right of human Society shall not be therefore excluded...And indeed tho' it were granted that Subjects ought not, even in the most prefilling Necessity, to take up Arms against their Prince.. we should not yet be able to conclude from thence, that others might not do it for 'em"*⁷¹.

As Grotius pointed out others can be punished, and the punishment for tyranny and the rescue of its citizens who are oppressed by the tyrannical power constitute just grounds for war. He insisted; "...I may make War upon a Man, tho' he and I are of different Nations, if he disturbs and molests his own Country, as we told you in our Discourse about Punishments, which is an Affair often attended with the Defense of the Innocent"⁷². His views about the defense of the innocent, war on behalf of others lay one of the foundations of the doctrine of humanitarian intervention.

Grotius also indicates that while some causes of war justifiable, others are "persuasive", that is unjust. According to him, the fear from the power of the neighbor is not a just cause for going to war. There must be a certain just reason to make the country's defense actions legitimate, but the increasing power of the neighbor is certainly not one of them. He also insists that the intentions of the neighbor must be take into account. There must be a degree of certainty for war to be justified. Building forts or spending more for military equipment does not indicate the neighbor's intention, even though there is a possibility that they may pursue offensive policies in the future⁷³.

In other words, Grotius does not see the fear from power with uncertain intent as a sufficient reason to declare war; nor does consider obtaining more fertile lands

⁷¹ Hugo Grotius, **The Rights of War and Peace: Book II**, (Ed. Richard Tuck), Liberty Fund, Indianapolis, 2005, pp.1161-1162.

⁷² Luke Glanville, **Sovereignty and the Responsibility to Protect: A New History**, University of Chicago Press, Chicago, 2013, p.46.

⁷³ Grotius, Student Edition, p.302.

as a just cause. If the sovereign goes to war for his own interest, such action remains illegal, so does the consequent war. Over and over Grotius referred to the importance of the right intention, and dismissed the interests of the Monarchs as legitimate causes of war, all the while adding that it is noble to liberate innocents from the oppression of tyrants.

In a nutshell, Grotius sees the sovereign's authority as the only legitimate authority to declare and wage war, and condemns uprisings by the subjects as illegal acts which cannot be considered just cause for war. According to him, subjects do not have the right to rebel against their Sovereign even if they have been suffering⁷⁴. He then states; "Liberty, whether of individuals or of states, that is 'autonomy', cannot give the right to war, just as if by nature and at all times liberty was adapted to all persons."⁷⁵. Emphasizing the rescue of people suffering under the tyrants' wrongdoing, Grotius later opposed resistance movements by the rulers' subjects, and doing so, he left a question mark in the minds of his readers. When subjects are rightfully punished by the sovereign authority, Grotius does not approve any intervention by other states, in the name of protecting such subjects⁷⁶. However, this idea sometimes contradicts today's humanitarian intervention practices. Because in some cases, one can see that humanitarian interventions are effected to prevent or to stop serious and systematic human rights violations that occurred in the aftermath of independence movements in the country.

Furthermore, Grotius states that in order to claim a war just, it must be "duly" and "formally" declared between the belligerent⁷⁷. But, he also suggests that before any declaration of war, alternative methods to avoid war should also be tried. He suggests that there can be arbitration or conferences between potential belligerents before resorting to war. All these methods of reconciliation must be tried before any declaration of war, to ensure that the war is just. Only in this way war can be

⁷⁴ Peter Pavel Remec, **The Position of the Individual in International Law according to Grotius and Vattel**, Springer, Netherlands, 1960, p.217.

⁷⁵ Remec, p.218.

⁷⁶ Remec, p.222.

⁷⁷ Hugo Grotius, **On the Law of War and Peace**, Translated by A.C. Campbell, Batoche Books, Kitchener, 2001, (War and Peace), p.275.

justifiable⁷⁸. Thus, Grotius stressed that war must definitely be a last resort. Today, like Grotius pointed out, there is a consensus that in order to make war just, intervention should be considered as a means of last resort after all methods of reconciliation have been tried.

Another contribution of Grotius was the specification of the rules that had to be observed during the war, that is, *ius in bello*. Grotius insisted that even in cases a war is based on moral and legal grounds, the killing should be restricted by the principles of humanity anyway. Wars must be conducted according to the principle of doing the least harm possible. While trying to put limitations for the horrors of war, he said prevention of “unnecessary shedding of blood” is crucial in justifiable wars⁷⁹. In this respect, he became a forerunner of the current debate on proportionality.

1.1.2. The Principle of Sovereignty

Grotius died in 1645, but as Hedley Bull said, “He may be considered the intellectual father of the first general peace settlement of modern times”⁸⁰ - Westphalia⁸¹. Indeed Grotius had a huge impact on the principles which were accepted in the Westphalian peace treaties⁸². His ideas considerably influenced the representatives in Osnabruck and Münster⁸³. His book *De iure belli ac pacis* drew attention of the warring parties of the time and became a popular piece of reference. The new notion of natural law which was developed in his book saw extensive

⁷⁸ Remec, pp.116-117.

⁷⁹ Jeffery, p.46.

⁸⁰ Hedley Bull, “The Importance of Grotius in the Study of International Relations”, **Hugo Grotius and International Relations**, (Eds. Hedley Bull, Benedict Kingsburg, and Adam Roberts), Clarendon Press, Oxford, 1990, (The Importance of Grotius), p.75.

⁸¹ Westphalia Treaties (1648) ended the Thirty Years’ War and two peace treaties were signed in the Westphalian cities of Osnabruck and Münster. See Joachim Whaley, **Germany and the Holy Roman Empire: Volume II: The Peace of Westphalia to the Dissolution of the Reich**, Oxford University Press, UK, 2011, p. xxiii.

⁸² Jeffery, p.15; also see Edward Keene, “The Reception of Hugo Grotius in International Relations Theory”, **Grotiana**, Vol: 20, No: 21, 1999, pp.140–147. However, Grotius’ impact on the Westphalian Peace regime is certainly not beyond any debate. Some claim that Grotius’ thinking and the Westphalian Peace regime are not aligned perfectly. See Ove Bring, “The Westphalian Peace Tradition in International Law from *Jus ad Bellum* to *Jus contra Bellum*”, **International Law Studies**, Vol: 75, 2000, pp.58-62.

⁸³ Bring, p.62.

discussion at some universities of the era⁸⁴. It is also often noted that Gustavus Adolphus, the King of Sweden and one of the leaders of a belligerent party in the Thirty Years War, always carried a copy of Grotius' *De iure belli ac pacis* with him in the battlefield⁸⁵. In the light of these, one can talk about a certain “synchronicity” between the publication of his book and the signing of the Peace Treaty⁸⁶. Interestingly, however, Westphalia and Grotius' work shared the same fate in some ways. Both Grotius' book and Westphalia treaties were denounced by Rome, and the papacy did not extend its consent for sending a delegation to The Hague Peace Conference in 1899, claiming that Grotius' book was still on the index⁸⁷.

By defining the concept of sovereignty, and the sovereign as the embodiment who holds the right to declare war, Grotius led the development of international law through the Westphalia framework. According to Grotius; “...power is called sovereign, whose actions are not subject to the controul of any other power, so as to be annulled at the pleasure of any other human will.”⁸⁸. So, Grotius states that, the power of sovereigns cannot be restricted by the authority or control of other states.

In fact, as Kelly Gordon points out, the foundations of the Westphalian system were actually laid long before the Westphalia treaties⁸⁹. The sovereignty of states had to take a long and arduous journey to become evident both in practice and in theory. That journey, in turn, began due to the conflict starting between the king and the pope in the first place⁹⁰. During the middle ages, the papacy not only had a spiritual authority over the Christian nations, but also they held economic and political power over them, emanating from then-prevailing feudal conventions-⁹¹. It

⁸⁴ Amos S. Hershey, “History of International Law since the Peace of Westphalia”, **The American Journal of International Law**, Vol: 6, No: 1, January 1912, p.32.

⁸⁵ Martine Julia van Ittersum, **Profit and Principle: Hugo Grotius, Natural Rights Theories and the Rise of Dutch Power in the East Indies 1595–1615**, Brill, Boston, 2006, p.xxvii.

⁸⁶ Keene, p. 142.

⁸⁷ For several centuries, the papacy had embraced a denial of the idea of international law, which it denounced as a Protestant science. See Bull, *The Importance of Grotius*, p.77.

⁸⁸ Grotius, *War and Peace*, p.48.

⁸⁹ Kelly Gordon, **The Origins of Westphalian Sovereignty**, Senior Seminar, Western Oregon University, June 6, 2008, p.3.

⁹⁰ Mehmet Ali Ağaoğulları, “Dünyevi İktidara Doğru”, **Sokrates'ten Jakobenlere Batı'da Siyasal Düşünceler**, (Ed. Mehmet Ali Ağaoğulları), İletişim Yayınları, İstanbul, Sixth Edition, 2015, p.263.

⁹¹ Ağaoğulları, p.264.

was at this point that the struggle for absolute sovereignty that kings sought to establish over their lands began against the church and the papacy's power.

The struggle between kings and popes manifests itself in the Investiture Controversy⁹², which actually laid the seeds of the Westphalian perspective towards sovereignty⁹³. Interestingly, the conflict between the two positions of authority has led even the warring kingdoms to adopt the same attitudes from time to time. For instance, in February 1296, a dispute occurred over the taxation of clergy between Philippe IV (the King of France) and Pope Boniface VIII. In that conflict, Edward I, the King of England, who coincidentally, was waging war against France at that time, adopted the position taken by the French king and embraced the taxation of the clergy without the pope's permission, as a means available to his state⁹⁴.

Similar attitudes towards the authority of the papacy, embraced even by kingdoms engaged in conflict against each other were actually the harbinger of a greater transformation. When Henry IV, the Holy Roman Emperor, claimed that bishops should be loyal to the throne and that the authority to appoint them should belong to the secular rulers, Pope Gregory VII excommunicated him and prohibited him from ruling as a king⁹⁵. Later, Henry V and Pope Calixtus II signed the Concordat of Worms in 1122⁹⁶, and by this concordat the Investiture Controversy ended, even though the struggle between the papacy and kings would linger on⁹⁷.

Another significant event which affected this struggle was the Concordat of London signed in 1107 between Henry I of England and Pope Gregory, which brought the Investiture Controversy in England to an end. With this Concordat, the authority to appoint bishops was taken away from Henry I, but it triggered something deeper by giving monarchy more control and power over the clergy. Henry I gained

⁹² Dispute between the papacy and kings, regarding the authority to invest and appoint bishops and abbots with the symbols of their office. Investiture Controversy began in late 11th century and was brought to an end only by the Concordat of Worms in early 12th century. For more information see Uta-Renate Blumenthal, **The Investiture Controversy: Church and Monarch from the Ninth to the Twelfth Century**, University of Pennsylvania Press, Philadelphia, 1988.

⁹³ Gordon, p.16.

⁹⁴ Ağaoğulları, pp.264-265.

⁹⁵ Blumenthal, p.121.

⁹⁶ Gordon, p.15.

⁹⁷ "Medieval Sourcebook: Concordat of Worms 1122", Fordham University, available at <https://sourcebooks.fordham.edu/source/worms1.asp> (06.06.2020).

the right to demand service from bishops, as he demanded from other subjects under his rule⁹⁸.

Another important event in the development of the concept of sovereignty would occur in early 16th century. In 1517, small-town monk Martin Luther nailed 95 theses on the door of the cathedral in Wittenberg. Luther not only ignited the Reform movement, but also his ideas led to an irreversible division of the Catholic world - even though that certainly was not his intent-. Eventually, churches were brought under state control, and the traditional dynamics of the church-state relations have changed⁹⁹. The movement he laid the seeds for –Protestantism- caused the rise of secular powers and was used by many rulers not only in continental Europe and England to legitimize their acts¹⁰⁰.

According to Luther, the right to use force belongs to the earthly power. If the church deals with any earthly affairs, it has to be subject to the earthly power, i.e. the state. Therefore, the earthly power can also use force against the church if necessary¹⁰¹. The aforementioned Investiture Controversy and the church-state conflict led to the rise of secular powers in the West through a reform process that Luther also ignited the flame of, by raising those ideas. The kings, who finally gained control over the church, began to rise in the West with these improvements in their authority, and laid the foundations of what we call the Westphalian system of sovereignty.

Although the concepts of sovereignty and non-interference are often associated with Westphalia, in fact, there are no direct references to states' sovereignty in the Westphalian treaties, as there is no such word in Latin. Osiander, who made this observation, however, proceeded to note that the reaffirmation of the peace of Augsburg serves as a close analogue. He indicates that the peace of Westphalia achieved in 1648 is actually the result of the collapse of Augsburg

⁹⁸ Gordon, pp.16-17.

⁹⁹ Ağaoğulları, p.297.

¹⁰⁰ Gordon, p.17.

¹⁰¹ Ağaoğulları, p.303.

religious peace in 1555¹⁰². Therefore, to analyze the development of the concept of sovereignty, one should also look at the peace of Augsburg.

The principle of *cuius regio eius religio*, which is the Latin phrase for “whose realm, his religion” is often discussed with reference to Westphalia. In fact, Westphalia only reaffirmed this principle, it was the Augsburg Peace which saw its first adoption¹⁰³. This principle meant that the ruler could determine the religion of his subjects. With the aim of ending armed conflict between the Holy Roman Empire and Lutheran nobles, the Peace of Augsburg signed in 1555 tried to bring internal religious unity to individual realms of the kings and princes. The Catholic doctrine, which previously claimed that the king must obey to the pope, was also challenged by this Peace¹⁰⁴.

After Westphalia, built on such a historical background, the concept of sovereignty is respected as the basic principle of international relations. While some philosophers consider sovereignty as perpetual and absolute, others have focused on the idea that it could be restricted. For instance, Jean Bodin¹⁰⁵ defined and systematized sovereignty in his work called *Six Books of the Commonwealth* for the first time in literature. He is often considered the first scholar who offered a modern understanding of sovereignty¹⁰⁶. He witnessed the prolonged period of war and popular unrest between Catholics and Huguenots (Reformed/Calvinist French Protestants) in the Kingdom of France and he saw religious tolerance and absolute monarchy as the only way to resolve this ongoing struggle¹⁰⁷. According to him sovereignty “is absolute and perpetual power vested in a commonwealth¹⁰⁸”. Bodin

¹⁰² Andreas Osiander, “Sovereignty, International Relations, and the Westphalian Myth”, **International Organization**, Vol: 55, No: 2, March 2001, p.270.

¹⁰³ Aidan Hehir, **Humanitarian Intervention: An Introduction**, Palgrave Macmillan, UK, 2010, p.50.

¹⁰⁴ Osiander, pp.270-272.

¹⁰⁵ Jean Bodin was one of the intellectual figures of the sixteenth century (1529-1596), French jurist, political and natural philosopher. See a summary of his biography, “Biography of Bodin”, Harvard University, available at <https://projects.iq.harvard.edu/bodinproject/biography-bodin>. (July 5, 2020).

¹⁰⁶ Nicholas Grenwood Onuf, “Sovereignty: Outline of a Conceptual History”, **Alternatives: Global, Local, Political**, Vol: 16, No: 4, Fall 1991, p.437.

¹⁰⁷ Ağaoğulları, p.402.

¹⁰⁸ Jean Bodin, **Six Books of the Commonwealth**, Translated by M. J. Tooley, Basil Blackwell Oxford, 1967, p.24.

claimed that sovereignty was “absolute”, “undivided”, and “perpetual”¹⁰⁹ and argued that such sovereignty is not restrained by laws¹¹⁰. However, it is important to note that Bodin used the French term “souveraineté” in his book, but when he translated his book into Latin, he had to use the term “majestas”, which, according to some, fell short as a perfect substitute¹¹¹. As a sign of the continuity of the monarchy, Bodin highlighted that kings can change, but the state continues as long as sovereignty continues, as expressed in the phrase the king is dead, long live the king¹¹².

John Locke, one of the critics of the classical concept of absolute sovereignty, rejected the idea that sovereignty is unlimited and in his book - *Two Treatises of Government* - he opposed the idea that the authority of the sovereign is absolute¹¹³. He also claimed that the people had the right to resist against an arbitrary and unlimited ruling regime, and in this way he introduced the principle that kings had responsibilities before their subjects and that they were accountable for their actions¹¹⁴. Rousseau, like Locke, emphasized that man was inherently free¹¹⁵ and he also denied the existence of the sovereign with unlimited authority¹¹⁶. According to him, sovereignty cannot be represented or divided. It is absolute, and perpetual so that it is independent from any external power. But sovereign can be restricted if the actions are against the common good of the society as stated in the *Social Contract*¹¹⁷.

¹⁰⁹ Edward Andrew, “Jean Bodin on Sovereignty”, **Republics of Letters: A Journal for the Study of Knowledge, Politics, and the Arts** 2, No: 2, June 1, 2011, p.77.

¹¹⁰ For more information see William Archibald Dunning, **A History of Political Theories from Luther to Montesquieu**, Palala Press, United States, 2016, pp.96-181.

¹¹¹ See Onuf, pp.435-438.

¹¹² Ağaoğulları, p.409.

¹¹³ See John Dunn, **The Political Thought of John Locke: An Historical Account of the Argument of the ‘Two Treatises of Government’**, Cambridge University Press, New York, 1969, pp.43-58.

¹¹⁴ Ağaoğulları, p.502.

¹¹⁵ Jean-Jacques Rousseau, **Discourse on Political Economy and the Social Contract**, Translated by Christopher Betts, Oxford University Press, Oxford, 1994, p.45.

¹¹⁶ Rousseau, p.70.

¹¹⁷ Social Contract is the reconciliation of the freedom of the individual with the authority of the state. Rousseau highlights that laws are binding if only they are supported by the general will of the people. The general will is the keyword in this reconciliation. It is the source of law and, is defined as sovereign. See “Jean Jacques Rousseau”, Stanford Encyclopedia of Philosophy, <https://plato.stanford.edu/entries/rousseau/> (15.06.2020).

German philosopher Immanuel Kant, one of the influential philosophers of the Enlightenment, also criticized absolute sovereignty and, instead, presented a cosmopolitan model of international system which consists of individuals rather than states. The states must promote the rights and welfare of their citizens. In Kant's cosmopolitan model¹¹⁸ the states have rights only because of those responsibilities¹¹⁹. At this point, the primary issue how to meet the needs of the world's citizens, rather than a debate on state sovereignty. Thus the principle of non-intervention is deemed to lead to liability in cases of grave human rights violations¹²⁰.

In sum, one should realize that it was not the Westphalian framework which introduced the concept of sovereignty. But year 1648 was an important turning point for the principle of sovereignty and non-interference in the context of international relations. Krasner defines Westphalian sovereignty as "political organization based on the exclusion of external actors from authority structures within a given territory"¹²¹. In other words, in this perspective, each nation state has a right to sovereignty over its territory and in domestic affairs, and that each state - large or small -, is equal in international law¹²². Besides, through Westphalia, it was accepted that states should not intervene in the internal affairs of other states¹²³.

Although the classical reading of the Westphalian framework considers sovereignty a concept that is exclusive to the states, modern international relations do not always honor such a restricted perspective which assigns sovereignty only to one sovereign or person. Instead, in this latter formulation, sovereignty derives from a state's own citizens as well as the rest of humanity. Therefore, the state's authority

¹¹⁸ Cosmopolitanism acknowledges that all humans have duties and responsibilities to all human beings for the sake of humanity regardless of ethnicity, gender, or religion etc. For more information see Garret Wallace Brown, "Bringing the State Back into Cosmopolitanism: The Idea of Responsible Cosmopolitan States", **Political Studies Review**, Vol: 9, No: 1, 2011, p.53.

¹¹⁹ Leo Mccarthy, "International Anarchy, Realism, and Non-Intervention", **Political Theory, International Relations and the Ethics of Intervention**, (Eds. Ian Forbes and Mark Hoffman), Palgrave Macmillan, London, 1993, quoted in Fixdal and Smith, p.294.

¹²⁰ Robert Pastor, "Forward to the Beginning: Widening the Scope for Global Collective Action", **International Journal**, Vol: 48, No: 4, 1993, quoted in Fixdal and Smith, p.294.

¹²¹ Stephen D. Krasner, **Sovereignty: Organized Hypocrisy**, Princeton University Press, Princeton, 1999, p.4.

¹²² Mark Weston Janis, "Sovereignty and International Law: Hobbes and Grotius, **Essays In Honour of Wang Tieya**, (Ed. R. St. J. Macdonald), Kluwer Academic Publishers, 1994, pp.391-400, Available at SSRN: <https://ssrn.com/abstract=1114164> (15.06.2020).

¹²³ Krasner, pp.4 -5.

based on sovereignty must also be worthy of and accepted by others. To put in a different way, sovereignty has both an internal and external basis¹²⁴ and therefore, the state is accountable to both its own people and to the rest of the world¹²⁵.

Nevertheless, some states continued to take action against other states even after the Westphalian Regime was established. But one thing is certain: after the Westphalia treaties, sovereignty and non-interference in domestic affairs were long considered essential elements of the state system¹²⁶. Especially during the 18th century, till late 19th century, Westphalian system reached its climax, with states' power being considered as "exclusive and absolute". Yet, both state sovereignty and the Westphalian system had begun to erode in time, due to some developments such as the impact of globalization, the rise of international human rights law, increasing numbers of nongovernmental organizations, and exponential growth in the 20th century¹²⁷.

Michael Reisman refers to this change of scope of sovereignty when he wrote "International law still protects sovereignty, but-not surprisingly it is the people's sovereignty rather than the sovereign's sovereignty". He then proceeded to give examples of cases where sovereignty was violated, caused not only by outsider forces but also by indigenous people. He said that the Chinese government's massacre in Tiananmen Square violated Chinese sovereignty just like Lithuania's sovereignty was violated by the Soviet's blockade. Accordingly, if sovereignty can be violated by an outside force or by the indigenous people of the land, then it can be restored by an outside force in the same way as it can be restored by the people¹²⁸.

¹²⁴ Internal sovereignty is based on the will of state's own citizens together with the noninterference of outsiders. External sovereignty is more about the recognition of a state's existence by the community of states. Bhikhu Parekh, "Rethinking Humanitarian Intervention", **International Political Science Review**, Vol: 18, No: 1, 1997, p.63.

¹²⁵ Parekh, p.63.

¹²⁶ It's also embedded in UN Charter under Article 2(7); "Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII". Charter of the United Nations, available at https://legal.un.org/repertory/art2_7.shtml (15.06.2020).

¹²⁷ W. Andy Knight, "Concluding Thoughts," **The Routledge Handbook of the Responsibility to Protect**, (Eds. W. Andy Knight and Frazer Egerton), Routledge, London, 2012, p.276.

¹²⁸ W. Michael Reisman, "Sovereignty and Human Rights in Contemporary International Law", **The American Journal of International Law**, Vol: 84, No: 4, 1990, p.872; Aquinas also pointed out

1.2. HUMANITARIAN INTERVENTION IN INTERNATIONAL RELATIONS

The human right treaties, conventions or international developments challenged the realist theory's assumption which regarded the states as the main actors. To track down the shift in the classical sense of sovereignty, one can simply go back to 1948 and see how the new international system began to evolve. The United Nations General Assembly adopted the Universal Declaration of Human Rights (UDHR) in December of that year, after three years of debate. UDHR is often considered a milestone document for the human rights history. With this document, fundamental human rights were protected and acknowledged universally. The declaration has, since, been translated into more than 500 languages. UDHR states that all human beings are born free and equal in dignity and rights and specifies human rights and freedoms every human being is entitled to without discrimination of any kind, on the basis of race, color, language, national or social origin, political or other opinion etc.¹²⁹. Article 3 of the declaration made it clear that "everyone has the right to life, liberty and security of person¹³⁰". In addition to these personal rights, the declaration also covers legal rights such as the presumption of innocence and equality before the law; civil rights such as the freedom of thought, conscience, and religion together with the freedom to change this religion or belief¹³¹. UDHR also includes economic, social and cultural rights, such as the rights to social security, health, family rights and so on.

The same month, saw the General Assembly also adopt the first human rights treaty which is the Convention on the Prevention and Punishment of the Crime of Genocide, which entered into force in 1951. As of July 2019, the Convention has

exactly this point by stating that destruction of an unjust tyrannical rule is not a sin, therefore it is just. See Dyson, p.250.

¹²⁹ United Nations, Universal Declaration of Human Rights, Articles 1, 2, available at <https://www.un.org/en/universal-declaration-human-rights/>, (15.06.2020).

¹³⁰ UDHR, Article 3.

¹³¹ United Nations, Universal Declaration of Human Rights, Articles 11, 18.

been ratified by 152 countries. Article 2 of the Convention defines the genocide as follows:

any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group.

The Convention also made the following acts punishable under international law: (a) Genocide; (b) Conspiracy to commit genocide; (c) Direct and public incitement to commit genocide; (d) Attempt to commit genocide; (e) Complicity in genocide¹³². Also, according to the Convention, the states are required to take measures for preventing and punishing the crime of genocide “whether they are constitutionally responsible rulers, public officials or private individuals”¹³³. This obligation, together with the prohibition of commit genocide, have been respected as norms of international customary law and so that, imposes obligations on all States, whether or not they are parties of the Genocide Convention¹³⁴. Those attempts to define genocide and efforts to prevent genocide serve, as expected, as the basis for justifying humanitarian interventions.

Another important notion frequently used by states as justification for humanitarian intervention is “crimes against humanity”. In 1945, crimes against humanity was articulated for the first time by the adaptation of the Charter of the International Military Tribunal (IMT-Nuremberg Charter) attached as an annex to the London Agreement. Nuremberg IMT was the first international tribunal which held the power to prosecute crimes against humanity. Crimes against humanity were defined as “murder, extermination, enslavement, deportation, and other inhumane

¹³² United Nations, Convention on the Prevention and Punishment of the Crime of Genocide, Article 2, 3, available at <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CrimeOfGenocide.aspx>, (16.06.2020).

¹³³ United Nations, Convention on the Prevention and Punishment of the Crime of Genocide, Article 4.

¹³⁴ United Nations Office on Genocide Prevention and the Responsibility to Protect, The Genocide Convention, available at <https://www.un.org/en/genocideprevention/genocide-convention.shtml>, (16.06.2020).

acts committed against any civilian population, before or during the war”¹³⁵. Since then, this concept evolved with other important developments such as the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda. On this topic, 1998 Rome Statute establishing the International Criminal Court (Rome Statute) presents the latest consensus among the international community. It also gives wider list of certain acts which may be considered as elements of the crime. Article 7 (1) of the Statute provides the definition of the crime which contains three main elements: a physical element which includes murder, extermination, enslavement; a contextual element that determines crimes against humanity involving either large-scale violence in relation to the number of victims or its extension over a broad geographic area (widespread), or a methodical type of violence (systematic) effectively excluding random, accidental or isolated acts of violence. Finally a mental element refers to the knowledge of the attack¹³⁶.

In 1968, Resolution 2391 adopted by the UN General Assembly -the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity- made it clear that crimes against humanity and war crimes were considered the gravest crimes in international law, and that those who commit these crimes should not get any immunity¹³⁷.

In addition to those conventions, in 1976 two covenants -International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) - came into force. Together with the UDHR, those two covenants constitute what is called the “International Bill of Human Rights”. The preambles of the two covenants are almost identical. While ICCPR focuses, as its name suggests, on political and civil rights such as the freedom

¹³⁵ Agreement for the Prosecution and Punishment of the Major War Criminals of the European Axis, and Charter of the International Military Tribunal. London, 8 August 1945, Article 6.

¹³⁶ United Nations, Crimes Against Humanity, available at <https://www.un.org/en/genocideprevention/crimes-against-humanity.shtml>, (16.06.2020).

¹³⁷ United Nations Audiovisual Library of International Law, available at <https://legal.un.org/avl/ha/cnslwcch/cnslwcch.html#:~:text=The%20General%20Assembly%20adopted%20resolution,The%20Convention%20contains%2011%20articles.>, (16.06.2020).

of speech, religion, voting; the ICESCR focuses on the right to education, shelter, food, and etc.¹³⁸.

These kinds of agreements, conventions or treaties did not effectively undermine the importance of the state as the primary actor in international relations, but laid the groundwork for the emergence of individuals as a subject of international law. According to Krasner, UN human rights accords can, but do not necessarily violate neither the international concept of sovereignty nor the Westphalian sovereignty. The State parties signed those documents voluntarily and one signatory party's behavior is not contingent on that of others¹³⁹.

1.2.1. Theoretical Perspectives on Humanitarian Intervention

Whether humanitarian intervention is just or not is highly debated among international relations theorists. One theory's claims often oppose those of the other, and when one theory argues that a specific humanitarian intervention is just, the other one may devoutly consider it unjust. Therefore, understanding the key arguments of leading theories in the field is crucial.

1.2.1.1. Realism

Realist perspective assumes states are rational actors. States as interest maximizers always focus on their survival and put their own interest above all. According to the realist theory, in the international system, there is no authority above that of the states; therefore no authority has the power to impose any regulation or rules on states¹⁴⁰. This, however, can cause what realists call the "security dilemma". As Hobbes pointed out centuries ago; "because there is no

¹³⁸ United Nations Human Rights Office of the High Commissioner, Fact Sheet No: 2 (Rev.1), The International Bill of Human Rights.

¹³⁹ Krasner, p.113.

¹⁴⁰ Jack Donnelly, "Realism", **Theories of International Relations**, (Eds. Scott Burchill, Andrew Linklater, Richard Devetak, Jack Donnelly, Matthew Paterson, Christian Reus-Smit and Jacqui True), Palgrave Macmillan, New York, Third Edition, 2005, pp.29-31.

common power in this world to punish injustice; mutual fear may keep (states) apart for a time; but upon every visible advantage they will invade one another”¹⁴¹.

Although these arguments are shared by realist thinkers; it is important to remember that specific genres of realists focus on different values in explaining why states exhibit certain forms of behavior and what their main motivations are. Classical realists, for instance, reject the power of international organizations. Instead they tend to see states as the only actors in the international system. Classical realists argue that humans -because of their nature - always seek and try to keep power. In a similar vein, politics, which is driven by human nature, is also about the continuous struggle for power. This pessimistic view of human nature generates is what shapes international politics. In international politics the concept of interest is defined in terms of power. This idea of interest is the core of the politics regardless of time and space; but, it is not fixed in character; that is to say the origin of power can change. However, the want and the competition for more power among states will not. Moreover, classical realists underline the tension between morality and politics. They claim that universal moral principles cannot be applied to the politics or actions of states, “they must be filtered through the concrete circumstances of time and place”. Besides, according to the classical realists, moral aspirations of particular nations are not universal; so one cannot simply define a universal set of moral laws applicable to the whole world. This dictum is crucial as it is what makes it possible for states to judge other nations as well as to judge themselves, for all political entities act according to their interest defined in terms of power, rather than specific moral principles¹⁴².

The classical realists also claim that moral concerns do not have any effect on states’ behavior, so that grave human right violations abroad cannot be a motivation for states to take action against the perpetrators of such violations¹⁴³. States have responsibilities towards their own citizens first; so, for realists, states would not be

¹⁴¹ David Boucher, **Political Theories of International Relations**, Oxford University Press, Oxford, 1998, pp. 145-146.

¹⁴² Hans J. Morgenthau, **Politics among Nations: The Struggle for Power and Peace**, Alfred A. Knopf, New York, Fifth Edition, 1978, pp 4-15.

¹⁴³ For more information, see John J. Mearsheimer, **The Tragedy of Great Power Politics**, WW Norton & Company, New York, 2001.

willing to put their own citizens'/soldiers' life on danger to save the lives of people abroad¹⁴⁴. This view shared by most realist scholars such as Alex Bellamy leads to the conclusion that "the realist tradition opposes the norm of humanitarian intervention"¹⁴⁵. This does not mean that realists are opposed to interventions in general. On the contrary, the states can choose to intervene, but only if they expect benefit from such intervention. Action to protect their national interest or to eliminate security threats can be considered action with potential benefits. Morgenthau highlights this point by arguing that "all nations will continue to be guided in their decisions to intervene and their choice of the means of intervention by what they regard as their respective national interests"¹⁴⁶.

1.2.1.2. Structural Realism

Contrary to classical realists, structural realists (neorealists) focus on the anarchical structure of the international system. For them, the architecture of the international system rather than human nature is what explains the states' behavior. States want more power because the system does not provide any inherent guarantees for individual states' safety permanently¹⁴⁷. Kenneth Waltz, one of the leading representatives of the neorealist tradition, pointed out that the interaction of states constitutes the international structure and that this structure imposes a limit to states when they intend to take certain actions, e.g. humanitarian intervention¹⁴⁸.

In the light of the different approaches of realism, different versions of realism takes towards certain core values, grave human rights violations or human suffering abroad are not necessarily a source of motivation for states to intervene,

¹⁴⁴ Seung-Wan Choi, "What determines US humanitarian intervention?", **Conflict Management and Peace Science**, Vol.: 30, No.: 2, 2013, p.124.

¹⁴⁵ Alexander Bellamy, "Humanitarian Intervention and the Three Traditions", **Global Society**, Vol: 17, No: 1, 2003, p.10.

¹⁴⁶ Hans J. Morgenthau, "To Intervene or Not to Intervene", **Foreign Affairs**, Vol: 45, No: 3, April 1967, p.425.

¹⁴⁷ See John H. Mearsheimer, "Structural Realism", **International Relations Theories: Discipline and Diversity**, (Eds. Timothy Dunne, Milja Kurki, Steve Smith), Oxford University Press, Oxford, Second Edition, 2010, pp.77-94.

¹⁴⁸ Kenneth Waltz, "Realist Thought and Neorealist Theory", **The Evolution of Theory in International Relations**, (Ed. R.L. Rothstein), University of South Carolina Press, Columbia, 1991, p.29.

unless if their rather concrete national interests as defined by the realist perspective are in line¹⁴⁹.

1.2.1.3. Liberalism

Another leading school of international relations theory, liberalism, often supports humanitarian intervention with some exceptions or limitations. With its strong belief on international cooperation among states; liberalism considers international organizations as important key actors of the international system contrary to what the classical realist tradition argues¹⁵⁰. Liberalism attaches greater importance on the freedom of the individual, equality of opportunity, political participation, and private property. The term individual freedom also covers moral freedom, that is to say, everyone should be treated as ethical subjects¹⁵¹. The importance of the freedom of the individual together with the idea of human rights, provides more room for maneuver for international institutions. In addition to being the source of rights, this perspective also imposes duties and responsibilities on international institutions to protect those basic universal human rights.

However, there are some divergences between the liberal thinkers about the conditions for using force in humanitarian intervention. John Stuart Mill¹⁵², a famous British philosopher of the 19th century, was one of the most influential thinkers in the history of classical liberalism. In his oft-quoted essay “A Few Words on Non-intervention”, dated 1859, he sorted out his arguments on limiting intervention. Mill stated that if a country’s liberty is achieved as a consequence of the intervention of outsiders, and if the people of this country are not ready for or capable of gaining liberty on their own, this imported freedom cannot possibly amount to something

¹⁴⁹ Hehir, p. 62.

¹⁵⁰ Hehir, p. 67.

¹⁵¹ Michael Doyle, **Ways of War and Peace: Realism, Liberalism and Socialism**, W. W. Norton, New York, 1997, p.206.

¹⁵² Mill (1806-1873) had significant contributions to both utilitarianism and liberalism. For more information, see “Mill’s Moral and Political Philosophy”, Stanford Encyclopedia of Philosophy, <https://plato.stanford.edu/entries/mill-moral-political/>, (17.06.2020).

concrete or lasting¹⁵³. Even though Mill had doubts about interventions' ability to bring more harm than good¹⁵⁴, he also specified some lines which should not be crossed, and which, if crossed, should still justify humanitarian intervention, just like what today's so-called communitarians like Michael Walzer did. Mill stated that intervention may be possible in three cases. Firstly, if two separate communities in one country have are embroiled in a dispute over independence, and one of the two sides are in a military struggle for independence, intervention can be accepted. Secondly, if the boundaries have already been crossed, whether from a foreign power or by the invitation of the parties who struggle for independence, counter-intervention may occur. Thirdly and finally, if the "violation of human rights...is so terrible that it makes talk of community or self-determination or "arduous struggle" seem cynical and irrelevant, that is, in cases of enslavement or massacre"¹⁵⁵, intervention can be an option. In a nutshell, by explaining the circumstances when intervention is possible, Mill shows that he does not completely oppose the idea of humanitarian intervention, and that he is rather trying to clarify when it is right to intervene.

Although there is some contention among various schools of liberal thought, some central themes are common among all. Firstly, according to liberals, people are born with basic rights and they hold those rights just because they are human, regardless of their race, place of birth, nationality, economic power etc. This idea is also underlined in the first article of UDHR as mentioned above¹⁵⁶. Those rights, the liberal thinkers argue, must be secured and protected by the states and governments and this main responsibility is what makes state's political power legitimate. Therefore, liberals believe that the legitimacy of the state depends on the state's

¹⁵³ First published in Fraser's Magazine in December of 1859. John Stuart Mill, "A Few Words on Non-Intervention", **New England Review (1990-)**, Vol: 27, No: 3, 2006, p.262.

¹⁵⁴ Michael Doyle, "J.S. Mill on Non-intervention and Intervention", **Just and Unjust Military Intervention; European Thinkers from Vitoria to Mill**, (Eds. Stefano Recchia and Jennifer M. Welsh), Cambridge University Press, Cambridge, 2013, p.272.

¹⁵⁵ Michael Walzer, **Just and Unjust Wars: A Moral Argument with Historical Illustrations**, Basic Books, New York, Fourth Edition, 2006, p.90.

¹⁵⁶ Article 1 of the UDHR; All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

respect for human rights together with the rule of law that the country is upholding¹⁵⁷.

Moreover, by arguing that the state's power and authority over individuals is limited rather than absolute, liberalism leads to the conclusion that state power should not be exercised arbitrarily¹⁵⁸. Based on their approaches to the exercise of authority, the states can be categorized in two groups, which, as Kant put it in his *Perpetual Peace*: republicanism and despotism. While republicanism maintains a separation of the executive power from the legislative power, in despotism, the ruler (despot) holds all power and that power includes the executive power and legislative power as well, making it possible to effect arbitrary treatment¹⁵⁹. In addition to that, Kant also challenges the realist position that states' foreign policies depend on their own interest by claiming that the regime is also an influential and important variable in determining the foreign policy behavior of states¹⁶⁰.

The inside-out approach, which reflects the liberal philosophical thought stipulating a close relation between the state's actions or behaviors and its domestic political order, often described as 'endogenous arrangements', is a crucial element of liberal thought in terms of understanding the dynamics of the international system¹⁶¹. This inside-out approach can be seen in Kant's argument that republican states tend to have pacifist inclinations in their foreign policies because of their responsibility before their own citizens¹⁶² or Doyle's idea that "liberal democracies are uniquely willing to eschew the use of force in their relations with one another"¹⁶³.

¹⁵⁷ Scott Burchill, "Liberalism", **Theories of International Relations**, (Eds. Scott Burchill, Andrew Linklater, Richard Devetak, Jack Donnelly, Matthew Paterson, Christian Reus-Smit and Jacqui True), Palgrave Macmillan, New York, Third Edition, 2005, pp.67-68.

¹⁵⁸ Burchill, p. 55.

¹⁵⁹ For more information, see Immanuel Kant, **Perpetual Peace and Other Essays on Politics, History, and Moral Practice**, Hackett Publishing, Cambridge, 1983.

¹⁶⁰ Burak Bilgehan Özpek, "Liberalizm ve Uluslararası İlişkiler", **Uluslararası İlişkiler Teorileri**, (Ed. Ramazan Gözen), İletişim Yayınları, İstanbul, 2014, p.133.

¹⁶¹ Burchill, p.56.

¹⁶² Özpek, p.134.

¹⁶³ Burchill, p.56.

1.2.1.4. Neo-liberal institutionalism

Neo-liberal institutionalism or liberal institutionalism, which rises on the argument that the creation of integrated economies could support economic growth and may be the solution for regional problems,¹⁶⁴ is considered as the biggest and most important challenge to classical realism and neo-realism. According to neo-liberals, states are still the key actors in international relations, and they seek to maximize their interest, just like what the realists would claim. But there are other actors that play a part in the international system. Institutions as a mediator provide the space for states to cooperate, and through this cooperation states come to consider absolute gains rather than focusing on others' gains or advantages. Doing so, the states choose to cooperate with each other because it is the rational thing to do, and they do not pay attention to relative gains as opposed to what the neo-realists claim. Still, it is important to note that neo-liberals claim that cooperation could be harder if states have no mutual interest. Thus, according to neo-liberals, it does not matter which of intervening state have larger interests involved; if there are mutual interests, intervention can be on the table by the states involved¹⁶⁵.

1.2.1.5. English School

The English School or International Society approach is considered as a middle path between the realist tradition and the liberal tradition. It concedes the realist claim that the international system is an anarchical one, but the main idea of the English School is the existence of an international society¹⁶⁶, which is often combined with two further key concepts: the international system and the world society that we should take into account.

¹⁶⁴ Functional integration literature of the 1940s and 1950s together with the regional integration studies of 1960s. For more information see Steven L. Lamy, "Contemporary Mainstream Approaches: Neo-Realism and Neo-Liberalism", **The Globalization of World Politics: An Introduction to International Relations**, (Eds. John Baylis, Steve Smith and Patricia Owens), Oxford University Press, Oxford, Sixth Edition, 2014, pp.127-139.

¹⁶⁵ Lamy, pp.132-136.

¹⁶⁶ David Armstrong, "The Evolution of International Society", **The Globalization of World Politics: An Introduction to International Relations**, (Eds. John Baylis and Steve Smith), Oxford University Press, Oxford, Sixth Edition, 2014, p.36.

In the English School literature, the international system and the international society are not simply two distinct names for the same concept, and one should distinguish them from each other by looking at their meanings. The international system consists of an anarchical international structure, as the realist tradition asserts. According to Bull, the leading name associated with the English School, “A system of states (or international system) is formed when two or more states have sufficient contact between them , and have sufficient impact on one another's decisions, to cause them to behave -at least in some measure- as parts of a whole¹⁶⁷”. In other words, states have impact on each other because they know other states’ policies through interactions. Barry Buzan also emphasizes this point that the international system is state-centric one as underlined by the realist and neo-realist schools¹⁶⁸.

Buzan argues that the society of states or international society is about the “institutionalisation of shared interest and identity amongst states”¹⁶⁹. For the creation of historical international societies, Bull mentioned the necessity of a common culture or civilization among the states. Such a community would be expected to share a lingua franca, common ethical code, or even common artistic traditions¹⁷⁰. However, Bull argues that common cultural values would not be a prerequisite for the creation of international society. According to him, the existence of rules to limit the use of power, ensuring compliance with international agreements and protecting property rights is sufficient for the establishment of the international society¹⁷¹. While both the international system and the international society are based on the assumptions about the existence of states, the international society requires deeper levels of cooperation, going beyond mere interactions between states. Therefore, the international society is formed by the acceptance of common identities (language, religion, common culture, and etc.) and/or common rules (institutions, diplomacy, international law, and etc.) among states¹⁷².

¹⁶⁷ Hedley Bull, **The Anarchical Society: A Study of Order in World Politics**, Palgrave Macmillan, New York, Third Edition, 2002, (The Anarchical Society), p.9.

¹⁶⁸ Barry Buzan, **From International to World Society? English School Theory and the Social Structure of Globalisation**, Cambridge University Press, Cambridge, 2004, p.7.

¹⁶⁹ Buzan, p.7.

¹⁷⁰ Bull, *The Anarchical Society*, p.15.

¹⁷¹ Bull, *The Anarchical Society*, pp.4-5.

¹⁷² Buzan, p.7.

Another important concept introduced by the English School is the world society which is different from the international society, and which represents something more fundamental because while international society means a structure constituted by states, world society represents the “totality of global social interaction”¹⁷³. The international society is a top-down structure within an anarchical system, while the world society is a bottom-up one, focusing on individuals rather than states¹⁷⁴.

Charles Manning, one of the important thinkers in the English School, did not use the term world society, but he still referred to it with the phrase “the nascent society of all mankind”. According to him, the world society is a part of the international society¹⁷⁵. Another important thinker who belongs to the same paradigm, Wight, also argued that the members of the state system that constitute cultural unity can transcend the concept of state, and such cultural unity is a precondition for a state system to exist in the first place¹⁷⁶.

Yet another significant contributor to the English School, Neumann, sees the world society as a system of values. With reference to NATO’s intervention on Kosovo, he underlines the need for a world society, rather than mere regional organizations or a vague international society, especially in the context of humanitarian intervention. For, the legal basis of humanitarian intervention can only be provided by the world society¹⁷⁷. Similar to Neumann’s approach, Vincent also discusses the legality of humanitarian intervention. With insights from Henry Shue, he states that the intervention can only be justified only when it is a response to the violation of basic rights of citizens, by the state. Such basic rights include the right to subsistence and security, and, on a vaguer footing, liberty¹⁷⁸.

The English School is divided into two main camps: pluralists and solidarists. The dispute over the nature of international society, and the disagreement about the

¹⁷³ Bull, *The Anarchical Society*, p.269.

¹⁷⁴ Buzan, p.36.

¹⁷⁵ Charles A. W. Manning, **The Nature of International Society**, Macmillan, London, 1975, p.177.

¹⁷⁶ Martin Wight, **Systems of States**, (Ed. Hedley Bull), Leicester University Press, Leicester, 1977, p.33.

¹⁷⁷ Iver B. Neumann, “The English School and the Practices of World Society”, **Review of International Studies**, Vol: 27, No: 3, 2001, p.505.

¹⁷⁸ R. J. Vincent, **Human Rights and International Relations**, Cambridge University Press, New York, 1987, p.112.

natural and positive law and order/justice dilemma are the main reasons of this division¹⁷⁹. These two conceptions of international society question whether it is possible to reach a more orderly world by restricting resort to war by states for political purposes or by restricting the legitimate use of force to grounds associated only with achieving the purposes of the international community¹⁸⁰. In this context, a pluralist international society can be considered closer to the realist tradition. Hedley Bull, Robert Jackson, and James Mayall are the leading representatives of the pluralist perspective¹⁸¹, which puts states to the center of the stage by claiming that they are the basic political structures of the society. States have the ultimate authority and power over their citizens and territories, and because of this state-centric perspective, pluralists are against the idea of intervention. Therefore, they claim that the international law is based on positive law¹⁸². According to the pluralists, interventions could harm the international order, so that they are against the idea of using force against other states regardless of the justification provided including crimes against humanity¹⁸³. On the other hand, solidarist or Grotian international society challenges pluralists by putting individual human beings, rather than states, first among the priorities of the international society. Unlike pluralists, the solidarists' understanding of international law is based on natural law instead of positive law¹⁸⁴. R. J. Vincent, Tim Dunne, and Nicholas Wheeler are among the leading representatives of the solidarist camp¹⁸⁵. Following the path of Grotius, they consider individuals as subjects of international law. For them, the state loses legitimacy if it violates its citizens' rights and life. In such cases, intervention by the

¹⁷⁹Buzan, p.46.

¹⁸⁰Bull, *The Anarchical Society*, p.230.

¹⁸¹For more information about the pluralist international society, see Robert Jackson, **The Global Covenant: Human Conduct in a World of States**, Oxford University Press, Oxford, 2000; James Mayall, **World Politics: Progress and its Limits**, Polity Press, Cambridge, 2000.

¹⁸²Buzan, pp.45-46.

¹⁸³Nicholas J. Wheeler, "Pluralist or Solidarist Conceptions of International Society: Bull and Vincent on Humanitarian Intervention", **Millennium: Journal of International Studies**, Vol: 21, No: 3, 1992, p.468.

¹⁸⁴Buzan, p.46.

¹⁸⁵For more information about the solidarist international society, see John Vincent, **Human Rights and International Relations: Issues and Responses**, Cambridge University Press, Cambridge, 1987.

international society should definitely be on the table, for restoring justice in international politics¹⁸⁶.

According to solidarists, intervention does not and will not cause any disorder in international politics; on the contrary a legitimate intervention brings justice to international politics, and it is the only way to reestablish justice¹⁸⁷. Therefore, in the debate over order and justice, while solidarists advocate “thick morality”, the pluralists approach represents “thin morality”¹⁸⁸. For pluralists, justice comes second because they claim that intervention would pose a breach of the state’s sovereignty and therefore harm the international order. Such disorder in international politics will, then, cause the international society to devolve into a Hobbesian state of nature. The only way to avoid disorder is through the principle of non-interference in the domestic affairs of the states¹⁸⁹.

The three schools of IR theory summarized above are also the ones most vocal about humanitarian intervention. It is virtually impossible to provide an exhaustive compendium of all theoretical perspectives on this very specific topic or even to present a thorough discussion of all arguments the abovementioned three theories had about humanitarian intervention, within the confines of a single chapter. This theoretical chapter sought to cover the basic assumptions of mainstream theories in order to provide a general and usable perspective towards of the humanitarian interventions¹⁹⁰. Different theories of IR offer different frames and logical explanations about certain cases of humanitarian interventions. Cox's famous

¹⁸⁶Linklater, p.93.

¹⁸⁷Buzan, p.47.

¹⁸⁸Tim Dunne, **Inventing International Society: A History of the English School**, Macmillan Press, London, 1998, p.11.

¹⁸⁹Buzan, pp.46-47.

¹⁹⁰For more information on what other theories of IR have to say about the concept of humanitarian intervention see; for Marxism; Robert Cox, **Approaches to World Order**, Cambridge University Press, Cambridge, 1996; Immanuel Wallerstein, **The Modern World System**, Academic Press, New York, 1974; for Cosmopolitanism; Patrick Hayden, **Cosmopolitan Global Politics**, Aldershot, Ashgate, 2005; Daniele Archibugi, **Debating Cosmopolitics**, Verso, London, 2003; Tom Woodhouse and Oliver Ramsbotham, “Cosmopolitan Peacekeeping and the Global Order”, **International Peacekeeping**, Vol: 12, No: 2, 2005, pp.139-156; for Post-structuralism; Michel Foucault, **Discipline and Punish: The Birth of the Prison**, Penguin, London, 1980; Jenny Edkins, **Poststructuralism and International Relations: Bringing the Political Back In**, Lynne Rienner Publishers, Boulder, 1999; David Campbell, **National Deconstruction: Violence, Identity, and Justice in Bosnia**, University of Minnesota Press, Minneapolis, 1998.

assertion, "Theory is always for someone and for some purposes"¹⁹¹, is often helpful in keeping one's feet on solid ground; yet without some level of awareness about leading theories' claims, one cannot accurately investigate the motivations of states towards humanitarian interventions.

1.2.2. Humanitarian intervention in International Relations

The term humanitarian intervention was first used by William Edward Hall in 1880¹⁹² and through time it became one of the hottest topics of discussion in IR literature. Although Hall was the first one to use the term, the idea of humanitarian intervention had long been expressed in various forms. As discussed above just war tradition was mostly focused on the morality of war and whether or when it is right to use force. However, modern debates about humanitarian intervention cover the concept in much greater depth, aiming to answer questions such as why, how, when, and under what circumstances the intervention should come to be.

The motivation of humanitarian intervention has not always been limited to helping others. For example, in the middle of the 18th century, to support Prague's Jewish community, which was threatened with expulsion by the authorities in Bohemia, the British and Dutch intervened. Similarly, many colonial states, Britain in particular, utilized the idea of intervention when conquering and occupying other lands, voicing moral obligations to save the others or to accelerate the dawn of civilization for them. Claims such as protecting minorities, and preventing them from being mistreatment were also used by colonial states as reasons to legitimize interventions¹⁹³.

A number of wars were fought with the aim of protecting minorities' life and assets. The Treaty of Kuchuk Kainarji (1774) - and Treaty of Berlin (1878) are but two treaties which were enforced on the Ottoman Empire following interventions and wars fought on these grounds in the 18th and 19th centuries. Russia fought more

¹⁹¹ Robert Cox, "Social Forces, States and World Orders: Beyond International Relations Theory", **Millennium: Journal of International Studies**, Vol: 10, No: 2, 1981, p.128.

¹⁹² Simon Chesterman, **Just War or Just Peace: Humanitarian Intervention and International Law**, Oxford University Press, Oxford, 2002, pp.23-24.

¹⁹³ Burchill, p.70.

than a dozen wars with the Ottomans, in the name of protecting the Orthodox people living in the Ottoman Empire, based on the terms of the treaty of 1774¹⁹⁴. However, this so-called right to act as a protector of Orthodox people was strongly challenged by the Ottomans, and it paved the way to the Crimean War (1853-1856), which can be characterized as yet another intervention based on humanitarian reasons, as per the arguments of the warring parties¹⁹⁵. In the same vein, according to some scholars, the first examples of humanitarian interventions in the modern sense took place in order to protect Christian communities from the Ottoman rule, during the 19th century and early the 20th century. The uprisings against the Ottoman Empire in the Balkans received support from many countries in those years, and the interventions by other states during the Greek War of Independence (1821-27) and the Bulgarian agitation of 1876-78 are probably the first ones one would think about in this context¹⁹⁶.

Humanitarian intervention in the context of cultural and religious claims in the 19th century and before was mostly used as a pretext for gaining land. Later, together with the attempts to make international law more concrete and visible, human rights also became a frequently mentioned topic in humanitarian interventions along with the claims of charity and the fight against barbarism. Those claims remind the narrative of white man's burden claiming it is the white race's mission to bring education, and superior culture to the rest of the world¹⁹⁷.

Near the end of the First World War, U.S. President Woodrow Wilson declared his 14 points as a proposal about post-war peace settlements. The principle of self-determination was one of the key elements of this declaration¹⁹⁸. This self-determination principle together with the principle of non-interference in domestic affairs in the Covenant of the League of Nations raised to the question of prohibition

¹⁹⁴ Roderic H. Davison, "The 'Dosografa' Church in the Treaty of Küçük Kaynarca", **Bulletin of the School of Oriental and African Studies**, Vol: 42, No: 1, 1979, p.46.

¹⁹⁵ Oral Sander, **Anka'nın Yükselişi ve Düşüşü: Osmanlı Diplomasi Tarihi Üzerine Bir Deneme**, İmge Kitabevi, Ankara, 2010, p.230.

¹⁹⁶ Alex de Waal and Rakiya Omaar, "Can Military Intervention Be 'Humanitarian'?", **Middle East Report**, Vol: 24, March/April 94, available at <https://merip.org/1994/03/can-military-intervention-be-humanitarian/>, (15.06.2020).

¹⁹⁷ Gretchen Murphy, **Shadowing the White Man's Burden: U.S. Imperialism and the Problem of the Color Line**, New York University Press, 2010, pp.150-180.

¹⁹⁸ President Woodrow Wilson's Fourteen Points, 8 January, 1918, available at the address https://avalon.law.yale.edu/20th_century/wilson14.asp, (14.06.2020).

of the use of force¹⁹⁹. While these discussions were on the agenda, the Kellogg-Briand Pact (August 27, 1928) outlawed war as an instrument of state policy, except in cases involving self-defense or authorization by the League of Nations²⁰⁰.

Even though the prohibition of use of force was occupying the agenda more and more and states were trying to avoid yet another devastating world war during those years, these attempts neither brought peace nor stopped the next world war. The Covenant of the League of Nations only applied to its member states, and other rules did not exist in international customary law. Furthermore, the Covenant did not bring clarity to the humanitarian intervention debate; it did not allow the use of force, nor did it ban it altogether²⁰¹. Thus, the League of Nations failed in its mission to prevent the outbreak of another world war; and erupted the World War II, just twenty years later. Moreover, in 1939, Hitler invaded Czechoslovakia with the pretext of protecting the marginalized Germans living there²⁰². In other words, humanitarian interventions were used by the states as an excuse for wars again²⁰³.

As a matter of fact, before the World War II, humanitarian intervention was often used to justify acts “that shock the moral conscience of mankind”²⁰⁴. Since it is not easy to determine which specific actions shock human conscience or how much violence can create this shock effect, it was difficult for humanitarian intervention to become a doctrine.

¹⁹⁹ Article 15 of the Covenant: If the dispute between the parties is claimed by one of them, and is found by the Council, to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the Council shall so report, and shall make no recommendation as to its settlement.

²⁰⁰ For more information about the Pact see “The Kellogg-Briand Pact, 1928”, **Office of the Historian**, <https://history.state.gov/milestones/1921-1936/kellogg>, (15.06.2020), This principle also embedded in the UN Charter article 2(4) “All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.”. However, it is important to note that the UN used the term ‘use of force’ instead of wars, contrary to what Kellogg-Briand Pact did. Therefore the prohibition in the UN Charter is much broader and deeper than the one introduced by the Pact.

²⁰¹ Chesterman, p.43.

²⁰² Actually the intervention was a result of the Nazis’ policy of the ‘Lebensraum’ or ‘Living Space’. For more information see Charles Kruszewski, “Germany’s Lebensraum”, **American Political Science Review**, Vol: 34, No: 5, 1940, pp.965-975; Woodruff D. Smith, “Friedrich Ratzel and the Origins of Lebensraum”, **German Studies Review**, Vol: 3, No: 1, 1980, pp.51-68.

²⁰³ Hehir, p.189.

²⁰⁴ Walzer, p.107.

1.2.3. Humanitarian Intervention in UN Charter

After the end of the World War II, colonialism in the conventional sense was coming to an end; so did the agony of colonial wars. During the World War II nearly 70 million people perished, many of whom were civilians, including 6 million Jews murdered during the Holocaust²⁰⁵. In response to such grave human rights violations, states were trying to take stricter measures to prevent the use of force. The trauma of the Holocaust and civilian casualties in both world wars demonstrated the necessity to guarantee all humans basic rights, regardless of the size of the society they lived in. And to avoid another devastating world war and associated grave human rights violations, a proposal for a world organization was submitted by four big powers (China, Great Britain, the USSR and the United States) among the winners, at Dumbarton Oaks Conference on 7 October 1944. What the Dumbarton Oaks left bleak, such as the exact voting structure in the Security Council, were ironed out at the Yalta Conference on 11 February, 1945²⁰⁶.

Representatives from 50 different countries convened in San Francisco and signed the United Nations (UN) Charter to bring the UN into existence with the leading goals of maintaining international peace and stability, protecting human rights, upholding international law. As clearly stated in the Charter, promoting and protecting human rights are both a key purpose and a guiding principle for the UN. Human rights are mentioned several times in the Charter and even in the preamble the states declared their faith in fundamental human rights²⁰⁷. Truman, then the president of the USA, summarized the core values of the Charter as follows: “With this Charter the world can begin to look forward to the time when all worthy human

²⁰⁵ National World War II Museum, “Research Starters: Worldwide Deaths in World War II”, <https://www.nationalww2museum.org/students-teachers/student-resources/research-starters/research-starters-worldwide-deaths-world-war>, (24.09.2020); Britannica, World War II, <https://www.britannica.com/event/World-War-II/Costs-of-the-war>, (24.09.2020). (24.09. 2020)

²⁰⁶ “Preparatory Years: UN Charter History” United Nations, <https://www.un.org/en/about-us/history-of-the-un/preparatory-years> (24.09.2020).

²⁰⁷ Preamble of the UN Charter; “To reaffirm 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.”

beings may be permitted to live decently as free people"²⁰⁸. The first article of the Charter specifies the main purposes of the UN: "to maintain international peace and security...to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace"²⁰⁹.

The prohibition of the use or threat of force in international relations was introduced in the UN Charter with article 2(4) and 2(7)²¹⁰. Article 2(4) of the Charter prohibits "the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations". It is worth noting that even the threat of using force, not just using force, is prohibited by this article. In addition to that, because small countries were the ones which faced the highest risk among UN member states, protecting "territorial integrity or political independence" was also mentioned due to the insistence of those small states²¹¹. Article 2(7) also prohibits "the United Nations [from acts] to intervene in matters which are essentially within the domestic jurisdiction of any state." However, exceptions to this prohibition still exist. The right of "individual or collective self-defence" which is mentioned in the article 51²¹² constitutes an exception to this prohibition; so do the rights guaranteed under the Chapter VII in case of an armed attack. However, this right is only valid if the

²⁰⁸ United Nations, 1945: The San Francisco Conference, available at <https://www.un.org/en/about-us/history-of-the-un/san-francisco-conference>, (15.09.2020).

²⁰⁹ UN Charter.

²¹⁰ W. Michael Reisman, "Article 2(4): The Use of Force in Contemporary International Law", **Proceedings of the Annual Meeting (American Society of International Law)**, Vol: 78, 1984, p.75.

²¹¹ Yasemin Özdek, **Uluslararası Politika ve İnsan Hakları**, Öteki Yayınları, Ankara, 2000, p.75.

²¹² Article 51 of the Charter; Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

Security Council²¹³ has not decided to act against the offending state or until a decision is taken by the Security Council²¹⁴.

The use of force is also accepted as legally justified in cases where the UN Security Council approval is granted. This power to authorize use of force is provided in article 24(1) of the Charter which holds Security Council as the body with the primary responsibility for the maintaining of international peace and security. Security Council determines “the existence of any threat to the peace, breach of the peace, or act of aggression” according to article 39, and makes recommendations regarding or decides on the measures to be taken for restoring or maintaining international peace and security. Article 42 of the Charter gives the Security Council the authority to take “action by air, sea, or land forces... to maintain or restore international peace and security” when the measures that explained in article 41²¹⁵ are considered or have proven to be inadequate. Yet, these actions can be vetoed by any member of the Security Council listed in article 24²¹⁶. If any of the five permanent members exercise its veto right, all decisions are rejected no matter what, that is to say, they can prevent the actions according to article 27(3)²¹⁷. Thus, the Security Council acts on behalf of all the member states of the UN as stated in article 24(1), and the member states do not have the right to appeal or dissent against the Security Council decisions. In other words the decisions of the Council are binding for all member states²¹⁸.

²¹³ The Security Council consists of 15 members of the UN; 5 permanent members, and 10 non-permanent members. Non-permanent members are elected by the General Assembly for a term of two years.

²¹⁴ UN Charter.

²¹⁵ Article 41 of the Charter indicates that the Security Council can take measures such as “complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.”

²¹⁶ The Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America have the veto power as permanent members of the Security Council.

²¹⁷ 27(3) Article of the Charter; “Decisions of the Security Council on all other matters shall be made by an affirmative vote of nine members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.”

²¹⁸ Ian Hurd, “The UN Security Council and the International Rule of Law”, **The Chinese Journal of International Politics**, Vol: 7, No: 3, 2014, pp.362-364. The ‘Kadi Case’ should also be taken into account in a thorough analysis of the relationship between the domestic legal requirements and UN Council decisions. It was about a dispute about whether the United Nations Security Council resolution or EU law had priority. For more information about the case see Hurd, pp.374-

The articles mentioned above clearly show that principles such as respect for sovereign equality of all member states, the protection of human rights, prohibition of the use of force, combined with the maintenance and restoration of international peace and security are the main pillars of the UN Charter. However, those principles are at times contradictory. First of all, the UN Charter clearly demonstrates the importance of sovereign equality between states in the following articles: Article 2(1) of the Charter, which stipulates that “The Organization is based on the principle of the sovereign equality of all its Members”, and article 78 of the Charter stipulating that “The trusteeship system shall not apply to territories which have become Members of the United Nations, relationship among which shall be based on respect for the principle of sovereign equality.”²¹⁹. Through these articles, UN shows that sovereign equality in international relations applies for every state without any discrimination. Besides, the use of force was also prohibited to prevent other interventions which violate the sovereign rights of other states, as had been the case in the German invasion of Czechoslovakia and Poland in the context of World War II²²⁰. Article 2(4) of the Charter states this prohibition as follows: “All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.”²²¹. Therefore, by prohibiting member states from interfering in each other's internal affairs, the UN has established the principle of non-interference as a universal legal norm for the first time in history²²².

Although the Charter puts the protection of sovereignty to the forefront and tries to protect states’ ‘territorial integrity’ and ‘political independence’ by prohibiting the use of force, it still has its share of contradictions between those goals and its *raison d’être*. Article 2(4) specifically refers to the purposes of the UN and

375; and also Juliana Kokott and Christoph Sobotta, “The Kadi Case – Constitutional Core Values and International Law – Finding the Balance?”, **The European Journal of International Law**, Vol: 23, No: 4, 2012, pp.1015-1024.

²¹⁹ UN Charter.

²²⁰ Andrew M. Scott, “Nonintervention and Conditional Intervention”, **Journal of International Affairs**, Vol: 22, No: 2, 1968, p.208.

²²¹ UN Charter.

²²² Parekh, p.52.

human rights are a crucial one among them, as indicated above. Thus, on the one hand, the UN Charter tries to protect state's sovereignty and the principle of non-interference in domestic affairs, on the other hand it attaches great importance to the protection of human rights. Articles 1(3) and 55(c) are noteworthy in this respect, with the emphasis on "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion."²²³ In the light of these articles, human rights law cannot be left solely to states, and people become subjects of international law, leading to an erosion of the sovereign rights of states. By taking responsibility for protecting human rights, the UN contradicts with the principle of non-interference in the domestic affairs of states.

That is not the only contradiction inherent in the Charter though. The Charter assigns the responsibility for maintaining international peace and security to the Security Council, as stipulated in article 24(1). Besides, chapter VII clarifies the actions the Security Council can take "with respect to threats to the peace, breaches of the peace, and acts of aggression." According to the article 42, the Security Council; "...may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces."²²⁴ In other words, an intervention may occur if the Security Council decides so, and may constitute a challenge to the principle of state sovereignty, since it would be seen as interference in the domestic affairs of states. The goal of maintaining international peace and security may require the protection of people from repressive regimes, and thus such interventions also limit the sovereignty of the states²²⁵.

UN formulated the principle of non-intervention in three stages. First of all, the non-intervention doctrine is expanded to cover states, and not just Western states as it used to be. Secondly, the permission for interfering in another state's internal affairs is granted only when international peace and security threatened. Thirdly, as a

²²³ UN Charter.

²²⁴ UN Charter.

²²⁵ Samuel M. Makinda, "Sovereignty and International Security: Challenges for the United Nations", **Global Governance**, Vol: 2, No: 2, 1996, p.154.

representative of international community, the Security Council is considered as the only organ authorized to approve such interventions²²⁶²²⁷. The Security Council holds the monopoly on the decision for the use of force with the consent of other member states which is unprecedented in history²²⁸.

By the middle of the 20th century, the Cold War was becoming more apparent and old colonies were entering into the decolonization process one by one. Fearing the return of the mandate system, these newly established states insisted on the self-determination principle embodied in the Charter, and they demanded specific reference to the protection of territorial integrity in the UN Charter to prevent external interferences on their sovereignty²²⁹. Despite those efforts, however, there have been cases where the use of force has occurred. The intervention which led to the Korean War, for instance, was based on the Security Council's responsibility to maintain international peace and security as indicated in the article 24(1). The intervention took place under the leadership of the USA, and was effected on the basis of Resolution 377²³⁰²³¹.

The concept of humanitarian intervention never fell off the agenda. Instead it became more and more visible. Although the principle of non-interference represented the dominant paradigm during the Cold War years, humanitarian claims were still emphasized in some military interventions. One of the most notable examples was India's intervention in East Pakistan in 1971. Bengalis living in East

²²⁶ Parekh, p.52.

²²⁷ The report titled "The Responsibility to Protect" prepared by the International Commission on Intervention and State Sovereignty (ICISS) in 2001, provided for alternative methods in cases where the Security Council fails to take action. For a detailed discussion of such alternative methods see Report of the International Commission on Intervention and State Sovereignty, Chapter 6: The Question of Authority, pp.53-55.

²²⁸ Hurd, p.366.

²²⁹ Özdek, p.75.

²³⁰ Resolution 377A(V) Uniting for Peace; "Resolves that if the Security Council, because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace, breach of the peace, or act of aggression, the General Assembly shall consider the matter immediately with a view to making appropriate recommendations to Members for collective measures, including in the case of a breach of the peace or act of aggression the use of armed force when necessary, to maintain or restore international peace and security." United Nations, Emergency Special Sessions, <https://www.un.org/en/ga/sessions/emergency.shtml>, (20.09.2020).

²³¹ However, first direct reference was made in the Suez Canal crises in 1956. For more information see Hehir, p.88.

Pakistan suffered from oppression by the Pakistani government and this oppression resulted the death of more than a thousand Bengalis. As the crisis unfolded, millions of Bengalis fled to neighboring India, causing one of the largest refugee crises in history. India's justification for intervention was basically based on self-defense, but also included references to humanitarian concerns in the efforts to justify the use of force. Similarly, Vietnam's invasion of Cambodia in 1978 is defended as a case of self-defense, with a motivation to put an end to Pol Pot's Khmer Rouge regime²³².

Both the UN and some academics have referred to those cases as armed self-defense action rather than humanitarian intervention²³³. This status was closely related to the dynamics of the Cold War. After the end of the Cold War, democracy and the protection of human rights came out as necessary conditions for protecting and ensuring international peace and security. Human rights violations, considered internal affairs of states throughout the Cold War, began to receive ever increasing amounts of criticism by other states as if they moved into the domain of foreign affairs²³⁴. One of the clearest examples of this new stance was Resolution 688, adopted by the Security Council on 5 April, 1991 with regard to the Iraq crisis. The issue of immigration, which India once claimed as one of the grounds for its intervention in East Pakistan -though it was not accepted by the UN- came to be accepted as a threat to international peace and security²³⁵ by the Security Council for the first time in history. The resolution passed even though there were objections from some countries²³⁶, and therefore, human rights violations along with the immigration issues began to be discussed in the context of humanitarian

²³²For more information see Wheeler, pp. 55-88; also see Garry J. Bass, "The Indian Way of Humanitarian Intervention", **The Yale Journal of International Law**, Vol: 40, No: 2, 2015, pp.227-294; Thomas M. Franck, "Interpretation and Change in the Law of Humanitarian Intervention", **Humanitarian Intervention: Ethical, Legal and Political Dilemmas**, (Eds. J. L. Holzgrefe and Robert O. Keohane), Cambridge University Press, Cambridge, 2003, pp.216-219.

²³³See Anthony Arend and Robert Beck, **International Law and the Use of Force: Beyond the U.N. Charter Paradigm**, Routledge, London, 1993; Hehir, pp.92-93.

²³⁴Makinda, p.154.

²³⁵"...Gravely concerned by the repression of the Iraqi civilian population in many parts of Iraq, including most recently in Kurdish populated areas, which led to a massive flow of refugees towards and across international frontiers and to cross-border incursions, which threaten international peace and security in the region...", see United Nations Security Council Resolution 688, 5 April 1991, <https://digitallibrary.un.org/record/110659?ln=en>, (29.09.2020).

²³⁶Cuba, Yemen and Zimbabwe voted against the resolution. China and India abstained. Ninan Koshy, "The United Nations, the US and Northern Iraq", **Economic and Political Weekly**, Vol: 31, No: 40, 1996, pp.2760-2761.

interventions from early 1990s on²³⁷. This change in spirit can also be seen in the NATO's new strategic concept formulated in 1999, explicitly referring to the responsibility to protect the common values of democracy, human rights and the rule of law²³⁸.

Former UN Secretary General Boutros-Ghali also addressed this change by saying; “The time of absolute and exclusive sovereignty . . . has passed.”²³⁹. Even though article 2(7) prohibited the use of force, another former UN Secretary General, Kofi Annan, said that “Surely no legal principle -not even sovereignty- can ever shield crimes against humanity.”²⁴⁰. He also defended the need for humanitarian intervention in case of grave human rights violations in his 2000 Millennium Report; “If humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica, to gross and systematic violation of human rights that offend every precept of our common humanity?”²⁴¹.

1.2.4. Definition of Humanitarian Intervention

Although the principle of non-intervention became a legal norm with the Charter, the UN shied away from putting forward a universal definition of humanitarian intervention. According to Parekh, humanitarian intervention is “an act of intervention in the internal affairs of another country with a view to ending the physical suffering caused by the disintegrations or gross misuse of authority of the state, and helping create conditions in which a viable structure of civil authority can

²³⁷ For further information see Thomas G. Weiss and Sam Daws, “The United Nations: Continuity and Change”, **The Oxford Handbook on the United Nations**, Oxford University Press, New York, Second Edition, 2018.

²³⁸ The Alliance’s Strategic Concept, Part I, article 6: “...Based on common values of democracy, human rights and the rule of law, the Alliance has striven since its inception to secure a just and lasting peaceful order in Europe. It will continue to do so. ..The Alliance therefore not only ensures the defence of its members but contributes to peace and stability in this region...” for more information see “The Alliance’s Strategic Concept”, NATO, 24 April 1999, https://www.nato.int/cps/en/natolive/official_texts_27433.htm, (16.09.2020).

²³⁹ Boutros Boutros-Ghali, **An Agenda for Peace- Preventive Diplomacy, Peacemaking and Peace-keeping**, Report of the Secretary-General pursuant to the statement adopted by the Summit Meeting of the Security Council on 31 January 1992, United Nations, New York, 1992, p.9.

²⁴⁰ Secretary General’s Speech to the 54th Session of the General Assembly, September 20, 1999.

²⁴¹ Kofi Annan, The Role of the United Nations in the 21st Century, **Millennium Report of the Secretary-General**, 2000, p.48

emerge”²⁴². For Adam Roberts, humanitarian intervention is “military intervention in a state, without the approval of its authorities, and with the purpose of preventing [or ending] widespread suffering or death among the inhabitants”²⁴³. Finnemore defines humanitarian intervention as a “military intervention with the goal of protecting the lives and welfare of foreign civilians”²⁴⁴. In the light of these approaches provided in the literature, as humanitarian intervention involves the use of force, it differs from other types of humanitarian action such as relief and aid operations by governmental or nongovernmental organizations such as the International Committee of the Red Cross (ICRC), the Office of the United Nations High Commissioner for Refugees (UNHCR), Oxfam, and Médecins Sans Frontières / Doctors Without Borders (MFS). Those organizations’ actions do not involve any kind of military force, and instead, are considered humanitarian assistance, humanitarian relief, or humanitarian aid²⁴⁵.

There is a similar ground between humanitarian interventions and other humanitarian actions which involve no element of force, including military force. All these actions aim and try to protect human rights and to maintain international peace and security. At this stage, the primary debate is about whether human rights are subject to the internal jurisdiction of the state. States’ actions towards their own citizens become debatable in the international arena when those states willingly become parties to a relevant international agreement²⁴⁶, and this erosion of the sovereignty open the door for the debate on humanitarian action²⁴⁷. Throughout this study, the term humanitarian intervention will refer specifically to the use of force in

²⁴² Parekh, p.55.

²⁴³ Adam Roberts, “Humanitarian War: Military Intervention and Human Rights”, **International Affairs**, Vol: 69, No: 3, 1993, p.429.

²⁴⁴ Martha Finnemore, “Constructing Norms of Humanitarian Intervention”, **The Culture of National Security: Norms and Identities in World Politics**, (Ed. Peter Z. Katzenstein), Columbia University Press, New York, 1996, p.154.

²⁴⁵ Fabian Klose, “The emergence of humanitarian intervention”, **The Emergence of Humanitarian Intervention: Ideas and Practice from the Nineteenth Century to the Present**, (Ed. F. Klose) Cambridge University Press, Cambridge, 2015, p.8.

²⁴⁶ As an example of this claim see Article 90 of the Turkish Constitution; “In the case of a conflict between international agreements, duly put into effect, concerning fundamental rights and freedoms and the laws due to differences in provisions on the same matter, the provisions of international agreements shall prevail.” <https://www.anayasa.gov.tr/en/legislation/turkish-constitution/> (15.09.2020).

²⁴⁷ Elia Pusteria and Francesca Piccin, “The Loss of Sovereignty Control and the Illusion of Building Walls”, **Journal of Borderlands Studies**, Vol: 27, No: 2, 2012, p. 126.

another state by a state or group of states to prevent or end human suffering among the residents, with or without the approval of its authorities.



CHAPTER TWO

EAST TIMOR

East Timor is located to the northwest of Australia, in the eastern end of the Indonesian archipelago. It is the eastern half of the Timor Island. Its capital city is Dili, and the country has a population of more than one million, according to the July 2020 figures²⁴⁸. More than forty-one percent of the population, especially those in rural areas, lives below the poverty line, but the largest numbers of the poor is concentrated in and near the capital Dili²⁴⁹. Agriculture is the main source of livelihood for over half of East Timor's population, with major agricultural products being coffee, rice, corn, cassava (manioc, tapioca), sweet potatoes, soybeans, cabbage, mangoes, bananas, and vanilla. Offshore oil and gas reserves lead to a picture of high overall national income, yet agriculture is the main source of livelihood for the overwhelmingly majority of the country²⁵⁰.

The earliest evidence of agriculture on the island dates back to three thousand BC²⁵¹. This development is generally linked with the arrival of seafaring Austronesian populations in the region, which also led to the appearance of one of the two main language families in Timor, called the Austronesian language family. The other main group is called the Trans-New Guinea languages²⁵². However, these two major families are not the only ones spoken in East Timor. It is such a multilingual and multiethnic society that at least sixteen languages are currently spoken on the island²⁵³.

²⁴⁸ See "Statistics Timor-Leste", <https://www.statistics.gov.tl/>, (28.09.2020).

²⁴⁹ World Bank, "Moving Beyond Uncertainty", Timor-Leste Economic Report, April 2019, <http://documents1.worldbank.org/curated/en/207941557509771185/pdf/Timor-Leste-Economic-Report-Moving-Beyond-Uncertainty.pdf>, (28.09.2020).

²⁵⁰ Daniel Fitzpatrick and Susana Barnes, "The Relative Resilience of Property: First Possession and Order Without Law in East Timor", **Law and Society Review**, Vol: 44, No: 2, June 2010, p.208.

²⁵¹ I.C. Glover, "Prehistoric research in Timor", **Aboriginal Man and Environment in Australia**, (Eds. D.J. Mulvaney and J. Golson), The Australian National University, Canberra, 1971, pp.158-181.

²⁵² There is also a belief that those Trans-New Guinea phylum speakers arrived in East Timor after the Austronesian speakers. James Fox, "Tracing the path, recounting the past: historical perspectives on Timor", **Out of the Ashes**, (Eds. James J. Fox and Dionisio Babo Soares), ANU Press, Canberra: Australia, 2003, p.5.

²⁵³ Ryoko Hattori, Matias Gomes, Frances Ajo, and Nelson Belo, "The Ethnolinguistic Situation in East Timor", **East-West Center Working Papers**, No: 20, 2005, p.2.

Figure 1: East-Timor Map



Source: Geospatial Information Section, Map of the Regions of Timor-Leste, available at: <https://www.refworld.org/docid/4937c7cd0.html>, (23.12.2020)

Tetum (or Tetun) language, one of the official languages of East Timor, is the most popular language in the country²⁵⁴. Tetum belongs to the Austronesian language family and is strongly influenced by Portuguese. The co-official language of the country is Portuguese as proclaimed in the May 2002 Constitution. Besides, English and Indonesian are accepted as working languages within the public administration²⁵⁵.

²⁵⁴ John Hajek, "Language Planning and the Sociolinguistic Environment in East Timor: Colonial Practice and Changing Language Ecologies", **Current Issues in Language Planning**, Vol: 1, No: 3, 2000, p.401.

²⁵⁵ Article 13 and Article 159 of the Timor-Leste Constitution, Translated by Gisbert H. Flanz, Oxford University Press, available at https://www.constituteproject.org/constitution/East_Timor_2002?lang=en, (09.10.2020).

2.1. HISTORY OF EAST TIMOR

The first inhabitants of Timor were of the Vedo-Australoide type, based on archaeological findings dating back to four thousand BC to twenty thousand BC. Second wave of migration hit the country around three thousand BC and it was composed of Melanesians. The third wave began around two thousand five hundred BC and composed of proto-malays coming from South China and North Indochina. Because of the mountainous terrain, the new arrivals and former inhabitants did not entirely mix, leading to the survival of a large number of languages²⁵⁶.

From the beginning of the 13th century, Chinese and Javanese traders traveled to the island especially for the sandalwood, honey, and wax²⁵⁷. Those trade products together with the beeswax were important for the Timorese even before the arrival of the Portuguese²⁵⁸. A particularly high amount of sandalwood was traded with Java, the Malay world and even with the Philippines²⁵⁹. Timorese sailors and merchants were the key actors in the trade²⁶⁰.

2.1.1. The Portuguese Colonization of East Timor

The first contact between the indigenous people and Europeans occurred in early 16th century. Portuguese settled on the northwest coast of Timor (Oecusse). Although their arrival to the region was earlier than that, it was only after the 1514 that their intention became apparent. They settled down especially around the sandalwood growing areas for easy access to resources²⁶¹. When they arrived in the

²⁵⁶ East Timor Human Development Report 2002, "A brief history of East Timor", United Nations Development Programme, Dili, 2002, pp.70-73.

²⁵⁷ Manuel Lobato, "Luso-Eurasian Influence in Timor (Early Sixteenth to the Mid-nineteenth Century)", *Journal of Asian History*, Vol: 48, No: 2, 2014, p.165.

²⁵⁸ Laura S. Meitzner Yoder, "Political ecologies of wood and wax: sandalwood and beeswax as symbols and shapers of customary authority in the Oecusse enclave, Timor", *Journal of Political Ecology*, Vol: 18, 2011, p. 14.

²⁵⁹ Hans Hägerdal, "The first contacts", *Lords of the Land, Lords of the Sea: Conflict and Adaptation in Early Colonial Timor, 1600-1800*, Brill, Leiden: Netherlands, 2012, p.19.

²⁶⁰ See Pigafetta's observations of pre-modern Timorese society at the beginning of the 1500s; Antonio Pigafetta, *The First Voyage Round The World by Magellan*, edited by Henry Edward John Stanley, Cambridge University Press, Cambridge, 2010, pp.151-153.

²⁶¹ Lobato, p.167.

region, there were two Tetum-speaking kingdoms dominating the island²⁶². Because of the relatively easy access to the interiors of the island, and the lack of a powerful state therein, Portuguese first used the north coast of Solor to settle and trade. With the discovery of new settlements, Portuguese developed and advanced their trade routes with China, and especially valuable Timorese wood became the main item on this route. European sources from the era, albeit few in surviving numbers, describe those routes and the important products of Timor on their maps²⁶³. In addition to European sources, Emanuel Eridia de Godinho²⁶⁴ also showed Timor on his map dated 1613, as a country of sandalwood, medicinal plants, and gold mines²⁶⁵.

In time, Portuguese traders established safer routes for trade, making Timorese products more profitable. As the market was steadily growing, Christian missionaries also arrived in the scene. In the 1550s, missionaries started to propagate the Christian religion among the Timorese²⁶⁶, who mostly held animist beliefs. Those missionaries were using indigenous languages, and but used mostly Tetum, to appeal to a larger number of people, instead of using just Portuguese²⁶⁷. According to Fox and Hajek, the reach of Portuguese language was limited to Dili during the 17th and 18th centuries. Only by the late 1800s, when Portuguese domination was gaining strength, did the Portuguese language start to be spoken outside of Dili. Yet, this trend did not eradicate the use of vernacular languages. Instead Portuguese language came to be used alongside others. Only among the Fataluku community who lived on the far-eastern part of Timor, and partly in the Oecusse exclave, Portuguese language became as the practical lingua franca for communication with other Timorese, for Tetum was not spoken in those areas²⁶⁸.

The Dutch East India Company, known as VOC (Vereenigde Oost-Indische Compagnie) also noticed the importance of Timor by the beginning of the 17th

²⁶² Hajek, p.165.

²⁶³ Hägerdal, pp.24-25

²⁶⁴ He was a Malay-Portuguese author who lived between 1563-1623. For more information about his life see O. H. K. Spate, "Erédia, Manuel Godinho de (1563–1623)", **Australian Dictionary of Biography**, National Centre of Biography, Australian National University, <http://adb.anu.edu.au/biography/eredia-manuel-godinho-de-2027/text2497>, (15.10.2020).

²⁶⁵ Geoffrey C. Gunn, "Timor-Leste (Former Portuguese East Timor): From Colonial Anthropology to an Anthropology of Colonialism", **Review**, Vol: 32, No: 3, 2009, p.294.

²⁶⁶ Hägerdal, p.26.

²⁶⁷ Hajek, p.402

²⁶⁸ Fox, pp.3-6; Hajek, p.402

century. It was aware of the profitable sandalwood trade and the strong prices the product commanded, bringing handsome returns in Portuguese and Chinese market. Against this background, Dutch emerged as a rival to Portuguese when they conquered the Solor in 1613²⁶⁹. Dutch and Portuguese used similar methods to gain control over the island. They both cooperated with local princes, and used clerical missionaries to propagate their faith²⁷⁰. However, the Portuguese influence was distinct and more profound compared to that of the Dutch at the time. For example, the “Black Portuguese” were a mixed group, arising from intermarriage with the native population and the Portuguese. During the 17th and 18th centuries those Black Portuguese, attempted over and over to drive the Dutch out of Timor²⁷¹.

Internal conflicts combined with the border disputes left those two colonizers with no choice but to establish clear boundaries between the areas ruled by the Dutch and the Portuguese. In 1859, both powers concluded a partitioning treaty in Lisbon and divided the island into two; Dutch took the western part of the Timor, and Portuguese took the eastern part²⁷². Dutch chose Kupang as their regional capital, while Portuguese first chose Lifao, but later switched to Dili, which was easier to defend²⁷³.

However, in this narrative one should not simply assume that the Timorese people did not resist colonizers. In fact, neither the Portuguese nor the Dutch were able to pacify the territory they dominated, up until the beginning of the 20th century, due to Timorese uprisings. Through two centuries of colonization, Timorese rebelled and fought against the colonizers. As a result, their colonization process was not similar to what other parts of the Indies went through²⁷⁴.

At the beginning of the 20th century, a massive rebellion occurred for the first time in Timorese history. It erupted in 1911 and continued for the most of 1912. It was the outcome of growing dissatisfactions among the Timorese, with the measures the Portuguese government took in a bid to its domination. Timorese ‘reinos’

²⁶⁹ Fox, p.7.

²⁷⁰ Hägerdal, p.43.

²⁷¹ William Burton Sowash, “Colonial Rivalries in Timor”, **The Far Eastern Quarterly**, Vol: 7, No: 3, 1948, p.232.

²⁷² Fox, p.17.

²⁷³ Sowash, pp. 230-231.

²⁷⁴ Fox, p.11.

(kingdoms) had been suffering under the growing impact of political pressure and economic exploitation by the colonial power since the second half of the 19th century. The Portuguese were building more forts and barracks, not to mention the investments on roads and communication lines, in order to facilitate the traffic of goods. The indigenous Timorese elites, known as 'liurais', on the other hand, saw these as increasing interference in their political affairs. Moreover, with the establishment of the state agricultural company, Society, Agriculture, Fatherland, and Labor (Sociedade Agricola Patria e Trabalho-SAPT) in 1899, Portuguese became one of the largest landholders. Those lands were used mostly as coffee plantations. However, when the plantations failed to produce the expected profits, governor Jose Maria Marques decided to impose head-tax on males aged 18-60, effectively triggering a revolt in East Timor. Promptness in the implementation of head-tax caused resentment among the reinos, and ultimately caused a massive revolt²⁷⁵. Liurai Dom Boaventura from Manufahi, a reino from the south coast, led the rebellion and became one of the national heroes in the East Timorese history²⁷⁶.

Portugal only suppressed the revolt with the arrival of Portuguese warships from Mozambique and Lisbon in August 1912. Portuguese pacified the territory in the same month, but over three thousand Timorese were killed and many more captured because of their role in the rebellion²⁷⁷. Then, Portugal centralized its political control with the Colonial Act in 1930. This act solidified direct control of Lisbon on the colonies including East Timor. Also, it classified people into two categories: indigenas (indigenous) and nao-indigenas (non-indigenous). Indigenas referred to those born in colonies to indigenous parents. In addition, to be considered in this category, these people had to share a common culture and act accordingly. Nao-indigenas referred to whites, mestiços, and assimilados. Mestiços and assimilados had the same rights as Portuguese citizens had; they could vote in Portuguese and local assembly elections, and they were not obliged to pay the head-

²⁷⁵ Michael Leach, **Nation-Building and National Identity in East Timor**, Routledge, New York, 2017, pp.34-36.

²⁷⁶ Geoffrey C. Gunn, **Historical Dictionary of East Timor**, Scarecrow Press, United Kingdom, 2011, p.51.

²⁷⁷ For more information, see Helen Hill, **The Timor Story**, Timor Information Service, Melbourne, 1975, (The Timor Story).

tax. To be counted as nao-indigenas, there were also some obligations such as speaking Portuguese, and having adequate income to maintain a family²⁷⁸.

East Timor became a strategic point of contention during the World War II. Allied Dutch and Australian forces entered East Timor in 1942 despite Portuguese protests. Even though it was a neutral territory, Japanese soon occupied East Timor, which they saw as a buffer zone. They used the Australian presence in the island as a pretext for the occupation. Japanese occupation in the period 1942-1945 caused approximately forty thousand to sixty thousand East Timorese deaths²⁷⁹.

2.1.2. East Timor in the Post War Period

After the Second World War, East-Timor remained as a territory of the Portuguese colonial empire, while many other nations took the route for decolonization. At the Bandung Conference which took place between 18 and 24 April 1955 in Indonesia, newly independent African and Asian states united against colonialism and helped speed up the decolonization process in colonial states²⁸⁰. When the Netherlands granted independence to its colonies in the Dutch East Indies in 1949, West Timor became a part of Indonesia.

In fact, contrary to the earlier centuries of its rule in the region, post-war Portugal strengthened its military power over the Timorese, and expanded its rule outside of Dili. Portuguese was used by the colonial elite and assimilados as the official language in bureaucratic institutions²⁸¹. In 1951, Portugal adopted a constitutional amendment and declared that East Timor would no longer be a colony, but an “overseas province”. Until 1975, East Timor was considered an integral part of Portugal, like other Portuguese colonies at the time²⁸².

²⁷⁸ Leach, pp.36-38.

²⁷⁹ Leach, p.40.

²⁸⁰ Heloise Weber and Poppy Winanti, “The ‘Bandung spirit’ and solidarist internationalism”, **Australian Journal of International Affairs**, Vol: 70, No: 4, 2016, p.393.

²⁸¹ Kerry Taylor-Leech, “Language and Identity in East Timor: The discourses of nation building”, **Language Problems and Language Planning**, Vol: 32, No: 2, 2008, p.157.

²⁸² This was, perhaps, largely as a result of Salazarist policies; see A Publication of the United Nations Department of Political Affairs, Trusteeship and Decolonization, **Issue on East Timor**, No: 7, August 1976, (Issue on East Timor), p.7.

United Nations policy concerning the administration of non-self-governing territories was not accepted by the Portugal up until the mid-1970s. According to article 73(e) of the UN Charter, states responsible for the administration of territories “whose peoples have not yet attained a full measure of self-government” must regularly transmit to the Secretary-General “statistical and other information of a technical nature relating to economic, social and educational conditions in the territories”²⁸³. When Portugal joined the UN in 1955, it stated that it did not administer any non-self-governing territories covered by Article 73(e), and thus avoided the requirement to provide any information about East Timor to the Secretary-General in the context of this UN policy²⁸⁴. Yet, when the General Assembly adopted Resolution 1541(XV)²⁸⁵, it was clear that Portugal was subject to the Article 73(e) and its requirements. Nevertheless, Portugal refused to transmit information about its colonies, including East Timor²⁸⁶.

By resolution 1542 dated 15 December, 1960, UN specified the non-self-governing territories of Portugal, including East Timor, and listed the region as one under the administration of Portugal²⁸⁷. However, Portugal refused to accept this classification, and instead, under the Overseas Organic Law of 1972, it labeled all its territories as “autonomous regions of the Portuguese Republic”²⁸⁸.

²⁸³ Article 73(e) of the UN Charter, available at the address <https://legal.un.org/repertory/art73.shtml>, (01.10.2020).

²⁸⁴ Roger S. Clark, “The “Decolonization” of East Timor and the United Nations Norms on Self-Determination and Aggression”, **The Yale Journal of World Public Order**, Vol: 7, No: 2, 1980, (The Decolonization), pp.2-3.

²⁸⁵ This Resolution made it clear whether or not an obligation to transmit the information called for under Article 73(e) of the Charter exists. “Principles which should guide Members in determining whether or not an obligation to transmit the information called for under Article 73 e of the Charter”, [http://undocs.org/en/A/RES/1541\(XV\)](http://undocs.org/en/A/RES/1541(XV)) (10.10.2020).

²⁸⁶ Resolution 1541(XV) established that an international legal obligation exists to transmit information under article 73(e); that ‘Prima facie’ there is an obligation to transmit information in respect of a territory which is geographically separate and is distinct ethnically and/or culturally from the country administering it. In this case, because East Timor is 14,000 miles away from Portugal, and East Timorese is culturally/ethnically different from the Portuguese, Portugal was subject to Article 73(e). See Resolution 1541 (XV); also see Clark, The Decolonization, p.4.

²⁸⁷ Resolution 1542 (XV), UN General Assembly, Non-compliance of the Government of Portugal with Chapter XI of the Charter of the United Nations and with General Assembly, 19 December 1961, A/RES/1699 (XVI), <https://digitallibrary.un.org/record/204797>, (05.10.2020).

²⁸⁸ UN, **Issue on East Timor**, p.7.

2.1.3. Viqueque Uprising

A revolt began in Viqueque on 6 June, 1959. It was most likely triggered by fourteen Indonesian men fleeing from the Permesta uprising²⁸⁹ a year earlier, and also by the Portuguese suspicions of the Indonesian Consul's involvement in a possible rebellion plan²⁹⁰. A series of coordinated attacks were carried out against the administration offices in Uatolari, Uatocarabau and Baguia, and further planned actions including those against targets in Dili. Some scholars in the field argued that the rebellion was fed by the popular support in Viqueque, combined with the dissent by a group of civil servants and both paid and forced labor²⁹¹. This rebellion was different from the previous ones, because it began among the assimilado class instead of the liuaris. The focus was on poor social conditions, lack of social and educational services, and the lack of medical care. In response to the rebellion, Portugal began to review its colonial policies. On the one hand educational services were expanded and East Timorese were provided a larger share of the positions in public offices. On the other, surveillance and control through the secret police were increased²⁹², while military presence and pressure on the island were expanded²⁹³.

Viqueque rebellion, the only uprising against Portugal in the post-war period, is important for East Timorese history. Although the background of this revolt is still unclear²⁹⁴, both Revolutionary Front for an Independent East Timor (Fretilin) and

²⁸⁹ A rebel movement, also known as "The Revolutionary Government of the Republic of Indonesia (PRRI)" Rebellion. For more information see Adam Schwarz, **A Nation in Waiting: Indonesia's Search for Stability**, Routledge, New York, Second Edition, 2000.

²⁹⁰ The police of East Timor suspected that a territory-wide rebellion was coming on New Year's Eve, though none of the conspirators ever admitted such a plan. See Janet Gunter, "Communal Conflict in Viqueque and the 'Charged' History of '59", **The Asia Pacific Journal of Anthropology**, Vol: 8, No: 1, 2007, p.31.

²⁹¹ Leach pp.41-43; Gunter, pp.30-33; also see Geoffrey C. Gunn, "Revisiting the Viqueque (East Timor) Rebellion of 1959", **Diversidade Cultural na Construção da Nação e do Estado em Timor-Leste**, (Eds. Paulo Castro Seixas and Aone Engelenhoven), Edições Universidade Fernando Pessoa, Porto, 2006, pp.27-58.

²⁹² The Polícia Internacional e de Defesa do Estado (International and State Defence Police), the Portuguese secret police, PIDE, was established in 1959. See Kerry Taylor-Leech, "The language situation in Timor-Leste", **Current Issues in Language Planning**, Vol: 10, No: 1, 2009, (Current Issues), p.9.

²⁹³ Leach, pp.41-43

²⁹⁴ "The background to these events remains largely unexplained." See CAVR, *Chega! Final Report of the Commission for Reception, Truth and Reconciliation in East Timor*, Part 3: The History of the Conflict, Dili, 2005, p.11 available at www.cavr-timorleste.org/en/chegaReport.htm (01.10.2020).

Timorese Popular Democratic Association (Apodeti), the two political parties established after 1974, used this rebellion as a crucial element of their respective causes. While Fretilin presented the rebellion as one of the nationalist movements that showed the East Timorese anti-colonial spirit, Apodeti claimed that it was an early sign of the movement for integration with Indonesia. Doing so, both parties utilized the rebellion as a justification for their claims, for many years. By the beginning of the 1990s, primary and secondary school texts referred to the rebellion as a struggle of East Timorese who wanted to integrate with the Republic of Indonesia. Moreover, Integration Pioneer medals were awarded to former rebels, under the policies introduced by Indonesia²⁹⁵.

2.2. THE LATE COLONIAL ERA

In the last fifteen years of colonial rule, Portuguese expanded educational investments into different segments of the Timorese society. Before the World War II only a small percent of Timorese had access to education. This small indigenous elite was mostly comprised of mestiços and assimilados. After the Second World War, a new group of literate assimilado (teacher-catechists) emerged²⁹⁶. Even though assimilados amounted to only a small percentage of the population, they played a big role in Timorese history²⁹⁷. According to the reports from 1950, among the total resident population of East Timor, which included 442,378 mestiços, 2,022 assimilados comprised just 0.35 per cent of the population²⁹⁸.

There were only ten East Timorese who held university degrees in 1964. However, thanks to investments in education, enrolment in primary education increased almost tenfold in the period 1950 to 1970, and new schools were opened in Dili and other parts of the island²⁹⁹. Besides, some East Timorese students had the

²⁹⁵ Ernest Chamberlain, "The 1959 Rebellion in East Timor: Unresolved Tensions and an Unwritten History", **Understanding Timor-Leste: A Research Conference**, (Eds. M. Leach, N. Mendes, A. B. da Silva, A. da Costa Ximenes and B. Boughton), Swinburne Press, Dili, 2009, p.176.

²⁹⁶ Xanana Gusmão's father was also in this group. See Leach, p.43.

²⁹⁷ Leach, p.43.

²⁹⁸ Donald E. Weatherbee, "Portuguese Timor: An Indonesian Dilemma", **Asian Survey**, Vol: 6, No: 2, 1966, p.684.

²⁹⁹ CAVR, *Chega*, p.11.

opportunity to study in the Iberian metropole and accessed to higher education. Those students were mostly born into the families of liurai and were able to get their education from the Jesuit Catholic Schools. In the post-war era, many of them travelled to Lisbon for their university education and got acquainted with new concepts such as equality, human rights, and most importantly, nationalism. Thus, this new generation was becoming aware of the inequalities that their society had faced³⁰⁰.

The seminary in Dare, located near Dili, also had a profound effect on the new generation of Timorese. Future nationalist leaders such as Jos'e Ramos-Horta, Nicolau Lobato and Mari Alkatiri got access to education there. In fact, in those years, the Catholic Church had a considerable influence on the education of East Timorese and was responsible for 60% of all primary school education in the country³⁰¹.

The power held by the Church was mainly based on two pillars: the Colonial Act of 1930, and the 1940 Concordat and Missionary Agreements signed with the Vatican. The first one gave the Church a seat in local legislative councils. The latter allowed the Church to work without outside interference. In other words, the Church was able to conduct its missions without any pressure or restrictions³⁰².

In this context a Catholic newspaper, Seara (Harvest), was published in the late 1960s, without facing strict censorship from the state apparatus. It was published in Portuguese language, and provided a relatively free press channel to the East Timor, creating a space for Timorese to discuss their novel ideas. Many nationalist leaders of East Timor published their thoughts on that paper, which thus served as a forum for expression of their ideas³⁰³. However, the government started to repress the dissenters by the early 1970s. The articles they published in the newspaper were regarded as provocative, and some of them were exiled to other countries. On 24 March, 1973 the newspaper published its last issue, without providing any reason for

³⁰⁰ CAVR, Chega, p.13

³⁰¹ Andrew McGregor, Laura Skeaff and Marianne Bevan, "Overcoming Secularism? Catholic development geographies in Timor-Leste", **Third World Quarterly**, Vol: 33, No: 6, 2012, pp.1132-1133.

³⁰² Chris Lundry, "From passivity to political resource: The Catholic Church and the development of nationalism in East Timor", **Asian Studies**, Vol: 38, No: 1, 2002, p.7.

³⁰³ Taylor-Leech, Current Issues, p.9.

the discontinuation of the newspaper's operations³⁰⁴. However, despite the closing of the newspaper, the government was not able to stop the proliferation of ideas among the nationalist activists³⁰⁵.

In the meantime, the government invested in some agricultural programs as well. The agricultural expansion programs launched by the Portuguese in the 1960s led to a population shift from the mountainous interior of the island to the coastal areas. Moreover, introducing and promoting the use of high-yielding varieties of rice resulted in population growth on the rainy south coast³⁰⁶.

2.2.1. The Carnation Revolution's Impact in East Timor

Although most revolutions erupt suddenly, the Portuguese revolution came as a result of long-standing problems. The economic problems faced by the Portuguese government, combined with social unrest both within the country and its overseas territories brought the country to a completely new plane. Neither the Prime Minister Salazar's resignation, nor his successor Caetano's attempts to bring the situation under control produced any practical outcomes³⁰⁷.

On the eve of 25 April, 1974, a song played on the Portuguese radio station Rádio Renascença acted as a secret signal to start the military coup. The Portuguese song *Grândola, Vila Morena* became the symbol of the revolution and as well as Portugal's transition from dictatorial rule to democracy³⁰⁸. The revolution was called the Carnation Revolution because student protesters put carnations in the barrels of the soldiers' rifles. The revolution also weakened Portugal's ties with its colonies. As

³⁰⁴ Obviously, increasing government pressure was the biggest factor leading to its closing. CAVR, *Chega*, p.24.

³⁰⁵ Taylor-Leech, *Current Issues*, p.9.

³⁰⁶ Fox, p.22.

³⁰⁷ Raquel Cardeira Varela, *A People's History of the Portuguese Revolution*, Pluto Press, United Kingdom, 2019, p.15; Bruno Cardoso Reis, "Portugal and the UN: A Rogue State Resisting the Norm of Decolonization (1956–1974)", *Portuguese Studies*, Vol: 29, No: 2, 2013, p.266.

³⁰⁸ It was written by musician José (Zeca) Afonso. It is still considered as a protest song by the people of Portuguese. In 2013, anti-austerity protesters sang that song in the streets of Lisbon. Also, they occupied the National Assembly and stopped the prime minister's speech by singing that song. Lila Ellen Gray, "Registering Protest: Voice, Precarity, and Return in Crisis Portugal", *History and Anthropology*, Vol: 27, No: 1, 2016, p.60; also see "Reprise: the return of the protest song", *Channel4*, 01.06.2013, <https://www.channel4.com/news/reprise-the-return-of-the-protest-song>, (01.10.2020).

Portugal's decades under dictatorship were coming to an end, a new chapter was opened in East Timor's history³⁰⁹.

After the revolution, overseas provinces of Portugal began their journey for independence. As part of this trend, on May 13th, a Committee for the Self-determination of East Timor was formed in Dili. The new Portuguese government allowed for the creation of civil associations, which would later be transformed into political parties. The establishment of the political associations was quite quick; it took only three weeks after the revolution³¹⁰.

Three political parties were formed in East Timor, each with a different stance towards the future of East Timor. Timorese Democratic Union (UDT) was the first one established in May 1974. Its ranks consisted of government officials, civil servants, and bank personnel. Therefore, they were in a more advantageous position. As many of them had close ties with the Portuguese colonial administration, they supported "progressive autonomy" under the Portuguese rule at first. Mario Carrascalao, who was associated with the Portuguese National Union was the first leader of the UDT. But the first president of the party was Francisco Lopes da Cruz. He was also the director of "A Voz de Timor" which was then the only newspaper in East Timor. There were also some businessmen of Chinese, among the ranks of the party³¹¹. On September 1974, however, the UDT changed the plan they had laid down for the future of East Timor. Contrary to the initial plan, they came to favor full independence after only a brief transitional period. By abandoning the idea of maintaining the status quo with Lisbon, the UDT took a very different compared to their original approach³¹².

³⁰⁹ The Estado Novo (New State); the name of the regime established in 1932. Marina Costa Lobo, António Costa Pinto and Pedro C. Magalhães, "Portuguese Democratisation 40 Years on: Its Meaning and Enduring Legacies", **South European Society and Politics**, Vol: 21, No: 2, 2016, p.163.

³¹⁰ Gudmund Jannisa, **Timor-Leste in the World: BC to Independence**, A Malae Production, Lund, 2019, p.135.

³¹¹ CAVR, *Chega*, p.15; UN, **Issue on Timor**, pp.8-9.

³¹² Leach, pp.55-56. According to some scholars, Portugal's internal dynamics, especially the resignation of General Spínola, who was not in favor of the idea of rapid and full independence of the colonies, had a direct impact on the shift in the UDT. See Jonathan Story, "Portugal's Revolution of Carnations: Patterns of Change and Continuity", **International Affairs**, Vol: 52, No: 3, 1976, pp.421-422.

This shift in the UDT also showed that nationalist sentiment was clearly growing among the Timorese³¹³. However, these nationalist sentiments were not ready to transform into organized action among the East Timorese, against Portuguese colonial rule. Although concerns over the colonial administration began to be discussed in East Timor, there was no major national rebellion against the Portugal yet³¹⁴. The nationalist spirit and organized actions gained momentum, especially after the establishment of the Fretilin party³¹⁵.

Fretilin grew out of the Timorese Social Democratic Association (ASDT) which was established nine days after the UDT. It was founded on 20 May, 1974 and was reframed as Fretilin in September, 1975. Its founders were mainly young educated Timorese who came from different segments of society, mostly students, teachers, and workers in Portuguese administration, along with some civil servants. Francisco Xavier do Amaral was designated as the first president of ASDT. He was a strong nationalist whose father was a local chief. Mari Alkatiri, José Ramos-Horta (journalist for the *A Voz de Timor*), Nicolau Lobato (school teacher) and Justino Mota were the other important figures in the ASDT. In its first political manifesto, ASDT called for independence and favored the anti-colonial movements. The members of the association were clearly representatives of nationalist ideology and advocated for the participation of East Timorese in the administration. The Manifesto also called for good and friendly cooperation with neighbors in a way that would not harm the interests of East Timorese³¹⁶.

ASDT's first act was establishing the Committee for the Defense of Labor, and by doing so the organization took the lead in East Timor's first and major labor

³¹³ CAVR, *Chega*, p.16.

³¹⁴ Domingos Oliveria who became the Secretary General of UDT explained this situation by saying, "...before 25th of April all we did was drink coffee and talk about football and so on ... after 25th of April, all we talked about were the consequences of 25th of April ... What should we Timorese do?" Domingos Oliveira, former Secretary General of the UDT political party, testimony to the CAVR National Public Hearing on the Internal Political Conflict 1974-76, 15-18 December 2003, available at <http://www.easttimor-reconciliation.org/cavrUpdate-Dec03Jan04-en.html>, (01.10.2020).

³¹⁵ Elaine Capizzi, Helen Hill and Dave Macey, "FRETILIN and the struggle for independence in East Timor", *Race & Class*, Vol: 17, No: 4, 1976, p.382.

³¹⁶ CAVR, *Chega*, pp.15-16; Helen Hill, **FRETILIN: The Origins, Ideologies, and Strategies of a Nationalist Movement in East Timor**, (Unpublished M.A. Thesis), Monash University, Politics Department, 1978, Melbourne, p.71.

strike in history. Public sector workers got wage increases as a result of the ensuing strike. After the success of the strike, ASDT leaders organized other efforts such as the Union of Workers, the National Students' Union, the National Youth Organization, the Teacher's Union, the National Women's Union, and the Health Workers' Association³¹⁷.

After renaming the party as Fretilin in September, a new party manifesto was announced. This new version of the manifesto criticized colonial policies and highlighted the need for “various uprisings and rebellions”³¹⁸. The core point, however, was the same with the first manifesto: the liberation of East Timor from the colonial empire of Portugal. The movement described themselves as a “front”, as opposed to a scheme based on sectarianism. By condemning the divide and rule policies of colonial Portugal, it called for “unity” among East Timorese, without any discrimination on the basis of ethnic, religion, social status, or gender differences³¹⁹. The exploitation of East Timor by the colonial power, the movement argued, would not disappear unless the artificial divisions imposed among the people by Portugal were eliminated. They argued that the Portuguese prevented the Timorese from forming a union by separating the people as Kaladi and Firaku. In order to do away with this artificial division, the party started to use “Maubere” as a common name to represent the poor, uneducated, and oppressed Timorese peasants³²⁰. For Fretilin, being Maubere was something to be proud of. They were the ones who oppressed by the colonial power, but they were also the future of the East Timor. Therefore, Mauberism was a resistance against misery, ignorance, colonialism and poverty³²¹.

While Fretilin were describing itself as the sole representative of East Timorese people and its interests³²², it certainly was not the only party to hold an

³¹⁷ J. Stephen Hoadley, **The Future of Portuguese Timor: Dilemmas and Opportunities**, ISEAS Publishing, Singapore, 1975, p.413; Capizzi, Hill and Macey, p.387.

³¹⁸ Douglas Kammen, "Subordinating Timor: Central Authority and the Origins of Communal Identities in East Timor", **Bijdragen Tot De Taal-, Land- En Volkenkunde**, Vol: 166, No: 2/3, 2010, (Subordinating Timor), p.255.

³¹⁹ Anthony Soares, "National Identity and National Unity in Contemporary East-Timorese Literature", **Portuguese Studies**, Vol: 25, No: 1, 2009, pp.81-82.

³²⁰ For more information about the division and the new common name see Kammen, Subordinating Timor, p.256.

³²¹ Capizzi, Hill and Macey, p.389.

³²² Robert Lawless, "The Indonesian Takeover of East Timor", **Asian Survey**, Vol: 16, No: 10, October 1976, p.950.

important place in the history of East Timor. 27 May, 1974 marked the establishment of Apodeti. Originally, it was intended to be named the “Association for the Integration of Timor into Indonesia”. Since this first name was too obvious in its reference to the goals of the movement, it was soon changed by the name Apodeti. The party’s first President was Arnaldo dos Reis Araújo who had been imprisoned by Portuguese authorities because of his support to Japanese forces during the Second World War. There were also some former rebels who had been exiled to Africa for their role in the Viqueque uprising³²³. Other key figures in the party were José Fernando Osório Soares who became Apodeti’s Secretary General; Guilherme Maria Gonçalves, who was the liurai of Atsabe³²⁴ and a plantation owner, Hermenegildo Martins. Apodeti did not consider the independence as a realistic option for the East Timor, but also opposed Portuguese colonial rule. Instead, autonomous integration with Indonesia was promoted as the only viable option³²⁵. Soon after, Apodeti began to publish a newspaper named “O Arauto da Sunda”, with the support of the Indonesian authorities. Nevertheless, Apodeti never gained the popular support and remained the smallest of the three parties³²⁶.

Besides these main three parties, surely other parties were also formed. The Association of Timorese Warrior Sons (KOTA) was established on 20 November, 1974. The party supported the traditional feudal liurai system. The Labor Party (Trabalhista) was formed in September 1974. It advocated full independence after a period of transitional federation with Portugal. There was also the short-lived Democratic Association for the Integration of East Timor into Australia. It had the goal of uniting with Australia, but it soon disappeared from the political scene. Compared to UDT and Fretilin, these parties never attracted more than a fistful of followers³²⁷.

³²³ Jannisa, pp.138-139.

³²⁴ UN, **Issue on East Timor**, p.11.

³²⁵ CAVR, *Chega*, p.16.

³²⁶ Noam Chomsky and E. Herman, “Benign terror: East Timor”, **Bulletin of Concerned Asian Scholars**, Vol: 11, No: 2, 1979, p.42. For more information about the atmosphere of the era, see Joseph Lelyveld, “Portuguese Timor Ponders Uncertain Fate”, **The New York Times**, 19.10.1974, <https://www.nytimes.com/1974/10/19/archives/portuguese-timor-ponders-uncertain-fate.html> Oct 19, (10.10.2020).

³²⁷ CAVR, *Chega*, p.16; UN, **Issue on East Timor**, p.12.

2.2.2. Coalition of UDT and Fretilin

The Carnation Revolution triggered the decolonization process in Portugal's colonial territories. However, in East Timor, the process was more uncertain than anything else. When the joint communiqué on colonialism was signed by the UN Secretary-General Kurt Waldheim and the Portuguese government on 4 August 1974, it made no reference to the East Timor, even though all other Portuguese colonies were mentioned³²⁸.

On 18 November, 1974, Colonel Mário Lemos Pires replaced Governor Fernando Alves Aldeia, marking the beginning of the decolonization process for East Timor. The Commission for the Decolonization of East Timor (CDT) was established by the Portuguese government to determine the future of East Timor. All three main political parties participated in the Decolonization Commission³²⁹. Through the efforts of the colonial Governor Colonel Pires, who was also the last governor of Portuguese Timor, UDT and Fretilin formed a coalition on 21 January, 1975. Nonetheless, despite the presence of some common ground between UDT and Fretilin regarding the future of East Timor, there was also a lot of controversy as well. First, the increasing support for the Fretilin was becoming a major concern among the UDT leaders. Fretilin's claim to be the sole representatives of East Timor was also another source of concern for the UDT. As for Fretilin's maubere ideology, the UDT was against it because they believed that this ideology had the potential to create divisions in society³³⁰.

Despite their differences, the two parties agreed on some key points, however. Both favored full independence of East Timor, rejected the idea of integration with other countries, and recognized Portuguese authority through the decolonization process, together with the support of the UN³³¹.

However, this coalition did not last long, and fell apart with the withdrawal of UDT. Both the disagreements with Fretilin and their recent visit to Jakarta had

³²⁸ Jannisa, p.141.

³²⁹ Jannisa, pp.141-145.

³³⁰ CAVR, Chega, pp.27-31.

³³¹ For more information see Bill Nicol, *Timor: A Nation Reborn*, Equinox Publishing, Jakarta, 2002, p.100.

played a part in bringing about UDT's decision to leave the coalition. The collapse of the coalition also removed any hope to strike a balance and some cooperation among the parties anymore. Moreover, the two were against negotiations with Apodeti since the beginning. The formal contacts between the two did not last as well, leading to the dissolution of the coalition³³².

Indonesia accused Fretilin with being communist, and was not happy with the coalition from the very beginning. It started broadcasting anti-communist messages from the Indonesian West Timor from October 1974 on, contributing to the destabilization of East Timor (in an effort known as Operation Komodo). In these hostile broadcasts from Kupang in West Timor, Indonesia claimed that the only solution for East Timorese was unification with Indonesia³³³.

Besides, Indonesian General Ali Moertopo met with the leaders of the three main parties in separate meetings in Jakarta, just one day before UDT's decision to leave the coalition. According to Horta, who was Fretilin's representative at the Jakarta meetings, Indonesian officials' plan was to divide them by these visits³³⁴.

Indonesian military also started covert operations in the border regions. Other countries in the region, especially Australia, were fully aware of Indonesian preparations for a possible takeover of East Timor³³⁵. As part of the Operation Komodo, Indonesia deployed local militias on the border. To cover the operation, Indonesia called the soldiers 'volunteers', who were dressed as if they were members of the anti-Fretilin forces³³⁶.

In addition to above mentioned actions, Indonesia had also been giving military training to Apodeti members in West Timor³³⁷. In fact, the other two main political parties also sought to develop paramilitary capabilities. There was a race between the UDT and Fretilin to recruit members of the Portuguese colonial army

³³² Janissa, p.161; CAVR, *Chega*, p.31.

³³³ Peter Job, "The evolving narrative of denial: the Fraser government and the Timorese genocide, 1975–1980", *Critical Asian Studies*, Vol: 50, No: 3, 2018, pp.451-452.

³³⁴ CAVR, *Chega*, p.31.

³³⁵ See "Cablegram to Canberra, 15 October 1975, Document 262", **Documents on Australian Foreign Policy: Australia and the Indonesian Incorporation of Portuguese Timor, 1974-1976**, (Ed. Wendy Way), Department of Foreign Affairs and Trade, Canberra, 2000, pp.468-470.

³³⁶ Geoffrey Robinson, "People's war: militias in East Timor and Indonesia", *South East Asia Research*, Vol: 9, No: 3, 2001, p.293.

³³⁷ CAVR, *Chega*, p.25.

into their party, which led to paramilitarization. Thus armed confrontation became inevitable³³⁸.

On 26-28 June 1975, Portugal organized a summit in Macao, on the decolonization process in East Timor. Although the leaders of the three parties were invited to the summit³³⁹, Fretilin boycotted the meeting, saying it would not sit at the same table with Apodeti. In the meeting, the participants decided to form a transitional government and a government consultative council for the decolonization process of East Timor. Fretilin began to prepare for the proposed 1976 elections, but did not declare a clear opinion on joining the transitional government³⁴⁰.

2.2.3. Internal Armed Conflict

Polarization between the parties continued to increase rapidly after the downfall of the coalition, and the Portuguese administration's efforts did not go far. Meanwhile, both the UDT and Fretilin leaders held bilateral talks with other states around the world. There was also growing dialogue between UDT leaders and Indonesian officials³⁴¹.

On 2 August 1975, Secretary General of the UDT, Domingos Oliveira, accompanied by João Carrascalão, Central Committee member of the UDT, went to Jakarta, hoping to meet President Suharto³⁴². Instead, they met General Ali Moertopo. During that meeting, General Moertopo warned UDT leaders about alleged plans Fretilin was making about a left-wing coup, slated to happen on 15 August³⁴³.

Upon their return from Jakarta, UDT staged a pre-emptive coup on 11 August 1975. The leaders of UDT thought it would not be that difficult to seize power in the

³³⁸ CAVR, *Chega*, p.26.

³³⁹ Indonesian diplomatic personnel were also there as observers. See Jannisa, p.162.

³⁴⁰ CAVR, *Chega*, p.38; Hoadley, pp.414-415.

³⁴¹ Capizzi, Hill and Macey, pp.377-378.

³⁴² "Chapter 6- Australian Policy: Indonesia's Incorporation of East Timor-Parliament of Australia", **Parliament of Australia**, 2020, p.128, https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Foreign_Affairs_Defence_and_Trade/Completed_inquiries/1999-02/east_timor/report/c06, (10.10.2020).

³⁴³ CAVR, *Chega*, pp.40-41.

country, ignoring the number and power of the Fretilin supporters³⁴⁴. Three days after the coup, Portuguese government sent their delegations to East Timor, to establish peace between the parties. However, Indonesia did not permit the delegation to fly from Denpasar, Bali to Kupang, leaving it with no choice but to return to Lisbon³⁴⁵.

A few days after the coup, UDT captured the police headquarters, airport, the radio station, and some other administrative facilities in Dili, and demanded the independence of East Timor, as well as the detention of Fretilin leaders and members³⁴⁶.

The Portuguese government began reporting clashes between Fretilin and the UDT only after August 13, but made no attempt to counter the UDT's coup³⁴⁷. Likewise, the Governor was not inclined to use the Portuguese military forces stationed in Dili. On 13 August, UDT established its armed front, the Movement for the Unity and Independence of the Timorese People (MUITD), guided by the principles of “unity, independence and anti-communism”³⁴⁸. Then, Fretilin decided to take action against UDT and initiated armed resistance throughout the country³⁴⁹.

Fretilin took the Armed Forces Training Centre on 18 August and, a few days later, captured the capital, Dili. On 20 August, Fretilin officially formed its armed front, known as the National Liberation Forces of East Timor (Falintil)³⁵⁰.

Especially after 19th of August, the parties effectively entered into a state of armed conflict. The vast majority of military and police members supported Fretilin. With the advantage of having most of the East Timorese troops on its side³⁵¹, Fretilin defeated the UDT coup within a month³⁵².

³⁴⁴ In his testimony to CAVR, Joao Carrascalao expressed his regrets over the coup and acknowledged that he had been misinformed by Indonesian Intelligence. CAVR National Public Hearing on the Internal Political Conflict 1974-76, 15-18 December 2003.

³⁴⁵ Jannisa, p.165.

³⁴⁶ Lawless, p.952.

³⁴⁷ Lawless, p.952.

³⁴⁸ CAVR, *Chega*, pp.40-41.

³⁴⁹ Capizzi, Hill and Macey, pp.388.

³⁵⁰ Sarah Niner, “A long journey of resistance: The origins and struggle of the CNRT”, **Bulletin of Concerned Asian Scholars**, Vol: 32, No: 1-2, 2000, p.12.

³⁵¹ CAVR, *Chega*, p.43.

³⁵² Capizzi, Hill and Macey, p.388.

While UDT and Fretilin forces were fighting each other, Apodeti mostly stayed out of the conflict. Some members of the party took refuge in the Indonesian consulate building, while others moved to West Timor. Some refugees went to Darwin, Australia by boats, to escape from the conflict³⁵³.

Although the Portuguese government made some attempts to bring parties to the negotiation table, it mostly failed in its efforts. On August 26th, Governor Limos Pires and members of the Portuguese administration left Dili by boat, fleeing to the nearby island of Ataúro, a Portuguese colonial territory³⁵⁴. In fact, the Governor called for international forces to intervene to prevent the killings on August 23rd, three days before his departure. Indonesia, immediately showed its willingness to conduct an operation on Timor, but with two conditions. The troops would operate under the Indonesian flag, and Portugal would be liable for all expenses. Portugal refused to cover the costs, and instead offered a multinational peacekeeping force, including Australia. Though Indonesia rejected this proposal and offered Malaysia's participation instead, neither Malaysia nor Australia wanted to be involved in such an endeavor, so this effort also failed³⁵⁵.

Meanwhile, UDT members withdrew to the border with West Timor, leaving the capital to the Fretilin³⁵⁶. On 7 September 1975, anti-Fretilin forces with the leaders of KOTA and UDT signed a joint petition for integration with Indonesia³⁵⁷.

During those days, Indonesia continued its disinformation campaign from Kupang. Moreover, the only truly accessible source of information for the international press was the reports approved and/or issued by Indonesia. In fact, it would later become clear that there was less fighting than reported and less people died during the internal conflict³⁵⁸.

³⁵³ Janissa, p.166.

³⁵⁴ Capizzi, Hill and Macey, p.388.

³⁵⁵ Hoadley, p.416.

³⁵⁶ Capizzi, Hill and Macey, p.388; CAVR, Chega, p.40.

³⁵⁷ CAVR, Chega, p.45.

³⁵⁸ Chomsky and Herman, p.42.

At the beginning of September, Fretilin took virtually complete control of Dili and began economic reconstruction of the country. It was time to establish a de facto government and administration³⁵⁹.

In fact, by issuing a communiqué, Fretilin recognized the authority of the Portuguese government by early September, and invited Portugal to maintain its authority during the decolonization of East Timor³⁶⁰.

To ensure the safe transition of East Timor to independence, Fretilin continued its attempts to bring Portugal back to the scene. While the Governor stayed on Ataúro island, Portuguese flag was raised over the Dili's government building each and every day. However, none of these attempts succeeded, and Fretilin ultimately filled the administrative vacuum left by the Portuguese³⁶¹.

Indonesia was concerned that its actions would be restricted if other states insisted on shared responsibility. In fact, Indonesia wanted to prevent the Timor issue being internationalized. At the same time, Indonesian warships were in Timorese waters, participating in the conflict and supporting anti-Fretilin forces³⁶².

2.2.4. Fretilin's Unilateral Declaration of Independence

Although Fretilin tried to recover some stability in the country with a transitional government, there were ongoing armed conflicts, especially in the border regions. On 16 October, 1975, five Australia-based journalists were reported missing in Balibo, where Fretilin and anti-Fretilin forces fought³⁶³. It was later found that these journalists had died. However, Australia did not express a major reaction to the incident³⁶⁴.

³⁵⁹ Janissa, p.169.

³⁶⁰ CAVR, *Chega*, p.45.

³⁶¹ Hoadley, p.417.

³⁶² Hoadley, p.417.

³⁶³ Australian Embassy described the killings as "a sad and dreadful event". "Cablegram to Canberra, 18 October 1975, Document 272", **Documents on Australian Foreign Policy: Australia and the Indonesian Incorporation of Portuguese Timor, 1974-1976**, (Ed. Wendy Way), Department of Foreign Affairs and Trade, Canberra, 2000, p.484.

³⁶⁴ CAVR, *Chega*, p.51. Despite the Government's weak reaction to the killings, perhaps the biggest reaction came from the Australian trade movement. They imposed a ban on Indonesian shipping. See "Union Bans on Indonesian Shipping: 1975-1976", **Documents on Australian Foreign**

Fearing a potential Indonesian invasion, Fretilin declared the independence of the Democratic Republic of East Timor on 28 November 1975. Francisco Xavier do Amaral was appointed as the Republic's first President, and Jose Ramos Horta as the Minister of External Affairs and Information³⁶⁵.

However, states like Portugal, Australia, Indonesia, and the US refused to recognize the independence of East Timor. Besides, just two days after this declaration of independence of East Timor, leaders of other four political parties - UDT, Apodeti, KOTA and Trabalhista- signed the "Balibo Declaration", which called for East Timor's integration with Indonesia. On December 7, Indonesia responded with a full-scale invasion³⁶⁶.

2.3. INVASION AND RESISTANCE

On December 1st, Indonesian Foreign Minister Adam Malik held a press conference after meeting with the leaders of four parties that signed the Balibo Declaration, and said that diplomacy was ended. The solution for East Timor now "lay on the battlefield", he added³⁶⁷.

The next day, the Australian government called its citizens back to Australia for their own security³⁶⁸. Aware of the possibility of invasion, some members of the Fretilin also left the country to seek support in the international community for the independence of East Timor. Horta was one of them and represented the resistance movement in the UN³⁶⁹.

Policy: Australia and the Indonesian Incorporation of Portuguese Timor, 1974-1976, (Ed. Wendy Way), Department of Foreign Affairs and Trade, Canberra, 2000, p.582.

³⁶⁵ Hill, **The Timor Story**, p.16.

³⁶⁶ Douglas Kammen, "Proclaiming East Timor: Historical Reflections on Political Declarations", **Journal of Lusophone Studies**, Vol.: 10, 2012, (Proclaiming East Timor), p.29.

³⁶⁷ "Indonesia to Press Interests in Timor", **The New York Times**, 02.12.1975, <https://www.nytimes.com/1975/12/02/archives/indonesia-to-press-interests-in-timor.html>, (01.10.2020).

³⁶⁸ Jill Jolliffe, **East Timor: Nationalism and Colonialism**, Queensland, Australia: Queensland University of Press, 1978, p.226 quoted in CAVR, Chega, p.58.

³⁶⁹ Rebecca Strating, "Contested Self-determination: Indonesia and East Timor's Battle over Borders, International Law and Ethnic Identity", **The Journal of Pacific History**, Vol: 49, No: 4, 2014, (Contested Self-determination), p.486.

One day before the invasion, US President Gerald Ford and Secretary of State, Henry Kissinger, met with Suharto in Jakarta. During the meeting, Suharto asked for their "understanding" in case of any "rapid or drastic action" Indonesia would take. Ford responded by saying; "We will understand and will not press you on the issue. We understand the problem and the intentions you have." However, Kissinger stressed that "the use of US-made arms could create problems", but then he added, "It depends on how we construe it; whether it is in self-defense or is a foreign operation". Kissinger also warned Suharto; "It is important that whatever you do succeeds quickly"³⁷⁰. US military aid and assistance to Indonesia was supposed to be only for the country's internal security, and legitimate self-defense. Therefore, it would be difficult to explain the use of US-made weapons in a long-lasting guerrilla war to both US public, and the international community³⁷¹. In a nutshell, though the coming of an Indonesian invasion of East Timor was apparent by early December, no effort was made by any state to stop it.

On 7 December, 1975, Indonesian military forces launched military action against East Timor. The Portuguese government informed the UN Security Council about the action of Indonesia, and broke its diplomatic ties with Indonesia on the same day³⁷².

Indonesia refused to admit that the invasion was carried out with Indonesian armed forces and military. Instead, Adam Malik stated that, Dili and Baucau were "liberated" by Indonesian "volunteers" acting in concert with the UDT and Apodeti forces. Indeed, Kissinger's remarks about the use of US-made arms had been what led Indonesian Foreign Minister to this discourse. However, observers noted that the American-made equipment such as warships, were used during the intervention³⁷³.

³⁷⁰ Foreign Relations of the United States, 1969-1976, Volume E-12, Documents on East and Southeast Asia, 1973-1976, **Office of the Historian**, Department of State, p.9 <https://history.state.gov/historicaldocuments/frus1969-76ve12/d141-9>, (01.10.2020).

³⁷¹ Brad Simpson, "'Illegally and Beautifully': The United States, the Indonesian Invasion of East Timor and the International Community, 1974-76", **Cold War History**, Vol: 5, No: 3, 2005, pp.296-297.

³⁷² UN, **Issue on East Timor**, p.30.

³⁷³ David A. Andelman, "Indonesia Hold Portuguese Timor After Incursion", **The New York Times**, 08.12.1975, <https://www.nytimes.com/1975/12/08/archives/indonesians-hold-portuguese-timor-after-incursion-little-resistance.html>, (01.10.2020).

Indonesian military operation involved combined naval, air and land forces, and led to a quick capture of Dili. Fretilin forces retreated into the mountains, and took Apodeti and UDT prisoners with them. Thus began 24-year-long guerilla war between the Indonesian army and Fretilin forces, came to be known as Falintil³⁷⁴.

Almost ten thousand Indonesian troops took part in the invasion. The airborne operation caused chaos³⁷⁵, with some paratroopers actually landing at the wrong spots. The situation became even more chaotic when the Indonesian Air Forces shot its own troops. Moreover, many civilians were killed by Indonesian forces. Reports by the British Embassy described the killings by Indonesian forces by saying, "...Indonesian forces had established themselves in Dili...went on a rampage of looting and killing". But, instead of sharing Indonesian atrocities with the public, it advised the Foreign and Commonwealth Office to act uninformed³⁷⁶.

This was the beginning of an occupation which lasted twenty four years. In order to have a clear understanding of how and why the invasion occurred in the first place, Indonesia's policy on East Timor and its relations with other states must be examined.

2.3.1. Indonesia's Policy on East Timor

In fact, only a year before the invasion, Indonesia's Minister of Foreign Affairs, Adam Malik, had promised that they would support Portuguese Timor's decisions, including full independence. More to the point, in a letter dated 17 June, 1974 to Ramos-Horta, Adam Malik explicitly stated that Indonesia had no territorial claims over East Timor. He also mentioned that the nation of Timor had the right to

³⁷⁴ CAVR, *Chega*, p.65.

³⁷⁵ Simpson, p.297.

³⁷⁶ For more information see Hugh Dowson, "Declassified British Documents Reveal U.K. Support for Indonesian Invasion and Occupation of East Timor, Recognition of Denial of Self-Determination, 1975-1976", **The National Security Archive**, <https://nsarchive2.gwu.edu/NSAEBB/NSAEBB174/-indexuk.htm>, (01.10.2020).

independence, just like other nations in the world³⁷⁷. Then, one would ask, what caused the change in Indonesian policies, in just one year?

In mid-1970s, the Cold War was in full swing, and tensions between the camps were increasing. The fall of pro-American governments in Cambodia and Laos led to fears of Communism spreading over the rest of Southeast Asia as well. In addition to this threat, the West also witnessed the success of North Vietnamese in 1975. Therefore, for many Western countries, the primary goal was to keep Indonesia in the Western camp and to support them in the effort to prevent the spread of communism at all costs³⁷⁸.

Against this background the US provided military aid and trainings to the Indonesian army, despite the oppressive characteristics of Suharto regime. Not only the US, but other Western powers also supported the Indonesian military. On the other side, breaking its ties with communist countries, Indonesia counted on its Western friends, especially the US, the UK, France and Germany³⁷⁹. Western countries regarded Indonesia as a fortress of the Western camp in Southeast Asia, especially against the threat posed by Beijing. Besides, they felt lucky that Indonesia was on their side during that most critical period of the Cold War³⁸⁰.

Australia and New Zealand, two important states in the region, had also good relations with Indonesia. Similar to the case with its other Western allies, Australia's primary goal was to ensure stability in the region and purge the region from any possible communist threat which could come from Moscow or Beijing³⁸¹. New Zealand also followed a similar policy. A memorandum written by the secretary of Foreign Affairs to the Prime Minister in December 1975 showed a similar stance

³⁷⁷ Clark, *The Decolonization*, p.6; Original letter from Adam Malik to Ramos-Horta available at <https://www.easttimorlawandjusticebulletin.com/2016/10/17-june-1974-letter-from-indonesian.html>, (02.10.2020).

³⁷⁸ CAVR, *Chega*, p. 17.

³⁷⁹ Dewi Fortuna Anwar, "A Journey of Change: Indonesia's Foreign Policy", *Global Asia*, Vol: 4, No: 3, pp.16-20.

³⁸⁰ Document 245, Memorandum from Marshall Wright of the National Security Council Staff to the President's Special Assistant (Rostow), **Office of the Historian**, US Department of State, Washington, 27 September 1967, <https://2001-2009.state.gov/r/pa/ho/frus/johnsonlb/xxvi/4436.htm>, (26.10.2020).

³⁸¹ See "Record of Meeting Between Whitlam and Soeharto, Document 26, 6 September 1974", **Documents on Australian Foreign Policy: Australia and the Indonesian Incorporation of Portuguese Timor, 1974-1976**, (Ed. Wendy Way), Department of Foreign Affairs and Trade, Canberra, 2000, pp.95-96.

with Australia. The memorandum emphasized the importance of maintaining good relations with Indonesia, even if it required ‘compromise’ on some principles³⁸².

Furthermore, Indonesia’s position as a founding member of the Non-aligned Movement led other members to supporting this annexation rather than to condemning it³⁸³. Indonesia was also the largest country in the Organisation of the Islamic Conference (OIC), so it received the support of Islamic countries as well³⁸⁴.

Even though Portugal had bilateral negotiations with the Indonesia, it was too late³⁸⁵. In order to block the progress of communist movements in the region, and not to alienate Indonesia, many Western states chose to support Indonesia or simply ignore the annexation and human rights violations in East Timor³⁸⁶.

2.3.2. Post Invasion Period

The United Nations never recognized the integration of East Timor into Indonesia, and passed resolutions in both the General Assembly and the Security Council calling for Indonesia's withdrawal. On 12 December, 1975, the General Assembly passed Resolution 3485, strongly deploring Indonesian intervention in East Timor, and calling for the withdrawal of all its forces without delay. The

³⁸² Phil Goff, 'East Timor: lessons and implications', **New Zealand International Review**, Vol: 24, No: 4, July/August 1999, p.2; Indeed, annexation did not break relations between New Zealand and Indonesia. Instead, cooperation between the two countries strengthened over time, especially in defense-related matters. For more information see Michael Green, “Uneasy Partners: New Zealand and Indonesia”, **Southeast Asia and New Zealand: A History of Regional and Bilateral Relations**, (Ed. A. Smith), Institute of Southeast Asian Studies, Singapore, 2005, pp.145-208.

³⁸³ Keat Gin Ooi, **Southeast Asia: A Historical Encyclopedia, from Angkor Wat to East Timor**, ABC-CLIO, USA, Illustrated edition, 2004, pp.184-185.

³⁸⁴ CAVR, *Chega*, p.18.

³⁸⁵ Schwarz, p.203.

³⁸⁶ This stance was clear in the advice of British ambassador, Sir John Archibald Ford to the British government. He said that if the issue of East Timor came to the UN agenda, Britain must keep its ‘head down’ and avoid to take a stand against Indonesia. See Hugh Dowson, “Declassified British Documents Reveal U.K. Support for Indonesian Invasion and Occupation of East Timor, Recognition of Denial of Self-Determination, 1975-1976”, **The National Security Archive**, <https://nsarchive2.gwu.edu/NSAEBB/NSAEBB174/indexuk.htm>, (01.10.2020).

Resolution stressed Portugal's administrative authority over East Timor, and called all states to respect the unity and territorial integrity of East Timor³⁸⁷.

The Indonesian delegation repeated its claims about its presence in East Timor at the General Assembly, stating that it was a response to the request of the four parties in East Timor. Indonesian delegation also claimed that their intent was solely to "prevent additional bloodshed and suffering", and stressed the right of the Timorese nation for self-determination³⁸⁸.

The Security Council also unanimously passed resolution 384 on December 22nd, calling once again for the withdrawal of Indonesian forces. With this resolution, the UN Security Council voiced its concerns about the loss of life in East Timor, while indicating the fact that Portuguese Government did not fulfill its responsibilities as an administering power of East Timor³⁸⁹.

The international press reported a second Indonesian attack on East Timor, taking place on December 25th. Although Portugal confirmed the report, no action was taken³⁹⁰. On the other side, the Indonesian government completely ignored the UN Security Council and UN General Assembly, instead focusing on legitimizing its presence in East Timor³⁹¹.

Indonesia has tried to legitimize its actions against East Timor on various grounds. Firstly, the Indonesian government claimed that the invasion was a response to the Balibo Declaration. In a way, Indonesia claimed its necessity to respond to the invitation by East Timor's four political parties, which commanded the support of the majority of the country. But, one should not ignore the fact that the Indonesia gave its support to anti-Fretilin forces through its operations before this call for

³⁸⁷ The draft resolution adopted by 72 votes for, and 10 votes against, with 43 abstentions; United Nations General Assembly Resolution 3485(XXX), 12 December 1975, <https://etan.org/etun/genasRes.htm>, (02.10.2020).

³⁸⁸ United Nations General Assembly Thirtieth Session, 2439th Plenary Meeting, 12 December 1975, New York, p.1297.

³⁸⁹ United Nations Security Council Resolution 384, 22 December 1975, <https://digitallibrary.un.org/record/93735>, (02.10.2020).

³⁹⁰ UN, Issue on East Timor, pp.30-31.

³⁹¹ Grayson J. Lloyd, "The diplomacy on East Timor: Indonesia, the United Nations and the international community", **Out of the Ashes**, (Eds. James J. Fox and Dionisio Babo Soares), ANU Press, Canberra, 2003, p.77.

intervention. Indonesian soldiers had fought against Fretilin forces during the internal armed conflict period as well³⁹².

Secondly, the Indonesian government made frequent references to the potential threat to the regional stability, in the case of an implied spread of communism. However, there was not enough evidence to present Fretilin as a communist party. Although there were some communist leanings in the party and some members who supported communism, Fretilin never identified itself with the communist movement in its first years³⁹³.

Thirdly, it has been argued that the people of East Timor shared a common past and actually belonged to the same ethnic origin as those in the western part of the Island³⁹⁴. Since Indonesia accepted the authority of Portugal in East Timor, and stated that it had no territorial claims over there for many years, those claims, however, are arguably weak³⁹⁵.

Last but not least, Indonesia has argued that its aim was to prevent bloodshed and suffering. However, the death of many civilians during the occupation and the guerrilla war to follow also took the rug under this claim³⁹⁶.

These claims were not the only factors which led to Indonesia's decision to invade, however. The military takeover of Portuguese colony Goa of India in December 1961, without causing a strong international reaction, encouraged the Indonesian state in a sense, in its decision to intervene³⁹⁷.

Arguably, the oil and gas potential of East Timor has also been an additional factor. One of the biggest reserves –the Sunrise field– had been discovered in 1974³⁹⁸. Virtually overnight, this discovery increased East Timor's importance from

³⁹² Kammen, Proclaiming East Timor, p.29.

³⁹³ Dionisio Babo Soares, "Political developments leading to the referendum", **Out of the Ashes**, (Eds. James J. Fox and Dionisio Babo Soares), ANU Press, Canberra, 2003, p.56.

³⁹⁴ See Statement by President Suharto in response to the address presented by the delegation of the Provisional Government of East Timor, reprinted in 31 U.N. SCOR, Supp. (Apr. - June 1976) 62-64, U.N. Doc. S/12097, Annex V (1976), debates of the UN Security Council concerning UN Security Council Resolution 384 (1975).

³⁹⁵ See Clark, The Decolonization, pp.20-21

³⁹⁶ Clark, The Decolonization, p.41.

³⁹⁷ Anthony L. Smith, "The role of the united nations in East Timor's path to independence", **Asian Journal of Political Science**, Vol: 9, No: 2, 2001, p.29.

³⁹⁸ Mats Lundahl & Fredrik Sjöholm, "The oil resources of Timor-Leste: curse or blessing?", **The Pacific Review**, Vol: 21, No: 1, 2008, p.71.

an economic point of view. Alongside Indonesia, other countries in the region, particularly Australia, have also turned their attention to the newly discovered reserves. However, prior to this discovery, a significant agreement was reached, producing a gap in the form of the seabed between Australia and East Timor, later known as the Timor Gap. In 1972, Australia and Indonesia agreed on a seabed boundary based on the principle of the continental shelf³⁹⁹. According to that agreement, most of the oil and gas reserves in Timor Sea were placed in Australian zone. However Portugal refused to be a party to the agreement, and instead suggested that the border should run through the median line lying halfway between Australia and East Timor. However, Australia was not willing to accept such an agreement⁴⁰⁰.

As the 1972 treaty left unclaimed territory in the form of the Timor Gap, Australia thought that it would be safer and easier to make a deal to close that gap with Indonesia –an ally for many years– rather than with Portugal or an independent East Timor. Similarly, Australia’s withdrawal from the International Court of Justice and the International Tribunal on the Law of the Sea just two months before East Timor’s independence was not seen coincidental⁴⁰¹.

Australia became the only country in the Western camp that recognized Indonesia’s sovereignty over East Timor. On 20 January 1978, Australia gave de facto recognition⁴⁰², but one year later, after the meeting with Indonesian Foreign Minister Mochtar, Australian Foreign Minister, Andrew Peacock, held a press conference and announced that Australia would extend de jure recognition to Indonesia’s incorporation of East Timor; that is because only de jure recognition could allow the two countries to officially negotiate. Therefore, formal negotiations

³⁹⁹ With this agreement, the seabed area between Papua New Guinea, and a point to the east of Ashmore Island have been divided between Indonesia and Australia on the principle of the continental shelf. Since there was no agreement with Portugal, the sovereign authority over East Timor, the uncertainties about the Timor Gap issue remained a major economic issue for Australia. See Kaye, p.92.

⁴⁰⁰ Samuel John, Elissaios Papyrakis & Luca Tasciotti, “Is there a resource curse in Timor-Leste? A critical review of recent evidence”, **Development Studies Research**, Vol: 7, No: 1, 2020, p.144.

⁴⁰¹ “Australia casts a shadow over East Timor’s future”, **Independent**, 10.10.2011, <https://www.independent.co.uk/news/world/australasia/australia-casts-a-shadow-over-east-timor-s-future-730881.html>, (28.10.2020).

⁴⁰² Keith Suter, “Australia’s New Policy on Recognising Governments”, **The Australian Quarterly**, Vol: 61, No: 1, Autumn, 1989, p.60.

on the delineation of the seabed between Australia and East Timor began on 14 February 1979 after Australia shifted to de jure recognition⁴⁰³.

2.3.3. The Provisional Government of East Timor

Ten days after the invasion, the Provisional Government of East Timor (PGET) was established with the consent of UDT, Apodeti, KOTA and Trabhalista⁴⁰⁴. The leader of Apodeti, Arnaldo dos Reis Araújo appointed as the chairman, and the leader of UDT, Francisco Lopes da Cruz, was appointed as the deputy chairman. Only one day later, the PGET called for military, social and economic assistance from Indonesia⁴⁰⁵.

Regardless of its claims to ensure security and peace in the region, it soon became clear that Indonesia would not settle for anything less than integration. The majority of PGET were the members of Apodeti and UDT, and they were also in favor of the integration⁴⁰⁶. Meanwhile, on 22 April 1976, UN Security Council passed the resolution 389, and called Indonesian forces to withdraw from the East Timor once again⁴⁰⁷.

On 3 May 1976, reports by Jakarta stated that East Timorese were supporting the integration with Indonesia⁴⁰⁸. On 31 May, the provisional government convened a body called the Popular Representative Assembly to administer the self-determination process of East Timor. This Assembly unanimously adopted a

⁴⁰³ Dissatisfaction with the 1972 agreement led both countries to negotiating a new treaty. Thereafter, the Timor Gap treaty was signed between Indonesia and Australia in 1989 in order to find a solution over the Timor Gap. Further information will be given in the coming pages. John, Papyrakis and Tasciotti, p.144; Roger S. Clark, "The Timor Gap: The Legality of the "Treaty on the Zone of Cooperation in an Area between the Indonesian Province of East Timor and Northern Australia", **Pace International Law Review**, Vol: 4, No: 1, January 1992, (The Timor Gap), pp.72-73.

⁴⁰⁴ Declaration on the establishment of a provisional government of the territory of East Timor, 17 Dec. 1975, quoted in Heike Krieger, **East Timor and the International Community: Basic Documents**, Cambridge University Press, Cambridge, 2011, p.44.

⁴⁰⁵ CAVR, Chega, pp.68-69

⁴⁰⁶ Lawless, p.955.

⁴⁰⁷ United Nations Security Council Resolution 389, 22 April 1976, <https://digitallibrary.un.org/record/93724>, (15.11.2020).

⁴⁰⁸ James Dunn, **East Timor: A Rough Passage to Independence**, Longueville Books, Australia, 2003, p.301.

resolution on integration with Indonesia⁴⁰⁹. On 17 July Soeharto declared East Timor as the 27th province of the Indonesia⁴¹⁰.

Since this integration decision was not based on a referendum with universal suffrage, and as PGET's autonomy was doubtful at best, it was never approved by the UN. On 1 December, 1976, the UN adopted Resolution 31/53 and called for an acceptable act of self-determination in the territory. Australia remained as the only Western country that recognized the incorporation of East Timor with Indonesia as mentioned earlier⁴¹¹.

2.3.4. Resistance Movement

After the invasion, many members of Fretilin retreated to the interior of the country, mainly into the mountains. In some respects, their resistance movement against the Indonesian forces was quite strong at the beginning of the invasion. It even managed to maintain control over some areas in the interior of the island until as late as 1978. The movement enjoyed the tactical advantages of having knowledge of the interior parts of the country. Since the Indonesians were entering a territory they did not know, Fretilin's attempts to ambush Indonesian troops were relatively successful, and they made several surprise attacks on Indonesian-controlled areas⁴¹².

Despite the efforts of Fretilin's armed wing, Falintil, Indonesia gradually gained control, especially in big cities like Dili and Baucau. The superiority of Indonesian army was a big challenge for Falintil's operations. To handle the problem, a conference was held by Fretilin in Soibada from 20 May to 2 June, 1976 to increase the organization levels of the resistance movement, to create a strategy, and to formulate and adopt the tactics of guerrilla warfare. The creation of liberated zones helped them defend the civilian population more easily, and they also received

⁴⁰⁹ Declaration on the establishment of a provisional government of the territory of East Timor, 17 December 1975 quoted in Strating, *Contested Self-determination*, p.481.

⁴¹⁰ CAVR, *Chega*, pp.68

⁴¹¹ Clark, *The Decolonization*, p.11; United Nations General Assembly Resolution 31/53, 1 December 1976, available at <https://etan.org/etun/genasRes.htm>, (15.11.2020).

⁴¹² Jannisa, p.200.

logistical support from the civilian population⁴¹³. Behind the lines, women were also very effective. Throughout the entire occupation they made significant contributions to the resistance activities⁴¹⁴.

However, as the Indonesian attacks increased in frequency and intensity, ideological differences within the Fretilin became apparent. Some members of the Fretilin, including Amaral, believed that the civilian population had become a burden on the resistance movement due to its large numbers and Fretilin's limited resources. But, other members insisted that the people were an inseparable part of the resistance, and the main component for the social revolution⁴¹⁵. In 1977, Central Committee members of the party held a meeting and declared that Marxism as its guiding ideology, even though their leader, Xavier do Amaral, was not present at the meeting. Soon after, Amaral was replaced by then vice president Nicolau Lobato⁴¹⁶.

Increased Indonesian attacks gradually wore down the resistance movement. According to the many reports, death rates during the entire occupation reached its peak between 1978 and 1979⁴¹⁷. The death of Lobato in an attack by Indonesian troops in December 1978, the destruction of liberated zones, the capture of Fretilin's base and the surrender of thousands of civilians marked the inevitable end: On 26 March, 1979, Indonesia declared that it pacified the territory⁴¹⁸.

Although the Resistance Movement was almost completely suppressed by Indonesian attacks in 1978-79, it did not take long for the remaining members to regroup and mobilize once again. Indeed, Fretilin forces suffered heavy losses during

⁴¹³ Niner, p.12.

⁴¹⁴ Irena Cristalis and Catherine Scott, **Independent Women: The Story of Women's Activism in East Timor**, Catholic Institute for International Relations, London, 2005, p.31.

⁴¹⁵ CAVR, *Chega*, p.77.

⁴¹⁶ Dennis Shoesmith, "Timor-Leste: Divided Leadership in a Semi-Presidential System", **Asian Survey**, Vol: 43, No: 2, March/April 2003, p.239.

⁴¹⁷ For more information see Romesh Silva and Patrick Ball, Report by the Benetech Human Rights Data Analysis Group to the CAVR, **The Profile of Human Rights Violations in Timor-Leste, 1974-1999**, 9 February 2006, p.505; Sarah Staveteig, "How Many Person in East Timor Went "Missing" During The Indonesian Occupation?: Results from Indirect Estimates", Interim Report IR-07-003, **International Institute for Applied Systems Analysis (HASA)**, Austria: Laxenburg, 2007; Amnesty International, *East Timor: Violations of human rights : extrajudicial executions, "disappearances," torture, and political imprisonment, 1975-1984*, **Amnesty International Publications**, 1 January 1985.

⁴¹⁸ Clinton Fernandes, "Accomplice to Mass Atrocities: The International Community and Indonesia's Invasion of East Timor", **Politics and Governance**, Vol: 3, No: 4, 2015, pp.9-10.

these years, but the uprising in Dili in 1980 showed both to the Indonesian authorities and to the rest of the world that the resistance was not over⁴¹⁹.

With the uprising in Dili, some surviving members of Fretilin tried to awaken the resistance movement once again. Soon, the First National Conference of the Re-organization of the Country was held in March 1981, near Lacluta. It led to some changes in the organizational and political structures of Fretilin. Revolutionary Council of National Resistance (CRRN) was established and became the main body responsible with the resistance. Xanana was elected as the National Political Commissar. He also became the president of the CRRN, and commander of Falintil⁴²⁰.

Meanwhile, Fretilin's name was changed to the Fretilin Marxist-Leninist Party (PMLF). However, because of the Cold War, the party's new name made things difficult for its representatives in the international arena, especially for Horta⁴²¹.

The Marxist tendencies in the party were not universally welcome among its ranks. Horta was not alone in this feeling. Gusmao too had a vision that did not match that of the Marxist wing of the party. So, he declared 1983 as the "year of national unity", and effected a ceasefire with the Indonesian military. Although this ceasefire lasted only six months, it showed that "no negotiation" principle was over. It was also a signal to those who once refused to join Fretilin forces against the invaders. Gusmao thought that independence could only be achieved through the participation of all nationalists, whether they were the supporters of Fretilin or not⁴²². The idea of national unity was supported by Fretilin's Central Committee, though some members insisted on Marxist tendencies and radical policies of the party⁴²³.

In order to broaden the resistance movement beyond the ranks of a single party, in 1986 Gusmao met with UDT leaders in Lisbon. The negotiations to ensue were certainly not smooth, but they showed Gusmao's intent to bring all sides together

⁴¹⁹ CAVR, *Chega*, p.90.

⁴²⁰ Douglas Kammen, "The Armed Forces in Timor-Leste: Politicization through Elite Conflict", **The Political Resurgence of the Military in Southeast Asia: Conflict and Leadership**, (Ed. Marcus Mietzner), Routledge, New York, 2011, pp.107-125.

⁴²¹ Clinton Fernandes, **The independence of East Timor: multi-dimensional perspectives – occupation, resistance and international political activism**, Sussex Academic Press, Brighton, 2011, p.65, quoted in Leach, p.81.

⁴²² Leach, p.82.

⁴²³ Rebecca Strating, **Social Democracy in East Timor**, Routledge, London, 2016, p.32.

for the resistance movement⁴²⁴. Gusmao's new vision for the resistance eventually led him to resigning from Fretilin in December 1987. The new policy of *apartidismo* (nonpartisanship) resulted in the creation of the National Council of Maubere Resistance (CNRM) with a non-partisan nationalist character. Horta also left Fretilin and joined CNRM as a founding member. Gusmao became the president of CNRM, and Falintil was transformed into the armed wing of CNRM⁴²⁵. Although it cooperated *de facto* with the CNRM, the UDT refused to join officially until 1998, when it was renamed as the National Council of the Timorese Resistance (CNRT)⁴²⁶.

Gusmao was determined to show that Falintil was no longer controlled by Fretilin, and would not allow any leftist government to take control of East Timor. The CNRM changed the character of the resistance by attempting to bring together a broad range of Timorese nationalists⁴²⁷.

2.5. HUMANITARIAN INTERVENTION IN EAST TIMOR

After the end of the Cold War, several humanitarian interventions were carried out by the international community. Some of these interventions authorized by UN Security Council resolutions, and East Timor was one of them. This section will discuss the humanitarian intervention period in East Timor.

2.5.1. Dynamics of Change

One of the events that changed the course of the East Timor's history was Indonesia's decision to reopen the country to visitors, at the end of the 1980s. Suharto agreed to sign a Presidential Decree in 1988, making East Timor equal to the remaining twenty-six provinces of Indonesia. Though there were restrictions on which districts they could visit, Indonesian nationals and foreign tourists were allowed to travel to East Timor for the first time since 1975. Jakarta thought that

⁴²⁴ Leach, pp.82-83

⁴²⁵ Shoesmith, p.240.

⁴²⁶ Leach, p.84. UDT leaders were dissatisfied with the Maubere term, and suspected that Fretilin's dominance would continue in the CNRM. See Soares, p.57.

⁴²⁷ Shoesmith, pp.240-241.

reopening of the country gave it an opportunity to show to the world that East Timor was a stable province, just like Indonesia's other provinces. But, this normalization process came at a cost. Many journalists and NGO representatives thus got the chance to see what is going on in East Timor first hand, and carried the problem to the international arena⁴²⁸.

The Catholic Church in East Timor also played a key role on the country's path to independence. The Timorese Church remained relatively free from intervention by the Indonesian authorities during the occupation period. Since Vatican did not recognize the Indonesian annexation of East Timor, the Timorese bishops were not under the control of the Indonesian bishops. Instead they reported only to Rome. This freedom created a space for the Church to provide educational and some social services to the East Timorese. Besides, Bishop Martinho da Costa Lopes decided to use Tetum as a lingua franca in 1981 in order to appeal to more people. His successor, Bishop Carlos Ximenes Belo, also continued this trend despite Indonesia's dissatisfaction with it⁴²⁹.

The Catholic clergy contributed to the survival of the Timorese nationality by using Tetum instead of Indonesian⁴³⁰. This direct effect can be found in the growing numbers of Catholics in the Timorese population. In 1975, approximately twenty percent of the population was Catholic, but this number rose to ninety percent by the end of the 90s⁴³¹.

Bishop Belo's position on the fate of East Timor was heard across the world when he sent a letter to the UN Secretary-General Javier Perez de Cuellar in 1989. He described Indonesian coercive actions towards East Timorese population, including himself, and called for a referendum in which the people of East Timor

⁴²⁸ Robinson, pp.308-309; Samuel Moore, The Indonesian Military's Last Years in East Timor: An Analysis of Its Secret Documents, **Indonesia**, Vol: 72, October 2001, p.17.

⁴²⁹ Joel Hodge, "The Catholic Church in Timor-Leste and the Indonesian occupation", **South East Asia Research**, Vol: 21, No: 1, pp.155-157; also see Carmel Budiardjo and Liem Soei Liong, **The War Against East Timor**, Zed Books, London, 1984, p.121.

⁴³⁰ Benedict Anderson, 'Imagining East Timor', **Arena Magazine**, Vol: 4, April-May, 1993, available at <http://www1.ci.uc.pt/timor/imagin.htm>, (16.12.2020).

⁴³¹ Arnold S. Kohen, "The catholic church and the independence of East Timor", **Bulletin of Concerned Asian Scholars**, Vol.: 32, No.:1-2, 2000, pp.19-20

could decide their own fate. Although he received no response from the UN, this letter made a significant impact on the international arena⁴³².

Another event that raised worldwide awareness about the East Timor problem was Pope John Paul II's visit to East Timor in 1989. This was the only high level visit to East Timor during the entire Indonesian occupation⁴³³. Pope John Paul II showed to the world the resistance of East Timorese⁴³⁴.

As the years passed by, the world came to learn more and more about Timorese struggle for independence. The fall of the Berlin Wall in 1989, on the other hand, signaled the end of the bipolar global system, and created a line of hope for East Timorese trying to show the hidden face of the Indonesian occupation.

The most telling event in this context took place on 12 December, 1991 at Santa Cruz cemetery. Indonesian troops fired on several hundreds of unarmed civilians gathered for Sebastiao (Gomes) Rangel's memorial⁴³⁵, causing more than one hundred civilian deaths. Incidentally, a number of reporters and journalists were present in Dili at the time, to cover the planned visit of a Portuguese delegation. Although this visit was postponed, some journalists along with the UN Special Rapporteur on Torture, Pieter Koojimans were still there. According to many reports, the demonstration had begun peacefully, but the response of Indonesian security forces was harsh. Reports indicated that many civilians, including two American journalists were badly beaten⁴³⁶. The Santa Cruz massacre became one of the turning

⁴³² Kohen, p.20; Thanks to his letter, East Timor became a more popular topic for newspapers, see "East Timor Bishop Writes of Torture", **The New York Times**, 11.02.1990, <https://www.nytimes.com/1990/02/11/world/east-timor-bishop-writes-of-torture.html>, (14.01.2020).

⁴³³ Kohen, p.21.

⁴³⁴ His entire speech is available at the address http://www.vatican.va/content/john-paul-ii/en/homilies/1989/documents/hf_jp-ii_hom_19891012_dili.html, (11.12.2020).

⁴³⁵ He was an East-Timorese and a pro-independence supporter, and was reportedly killed by the Indonesian forces on 28 October at the parish church of Motael. See CAVR, Chega, p.116

⁴³⁶ See the international reports; Blaming the Victims: The 12 November 1991 Massacre in Dili, East Timor, and the Response of the Indonesian Government, International Commission of Jurists (ICJ), Geneva, Switzerland, February 1992; Amnesty International, "East Timor: After the Massacre", Amnesty International, London, 1991; Asia Watch, East Timor: The November 12 Massacre and its Aftermath, Vol: 3, No: 26, Washington, DC: Asia Watch, 1991.

points for the East Timorese resistance. With the testimonies of foreigners, the world came to witness the oppressive regime of Indonesia that set in East Timor⁴³⁷.

East Timor once again drew worldwide attention as Australia and Indonesia signed a treaty on joint use of petroleum and hydrocarbon resources, in 1989. On 9 February, 1991, the Timor Gap Treaty (Treaty on the Zone of Cooperation in an Area between the Indonesian Province of East Timor and Northern Australia) between Australia and Indonesia entered into force⁴³⁸. Portugal strongly opposed to the treaty and, took action against Australia by bringing the treaty to the International Court of Justice's agenda. Since Portugal de jure maintained its position as the administering power of East Timor, it claimed that the treaty violated its own rights. Portugal also saw this treaty as a violation of East Timorese right to self-determination. But, Indonesia did not accept the Court's jurisdiction, and the treaty remained in force. Yet, it was an important attempt as it highlighted the rights of the people of East Timor to self-determination once again⁴³⁹.

Yet another highlight came when the Norwegian Nobel Committee honored Horta and Bishop Belo with the Nobel Peace Prize for 1996. While these two men were awarded with the Nobel Prize for their efforts to find a peaceful solution for East Timor, the Committee showed to the world that East Timor was not just another neglected territory⁴⁴⁰. With his rising international reputation, Horta began to have even more frequent visits to foreign countries to get support for East Timorese resistance. These visits certainly had a great impact⁴⁴¹.

⁴³⁷ For more information see Soren Blau and Luis Fondebrider, "Dying for independence: proactive investigations into the 12 November 1991 Santa Cruz massacre, Timor Leste", **The International Journal of Human Rights**, Vol: 15, No: 8, pp.1249-1274.

⁴³⁸ The treaty established a Zone of Cooperation and divided it into three distinct areas; Area A was in the middle and was to be jointly developed. Area B was under the administration of Australia, and Area C was under the administration of Indonesia. For more information about the Timor Gap Treaty see "Chapter 4-The Timor Gap (Zone of Cooperation) Treaty", **Parliament of Australia**, https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Foreign_Affairs_Defence_and_Trade/Completed_inquiries/1999-02/east_timor/report/c04, (23.12.2020).

⁴³⁹ Stuart Kaye, "The Timor Gap Treaty", **Natural Resources & Environment**, Vol: 14, No: 2, Fall 1999, pp.92-94; Clark, The Timor Gap, pp.72-73.

⁴⁴⁰ Award Ceremony Speech by Francis Sejersted, Chairman of the Norwegian Nobel Committee available at <https://www.nobelprize.org/prizes/peace/1996/ceremony-speech/>, (25.12.2020).

⁴⁴¹ For example, during his visit to Jakarta, President Mandela asked Suharto for permission to meet with Xanana, who was imprisoned in Jakarta at that time. See the report of Amnesty International, "East Timor-Xanana Gusmao – A briefing", London August 1997, ASA 21/58/97.

2.5.2. Increasing International Pressure on Indonesia

Meanwhile, on the island, student groups became increasingly active over the years, and engaged in well-organized activities throughout 90s. Although Indonesia, which was feeling the strain of internal and external pressures, tried to keep East Timor under control, the continuous riots by East Timorese served as a harbinger of inevitable change⁴⁴². This call for change by East Timorese was noticed once again by the world community in 1994, when twenty nine East Timorese university students attempted to enter the US Embassy in Jakarta at a time President Clinton was in Indonesia for the annual meeting of the Asia-Pacific Economic Cooperation Forum⁴⁴³.

In 1995 with the initiative of the Secretary-General of the UN, the All-inclusive Intra-East Timorese Dialogue (AIETD) started. For the first time since the Indonesian occupation, the UN made an effort to bring all conflicting parties, including the resistance movement, together to find a solution for East Timor. AIETD meetings were held between the governments of Portugal, Indonesia, the office of the UN Secretary General, and some East Timorese groups. Though Bishop Belo and Horta were among the participants, Indonesia blocked the discussions about the legal status of East Timor. The meetings took place from 1995 to 1998, but failed to produce any formal outcomes⁴⁴⁴.

2.5.3. The Popular Consultation Period

Yet another major turning point in East Timor's history came with the resignation of Suharto in 1998. The resignation is often explained with the following lines of reasoning: The support coming from the Western camp was no longer as robust as it had been during the Cold War. The awareness about the importance of

⁴⁴² Ann Wigglesworth, "The Growth of Civil Society in TimorLeste: Three Moments of Activism", **Journal of Contemporary Asia**, Vol: 43, No: 1, 2013, pp.54-55.

⁴⁴³ Andrew Pollack, "Anti-Indonesia Protest at US Embassy", **The New York Times**, 13.11.1994, <https://www.nytimes.com/1994/11/13/world/anti-indonesia-protest-at-us-embassy.html>, (25.12.2020).

⁴⁴⁴ CAVR, *Chega*, pp.122-123.

human rights was increasing both at home and abroad. The Asian financial crisis of 1997 caused a major economic disruption. Ever more demonstrations and riots were taking place within the country. The international pressure on the issue of East Timor was rising. And finally, the implementation of International Monetary Fund (IMF) agreements left much to be desired within the country. Eventually, many leaders, including US President Clinton, called for Suharto's resignation. Caving in, Suharto transferred his power to the vice president, B.J. Habibie⁴⁴⁵.

Meanwhile, in April 1998, CNRM renamed itself as CNRT, and adopted a nationalist but non-partisan stance. Xanana became the president of CNRT, and Horta was elected as vice-president along with Mário Carrascalão. With the creation of CNRT, East Timorese found a way to fight side by side, on the path to independence⁴⁴⁶.

2.5.3.1. Discussions on the Special Autonomous Status for East Timor

Unlike his predecessor, the new UN Secretary-General Kofi Annan devoted major attention to East Timor, and increased pressure on the Habibie government. On 9 June 1998, Habibie proposed a special autonomous status for East Timor on the condition that the region should accept integration with Indonesia. On the other hand, Indonesia was simply not interested in a referendum, because, it claimed, that the territory had already decided for integration with Indonesia in 1975⁴⁴⁷. Alongside the plan, Habibie announced the withdrawal of four hundred Indonesian troops from East Timor by July 1998, and indicated that further withdrawal would likely happen in August⁴⁴⁸.

⁴⁴⁵ For further information on Suharto's resignation see Noam Chomsky, "East Timor, the United States, and International Responsibility: "Green Light" for war crimes", **Bitter Flowers, Sweet Flowers: East Timor, Indonesia, and the World Community**, (Eds., R. Tanter, M. Selden and Stephen R. Shalom), Rowman & Littlefield Publishers Inc., Lanham(Maryland), 2001.

⁴⁴⁶ Niner, pp.11-14.

⁴⁴⁷ Lloyd, pp.79-80.

⁴⁴⁸ But Indonesian paramilitary groups were also in the region, and their numbers continued to increase. See Taudevin, p.144.

However, the Indonesian government could not get support for the autonomy offer. Resistance leaders, especially Xanana and Horta, refused this offer, and called for a referendum instead⁴⁴⁹.

In the following months, tripartite talks were held between Habibie, Portugal, and the UN Secretary General to discuss the details of special autonomy for East Timor. Meanwhile, the tensions in East Timor started to rise again. Public demonstrations were taking place in Dili, and sometimes the events turned violent. Contrary to what Habibie promised about the withdrawal of Indonesian troops, Falintil forces had been confronted by Indonesian militia groups more and more. It soon became evident that the proposal of special autonomy would not be a viable option for East Timor⁴⁵⁰. A step which changed the direction of Habibie's view surprisingly came from the Australian Prime Minister, Howard. In a letter to Habibie, on 19 December 1998, Howard called for the further reforms and, more importantly, the initiation of a referendum process in the future. Even though he noted his preference for East Timor's integration with Indonesia, his letter changed the whole atmosphere⁴⁵¹. On 27 January, 1999, Habibie announced his decision to hold a ballot for the proposal for special autonomy status. Habibie wished to solve this long-lasting problem before the new election period came, and thought that the majority of the East Timorese would vote for integration⁴⁵².

Militia groups in East Timor responded to Habibie's statement in a violent way, causing resistance members to flee into the mountains again. Also, the massive killings in Liquiça and Dili in April showed the need for an immediate ceasefire between the militia and pro-independence supporters. On April 21st, a peace accord

⁴⁴⁹ Jannisa, p.341.

⁴⁵⁰ Ian Martin, **Self-Determination in East Timor: The United Nations, the Ballot, and International Intervention**, International Peace Academy Occasional Paper Series, Lynne Rienner Publishers, Boulder, 2001, p.25.

⁴⁵¹ Howard made referenced to Matignon Accords which which were signed between the Government of France and constituencies in New Caledonia. It took more than a decade to determine New Caledonia's final status with this agreement and Howard thought that instead of quick self-determination decision, it would be good for Indonesia to postpone the referendum. See David Connery, **Crisis Policymaking: Australia and the East Timor Crisis of 1999**, ANU Press, Canberra, 2010, pp.147-151; Llyod, p.82.

⁴⁵² Samuel Moore, The Indonesian Military's Last Years in East Timor: An Analysis of Its Secret Documents, **Indonesia**, Vol: 72, October 2001, p.33; Geoffrey Robinson, **If You Leave Us Here, We Will Die: How Genocide Was Stopped in East Timor**, Princeton University Press, Princeton, 2010, pp. 96-97.

was signed between the parties, and a Commission on Peace and Stability (KPS) was setup⁴⁵³.

On May 5th, at the UN Headquarters in New York, Indonesia and Portugal signed an agreement setting out the modalities for a popular consultation in East Timor. Indonesia refused to use the term referendum. It was decided to be a one-person, one-vote ballot, administered by the UN. Two questions were set for the popular consultation. “Do you accept the proposed special autonomy for East Timor within the Unitary State of the Republic of Indonesia?” and “Do you reject the proposed special autonomy for East Timor within the Unitary State of the Republic of Indonesia?” If East Timorese voted for the rejection of the Indonesian offer of autonomy, it would lead to independence. The planned date for the popular consultation was the 8th of August. Agreement also set an interim period after the ballot, which would be overseen by the UN⁴⁵⁴. Nevertheless, serious concerns remained especially regarding the security arrangements for the consultation period. Indonesia was responsible for the security situation through the ballot period, and it was strongly opposed to the withdrawal of the Indonesian National Military Forces (TNI). Even though an agreement was reached on CIVPOL (UN Civilian Police) presence in East Timor was agreed in the May 5th Agreement, its mission was limited to an advisory role. Reports of NGOs and testimonies of international observers together with the UN staff pointed a direct link between the militia activities and TNI forces, yet the Indonesian government refrained from taking adequate measures on that front⁴⁵⁵.

2.5.3.2. The Popular Consultation and UNAMET

On 11 June, 1999, the United Nations Mission in East Timor (UNAMET) was established by Resolution 1246, with the purpose of organizing the popular consultation. A trust fund was also created, which accepted immediate voluntary

⁴⁵³ Martin, p.30.

⁴⁵⁴ Martin, p.28; also see Question of East Timor: Report of the Secretary General, UN Doc. A/53/951-S/1999/513, 5 May 1999, <https://digitallibrary.un.org/record/1492926>, (27.12.2020).

⁴⁵⁵ Martin, pp.43-45.

contributions. Australia, Portugal, Japan, the United States, and the European Union were the largest contributors⁴⁵⁶.

As the security situation in East Timor remained unstable, the UN had to postpone the registration schedule twice. Finally, the registration offices opened on the 15th of July, and began to register voters. In addition to offices in East Timor, registration offices were also opened in Australia, Indonesia and Europe for East Timorese who lived abroad. In order to be eligible as a voter, a proof of identity, and a document for eligibility such as a certificate of birth were required. For people who had lost their documents, especially for the internally displaced people, UNAMET agreed on an affidavit procedure⁴⁵⁷.

In the first five days, over one hundred thousand East Timorese were registered, thanks to the efforts of the UNAMET staff, quick appointment and emplacement of UN Volunteers, and the formation of a small team from the Department of Political Affairs (DPA) with the knowledge of Indonesia and East Timor, greatly contributing to the process⁴⁵⁸. Last but not least, East Timorese showed up at the registration offices in large numbers from the very first day of registration process on. Even some affiliated with the resistance movement came for registration and quickly returned to their bases⁴⁵⁹.

UNAMET also took the responsibility for the information campaign to explain to East Timorese what they were about to vote for. Because of the low level of literacy, UNAMET conducted radiocasts from the radio stations in four different languages, namely Tetum, Portuguese, Bahasa Indonesian, and English. UNAMET also produced other materials, such as booklets⁴⁶⁰.

The ballot was postponed to 30th of August, and the mandate of UNAMET was extended to 30th of September with the resolution 1257, upon a request by the Secretary General. In his letter to the Security Council, Secretary General mentioned the technical problems UNAMET faced, and the consequences of delays in the

⁴⁵⁶ Martin, p.39.

⁴⁵⁷ They had to be sworn in the presence of a religious leader or a village chief, along with the testimony of a registered voter. See Martin, pp.54-55.

⁴⁵⁸ Martin, p.40.

⁴⁵⁹ However, many members of Falintil were unable to do so. Martin, pp.58-59.

⁴⁶⁰ See Question of East Timor: Report of the Secretary-General, UN Document S/1999/705, 22 June 1999.

registration process along with the need for improvement in the security situation in the territory⁴⁶¹.

The campaign period began on 14th of August and lasted fourteen days. While pro-autonomy supporters conducted multiple rallies, pro-independence groups conducted only one big rally. Indonesia and Portugal were not allowed to make any efforts related to the campaign⁴⁶².

During the pre-ballot period, unsuccessful attempts to bring about a laying down of arms by all armed groups or disarmament of the militia groups were made. Before the polling day, UN representatives held a series of talks between the parties, especially in Jakarta, where Xanana could attend. But despite all efforts, no agreement was reached⁴⁶³.

Ultimately, 451,792 voters registered for the ballot, both in East Timor and other parts of the world. The ballot day effectively marked the beginning of change for East Timor's history. Aside from effectively marked Indonesia and Portugal, a wide range of international observers came from various parts of the world, in affiliation with governments or non-governmental organizations⁴⁶⁴.

Voter turnout was truly overwhelming, with many voters coming to the polling center at early hours from distant areas. However, the expectations that the voting day would be peaceful were shattered by militia actions in various districts which caused some centers to suspend voting for a while. Even worse, some UNAMET polling staff were murdered during attacks in Atsabe⁴⁶⁵.

⁴⁶¹ "Security Council Extends Mandate of United Nations Mission in East Timor, Allowing More Time for Voting Preparations, **United Nations Meetings Coverage and Press Releases**, 3 August 1999, available at <https://www.un.org/press/en/1999/19990803.SC6710.html>, (02.01.2021); also see United Nations Security Council Resolution 1257, 3 August 1999, <https://digitallibrary.un.org/record/277364>, (03.01.2021).

⁴⁶² Martin, pp.44,63.

⁴⁶³ From 25 to 30 June, 1999, The Dare II Peace and Reconciliation Meeting held between the Habibie government and CNRT, including Horta and Xanana. Though the leaders from the both side acted in a positive manner, the meeting did not produce a timetable for further dialogue. Martin, p.68.

⁴⁶⁴ "People of East Timor Reject Proposed Special Autonomy, Express Wish To Begin Transition To Independence, Secretary-General Informs Security Council", **United Nations Meetings Coverage and Press Releases**, 3 September 1999, <https://www.un.org/press/en/1999/19990903.sgsm7119.html>, (15.01.2021).

⁴⁶⁵ Helene van Klinken, "Taking the risk, paying the price: East Timorese vote in Ermera", **Bulletin of Concerned Asian Scholars**, Vol: 32, No: 1-2, 2000, pp.31-32.

Despite all the tension and pressure before and during the ballot day, East Timorese showed their willingness. 98.6% of registered voters went to the polling centers and voted for their future. Votes were counted in Dili. But the frequency of militia attacks began to increase again. Some journalists were attacked, and two more UNAMET staff were killed by the militia⁴⁶⁶.

UNAMET announced the results of the Popular Consultation on September 4th, in Dili, while Secretary General announced the results to the Security Council in New York on the same day. The overwhelming majority of East Timorese voted for independence. 78.5 percent of the voters voted against the autonomy proposal, while 21.5 percent voted in favor⁴⁶⁷.

After the announcement of results, militia attacks started again. This time they were directed mostly against foreigners, comprised mainly of international observers, reporters, and UNAMET staff. Although some of them were murdered in militia attacks, the actual plan was to force them to leaving the territory. The situation had worsened in the lack of any concrete progress in the prevention of militia attacks including killings, rape, looting and arson⁴⁶⁸.

On the 5th of September, UNAMET evacuated its staff due to increasing militia activity. However, eighty volunteers stayed in UNAMET's Dili compound, where the Internally Displaced Persons (IDPs) took refuge. The next day, during his escape to Darwin, bishop Belo's house was attacked. International media paid great attention to these militia activities, as did the international community⁴⁶⁹.

More people than ever before were concerned about the security situation in East Timor. So, public demonstrations occurred in many different countries. Especially in Australia and Portugal, the majority of people believed that an international force was necessary for the solution⁴⁷⁰.

⁴⁶⁶ Martin, p.12.

⁴⁶⁷ Martin, p.94.

⁴⁶⁸ Martin, pp.94-97.

⁴⁶⁹ There were independence supporters in Bishop Belo's house, and ten of them were killed in these attacks. See Mark Cammack, "Crimes against Humanity in East Timor: The Indonesian Ad Hoc Human Rights Court Hearings.", **Trials for International Crimes in Asia**, (Ed. Kirsten Sellars), Cambridge University Press, Cambridge, 2015, p.198.

⁴⁷⁰ Miguel Vale de Almeida, "Epilogue of empire: East Timor and the Portuguese postcolonial catharsis", **Identities**, Vol: 8, No: 4, 2001, pp.583-605; Sydney Morning Herald, an Australian newspaper, published the results of a public poll on 14 September 1999, claiming thirty-four

But, no country wanted to conduct an unauthorized intervention. Especially Australia and New Zealand insisted that Indonesian consent is a prerequisite for any intervention. China, Russia and non-permanent members of the Security Council also highlighted the need for Indonesian consent for such an operation⁴⁷¹.

Under these circumstances, Secretary General called Habibie on 5th of September. Habibie strongly opposed any action towards East Timor, and said such an intervention was unnecessary. On September 7th, he declared martial law in an attempt to prove to the world that he was about to bring the situation under control. But in practice, this served as a direct evidence of Indonesia's loss of control over its own forces⁴⁷².

Coincidentally, the Asia-Pacific Economic Cooperation (APEC) meeting was in Auckland, New Zealand on 9-12 September. It provided a platform to discuss the situation in East Timor. Since the organization was focused on economic cooperation, there were no joint statements about the East Timor, but it still provided clues about possible international reaction to Indonesia if necessary measures were not taken⁴⁷³. On September 9th, the US suspended military assistance and arms sales to Indonesia⁴⁷⁴. UK also followed and suspended the delivery of Hawk jets to Indonesia⁴⁷⁵. Moreover, the Council of European Union imposed an arms embargo on Indonesia, and banned the supply of equipment which might be used for repression⁴⁷⁶. Indonesian economy was very fragile meanwhile, due to the economic

percent of Australians were in favor of sending a force to East Timor, regardless of authorization by the UN. Derek McDougall, "Regional institutions and security: Implications of the 1999 East Timor crisis", **Non-Traditional Security Issues in Southeast Asia**, (Eds. Andrew T.H. Tan and J.D. Kenneth), Institute of Defence and Strategic Studies, Singapore, 2001, quoted in McDougall, p.873.

⁴⁷¹Martin, p.103

⁴⁷² Martin, p.97; "Martial Law Imposed in East Timor", **The Guardian**, 07.09.1999, <https://www.theguardian.com/world/1999/sep/07/indonesia.easttimor4>, (16.01.2021).

⁴⁷³ Simon Chesterman, "East Timor", **United Nations Interventionism 1991–2004**, (Eds. S. Economides and M. Berdal), LSE Monographs in International Studies, Cambridge University Press, Cambridge, 2007, p.196; Martin, pp.106-107.

⁴⁷⁴ Steve Holland, "Clinton Suspends US Military Sales to Indonesia", **Reuters**, 11.09.1999, <https://etan.org/et99b/september/5-11/11clinton.htm>, (16.01.2021).

⁴⁷⁵ "Britain Suspends Sale of Hawk Jets to Indonesia", **Agence France Presse**, 11.09.1999, <https://www.etan.org/et99b/september/5-11/11brit.htm>, (21.01.2021).

⁴⁷⁶ Council Common Position of 16 September 1999 concerning restrictive measures against the Republic of Indonesia, The Council of the European Union, Official Journal L 245, 17 September 1999 p. 53; Council Regulation (EC) No 2158/1999 of 11 October 1999 concerning a ban on the

crisis, and was also under threat by the IMF and World Bank. In a nutshell, Indonesia was expected by the international community to bring situation under control in East Timor, and to respect the outcomes of popular consultation⁴⁷⁷.

On the 8th of September, UN Security Council mission started its meetings in Jakarta, and after three days, the mission visited Dili with Wiranto, the commander of Indonesian National Armed Forces. According to press reports, even Wiranto was shocked when he saw the situation in Dili⁴⁷⁸. Besides, the Security Council mission indicated that violence was “nothing less than a systematic implementation of a “scorched earth policy” in East Timor, under the direction of the Indonesian military”. The link and cooperation between the TNI and militia activities became crystal clear with this report of the Security Council mission⁴⁷⁹.

On September 10th, the Secretary-General called Indonesia to accept the offer of help without delay. The tone of his statement was strong, and he clearly indicated that Indonesia cannot escape the taking responsibility.⁴⁸⁰

2.5.4. INTERFET

Australia was already prepared for a possible military intervention to East Timor since late 1998. In the first days of September, Australian troops were positioned for a potential intervention scenario. On September 4th, Australian Foreign Affairs Minister, Alexander Downer, announced that Australia was willing to lead an international force into East Timor, if Security Council authorized such an operation

supply to Indonesia of equipment which might be used for internal repression or terrorism, The Council of the European Union, Official Journal L 265, 13 October 1999 pp. 1 – 7.

⁴⁷⁷ “IMF suspends talk with Indonesia”, **BBC NEWS**, 10.09.1999, <http://news.bbc.co.uk/2/hi/business/442969.stm>, (21.01.2021).

⁴⁷⁸ Report of the Security Council Mission to Jakarta and Dili, 8 to 12 September 1999, S/1999/976, 14 September 1999; also see Yishane Lee, “Send in the Troops”, **ASIANOW-Asiaweek**, 13.09.1999, <http://edition.cnn.com/ASIANOW/asiaweek/db/9909/13/>, (22.01.2021).

⁴⁷⁹ Report of the Security Council Mission to Jakarta and Dili, 8 to 12 September 1999, S/1999/976, 14 September 1999.

⁴⁸⁰ For more information see, “Transcript of Press Conference of Secretary-General Kofi Annan at Headquarters”, **United Nations Meetings Coverage and Press Releases**, 10 September 1999, <https://www.un.org/press/en/1999/19990910.sgsm7124.doc.html>, (22.01.2021).

and if Indonesia agreed. New Zealand was also willing to participate, and making preparations for a potential operation⁴⁸¹.

All international pressure thus applied paid off in the end, with President Habibie agreeing to the deployment of an international force in East Timor on September 12th⁴⁸². Under the Security Council Resolution 1264 dated 15th of September, within the framework of Chapter VII of the Charter a multinational force to be led by a member state (Australia) under a unified command structure was authorized. With this resolution, International Force for East Timor (INTERFET) was established with the following objectives: “to restore peace and security in East Timor, to protect and support UNAMET in carrying out its tasks and, within force capabilities, to facilitate humanitarian assistance operations”⁴⁸³.

The Resolution was passed unanimously. Neither China nor Russia opposed the deployment of a multinational force in East Timor once Indonesia’s consent was received. China voted in favor of the operation, as a way to show itself to the world that it was acting as a responsible power. Beijing also wanted to contribute to the stability in an Asia-Pacific country⁴⁸⁴. As for Russia, the country’s financial situation made a big impact. Russia had been dealing with the transition to an open, and market-oriented system with the help of IMF lending⁴⁸⁵.

As the closest neighboring state, Australia, was prepared to lead a multinational force, and it had the ability to quickly deploy its troops to East Timor. Besides, since the situation on the ground required a rapid response, a blue beret UN peacekeeping force under the command of Asian states was not the best option⁴⁸⁶.

⁴⁸¹ Martin, p.104.

⁴⁸² Nicholas J. Wheeler and Tim Dunne, “East Timor and the New Humanitarian Interventionism”, **International Affairs**, Vol: 77, No: 4, October 2001, p.823.

⁴⁸³ United Nations Security Council Resolution 1264, 15 September 1999, <https://digitallibrary.un.org/record/285615>, (23.01.2021).

⁴⁸⁴ Stefan Stähle, “China’s Shifting Attitude towards United Nations Peacekeeping Operations”, **The China Quarterly**, No.: 195, September 2008, p.646; James Reilly and Bates Gill, “Sovereignty, intervention and peacekeeping: the view from Beijing”, **Survival**, Vol: 42, No: 3, 2000, pp.49-50.

⁴⁸⁵ Press Release: IMF Approves Stand-By Credit for Russia, **International Monetary Fund**, 28 July 1999, [https://www.imf.org/en/News/Articles/2015/09/14/01/49/pr9935#:~:text=The%20International%20Monetary%20Fund%20\(IMF,government's%201999%2D2000%20economic%20program.%20https://www.imf.org/external/pubs/ft/wp/2004/wp04155.pdf](https://www.imf.org/en/News/Articles/2015/09/14/01/49/pr9935#:~:text=The%20International%20Monetary%20Fund%20(IMF,government's%201999%2D2000%20economic%20program.%20https://www.imf.org/external/pubs/ft/wp/2004/wp04155.pdf), (20.01.2021).

⁴⁸⁶ Wheeler and Dunne, p.823.

In fact, Indonesia preferred Asian participation as much as possible, with a member of the Association of Southeast Asian Nations (ASEAN) country at the helm of the operation. But, Australia insisted on taking the lead, as the country which was making largest contribution to the force. On 20th September, INTERFET was in Dili, commanded by the Australian Major-General Peter Cosgrove⁴⁸⁷. The speed of the deployment of the multinational force is unparalleled in UN history. The multinational force was in Dili only five days after the Security Council adopted the resolution 1264.

The trust fund established earlier facilitated the creation of the multinational force and its rapid deployment in East Timor. Japan was the largest contributor to this fund, followed by Australia, Portugal, Brunei, Luxembourg, and Switzerland⁴⁸⁸.

With military contributions from Britain, Brazil, Canada, France, Ireland, Italy, New Zealand, and the US together with the Australia, a coalition was assembled quickly by September 16th. The Republic of Korea, Germany, Denmark, Norway, Jordan, Egypt, Kenya, and Fiji eventually joined as well. In addition to those, four ASEAN states, Malaysia, Singapore, Thailand, and the Philippines also joined⁴⁸⁹. Thailand made the biggest contributions among the ASEAN states, with sixteen hundred troops⁴⁹⁰.

Although Australia provided the largest personnel contribution to INTERFET, the contributions of other states were also noteworthy. The number of nations to participate in the multinational force changed over time; but overall, eleven thousand troops from twenty two different states were in present⁴⁹¹. Logistics support was mainly provided by Australia and the United States. It also supported by naval and air forces. Australian and British destroyers, US Navy's Aegis class

⁴⁸⁷ Ian Martin Vice President & Alexander Mayer-Rieckh, "The United Nations and East Timor: from self-determination to state-building", **International Peacekeeping**, Vol: 12, No: 1, 2005, p.132. Australia's willingness to participate in and intention to command the force was nothing coincidental; instead it arose from the threat of refugees, internal pressure, and its previous relationship with East Timor. See Chesterman, p.196.

⁴⁸⁸ To make participation in the regional force as quick as possible, Australia took the lead with extending advances on expenses, which would be repaid when the Trust Fund funding was available. Other advanced economies which participated in the force paid their own costs.

⁴⁸⁹ William J. Durch, **Twenty-first-century Peace Operations**, United States Institute of Peace, Washington, D.C., 2006, p.413.

⁴⁹⁰ Wheeler and Dunne, p.823.

⁴⁹¹ Dunn, p.361; For instance Kenya, Jordan, and Egypt contributed to the force later on.

cruiser, along with frigates from New Zealand and France comprised the maritime forces of INTERFET. Military and civilian shipping vessels also played a major part. Air forces were yet another vital element in the overall force, with C-130 Hercules planes and battlefield helicopters being used during the operation⁴⁹².

Australian Major General Cosgrove flew to Dili one day before the intervention, and met with the commander of the Indonesian forces, General Kiki Syahnakri, to discuss the planned schedule for the withdrawal of Indonesian forces, and their replacement by INTERFET. Since avoiding any potential conflict between TNI and the multinational force was crucial for the success of the intervention, the first special forces were airlifted on C-130 Hercules aircraft⁴⁹³.

On the first day of intervention, seven thousand troops entered East Timor. Four thousand five hundred of them were Australian soldiers. This constituted the biggest troop mobilization by Australia, since the Vietnam War⁴⁹⁴.

From the first day on, INTERFET showed its strength with its naval and air power, not to mention armored vehicles. The existence of US vessels deployed offshore also made a psychological impact on the opposition forces⁴⁹⁵.

At the time the multinational force arrived at Dili, the situation left much to be desired. Infrastructure had been severely damaged, many buildings were destroyed. The country was far from having effective governance, as no competent authority remained in the territory after the ballot was announced. UNAMET and the multinational force had witnessed withdrawing Indonesian soldiers burning both their own facilities and other buildings, and destroying infrastructure⁴⁹⁶.

After the launch of the operation, Indonesian officials also left the territory. On 28th of September, Indonesia and Portugal once again stressed the decision regarding the transfer of authority in East Timor to the UN, as per article 6 of their

⁴⁹² David Dickens, "The United Nations in East Timor: Intervention at the Military Operational Level", **Contemporary Southeast Asia**, Vol: 23, No: 2, August 2001, p.225.

⁴⁹³ James Cotton, **East Timor, Australia and Regional Order: Intervention and its Aftermath in Southeast Asia**, RoutledgeCurzon, London, 2004, (East Timor), p.129.

⁴⁹⁴ "Indonesia and East Timor", **Human Rights Watch**, 2000, <http://www.hrw.org/wr2k/Asia-05.htm#TopOfPage> (25.01.2021).

⁴⁹⁵ Marianne Jago, "InterFET: An Account of Intervention with Consent in East Timor", **International Peacekeeping**, Vol: 17, No: 3, 2010, p.388.

⁴⁹⁶ Michael J. Kelly, Timothy L. H. McCormack, Paul Muggleton and Bruce M. Oswald, "Legal aspects of Australia's involvement in the International Force for East Timor", **International Review of the Red Cross**, Vol: 83, No: 841, 2001, pp.107-108.

agreement dated May 5th. On the same day, UNAMET re-established its headquarters in Dili, and began supporting the mission's logistical activities. A large-scale emergency humanitarian relief effort was immediately launched by the UN with support from many international humanitarian agencies⁴⁹⁷.

Disarming the militias and disrupting any support they may receive in the form of weapons and equipment from West Timor were urgent issues that needed to be dealt⁴⁹⁸. Therefore, INTERFET adopted an "oil-spot strategy". After Dili was secured, forces went to the second largest city Baucau. At first, INTERFET established its dominance in key regions and then all districts have been secured step by step, with the back-up of air military forces⁴⁹⁹.

About one hundred fifty thousand people were displaced into West Timor due to violence, and over five hundred thousand people were internally displaced. The United Nations High Commissioner for Refugees and the Indonesian government signed an agreement to provide these refugees safe passage to East Timor if they wished to return. But, the presence of militia in the border regions made this journey very dangerous⁵⁰⁰.

So, one of the first goals of the multinational force was to prevent militia activities that could use West Timor as a safe zone. It was also important to provide safe passage to East Timor for the ones who had fled or been forcibly displaced to West Timor. In this context, Operation Lavarack, which commenced on 1st of October secured the north-western parts of the inter-Timor border including Balibo, Batugade, and Maliana. After that, Operation Strand was launched in order to eliminate the militia activities in the south-west part of the territory. It began on 6th of October, and ended with the occupation of Suai on October 11th. The last leg of the

⁴⁹⁷ Information Technology Section/ Department of Public Information (DPI), East Timor-UNTAET Background, May 2002, <https://peacekeeping.un.org/sites/default/files/past/etimor/UntaetB.htm>, (02.01.2021).

⁴⁹⁸ Moreen Dee, "'Coalitions of the willing' and humanitarian intervention: Australia's involvement with INTERFET", **International Peacekeeping**, Vol: 8, No: 3, 2001, p.12.

⁴⁹⁹ Cotton, East Timor, pp.128-129.

⁵⁰⁰ Question of East Timor: Progress Report of the Secretary-General, UN document A/54/654, 13 December 1999.

effort, Operation Respite, began on October 6th, with the aim of relieving the Oecussi exclave⁵⁰¹.

In fact, there was a noteworthy concern about possible armed confrontation between TNI and multinational force in the beginning. Although Cosgrove and Indonesian military commanders established contact the day before the deployment, it was unclear whether TNI soldiers in the field would cooperate with the multinational force or not⁵⁰².

Therefore, after the deployment, a Joint Consultative Security Group was established in Dili, with the participation of UNAMET, and Indonesian Armed Forces committed to cooperate with the multinational force⁵⁰³.

The operation turned out more successful than expected, with a notable dialogue established between the two sides from the first day of the INTERFET's arrival to the last day of the operation. Since Indonesia and Australia had a history of military cooperation, previous contacts between TNI commanders and Australian Defence Force units contributed the success of INTERFET⁵⁰⁴. Moreover, as Australia, New Zealand, the UK, Canada, and the US were part of the American, British, Canadian, and Australian Armies' Standardization Program, their experience in working together had also contributed the INTERFET's success⁵⁰⁵.

Yet, some hostile moves by the militia occurred even after the deployment of INTERFET. On September 23rd, twelve people were killed in Ainaro. On September 25th, militia attacked a group of religious people, killing nine of them, including one Indonesian journalist⁵⁰⁶. Since the Resolution 1264 stressed the importance of bringing justice to those who committed serious crimes, INTERFET issued a

⁵⁰¹ For details of these operations, see: Ryan, *Primary Responsibilities and Primary Risks*, p.74.

⁵⁰² Wheeler and Dunne, p.824.

⁵⁰³ Report of the UN Secretary-General the Situation in East Timor, UN Doc. S/1999/1024, 4 October 1999.

⁵⁰⁴ David Stevens, **Strength in diversity: the combined naval role in Operation Stabilize**, Working Paper 20, Sea Power Center, Canberra, 2007.

⁵⁰⁵ Russell W. Glenn, "Supporting Case Studies: East Timor and the Balkans", **Band of Brothers or Dysfunctional Family?: A Military Perspective on Coalition Challenges During Stability Operations**, RAND Corporation, Santa Monica, CA, Arlington, VA, Pittsburgh, PA, 2011, p.15.

⁵⁰⁶ Report of the International Commission of Inquiry on East Timor to the Secretary-General, UN Security Council, UN Doc. A/54/726, S/2000/59, 31 January 2000.

Detainee Ordinance, trying to capture those criminals who acted violently prior to 20th of September⁵⁰⁷.

The first and only direct clash between the INTERFET and TNI forces occurred on October 10th at Motaain, on the border of West and East Timor, because of conflicting map information. There were two casualties on the Indonesian side, with one of them suffering fatal injuries⁵⁰⁸. INTERFET is also noted to have led to the death of small numbers of militia, but no coalition casualties occurred during the operation⁵⁰⁹.

Indonesia lifted martial law on September 24th, and only then began its military pullout from East Timor. INTERFET secured the last district –Oecusse– on 22nd of October. Ultimately, TNI withdrew all its troops from East Timor by October 30th⁵¹⁰. Indonesian Parliament held a formal discussion on the recognition of the vote results, and on October 19th, revoked the 1978 decree which allowed the integration of East Timor. It was a historical moment for East Timorese as incorporation with Indonesia finally came to an end. After six days, Xanana Gusmao finally returned to East Timor⁵¹¹.

2.5.5. Post-Intervention Period and Independence

On 25th of October, after the territory was fully secured by the INTERFET, the Security Council, acting under chapter VII of the Charter, passed resolution 1272 and established the United Nations Transitional Administration in East Timor (UNTAET). It was tasked with administering East Timor until the country achieved its independence. All legislative and executive authority, together with the administration of the judiciary were considered to be UNTAET's responsibility. UNTAET's mandate consisted of the following elements;

⁵⁰⁷ However, because of the lack of evidence, many of them were released. All cases were turned over to UN Civilian Police (UNCP) and East Timorese judiciary in mid-January 2000. Chesterman, p.197.

⁵⁰⁸ United Nations, Letter dated 8 November 1999 from the permanent representative of Australia to the United Nations addressed to the Secretary-General. S/1999/1146

⁵⁰⁹ James Cotton, "Against the Grain: The East Timor Intervention", *Survival*, Vol: 43, No: 1, 2001, p.137.

⁵¹⁰ Martin, p.115

⁵¹¹ Martin, p.115

- a) To provide security and maintain law and order throughout the territory of East Timor;*
- b) To establish an effective administration; to assist in the development of civil and social services;*
- c) To ensure the coordination and delivery of humanitarian assistance,*
- d) To facilitate the provision of humanitarian assistance, rehabilitation and development assistance;*
- e) To support capacity-building for self-government;*
- f) To assist in the establishment of conditions for sustainable development⁵¹².*

In the first months following the resolution, UNTAET also conducted a bunch of humanitarian missions, for providing basic healthcare, and food. On December 2nd, the National Consultative Council (NCC) was established to ensure the political participation by East Timorese. It was to operate as an advisory body⁵¹³.

Since there were no working institutions in the territory, UN faced a big challenge. UNTAET exercised administrative authority over East Timor from October 1999 to May 2002.

By February 2000, UNTAET's deployment was completed. INTERFET transferred the command of military operations to the UN Peacekeeping Force. On 30 August, 2001, East Timorese once again headed to the polls, and elected the members of the Constituent Assembly. It was a first big step towards full independence. The first Constitution was signed into force by East Timor's Constituent Assembly on 22 March 2002. Thereafter, presidential elections were held on 14th of April, and Xanana became the first president of East Timor, receiving more than eighty percent of the vote. Finally, on 20 May, 2002, East Timor became an independent state⁵¹⁴.

⁵¹² United Nations Security Council Resolution 1272, 25 October 1999, <http://unscr.com/en/resolutions/1272>, (03.01.2021).

⁵¹³ Juan Federer, **The UN in East Timor: Building Timor Leste, a Fragile State**, Charles Darwin University Press, Darwin, 2005, pp.88-89.

⁵¹⁴ For more information about the UNTAET and the transition period see Taina Järvinen, Human Rights and Post-Conflict Transitional Justice in East Timor, UPI Working Papers 47, The Finnish Institute of International Affairs, 2004.

CHAPTER THREE

KOSOVO

Located in Southeast Europe, Kosovo shares its boundaries with four countries –Albania, Macedonia, Montenegro, and Serbia. It is a landlocked territory with its capital in Prishtina. It has a population of nearly two million according to July 2020 estimates. Albanian, spoken by almost ninety-five percent of the population, is the country's official language, along with Serbian. Ethnic Albanians constitute almost ninety-three percent of the population. There are also Bosnians (1.6%), Serbs (1.5%), Turks (1.1%), and a number of other ethnicities. The country's official name is the Republic of Kosovo and it declared its independence from Serbia on 17 February, 2008⁵¹⁵.

Figure 2: Kosovo Map



Source: Freeworlds Map, <https://www.freeworldmaps.net/europe/kosovo/>, (15.11.2020)

⁵¹⁵ Official website of Kosovo, available at the address <https://www.rks-gov.net/EN/f110/culture-and-free-time/religion>, (15.11.2020).

3.1. HISTORY OF KOSOVO AND CLAIMS OF THE CONFLICTING PARTIES

Balkan Peninsula is considered the “cradle of European civilization”⁵¹⁶. The first great civilization to arise in the region is ancient Greece, followed by Rome. Despite the success of Rome over Greece, Greek language still maintained its equal status with Latin and became the co-official language of the administration. The influence of those two languages on the people of the Balkans became ever more apparent over time, leading to the proliferation of Greco-Latin along with local languages⁵¹⁷.

With its roots in Turkish language, the term Balkans initially referred to Balkan Mountains in Bulgaria. Starting from the late fifteenth century on, this usage began to spread, as can be seen in the writings of Filippo Buonaccorsi Callimaco, an Italian diplomat and scholar. After the nineteenth century, the term came to be used to refer to the whole southeast European peninsula⁵¹⁸.

There is some controversy among the narratives of Albanians and Serbs about their connections with the earlier inhabitants of Kosovo. Both ethnic groups present their claims to the region and about its history as the only true ones, with a view to supporting their national claims of ownership over Kosovo.

Albanian narratives begin with the idea that the ancient Illyrians, who lived in the Balkans during the second or third millennium BC, were their ancestors. They claim that Albanian language has its origins in the Illyrian language, as a branch of the Indo-European languages⁵¹⁹. Besides, they believe that Albanian ethnicity had links with the Dardanians, an Illyrian tribe. Therefore, as being the earliest

⁵¹⁶ Robert Bideleux and Ian Jeffries, **A History of Eastern Europe: Crisis and Change**, London, Routledge, Second Edition, 2007, (A History of Eastern Europe), p.27.

⁵¹⁷ Bideleux and Jeffries A History of Eastern Europe, pp.38-39.

⁵¹⁸ Maria Todorova, **Scaling the Balkans**, Brill, Leiden/Boston, 2019, p.84.

⁵¹⁹ Robert Bideleux and Ian Jeffries, **The Balkans: A Post-Communist History**, Routledge, New York, 2007, (The Balkans), p.23.

inhabitants of Kosovo⁵²⁰, they claim that they arrived in Kosovo long before the Serbs, which gives them a “prior right” over the territory⁵²¹.

Similar to Albanian claims presenting Kosovo as their ethnic homeland, Serbs also assume the territory to be the “the cradle of the Serb nation”. They reject the historical arguments raised by the Albanians, stating instead, that the modern-day Albanians have no connection with ancient Dardanians or Illyrians⁵²².

It has long been disputed whether the Albanians or Serbs were the first inhabitants of Kosovo. Yet, no consensus has been reached on this matter. However, the national narratives of both sides have established an emotional attachment to Kosovo in time. For Albanians, Kosovo holds an important place because of the role it played during the 'national awakening' period between 1850 and 1912. As for Serbs, Kosovo has a religious and mystical meaning. After the establishment of the new bishopric at Pec in Kosovo by the medieval Serbian Orthodox Church, the region became even more important for the Serbs. In addition, all medieval Serbian rulers have built at least one major monastery in Kosovo, which led to the region being called "Kosovo and Metohija" which can be translated as “Kosovo and the Land of Monasteries”. Therefore, the word Kosovo referred not only to a region, but also to a spiritual place, containing important religious sites of Serbian history⁵²³.

3.1.1. Kosovo in the Middle Ages

The split in the Christian Church, known as the Great Schism or East-West Schism, had also enormous consequences in the history of the Balkans. When the Roman Empire was divided into the Western Roman Empire and the Eastern or Byzantine Empire Roman Empire in 395 AD, it triggered a process in Europe that would eventually lead to the East-West schism. Visits by religious missionaries from both sides to the Balkans influenced the different nations living in the region. The nations who lived under Eastern Roman rule were influenced by the Eastern

⁵²⁰ Miranda Vickers, **Between Serb and Albanian: A History of Kosovo**, Columbia University Press, New York, 1998, p.2.

⁵²¹ Bideleux and Jeffries, *The Balkans*, p.23.

⁵²² Bideleux and Jeffries, *The Balkans*, pp.513-514.

⁵²³ Bideleux and Jeffries, *The Balkans*, pp.513-514.

Orthodox Church, while those in the sphere of influence of the Western part of the empire were heavily influenced by the Roman Catholic Church⁵²⁴.

Since both sides observed different methods, and embraced different ecclesiastical practices, the gap between the Orthodox and the Catholics has deepened over centuries. The Byzantine Empire saw itself as the “Christian fortress of the Near East”⁵²⁵, and ruled until 1453.

With the Ottoman conquests of the Balkan Peninsula, Islam also became influential in the region. Bosnians and Albanians converted to Islam, while Serbs, Greeks, Macedonians and Bulgarians remained predominantly Orthodox Christians, Croats and Slovenes remained Catholic.

By 926 AD, Tsar of the First Bulgarian Empire, Simeon I the Great, conquered vast regions in Southeastern Balkans, namely Macedonia, Serbia, Albania, Wallachia, and Thrace. After the fall of the first one, the Second Bulgarian Empire was built in 1230, though it was short-lived just like the former one⁵²⁶.

During the sixth and the seventh centuries, Serbs began to settle in the Balkans⁵²⁷. In the twelfth century, Stefan Nemanja, the founder of the Serbian Nemanici dynasty, united Eastern and Western Serbs into one Serbian Kingdom, which lasted until the fourteenth century. The Serbian Kingdom reached its zenith under Tsar Stephen Dusan. He conquered the territories of Serbia, Montenegro, Macedonia, Albania and the northern part of Greece, and proclaimed himself as the “Tsar of the Serbs, Greeks, Bulgarians, and Albanians”⁵²⁸. Even today, Serbian nationalism embraces the dream of taking the lands Dusan once ruled over.

⁵²⁴ Altuğ Günel, “Sırbistan Cumhuriyeti”, **Çağdaş Balkan Siyaseti – Devletler, Halklar, Parçalanma ve Bütünleşme**, (Eds. Murat N. Arman and Nazif Mandacı), Seçkin Yayıncılık, Ankara, Third Edition, 2021, pp.182-183.

⁵²⁵ Peter Brown, **The World of Late Antiquity: From Marcus Aurelius to Muhammad**, Thames and Hudson, London, 1971, p.174.

⁵²⁶ Bideleux and Jeffries, *A History of Eastern Europe*, pp.67-68.

⁵²⁷ Barbara Jelavich, **History of the Balkans: Eighteenth and Nineteenth Centuries**, Cambridge University Press, New York, 1983, p.13.

⁵²⁸ Bideleux and Jeffries, *A History of Eastern Europe*, p.68.

3.1.2. Ottoman Kosovo

Given its strategic position on various trade routes, not to mention its religious importance, Constantinople, modern day Istanbul, was an object of conquest for both Serbian and Bulgarian kings. Yet, none of their efforts were successful. Both, instead, were weakened through their efforts to capture Constantinople, and left a power vacuum to be filled only by the Ottomans. With the Balkan conquests of the Ottoman Empire, from the fourteenth century on, Islam also became one of the influential religions in the region⁵²⁹.

The Battle of Kosovo, which took place on 28 June, 1389 between the Ottomans and a coalition of various Balkan nations, was one of the most important turning points in Kosovo's history. An alliance of Serb, Bulgarian, Albanian, Bosnian and Wallachian forces fought against the Ottomans at the Kosovo Plain under the leadership of Serbian Prince Lazar. Although the losses on both sides were terrible, the Ottomans were the ultimate victors of the battle, which marked the beginning of Ottoman rule over Kosovo⁵³⁰.

The battle of Kosovo also holds a symbolic meaning in Serbian nationalism. According to Serbian national narratives, Serbian Prince Lazar was not actually defeated in the battle. Instead, he chose a heavenly kingdom over an earthly one⁵³¹. Though Lazar died on the battlefield, the Kosovo myth became immortal. Many songs and poems have been written about the battle. Serbian Orthodox Church also kept the myth alive, and by doing so, it was able to prevent the Serbian masses from converting to Islam⁵³². According to Serbian narratives, the Ottoman rule over the Serbs was nothing more than contracted captivity; those who keep their faith and remain committed to Orthodoxy would be able to reach the Promised Land (Kosovo)⁵³³.

⁵²⁹ Jelavich, p.12.

⁵³⁰ Bideleux and Jeffries, *A History of Eastern Europe*, pp.70-71.

⁵³¹ Tim Judah, **Kosovo: What Everyone Needs to Know**, Oxford University Press, New York, 2008, pp.22-23.

⁵³² Frederick F. Anscombe, "The Ottoman Empire in Recent International Politics-II: The Case of Kosovo", **The International History Review**, Vol: 28, No: 4, 2006, p.762.

⁵³³ Iy V. Roudometof, **Nationalism, Globalization, and Orthodoxy: The Social Origins of Ethnic Conflict in the Balkans**, CT: Greenwood, Westport, 2001, p.53.

All those narratives contributed to the increased popularity of the Myth. Similar to Jewish tragedy, it helped to keep Serbian identity together in the face of outsiders such as the Ottomans. It also increased the emotional awareness and commitment of the Serbs to Kosovo. During his speech in 1989, the president of the Serbian Writers' Association Matija Beckovic said that since many Serbs lost their life in there, "Kosovo will remain Serbian land, even if not a single Serb remains there"⁵³⁴. Even today, Serbia does not recognize Kosovo as an independent state. So, it is evident that the Myth is still important.

The rise of the western notion of nationalism together with the decline of the Ottoman Empire had a profound impact on the history of Balkan nations. From the beginning of the nineteenth century on, Balkan nations began to revolt against Ottoman rule. The Serbs were the first Christian nation to rebel. Although their first uprising (1804-1813) led by Karageorge was suppressed by the Ottomans⁵³⁵, Serbs' revolts continued, however. Having witnessed the Italian Unification of 1861 and German unification of 1871, the Serbs demanded independence. Their dream was to create Greater Serbia based on the unity of all Serbs. After the Russo-Turkish War of 1877-78, Serbia ultimately achieved its independence with the Treaty of Berlin in 1878⁵³⁶.

Since Serbs gained control over some part of Kosovo with the Berlin Treaty, Albanians felt threatened. In order to prevent further loss of land, Albanians formed the Prizren League in 1878. It marked the beginning of Albanian "national awakening". In response to the spreading revolts, the Ottomans took control of Kosovo and imposed martial law⁵³⁷. Due to the deterioration of the economy, many Serbs left Kosovo. However, there is no consensus on the number of Serbs who left Kosovo during this period. While Serbian researchers claim that more than a hundred thousand Serbs left Kosovo in the period 1878-1912, Malcolm rejects this claim,

⁵³⁴ Florian Bieber, "Nationalist Mobilization and Stories of Serb Suffering: The Kosovo myth from 600th anniversary to the present", **Rethinking History: The Journal of Theory and Practice**, Vol.: 6, No.:1, 2002, p.95.

⁵³⁵ Richard C. Hall, "Karageorge (George Petrovic; 1768-1818)", **War in the Balkans: An Encyclopedic History From the Fall of the Ottoman Empire to the Breakeup of Yugoslavia**, ABC-CLIO, United States, 2014, pp.158-160.

⁵³⁶ Bideleux and Jeffries, *A History of Eastern Europe*, p.92.

⁵³⁷ Bideleux and Jeffries, *The Balkans*, p.28.

saying there were only one hundred and fifty thousand Serbs living in Kosovo at that time. He asserts that the number of Serbs who left the area could be sixty thousand⁵³⁸.

In fact, the move of the Serbians from Kosovo dates back to the seventeenth century. When more Albanians came to the region and began to settle in Kosovo, the number of Serbs leaving the region got another boost. Besides, when the Serbian state came into existence, some Serbs who still remained in Kosovo left the territory and went to Serbia⁵³⁹. Meanwhile, some Slavic Muslim and Albanian populations who, up until that time-lived in Serbia, moved to Kosovo in a population movement in the opposite direction⁵⁴⁰. As for the Balkan region, with the decline of Ottoman power, Russia, along with the Austro-Hungarian Empire became more influential in the region⁵⁴¹.

3.2. HISTORY AND THE POLITICS OF MODERN KOSOVO

In the beginning of the twentieth century, the Ottoman Empire had to contend with several Albanian uprisings. Having received military assistance from neighboring Montenegro and Serbia, Albanians took the Kosovo towns of Prizren, Pec and Pristina. Meanwhile, as they had been in the process of building their own military capability with the support of those two countries, Albanians did not accept the Serbian offer for an autonomous Kosovo under the “Greater Serbia”⁵⁴². Yet, for Serb nationalists, Kosovo was a territory with significant historical symbolic value, and should not be given to other nations. Hence failed the efforts of the Albanians, even though they were supported by the Austro-Hungarian Empire⁵⁴³, and ultimately it was the Serbs who established dominance over Kosovo through the Balkan Wars.

⁵³⁸ Noel Malcolm, **Kosovo: A Short History**, Macmillan, London, 1998, p.230 quoted in Bideleux and Jeffries, *The Balkans*, p.517.

⁵³⁹ Wolf-Dieter Hütteroth, “Ecology of the Ottoman Lands”, **The Cambridge History of Turkey: Volume 3, The Later Ottoman Empire, 1603—1839**, (Ed. Suraiya N. Faroqhi), Cambridge University Press, Cambridge, 2006, p.34.

⁵⁴⁰ Judah, pp.35-36.

⁵⁴¹ Bideleux and Jeffries, *A History of Eastern Europe*, p.92.

⁵⁴² Bideleux and Jeffries, *The Balkans*, p.519.

⁵⁴³ Bideleux and Jeffries, *The Balkans*, p.522.

During the Balkan Wars of 1912-1913, Kosovo was the scene of multiple massacres of Albanian civilians, as well as looting, forced conversion and expulsions by the Serb forces. This campaign was reported in detail by many such as Edith Durham⁵⁴⁴, Leon Trotsky⁵⁴⁵ or institutions like the Carnegie Endowment for International Peace⁵⁴⁶. The Serb plans to expel Albanians from Kosovo remained in effect even after the war. As late as 1937, a Serbian historian who was also one of the supporters of this plan, Vaso Čubrilović, issued a memorandum in which he called for the expulsion of Albanians from Kosovo⁵⁴⁷.

3.2.1. World War I and Kosovo

The First World War broke out in 1914, with Austro-Hungarian Empire declaring war on Serbia. After Serbia was overrun by the Central Powers in 1915, Kosovo was shared between Austria-Hungary and Bulgaria⁵⁴⁸.

In the split, Austria-Hungary took the northern half, while Bulgaria occupied the southern part, including Pristina and Prizren. Albanians who lived in the Bulgarian-controlled territory were subjected to oppression, and their access to education was limited. However, Austro-Hungarian Empire allowed Albanian language schools to be opened in their part. Their aim was to keep Albanian nationalism alive in order to reduce the Serbian influence in the region. Against this background, several Albanian language schools were opened between 1916 and 1918⁵⁴⁹.

After the end of the First World War, Serbia, which was part of the victorious allies, regained control of Kosovo with the support of British and French forces. A new chapter opened in Kosovo's history with the return of the Serbs. Their revenge

⁵⁴⁴ Edith Durham, **Twenty Years of Balkan Tangle**, G. Allen & Unwin Ltd., London, 1920.

⁵⁴⁵ Leon Trotsky, **The War Correspondence of Leon Trotsky. The Balkan Wars 1912-13**, Translated by Brian Pearce, Monad Press, New York, 1980.

⁵⁴⁶ Carnegie Endowment for International Peace 1914, p.51, quoted in Bideleux ve Jeffries, *The Balkans*, p.512.

⁵⁴⁷ For the translation of Čubrilović's speech see Robert Elsie and Bejtullah D. Destani, **Kosovo, A Documentary History: From the Balkan Wars to World War II**, I.B. Tauris, London, 2018, pp.338-340.

⁵⁴⁸ Judah, p.40.

⁵⁴⁹ Vickers, p.92.

came quickly, leading to the death of many Albanians, with many more being forced to flee into the country's mountainous areas⁵⁵⁰.

Following its defeat in the First World War, Austro-Hungarian Empire was dissolved, and new states emerged. In a process based on the initial proclamation of the kingdom in 1917 Corfu Declaration, the Kingdom of Serbs, Croats, and Slovenes was officially established in December 1918. Five days before its formation, Montenegro had declared its unification with Serbia. Founded by the South Slavs (Yugoslav), the Kingdom called itself a Slavic state. It was ruled by the Serbian Karadjordjević dynasty⁵⁵¹.

In the eyes of the Allies, Serbia was a respected partner for its heroic efforts in the face of impossible odds, and epic resistance against the Austro-Hungarian Empire in the First World War. Thus, when the Serbs called Kosovo as the Old Serbia during the Paris Peace Conference (1919-1920), the rest of the Allies did not raise any objection, and allowed the Serbs to take Kosovo. In the eyes of Serbian nationalists, by becoming a part of Serbia, Kosovo was finally liberated. Also, after six hundred years the Serbs were finally reunited under a single umbrella, with the foundation of the new Kingdom⁵⁵².

Although the Kingdom's territory was nominally divided into nine "banovini" (provinces), united under the common Yugoslav identity in 1921, Serbian domination was obvious. Indeed, the Serbs controlled six regions, while two were controlled by Croats and one by Slovenes. As for the Muslims and Albanians, they did not have the power to control any territory in the Kingdom⁵⁵³.

By 1921, colonial policies were introduced by the new Kingdom. In Kosovo, Albanian schools were closed in order to prevent nationalist movements which could challenge the Yugoslav identity. Serbian and Croatian were the only two languages of instruction allowed in the education system. But still, these colonization policies

⁵⁵⁰ Vickers, pp.93-95.

⁵⁵¹ Judah, pp.41.

⁵⁵² John R. Lampe, **Yugoslavia as History: Twice There Was a Country**, Cambridge University Press, New York, Second Edition, 2000, pp.116-117.

⁵⁵³ Vickers, p.97.

were unable to prevent clandestine activities and secret national education efforts among the Albanians⁵⁵⁴.

In 1929, King Alexander abolished the parliament and imposed royal dictatorship. He then renamed the country as the Kingdom of Yugoslavia⁵⁵⁵. Under this new scheme, Kosovo was divided into three banovinia, and Albanians in Kosovo continued to be a focus of royal dictatorship. Colonial policies were kept in place. But no matter how the Kingdom tried to suppress Albanian nationalism, it was clear that internalization of the Yugoslav identity was difficult to achieve. In addition to the Kosovo problem, the tension between the Orthodox Serbs and Catholic Croats was a major issue. Croats were never satisfied with the Serbian-dominated Yugoslavia⁵⁵⁶. After the assassination of Croatian leader Stjepan Radic in Yugoslav Parliament by a Montenegrin Serb Member of Parliament in 1928, alienation became an even bigger problem among the parties⁵⁵⁷.

In 1929, Croats formed Ustasa as a resistance movement which also aimed to establish an independent Croatia. Ustasa members, in cooperation with Bulgarian National Movement (IMRO) militants, assassinated Serbian King Alexander in 1934. Thereafter, Prince Pavle became the regent of Yugoslavia, and started to rule the Kingdom in the period leading up to the World War II⁵⁵⁸.

3.2.2. World War II and Kosovo in Yugoslavia

The negative impact of the Great Depression and the rise of fascist regimes in Europe affected Yugoslavia, just like many countries all around the world. The 1920s and 1930s saw Yugoslavia become heavily dependent on Nazi Germany⁵⁵⁹.

⁵⁵⁴ Ivo Banac, **The National Question in Yugoslavia: Origins, History and Politics**, Cornell University Press, New York, 1988, pp.299.

⁵⁵⁵ Marko Bulatović, "Struggling with Yugoslavism: Dilemmas of Interwar Serb Political Thought", **Ideologies and National Identities: The Case of Twentieth-Century Southeastern Europe**, (Eds. John R. Lampe and Mark Mazower), Central European University Press, Budapest, 2006, p.260.

⁵⁵⁶ Mark Biondich, **The Balkans: Revolution, War, and Political Violence since 1878**, Oxford University Press, New York, 2011, pp.105-106.

⁵⁵⁷ Mark Biondich, **Stjepan Radic, The Croat Peasant Party, and the Politics of Mass Mobilization, 1904-1928**, University of Toronto Press, Canada, 2000, p.250.

⁵⁵⁸ Bideleux and Jeffries, *The Balkans*, p.238.

⁵⁵⁹ Bideleux and Jeffries, *The Balkans*, p.238.

Eventually, Pavle's regime was overthrown by a coup two days after its declaration of joining the Tripartite Pact with Germany and Italy. In April 1941, Hitler responded the coup by launching Operation Retribution, and began the invasion of Yugoslavia⁵⁶⁰.

During World War II, Kosovo was divided into two. Germans took control of Kosovo by establishing an autonomous Albanian administration. Italian-occupied Albania also took control of Debar, Tetovo, Gostivar and Struga regions of Kosovo. Italians permitted education in Albanian language during this period, but were unable to prevent attacks on Serbs⁵⁶¹.

With the support of Germany, the Independent State of Croatia (NDH) was established in August 1941, and governed by the puppet Ustasa regime. As the regime was inherently anti-Serbian, the Serbs suffered under major attacks and oppression in its hands. Furthermore, the Ustasa regime set up concentration camps⁵⁶². Meanwhile, resistance movements began to organize a response.

During this period, two major anti-fascist resistance movements evolved in Yugoslavia. One of them was the Chetnik movement. Under the leadership of Draza Mihailović, this royalist movement gained support among the Serbs in Kosovo, as well as from the Serbian Orthodox Church. Dreaming of a Greater Serbia, devoid of any non-Serbs who would be purged away, the Chetniks differed ideologically from the other major resistance movement⁵⁶³, the Partisans. This latter group, with the official name the National Liberation Army and Partisan Detachments of Yugoslavia, was an anti-fascist group united with its resistance against the invaders. Led by

⁵⁶⁰ Paul N. Hehn, "Serbia, Croatia and Germany 1941-1945: Civil War and Revolution in the Balkans", **Canadian Slavonic Papers**, Vol: 13, No: 4, Winter, 1971, p.345.

⁵⁶¹ Judah, p.47; Vickers, p.121.

⁵⁶² The largest concentration camp set up by the Ustasa regime was the Jasenovac camp. Even though the exact number of victims is not known, many scholars estimate that seventy thousand people were killed in Jasenovac. For more information see Pål Kolstø, "The Serbian-Croatian Controversy over Jasenovac", **Serbia and the Serbs in World War Two**, (Eds. Sabrina Ramet and Ola Listhaug), Palgrave Macmillan, London, 2011, pp.225-246; Michele Frucht Levy, "The Last Bullet for the Last Serb": The Ustaša Genocide against Serbs: 1941–1945, **Nationalities Papers**, Vol: 37, No: 6, 2009, pp.807-837.

⁵⁶³ Lampe, p.206.

Joseph Broz Tito, the primary motivation of this group was to create a multi-ethnic Yugoslavia by pushing the Axis occupation forces out of the country⁵⁶⁴.

By the beginning of September 1943, Italians were withdrawing from Kosovo, while Partisans were becoming an even more powerful group by seizing the weapons left behind by the retreating Italians. Meanwhile, Nazi Germans filled the gap left by the Italians and tried to draw the Albanians to their side by supporting the idea of uniting Kosovo with Albania⁵⁶⁵.

In November 1943, a meeting was held in the Bosnian town of Jajce, under the chairmanship of Tito. The first signs of Tito's Yugoslavia appeared at this meeting. Yet, no decision was taken to determine the future status of Kosovo. Instead, those in attendance decided to discuss it after the war, considering that premature discussions of the future could disrupt unity among the Partisans. Yet, when the Albanians declared in their gathering in Bujan at the end of that year that their wish was to unite Kosovo with Albania, Tito harshly criticized them⁵⁶⁶. Like Tito, Albanian leader Enver Hoxha also believed that it would be better to decide Kosovo's status once the war was over⁵⁶⁷.

The Democratic Federation of Yugoslavia (DFY) was established in 1943, with a provisional government being organized on 29th of November that year. The supporters of the wider movement which culminated in the establishment of that provisional state agreed that the future form of government would be decided by a public poll when the war was over. In July 1945, DFY convened the Regional Assembly of Kosovo and Metohija. The Assembly ended with the decision to join the new Yugoslavia as a "constituent" part of Serbia. It was a voluntary decision. But since only one percent of the members in attendance were Albanian, the legitimacy and representative power of this statement is considered doubtful⁵⁶⁸. Ultimately, Kosovo became an autonomous region of Serbia within the new Yugoslavia⁵⁶⁹.

⁵⁶⁴ Marko Attila Hoare, "The Partisans and the Serbs", **Serbia and the Serbs in World War Two**, (Eds. Sabrina P. Ramet and Ola Listhaug), Palgrave Macmillan, London, 2011, pp.204-205; Bideleux and Jeffries, *The Balkans*, p.239.

⁵⁶⁵ Vickers, p.133; Bideleux and Jeffries, *The Balkans*, p.239

⁵⁶⁶ Judah, p.48

⁵⁶⁷ Bideleux and Jeffries, *The Balkans*, p.525.

⁵⁶⁸ Vickers, p.144.

⁵⁶⁹ Judah, p.49.

The Communists formed the People's Front in August and got ninety percent of the vote in the subsequent elections. Soon the monarchy was abolished and the Federative People's Republic of Yugoslavia was promulgated by the constituent assembly on 29 November, 1945, as a republic organized as a federation⁵⁷⁰.

The primary goal of the new Yugoslav state was to make all citizens equal and free, rather than favoring a particular ethnicity. The obvious solution to the problem of creating a common identity for the new state was to bury the hatches of the conflicting parties once and for all. Therefore, no reference to the past conflicts was made in the new state's education program. Books told the story of the Partisans' struggle against invaders, instead of Serbian narratives such as the Legend of Lazar or the Serbian myth⁵⁷¹.

The New Yugoslavia was comprised of six republics and two autonomous units. Serbs, Croats, Slovenes, Montenegrins, Bosnians, and Macedonians, all of which had the status of a "nation", had their own constitution, and they comprised the six republics of the federation. Kosovo and Metohija together with Vojvodina became autonomous units of Serbia. As the Albanians were deemed to have ethnic bonds with a state outside the new federation –Albania–, the Albanians living in Kosovo and other parts of the federation were not given the status of a nation⁵⁷². And as the New Yugoslavia did not consider Albanians a nation or national minority, they felt left out. As a part of the non-Slavic and Muslim group in a country dominated by a Slavic and non-Muslim majority, it was only a matter of time for them to question the equalitarian ideals of the new state⁵⁷³.

At first, the Albanians insisted on the status of a republic for Kosovo, just like what was accorded to Serbs and Montenegrins. However, their demands were rejected. Furthermore, due to their history of cooperation with the Germans during the war, and their subsequent uprising after the war, the Albanians were perceived as a potential threat for the newly established Yugoslavia. As a result, only a few Albanians were appointed to key positions in the new state, compared to the case

⁵⁷⁰ Biondich, p.182.

⁵⁷¹ Vickers, pp.152-153.

⁵⁷² Biondich, p.183.

⁵⁷³ Aleksandar Petrović and Đorđe Stefanović, Kosovo, 1944-1981: The Rise and the Fall of a Communist 'Nested Homeland', **Europe-Asia Studies**, Vol: 62, No: 7, 2010, p.1085.

with the Serbs. According to the 1956 census, Albanians constituted approximately sixty-five percent of Kosovo's population, but they occupied only thirteen percent of the positions in security forces. The Serbs constituted the clear majority in the security forces, even though they constituted only twenty percent of the total population of Kosovo⁵⁷⁴. Albanians in Kosovo were under-represented in other government agencies as well. But, Albanian-language schools were reopened in line with the general policies of the new Yugoslavia, and increased in numbers in time. Yet, these schools were not particularly noteworthy in terms of the number of Albanian teachers or Albanian-language books⁵⁷⁵.

The Partisan militias were the ones who constituted the new Yugoslavia's army. Soon Yugoslav courts started prosecuting those who collaborated with Nazi Germany during the war. Leader of the Chetnik movement, Mihailovic was arrested and sentenced to death for high treason. Clerics involved in the forced conversion of Orthodox Serbs to Catholicism were also tried by Yugoslav courts. The arrest of Archbishop Stepinac certainly did not make the matters better, and led to the severing of the diplomatic relations between Yugoslavia and Vatican in 1952⁵⁷⁶.

Serbs, who constituted the largest group and held the largest land in Yugoslavia, believed that the borders of Serbia were deliberately drawn to leave some Serbs out of the country. Though Kosovo and Vojvodina became autonomous units under Serbia, the lack of a comparable autonomous region in Croatia, where significant numbers of Serbs lived, was yet another point of contention for the Serbs. The experience of the first Yugoslav state had taught everyone by now that Serbian domination could pose certain problems for the wider nation. Indeed, Tito tried to follow the "weak Serbia, strong Yugoslavia" policy to ensure peace among the constituent nations of the country. But the Serbs were not the only group left outside the borders of Serbia but within the wider Yugoslavia. Some Albanians were also left

⁵⁷⁴ Sabrina P. Ramet, *The Albanians of Kosovo: The Potential for Destabilization*, **The Brown Journal of World Affairs**, Vol: 3, No: 1, Winter/Spring 1996, p.355.

⁵⁷⁵ Bideleux and Jeffries, *The Balkans*, p.527.

⁵⁷⁶ Jozo Tomasevich, *War and revolution in Yugoslavia, 1941-1945: occupation and collaboration*, Stanford University Press, Stanford, Calif, 2001, pp.560-561; However, diplomatic relations began to improve during the 1960s. In his visit to Rome in 1971 Tito, as the head of a Communist state, met with Pope Paul VI. See Paul Hofmann, "Tito Makes Plea for Arabs in Talk with Pope", **The New York Times**, 30.03.1971, <https://www.nytimes.com/1971/03/30/archives/tito-makes-plea-for-arabs-in-talk-with-pope.html>, (01.03.2021).

dispersed in Montenegro and Macedonia⁵⁷⁷. But by picking Serbian Alexander Ranković as his right hand man, Tito showed in a way that the Serbs' rights would be protected⁵⁷⁸. Although the ultimate goal was to prevent the hegemony of one nation over others, the complexities of the route taken to prevent that possibility made it particularly easier for Yugoslavia to disintegrate in the lack of a strong leader.

3.2.3. The Constitution of 1953 and the Move towards Centralization

Despite not having been liberated by Soviet forces by the end of the War, Yugoslavia still maintained close relations with Soviets till 1948. However, Tito's increasing influence in the Balkans became a growing source of concern for Stalin. Tito, on the other hand, distanced himself from Stalin, claiming that Yugoslavia's independence struggle was different from the experience of and independent from the Soviets⁵⁷⁹. Even though the socialist model in Yugoslavia was heavily influenced by the Soviet model, Tito argued that full application of this model was not possible for Balkans. When it became clear that Tito had ambitions to establish his dominance over the entire Balkan region⁵⁸⁰, Yugoslavia was expelled from Cominform. However, this supposed punishment pushed Tito to closer ties with the West. Yugoslavia started to receive economic and military aid from the West and thus succeeded to protect its independence from Soviet influence⁵⁸¹.

Enver Hoxha, the leader of Albania, on the other hand, forged close ties with the Soviets, exhibiting a stance in stark contrast to that of Yugoslavia. Due to the tensions between the two countries, the Albanian/Kosovo border which opened for the Albanians who wished to return to Kosovo had been closed. Besides, in order to suppress the Albanian nationalism and discourses on the unity of Albania with

⁵⁷⁷ Vickers, p.145.

⁵⁷⁸ Bideleux and Jeffries, *The Balkans*, p.240.

⁵⁷⁹ Dennison Rusinow, **The Yugoslav Experiment 1948-1974**, University of California Press, Berkeley, 1977, p.13.

⁵⁸⁰ Jeronim Perović, The Tito-Stalin Split: A Reassessment in Light of New Evidence, **Journal of Cold War Studies**, Vol: 9, No: 2, 2007, p.37.

⁵⁸¹ For more information see Lorraine M. Lees, The American Decision to Assist Tito, 1948-1949, **Diplomatic History**, Vol: 2, No: 4, 1978, pp.407-422.

Kosovo, a policy of “Turkification” was launched by the Yugoslav government⁵⁸². registering and considering the Albanians as Turks, simply on the basis of the shared religion⁵⁸³. As a result, approximately one hundred thousand Albanians immigrated to Turkey from Kosovo between 1945 and 1966⁵⁸⁴.

From 1950s on, the Yugoslav government took up a number of industrial projects but soon decided that Kosovo was “too vulnerable” for any significant industrial investments. Therefore, Kosovo was kept only a supplier of raw materials for the wealthier parts of Yugoslavia⁵⁸⁵. These economic policies left Kosovo less developed and its economy weaker compared to other parts of Yugoslavia⁵⁸⁶.

After the Tito-Stalin split, a number of constitutional changes were introduced with the 1953 Constitutional Law in Yugoslavia. Motivated by the ideological rivalry with Soviets, these changes aimed to foster Yugoslav unity by suppressing supporters of Stalin, and the opponents of the regime⁵⁸⁷. The 1953 Constitution made the central government stronger, while Kosovo and Vojvodina virtually lost any autonomy they had in Serbia⁵⁸⁸.

3.2.4. The Constitution of 1963

Constitution elevated Kosovo’s status from that of an autonomous region to an autonomous province under Serbia. Kosovo’s Regional Council was replaced with the Provincial Assembly, and Kosovars came to be considered a “nationality” instead of a “national minority” as had been the case in the past. Yet, Kosovo still was not a republic and could not enjoy the same rights the republics had within the federation⁵⁸⁹.

⁵⁸² Vickers, p.149.

⁵⁸³ Bideleux and Jeffries, *The Balkans*, p.527.

⁵⁸⁴ Malcolm, p.323.

⁵⁸⁵ Petrović and Stefanović, p.1087.

⁵⁸⁶ Vickers, p.158.

⁵⁸⁷ The idea of unity was seen as a mechanism for “cultural assimilation” especially for Croats and Slovenes by the beginning of 1960s. See Paul Shoup, **Communism and the Yugoslav National Question**, Columbia University Press, New York, 1968, pp.194-212.

⁵⁸⁸ Vickers, p.155.

⁵⁸⁹ Judah, p.53; Bideleux and Jeffries, *The Balkans*, p.528.

The new constitution paved the way for a more decentralized Yugoslavia. Especially after the dismissal of Ranković, one of the leading centralists and the chief of the State Security Administration (UDBa), this trend became clear⁵⁹⁰. Ranković was implementing a campaign against Albanians, and his position allowed him to cover his unlawful practices. Many Albanians in Kosovo were arrested in early 1960s⁵⁹¹. It was also forbidden for them to use their national symbol or Albanian flag. Ranković's dismissal in 1966, however, has softened the atmosphere in Kosovo. An Albanian was appointed as the head of the police department in Kosovo, and efforts were made to improve the Albanians' living standards⁵⁹².

The new constitution also granted citizens complete freedom in terms of choosing their nationality, including Yugoslav or others. Moreover, the republics also gained some new powers. It was now possible for the republics to establish autonomous units or abolish existing ones. The right to self-determination and secession was reestablished with this new constitution, in contrast to the constitution of 1953⁵⁹³. Yet, for Kosovo, this meant even more Serbian dominance, since it was a part of Serbia⁵⁹⁴.

In 1967, Tito visited Kosovo for the first time. In that new climate, it became possible to speak openly about the rights of Albanians and their needs for reform. However, the new freedoms for Albanians were not welcome to all, and particularly to Serbian chauvinists. The government was also aware of the Serbian stance against the reform process. In fact, during Tito's visit to Kosovo, security measures were taken to prevent any acts of aggression by the Serbs⁵⁹⁵.

To make further progress, Tito introduced some concessions in Kosovo, in the form of new constitutional amendments adopted by Yugoslavia. In 1968, Metohija was removed from the region's official name. From then on, the province was renamed as the Autonomous Socialist Province of Kosovo. Furthermore, the

⁵⁹⁰ Richard Crampton, **Eastern Europe in the Twentieth Century**, Routledge, London, 1994, p.310.

⁵⁹¹ Sabrina Petra Ramet, **Balkan Babel: The Disintegration of Yugoslavia From the Death of Tito to the Fall of Milosevic**, Colorado, West View Press, United States, 2002, (From the Death of Tito to the Fall of Milosevic), p.314.

⁵⁹² Vickers, p.162.

⁵⁹³ Shoup, p.212.

⁵⁹⁴ Judah, p.52.

⁵⁹⁵ Vickers, pp.164-165.

government allowed Kosovo to have its own constitutional law along with an independent legislative structure⁵⁹⁶.

Meanwhile, the student protests of 1968 triggered nationalist sentiments and political awareness in Kosovo, just as they did in many countries around the world. Students in Kosovo went out into the streets, and began demanding more rights for Albanians. Though they called for the status of a republic for Kosovo, the government did not accept their demands. On the other hand, the University of Pristine was opened in 1969, facilitating Albanians' access to education⁵⁹⁷.

Due to increasing ethnic tensions and systematic discrimination against Slavic people in workplaces, Serbs began to leave Kosovo during this time. Between 1968 and 1971, almost fifteen thousand Serbs left Kosovo⁵⁹⁸.

3.2.5. The Constitution of 1974

1974 saw the adoption of a brand new constitution by Yugoslavia. It granted Kosovo further rights, making it both an element of the federal state and that of Serbia. In other words, Kosovo was recognized as an autonomous province of the Serbian Republic within Yugoslavia. Article 291 of the Constitution stated that autonomous provinces were to be represented in both assemblies of the Yugoslav Parliament⁵⁹⁹. Article 321 provided that each republic and autonomous province with one representative in the collective presidency. The new constitution also underlined the right to equal participation of states and provinces in the context of the federal administration⁶⁰⁰.

Kosovo's position within the federation almost became equal to that of the republics, albeit with certain exceptions. New constitution allowed Kosovo to have

⁵⁹⁶ Carole Rogel, Kosovo: Where It All Began, **International Journal of Politics, Culture and Society**, Vol.: 17, No.: 1, Fall 2003, p. 171.

⁵⁹⁷ Aydin Babuna, The Albanians of Kosovo and Macedonia: Ethnic identity superseding religion, **Nationalities Papers**, Vol: 28, No: 1, 2000, p.71.

⁵⁹⁸ Ramet, **From the Death of Tito to the Fall of Milosevic**, p.314.

⁵⁹⁹ Vickers, p.178.

⁶⁰⁰ Audrey Helfant Budding, "Nation/People/Republic: Self-Determination in Socialist Yugoslavia", **State Collapse in South-Eastern Europe: New Perspectives on Yugoslavia's Disintegration**, (Eds. Lenard J. Cohen and Jasna Dragovic'-Soso), Purdue University Press, West Lafayette, 2007, p.106.

its own constitution, courts and national bank. Also, Kosovo now had equal status with the republics in terms of economic and social development⁶⁰¹. However, as the Albanians in Kosovo were recognized as a nationality, Kosovo was still a province instead of a republic. Therefore, it was not possible for the Kosovars to leave the federation. They did not have the right to secede.

Since the new constitutional amendments made Kosovo less dependent on Serbia, Serbs opposed them on the grounds that these changes violated their sovereign rights. On the other hand, even though the status of the Albanians was improved compared to where they stood earlier, they were not satisfied either. They still called for the republic status for Kosovo. Nevertheless, the changes fell short of making Kosovo a republic, or recognizing the Albanians as a “nation” within Yugoslavia⁶⁰².

The Federal Government also supported more Albanian presence in local administrations. Therefore, Albanian language gained wider use within the province. Since the majority of Slav population did not speak Albanian, they came to feel exclusion. The edge bilingualism gave, combined with the new constitutional amendments introduced put Albanians in a stronger position than the Serbs in many workplaces. During this period, Albanians occupied roughly ninety percent of public sector positions, while Serbs held approximately five percent⁶⁰³. In the same vein, Albanians came to constitute sixty-three percent of the total Communist Party membership in Kosovo⁶⁰⁴.

The 1974 Constitution's overall effect on Kosovo was to provide more freedom and opportunity for Albanians in Kosovo, compared to what is on the table for the Serbs. As the balance of power in Kosovo shifted in favor of the Albanians,

⁶⁰¹ Mitja Zagar, “Yugoslavia, What Went Wrong? Constitutional Development and Collapse of a Multiethnic State”, **Reconcilable Differences, Turning Points in Ethnopolitical Conflict**, (Eds., Sean Byrne and Cynthia L. Irvin), Kumarian Press, Connecticut, 2000, p.139-140.

⁶⁰² Petrović and Stefanović, p.1082.

⁶⁰³ Sabrina Ramet, **Nationalism and Federalism in Yugoslavia, 1962-1991**, Indiana University Press, Bloomington, 1992, p.193.

⁶⁰⁴ Petrović and Stefanović, p.1097.

Serbs claimed that these changes facilitated discrimination against the Slavic population⁶⁰⁵.

These policies and improvements in living standards led to increases in birth rates among Albanians. According to the 1971 census, Albanians constituted about seventy-four percent of Kosovo's total population, while Serbs accounted for approximately eighteen percent. In 1981, in contrast, Albanian population increased to seventy-seven percent, while that of the Serbs fell to thirteen percent⁶⁰⁶. However the birth rates were not the only reason which led to this change.

Some Albanians started to act more aggressively and began to seize their neighbors' territories. Thus, the situation in Kosovo had effectively been reversed. The Serbs did not receive enough support to protect them from these attacks, as the security forces and judiciary were mostly composed of Albanians⁶⁰⁷.

There were also occasional Albanian attacks on Orthodox Churches. These attacks affected both the Serbs and the Montenegrins in Kosovo, a province once again faced with increasing ethnic tensions. Against this background, the Slavic population felt the need to leave Kosovo⁶⁰⁸, increasing the ratio of the Albanian population in the total population even further.

3.4. POST-COLD WAR PERIOD

The end of the cold war initiated a process that led to the transformation in the international system. The dissolution of Yugoslavia began in this period, contributing to the deterioration of Tito's fragile system. In this section, the situation of Kosovo in the post-Cold War period will be examined.

⁶⁰⁵ Julie Mertus, **Kosovo: How Myths and Truths Started a War**, University of California Press, California, 1999, p.180.

⁶⁰⁶ Yugoslav Statistics Bitten, no. 727, 1972, p.11; "Demographic changes of the Kosovo population 1948-2006", **Statistical Office of Kosovo (SOK)**, K.G.T., Kosovo, February 2008, <https://ask.rks-gov.net/media/1835/demographic-changes-of-the-kosovo-population-1948-2006.pdf>, (04.03.2021).

⁶⁰⁷ Petrović and Stefanović, pp.1097-1098.

⁶⁰⁸ Ramet, From the Death of Tito to the Fall of **Milosevic**, pp.314-315.

3.4.1. Roots of the Armed Conflict

Long-lasting ethnic problems between parties have turned into an intense conflict after the 1990s and ultimately led to the outbreak of war in Kosovo in 1998-9. This section will discuss the reasons behind the armed conflict which resulted in intervention by NATO.

3.4.1.1. Death of Tito

After a brief period of "golden age" between 1971 and 1981, problems began to surface within Yugoslavia. General recession around the world following the Oil Crisis of 1973 affected Yugoslavia's economy. At the same time, the strong leaders of Yugoslavia were getting old and began to leave the scene, leading to a process which eventually culminated in the dissolution of country. Vice President Edvard Kardelj died in 1979. After him, Tito died in May 1980, marking the beginning of a new era for Yugoslavia⁶⁰⁹.

Following the death of Tito, a collective presidency system comprised of eight members was launched in Yugoslavia. The collective presidency consisted of representatives of the six republics and two autonomous provinces. In fact, foundations of this system were laid in the 1974 constitution. During the lifetime of Tito, the collective presidency system was comprised of nine members, as Tito was elected president for lifetime. Even though this system was designed to prevent any one nation's dominance over the others, the idea of Yugoslav unity began to unravel after the death of Tito. In fact, from 1971 until Tito's death, Yugoslavia witnessed an increase in the number of those who perceived themselves as Yugoslav. Yet, very few people in Kosovo declared themselves Yugoslavs during those years⁶¹⁰. Therefore, unsurprisingly, the first major riots occurred in Kosovo⁶¹¹.

⁶⁰⁹ Ramet, From the Death of Tito to the Fall of Milosevic, p.6.

⁶¹⁰ Dusko Sekulic, Massey Garth, and Randy Hodson. "Who Were the Yugoslavs? Failed Sources of a Common Identity in the Former Yugoslavia." **American Sociological Review**, Vol: 59, No: 1, 1994, p.84.

⁶¹¹ Vickers, p.195.

In 1981, the students of Pristina University protested the food served in the cafeteria, and demanded better housing conditions. Even though their demands were not politically motivated at the beginning⁶¹², the movement quickly led to political demonstrations. Some even chanted for unity with Albania. As the protests spread across the province, more and more people participated. Thus, Albanians in Kosovo once again showed that they were dissatisfied with their position in the Federation⁶¹³.

No longer were the students the only protesters in the province. Groups of other professionals – factory workers, farmers and teachers in particular– were also involved in the demonstrations. The protesters chanted slogans against the idea of Yugoslav unity, and also began attacking Slavs during the demonstrations⁶¹⁴. The protests were suppressed by force and a state of emergency was declared in Kosovo⁶¹⁵. At least eleven people were killed during the events. Albanians, on the other hand dispute the accuracy of official government reports, and claim that actually thousands were killed⁶¹⁶. Many Albanians were detained as well. Most of those detained would later form the Kosovo Liberation Army (KLA)⁶¹⁷.

When the protests first broke out, Yugoslav government did not consider Albania as the instigator of the events. Indeed, Tirana was well aware that it was only the Soviets who would benefit from any instability or turmoil in Yugoslavia. So, the Albanian government, which was apprehensive of increasing Soviet influence in the region, supported the territorial integrity of Yugoslavia. However, things changed when Albania criticized the use of force against the protestors. Moreover, Albania had been critical of the Treaties of London and Versailles which determined their borders with Yugoslavia. Yugoslav government then came to perceive Albania as a threat to its territorial integrity and security, and blamed Tirana for its involvement in demonstrations. As tensions grew, Yugoslav government took steps to eliminate

⁶¹² Judah, p.57.

⁶¹³ Babuna, p. 72.

⁶¹⁴ Vickers, pp.197-198; Bideleux and Jeffries, *The Balkans*, p.531.

⁶¹⁵ Babuna, p.72.

⁶¹⁶ Vickers, p.198.

⁶¹⁷ Judah, p.58.

Albania's influence over Kosovo, such as the prohibition of Albanian school books⁶¹⁸.

Albanian demonstrations had sparked a strong reaction among the Serbs. Supported by the Serbian Orthodox Church, Serbs were now more aggressive in their rhetoric. This tendency became evident when Ranković's funeral turned into a public Serbian demonstration in 1983. About one hundred thousand Serbs shouted Ranković's name during the funeral, which was considered as a crucial event in Serbian national narrative⁶¹⁹.

Serbs began to express their fear of Albanians through many channels. They claimed that the pressure and coercion the Serbs in the province faced had now reached to a level of "genocide". In a petition signed by two hundred Serbs on 15 January, 1986, Albanians were accused of committing genocide against Serbs⁶²⁰.

Similarly, Serbian nationalist writer Dobrica Cosic stated that Serbs were exposed to systematic expulsion by the Albanians. Cosic played an important role in the rise of Serbian nationalism during those years⁶²¹.

Anti-Albanian sentiment among the Serbs grew stronger towards the end of the 1980s. In 1986, the Memorandum of Serbian Academy of Sciences and Arts once again highlighted the forced emigration of Serbs from Kosovo and warned that if situation in Kosovo does not change, "there will no longer be any Serbs left in Kosovo" ⁶²² . The Memorandum also demanded the abolition of Kosovo's autonomous status and the severance of the region's ties with Albania ⁶²³. This document also showed the Serbs' discomfort with the 1974 constitution. They claimed that this constitution left Serbs powerless and sought to prevent the unity of Serbs in Yugoslavia, above all⁶²⁴.

⁶¹⁸ Vickers, pp.206-207.

⁶¹⁹ Bideleux and Jeffries, *The Balkans*, p.531.

⁶²⁰ Branka Magaš, **The Destruction of Yugoslavia: Tracking the Break-up 1980-1992**, Verso, London, 1993, p. 49.

⁶²¹ Henry Kamm, "In One Yugoslav Province, Serbs Fear the Ethnic Albanians", **The New York Times**, 28.04.1986, <https://www.nytimes.com/1986/04/28/world/in-one-yugoslav-province-serbs-fear-the-ethnic-albanians.html>, (10.03.2021).

⁶²² Kosta Mihailovic and Vasilije Krestic, *Memorandum of the Serbian Academy of Sciences and Arts: Answers to Criticisms*, Serbian Academy of Sciences and Arts, Belgrade, p.129.

⁶²³ Vickers, p.222.

⁶²⁴ For full text, see SANU Memorandum, 24 September 1986, available at https://chnm.gmu.edu/1989/archive/files/sanu_memo_e3b3615076.pdf, (10.03.2021).

Kosovo was not the only problem Yugoslavia had been going through in those years, nonetheless. Already in early 1980s, the country faced serious economic crises. The public was annoyed by the poor management practices of the government. Economic mismanagement and high corruption levels became crystal clear when Agrokomerc financial scandal broke out in 1987. The scandal exposed a high level of corruption among the bureaucrats and technocrats. Located in Bosnia and Herzegovina, Agrokomerc was the biggest food company in Yugoslavia. The scandal broke out in summer 1987, when Agrokomerc declared bankruptcy⁶²⁵. Economic scandals and crises together with social unrest fueled the rise of nationalism among the people of Yugoslavia⁶²⁶.

3.4.1.2. The Rise of Milosevic

The Kosovo riots were the only major uprisings occurring in Yugoslavia after Tito's death till 1987. However, poor economic performance and persistent economic inequalities between Yugoslav states was fueling discontent and chipping away social cohesion within Yugoslavia. Meanwhile, Yugoslav government was opposed to any constitutional changes in Kosovo, despite Serbia's insistence on the matter⁶²⁷.

But, this situation was about to change in 1987. On 11 February, 1987, Socialist Federal Republic of Yugoslavia (SFRY) Presidency proposed a constitutional change aiming to abolish Kosovo's autonomy. But such a change would not be possible without the approval of the local government in Kosovo. On 20 April, 1987, Slobodan Milosevic, the leader of the Serbian Communist Party, went to Kosovo to discuss the proposed changes with officials of Kosovo Communist Party⁶²⁸.

Aware of the increased tensions in the region, Belgrade decided to hold a second meeting in Kosovo upon the request of the Serbs. Serbian President

⁶²⁵ For more information about the scandal see Leslie Benson, **Yugoslavia: A Concise History**, Palgrave, New York, 2001, pp.148-149.

⁶²⁶ Ramet, *From the Death of Tito to the Fall of Milosevic*, p.7.

⁶²⁷ Ramet, *From the Death of Tito to the Fall of Milosevic*, p.316.

⁶²⁸ Vickers, p.228.

Stambolic sent Milosevic to Kosovo to hear Serbian complaints. Although he was not popular until that day, his name would be heard by everyone after this second visit. On 24 April, 1987, Milosevic arrived in Kosovo Polje. While Milosevic was meeting with local officials, Serbs waiting outside clashed with local police forces. Milosevic came outside and bellowed these words which made him famous. “No one should dare to beat you”⁶²⁹.

Tito had tried to suppress the nationalist feelings during his presidency, but Milosevic's speech showed that it was not possible to do that anymore. Milosevic clearly stated that Serbs would never give up Kosovo, and they would never allow its unification with Albania. During his speech, Milosevic also opposed the secession of Serbs from the region, and warned Serbs by saying “This is your land... You need to stay here because of your forefathers and because of your descendants”⁶³⁰.

Milosevic's speech was caught on tape and the footage was broadcast on Serbian national television, effectively making him the face of Serbian nationalism. But, it is not certain whether the events of that day were authentic developments or Milosevic was aware of what was going to happen to the Serbs waiting outside⁶³¹.

Yet, Milosevic was well aware of the power of nationalism over the masses. He duly orchestrated a number of rallies and demonstrations after Kosovo. The main motivation behind these rallies was to announce and present the oppression faced by the Serbian population in Kosovo. Hence, these demonstrations were called the “Meetings of truth”. Milosevic realized that he could use these nationalist feelings to mobilize Serbs and to gain their support⁶³².

Milosevic also used the power of media to reach all Serbia. Serbian national television frequently broadcasted the news about Kosovo along with Milosevic's speech in Pulja. Kosovo, the place of birth of the Serbian myth, was again at the center of the stage. Milosevic made Kosovo case as the core point in his grasp for

⁶²⁹ Judah, p.65.

⁶³⁰ Full Speech of Milosevic at Kosovo Polje available at <http://www.slobodan-milosevic.org/news/milosevic-1987-3-eng.htm>, (11.03.2021).

⁶³¹ Bideleux and Jeffries, *The Balkans*, p.241.

⁶³² Judah, p.66.

power. He promised that he would bring the solution for Serbs in Kosovo, and his speeches echoed around Serbia⁶³³.

In fact, Milosevic was the embodiment of the Serbian nationalist wing in the higher echelons of the Yugoslav state. While Stambolic was searching for solutions to demographic and economic problems of Serbs within the Federation itself, Milosevic's response was to use nationalism to mobilize all Serbs, representing a sharper and more apparent attitude than that of Stambolic. Since a significant number of Serbs lived in every Yugoslav republic and region except Slovenia-, Milosevic claimed that they should have a greater say within the Federation. Having mobilized substantial support through these nationalist claims, he installed his own men in key positions, and thereafter toppled Stambolic from his position, becoming the president of Serbia in 1989⁶³⁴.

The number of Milosevic's supporters grew over time, and he was rapidly expanding his influence. As a way to consolidate his power, he sought to remove local government officials and install his own supporters to these positions. The chairman of the Kosovo Party Committee, Azem Vlassi, was removed from his post and replaced by Kaquha Jashari in May 1988. Yet, Milosevic did not get Jashari's full backing, so Serbian nationalists demanded her removal as well⁶³⁵. On 17 November, 1988, Milosevic forced Jashari to resign and replaced her with Rahman Morina. Albanians criticized these forced replacements, and demanded Vlassi's reinstatement. Miners at Trepca staged a protest against these planned changes, and marched to Pristina. Several Albanians joined the demonstrations in Pristina. Serbian government declared a state of emergency in Kosovo and suppressed the protests⁶³⁶.

Kosovo was now the national cause for Serbs. At a rally in Belgrade on 21 November 1988, Milosevic summarized the situation: "For a Serb that love is

⁶³³ Bideleux and Jeffries, *The Balkans*, p.241.

⁶³⁴ Louis Sell, **Slobodan Milosevic and the Destruction of Yugoslavia**, Duke University Press, London, 2002, p.50.

⁶³⁵ Judah, p.66; Vickers, p.230.

⁶³⁶ Vickers, pp.231-242.

Kosovo. That is why Kosovo will remain in Serbia”⁶³⁷. It was clear that Milosevic would not give up Kosovo.

3.4.1.3. Abolishment of Kosovo’s Autonomous Status

In order to take control of the province, Serbian government forced the provincial Assembly of Kosovo to accepting new constitutional amendments⁶³⁸. Miners began a hunger strike and demanded the resignation of the officials who approved these amendments. In return, tens of thousands of Serbs gathered in Belgrade and demanded for the arrest of Azem Vllasi⁶³⁹.

Meanwhile, the state of emergency was in place in Kosovo. In March, Azem Vllasi was arrested. The Provincial Assembly of Kosovo voted to accept the constitutional amendments on 24 March 1989. These changes effectively gave Serbia control over Kosovo’s legal, political and economic system⁶⁴⁰. Riots broke out to protest these changes. Since the voting procedure was held under strict control of Serbia, Albanians rejected the decision of the Assembly. In the demonstrations, many Albanians lost their lives, and many more were injured⁶⁴¹.

On the 600th anniversary of the Battle of Kosovo, Milosevic delivered a speech, known as the Gazimestan speech, at the Gazimestan monument in Kosovo. Although he did not specifically mention any group as an enemy of the Serbs, his speech nonetheless fueled the nationalist sentiments among the Serbs. In fact, he mentioned the need for equality and social cohesion, which he saw necessary for the existence of both Yugoslavia itself and its people. But, he also highlighted the importance of Kosovo for Serbs, and the Serbs’ readiness for potential fights the future might bring, by saying; “...we [the Serbs] are being again engaged in battles

⁶³⁷ Slobodan Milosevic at Kosovo Brotherhood and Solidarity Rally in Belgrade, BBC Summary of World Broadcasts, 21.11.1988, available at <http://slobodan-milosevic.org/documents/sm112188.htm>, (11.03.2021).

⁶³⁸ Ramet, *From the Death of Tito to the Fall of Milosevic*, p.317.

⁶³⁹ Vickers, p.234.

⁶⁴⁰ Ramet, *From the Death of Tito to the Fall of Milosevic*, p.31.

⁶⁴¹ Babuna, p.73.

and are facing battles. They are not armed battles although such things cannot be excluded yet.”⁶⁴².

The leaders of Montenegro, Macedonia, and Vojvodina did not oppose Milosevic, and extended their consent to legitimize his policies over Kosovo. But, to abolish Kosovo’s autonomy Milosevic needed five votes out of the eight members of the Collective Federal Presidency. Yet, there was no time left for Milosevic to get one more vote because Yugoslavia was already starting to break apart⁶⁴³.

3.4.2. Resistance in Kosovo

Slovenia was the only republic within Yugoslavia to stand against the Serbian policy on Kosovo⁶⁴⁴. Kosovar Albanians formed the Democratic League of Kosovo (LDK) by the end of 1989 as a response to Serbian domination in Kosovo, and Ibrahim Rugova became its leader⁶⁴⁵.

On 2 July, 1990, Kosovar Albanian deputies issued a statement claiming that Kosovo’s status was equal to that of other republics in Yugoslavia⁶⁴⁶. Three days after this decision, the Serbian government dissolved Kosovo’s Assembly and thus practically abolished the government of Kosovo. As a response, Kosovar Albanian deputies convened in Kacanik on 7th of September and declared the constitution of the Republic of Kosovo. It was not a declaration of independence from the Federation. Instead it reflected Kosovar Albanians’ attitudes towards Serbia which was seeking to gain full control over Kosovo⁶⁴⁷.

Kosovo had lost its autonomous status with the new constitution of Serbia on 28 September, 1990. In addition to existing clandestine activities, Albanians constructed their “parallel state”. The Republic of Kosovo was declared as an independent state on 22 September, 1991. To confirm this declaration a popular referendum was held. Almost eighty-seven percent of the population attended and

⁶⁴² Milosevic's Speech, Kosovo, 28.06.1989, BBC Translation, available at <http://emperors-clothes.com/milo/milosaid2.htm>, (11.03.2021).

⁶⁴³ Judah, p.67.

⁶⁴⁴ Bideleux and Jeffries, *The Balkans*, p.532.

⁶⁴⁵ Judah, p.69.

⁶⁴⁶ Babuna, p.74.

⁶⁴⁷ Judah, p.69.

ninety-nine percent voted for independence. The Serbian government did not recognize the declaration, stating that the referendum was illegal. Albania was the only country to recognize the Republic of Kosovo⁶⁴⁸. In 1992, the first elections were held by the Albanian parallel state. The Democratic League of Kosovo won the majority of votes, and Rugova was elected as the new president of the country⁶⁴⁹.

During these years, Albanians faced many challenges. They had to show their “loyalty letters” to get a job. In other words, they had to declare their loyalty to the Republic of Serbia⁶⁵⁰. Schools with Albanian as the medium of education were closed, and Albanian teachers were fired. Albanian-language materials, along with Albanian newspapers and radio channels, were now forbidden⁶⁵¹. Besides, Serbia launched its “resettlement” program in order to increase the population of Slavs in the region. Positions vacated by Albanians were filled by Slavs. Serbs and Montenegrins were encouraged to live in Kosovo, while many Albanians were forced to leave the country⁶⁵².

The Report of Human Rights Watch/Helsinki published in 1993, clearly stated that Serbian authorities ran Kosovo with an “iron fist”, and deliberately tried to drive Albanians out of the country. The report described increasing harassment of the Albanian population by security forces, mainly Serbian police, and Yugoslav army forces, not to mention the paramilitary troops. There were even some incidents in which the security forces fired at Albanian civilians without warning⁶⁵³.

3.4.2.1. Non-Violent Passive Resistance of Kosovar Albanians

Kosovar Albanians tried to bring the human right abuses and oppression they faced to the international area. During the talks in London, Milan Panic, the prime minister of Yugoslavia, promised to the international community that he would

⁶⁴⁸ Bideleux and Jeffries, *The Balkans*, pp. 533-535.

⁶⁴⁹ Judah, p.70.

⁶⁵⁰ Bideleux and Jeffries, *The Balkans*, p.533.

⁶⁵¹ Babuna, p.73.

⁶⁵² Ramet, *From the Death of Tito to the Fall of Milosevic*, p.317.

⁶⁵³ Julie Mertus, **Open Wounds: Human Right Abuses in Kosovo**, Human Rights Watch/Helsinki, New York, March 1993, pp.xiii, 14-15

improve Kosovar Albanians' living conditions if he won the elections⁶⁵⁴. However, Kosovar Albanians boycotted the elections and thus Serbian Radical Party (SRS) gained even more power. By doing so, Kosovar Albanians were showing their unwillingness to participate in the Serbian political regime⁶⁵⁵.

Kosovar Albanians were not satisfied with Rugova's insistence on non-violent resistance policies, yet Rugova continued to follow a path of Gandhi-like resistance. It is worth noting that, during his meeting with US deputy national security adviser Samuel Berger in the beginning of 1993, Albanian leader Rugova even called for a United Nations peacekeeping force for Kosovo⁶⁵⁶.

3.4.2.2. Armed Resistance

Slovenia and Croatia proclaimed their independence from SFRY in June 1991. Those two countries, together with Bosnia and Herzegovina joined the UN on 22 May, 1992. The same year saw Serbia and Montenegro establish the Federal Republic of Yugoslavia (FRY) as a successor state to SFRY, yet it was not recognized by the international community. In its resolution 757 on 30 May, 1992, UN Security Council also rejected FRY's claim to be the SFRY's sole successor state⁶⁵⁷. In the same year, the Conference for Security and Cooperation in Europe (CSCE) also temporarily suspended the membership of FRY and called for "immediate preventive action" in Kosovo⁶⁵⁸.

Even though there were CSCE Missions deployed in Kosovo to monitor the region, Serbian authorities still continued to claim that Kosovo was an internal affair of Serbia. To them, the independence of Kosovo was completely out of the question. Indeed, even during the talks in London, the educational rights of Kosovar Albanians was the only topic the parties discussed⁶⁵⁹.

⁶⁵⁴ Vickers, p.266.

⁶⁵⁵ Ramet, *From the Death of Tito to the Fall of Milosevic*, p.317.

⁶⁵⁶ Roger Cohen, *The World; Fear of the Serbs Spreads in the South*, **The New York Times**, 30.05.1993, <https://www.nytimes.com/1993/05/30/weekinreview/the-world-fear-of-the-serbs-spreads-in-the-south.html> (15.04.2021).

⁶⁵⁷ Günal, pp.191-192.

⁶⁵⁸ Howard Clark, **Civil Resistance in Kosovo**, Pluto Press, London, 2000, p.91.

⁶⁵⁹ Vickers, p.266.

In 1993, Pristina airport was virtually converted to a Serbian military base, and Serbian tanks were everywhere around the city. Moreover, schools in Kosovo were being transformed into lodging and barracks for Serbian soldiers⁶⁶⁰. Albanians were naturally concerned that military pressure on Kosovo would increase further when the war in Bosnia ended. But, due to Rugova's passive resistance strategy, there had been little violence in Kosovo compared to Bosnia in the first half of the 1990s.

According to Rugova, Albanians undermined the legitimacy of the Serbian political system by not voting in the elections. Furthermore, he claimed that violence could not bring the Albanian community closer to independence due to unequal military capabilities of the sides of the conflict. Peaceful resistance, he claimed, was the only way to get the support of the international community. In this way, Rugova believed that he would protect the lives of Kosovar Albanians and prevent them from losing their Albanian identity⁶⁶¹.

In 1995, Kosovar Albanians were deeply disappointed since no reference was made to Kosovo in the Dayton Accords which ended the war in Bosnia and Herzegovina. Kosovar Albanians lost their faith in Rugova's belief that passive resistance could work. Not coincidentally, they began armed resistance after Dayton accords. Thus, Rugova's strategy eventually failed, and was unable to prevent armed conflict between Albanians and Serbs⁶⁶².

When Bosnians' armed struggle resulted with independence, it triggered a radicalization process among Kosovar Albanians. In fact, there were already some Albanian organizations which favored armed resistance before Dayton Accords. The Popular Movement for Kosovo (LPK) was already gathering in their secret meetings, and in December 1993, KLA was founded. But they received support from the Albanian community after 1995⁶⁶³.

The Dayton Accords strengthened Milosevic's regime⁶⁶⁴, and initiated a process which led to the recognition of FRY. On 9 April, 1996 European Council

⁶⁶⁰ Vickers, p.273.

⁶⁶¹ H. Clark, pp.70-71.

⁶⁶² Judah, p.78.

⁶⁶³ Judah, p.77.

⁶⁶⁴ Noel Malcolm, **Kosovo: A Short History**, Macmillan, London, 1998, p.353.

recognized FRY⁶⁶⁵, making Albanians feel ignored and forgotten by the international community. In fact, even though there was only a relatively low level of violence in Kosovo, the international community was aware of the situation on the ground. Indeed, observers from CSCE described Kosovo as “stable and explosive” in 1995⁶⁶⁶.

Officials from international organizations were right because Kosovar Albanians had lost their belief in the international community and started their armed struggle against the Serbs in the post-Dayton era. Armed Albanians began attacking police stations and border patrols. Although Serbian security forces were the main target, in some cases civilians were also subjected to attacks⁶⁶⁷.

In the spring of 1997, economic crisis hit Kosovo. The collapse of pyramid schemes culminating in a banking scandal, led to most Albanians who lost their life savings going into streets, and chaos erupting all around the country. The President of the parallel government, Sali Berisha, was unable to bring any solution to the scandal. People were frustrated with the policies of the officials, so parallel government has lost its authority⁶⁶⁸. But Albanian demonstrations on the streets were not the only result of this crisis. People began to arm in ever-increasing speed⁶⁶⁹.

Violence increased in 1997 and Kosovar Albanians began to give more support to KLA. This time, KLA was also expecting financial support both from the diaspora and the Albanians within the country. Believing violence was the only way to achieve independence, more Albanians provided funds to KLA⁶⁷⁰. By November 1997, armed conflict between the parties grew more and more. Attacks against the Serbian security forces escalated, and KLA announced Drenica as a “liberated zone”⁶⁷¹.

⁶⁶⁵ See Florence European Council Conclusions, 21-22 June 1996, https://www.europarl.europa.eu/summits/fir1_en.htm#up, (19.03.2021).

⁶⁶⁶ Franklin De Vrieze, “Kosovo: Stable and Explosive”, **Helsinki Monitor**, Vol: 6, No: 2, 1995, pp.43-51.

⁶⁶⁷ Vickers, pp.291-292.

⁶⁶⁸ Iain King and Whit Mason, **Peace at Any Price: How the World Failed Kosovo**, Cornell University Press, New York, 2006, p.42.

⁶⁶⁹ Judah, p.80.

⁶⁷⁰ Judah, p. 81.

⁶⁷¹ Bideleux and Jeffries, *The Balkans*, p.537.

Meanwhile, members of KLA started wearing uniforms, making them more visible in Kosovo. Serbian government responded by increasing its security forces on the ground and providing increased amounts of military equipment to Serb forces⁶⁷². The situation in Kosovo got worse after killing of Adem Jashari, one of the founders of KLA, by Serbian forces⁶⁷³. At the beginning of 1998, KLA declared "insurrection"⁶⁷⁴.

After his death in the hands of Serbian forces, Jashari became a national hero for Albanians⁶⁷⁵. Clashes increased, especially in KLA-controlled districts. Drenica was one of them, and saw the death of not just KLA members but also many civilians during the armed conflict in and around the city. As tensions escalated between the parties, KLA received more and more support from Kosovar Albanians. However, it should be noted that KLA also did not shy away from applying death sentences to Albanians who were deemed to collaborate with the Serbs⁶⁷⁶. By 1998, the number of KLA supporters grew to thousands, only to increase ever more⁶⁷⁷.

3.4.3. International Response

The Contact Group comprised of France, Germany, Italy, the Russian Federation, the UK, and the US met in London on 9 March 1998 to discuss the situation in Kosovo. They agreed not to sell equipment to FRY that could be used for "internal repression". They condemned the "unacceptable use of force" by the FRY, and "terrorist actions" of KLA. While five states of the contact group decided to stop government-financed export credits for trade and investment, Russia chose to wait for a while and reconsider this decision if the oppression continued. All members of the group urged Milosevic "to take rapid and effective steps to stop the violence" in ten days. Contact Group also clearly stated its support for the "territorial integrity" of

⁶⁷² Vickers, p.292.

⁶⁷³ King and Mason, p.43.

⁶⁷⁴ Ramet, From the Death of Tito to the Fall of Milosevic, p.318.

⁶⁷⁵ Judah, p.81.

⁶⁷⁶ Bideleux and Jeffries, The Balkans, p.538.

⁶⁷⁷ Andreas Heinemann-Grüder and Wolf-Christian Paes, **Wag the Dog: The Mobilization and Demobilization of the Kosovo Liberation Army**, BICC Brief 20, Bonn International Centre for Conversion, Bonn, 2001, p.25.

Kosovo within the FRY. Although they envisioned an expanded autonomy for Kosovo, independence, the main desire of Kosovar Albanians, was again dismissed as an option in this meeting⁶⁷⁸.

The pressure on Milosevic to establish political dialogue for a solution in Kosovo appeared to have worked. He offered a meeting in Kosovo with the representatives of Kosovar Albanians. However, Rugova claimed that no official call came from Serbian authorities, and they saw their arrival through the international media⁶⁷⁹. Serbian representatives offered “highest level of autonomy” to Kosova, but Rugova rejected this offer. According to Rugova, Serbian offer was nothing more than a set-up⁶⁸⁰.

Members of the Contact Group decided to extend the deadline set in London talks. They warned Milosevic that additional measures would be imposed if necessary steps were not taken by the Serbian government within four weeks⁶⁸¹.

The excessive use of force by Yugoslav security forces, and particularly the ongoing conflict in Drenica region, proved that the efforts of the Contact Group were not enough for bringing about a solution to Kosovo problem. As a result, the UN Security Council adopted resolution 1160 on 31 March, 1998, imposing an arms embargo on the FRY. The Security Council also condemned the “terrorist acts” of KLA. In a parallel line to that of the Contact Group, it emphasized continued support for Kosovo’s territorial integrity within FRY⁶⁸².

By this point, Kosovar Albanians were not willing to engage in political dialogue with Serbia alone. They believed that the presence of a mediator country in the talks would lead to a more secure and effective process. In April 1998, Serbian government held a referendum and asked Serbian citizens if they wanted other

⁶⁷⁸ London Contact Group Meeting, 9 March 1998, Statement on Kosovo available at https://1997-2001.state.gov/www/travels/980309_kosovo.html, (21.03.2021).

⁶⁷⁹“Albanians snub Serbs talks delegation”, **Independent**, 13.03.1998, <https://www.independent.ie/world-news/albanians-snub-serb-talks-delegation-26193167.html>, (20.03.2021).

⁶⁸⁰ Bideleux and Jeffries, *The Balkans*, p.538.

⁶⁸¹ Contact Group Statement on Kosovo, 25 March 1998, Bonn, available at http://www.ohr.int/?ohr_archive=contact-group-statement-on-kosovo-bonn-25-march-1998, (20.03.2021).

⁶⁸² United Nations Security Council Resolution 1160, 31 March 1998, <https://digitallibrary.un.org/record/252117>, (25.03.2021).

countries' presence in the negotiation process. Approximately ninety percent of the voters rejected this idea and did not accept a third party's involvement⁶⁸³.

Even though the international community supported the territorial integrity of Kosovo within FRY, the US and EU did not perceive the Kosovo issue as an internal affair of Serbia. They gradually got involved in the issue through international monitoring activities. In this context, Kosovo Diplomatic Observer Mission (KDOM) launched by US envoy Richard Holbrook, who also persuaded both sides to a meeting to be held in Pristina on 22nd of May⁶⁸⁴.

In the spring of 1998, KLA expanded its operations and took control of many towns. Western powers were concerned that Kosovo would devolve into a second Bosnia. North Atlantic Treaty Organization (NATO) issued a statement at the foreign ministers' meeting on May 28th, warning Serbia about its ongoing actions in Kosovo. NATO also decided to perform military exercises in Albania, and provide the latter country assistance in securing its borders⁶⁸⁵.

By June 1998, the situation in Kosovo could no longer be simply called an armed conflict, but became a full-fledged war. New Serbian tanks were deployed in Kosovo, and Serbian helicopters fired on Albanian villages⁶⁸⁶. KLA's power was limited, so Serbian forces gradually took control of every town in the territory. Because of these attacks many people displaced from their homes and had to flee to other countries⁶⁸⁷.

Rugova refused to engage in political dialogue with Serbia due to its ever harsher actions against Kosovar Albanians. EU condemned Serbian actions in Kosovo and decided to halt new investments in the country. This time, Russia also condemned the Serbian operations just like the rest of the Contact Group. NATO also warned Serbian government, reminding that more measures could be taken⁶⁸⁸.

⁶⁸³ Bideleux and Jeffries, *The Balkans*, p.539.

⁶⁸⁴ Judah, p.84

⁶⁸⁵ Statement on Kosovo: Issued at the Ministerial Meeting of the North Atlantic Council held in Luxembourg on 28th May 1998, <https://www.nato.int/docu/pr/1998/p98-061e.htm>, (28.03.2021).

⁶⁸⁶ Ramet, *From the Death of Tito to the Fall of Milosevic*, p.318.

⁶⁸⁷ Judah, p.82.

⁶⁸⁸ Bideleux and Jeffries, *The Balkans*, p.540.

Regarding Kosovo, NATO's Secretary General, Javier Solana said that they will not "allow a repeat of the situation in Bosnia"⁶⁸⁹. Repeated warnings, flight bans and condemnations showed that the international community would not remain silent on this issue. With military exercises going on at Albania's border with Kosovo, with the participation of air force elements, NATO tried to put pressure on Serbian authorities. Yet, the efforts did not succeed and violence in Kosovo was still on the rise⁶⁹⁰.

As Serbian forces gradually took control of Kosovo, KLA retreated, but kept fighting. The resistance tried to continue the fight by launching surprise attacks. Yet, civilian population of Kosovo bore the brunt of the conflict. Around one hundred thousand Kosovar Albanians were displaced from their homes during that time⁶⁹¹.

The world saw increasing tension between parties in Kosovo. UN Security Council adopted Resolution 1199 on 23 September, 1998, and stated that the situation in Kosovo was a "humanitarian catastrophe" and "violation of human rights and international humanitarian law". The Security Council reminded that over two hundred thousand people were displaced from their homes and most of them began to flee to other countries. The resolution also emphasized that the situation in Kosovo was "a threat to peace and security in the region". The demands of the Contact Group were once again reiterated in the resolution, which also urged Serbia to withdrawing its security forces, allowing international monitoring activities, and finding a political solution to the situation in Kosovo. If Serbia did not comply, the Security Council warned, further measures could be taken to restore peace and stability in the region. Those further measures included the ones stipulated in Chapter VII of the UN Charter⁶⁹².

Yet, this decision was not enough to persuade Serbia to withdrawing its forces from Kosovo. Neither clashes between the parties ended, nor civilian casualties stopped. As of the beginning of October, about eight hundred people had

⁶⁸⁹ Ramet, *From the Death of Tito to the Fall of Milosevic*, p.319.

⁶⁹⁰ Bideleux and Jeffries, *The Balkans*, p.540.

⁶⁹¹ Ramet, *From the Death of Tito to the Fall of Milosevic*, p.320.

⁶⁹² China abstained.

lost their lives, while three hundred thousand people were displaced from their homes⁶⁹³.

3.4.3.1. Holbrooke Agreement

In early October 1998, NATO openly threatened Milosevic with launching airstrike operation against Serbia if he did not withdraw Serbian forces from Kosovo. Feeling threatened by a potential air campaign by NATO, Milosevic accepted to withdraw Serbian security forces from Kosovo, and NATO duly called off the planned air strikes. Soon an agreement was signed between Milosevic and Holbrooke on 14 October in Belgrade. Milosevic agreed to hold an election in Kosovo in nine months and under Organization for Security and Cooperation in Europe (OSCE) supervision. Both parties agreed unarmed NATO flights over Kosovo to monitor the withdrawal of Serbian troops. Besides, Milosevic accepted the arrival of two thousand unarmed OSCE officials to Kosovo⁶⁹⁴.

UN welcomed this agreement, and adopted Resolution 1203 on 24th of October. The deployment of Kosovo Verification Mission of OSCE (KVM) based on Milosevic-Holbrooke agreement was complemented by this resolution⁶⁹⁵.

There were no grounds anymore for NATO's air operations since the Serbian government agreed to reduce its special forces in Kosovo and to remove its heavy weapons. The number of border patrols was reduced to 1500. Regular Serbian troops were also limited to 10,000⁶⁹⁶.

Yet, KLA was not part of the agreement and did not participate in the negotiation process. Therefore, they did not feel any obligation to cut back the operations of their forces. Instead, their presence in Kosovo increased and they filled the gap left by Serbian forces. Most members of the organization came back from the mountain areas they had retreated to, and began to take control of the towns. Since the agreement foresaw a self-determination process after three years of transitional

⁶⁹³ Bideleux and Jeffries, *The Balkans*, p.541.

⁶⁹⁴ Bideleux and Jeffries, *The Balkans*, p.541.

⁶⁹⁵ United Nations Security Council Resolution 1203, 24 October 1998, <https://digitallibrary.un.org/record/262334>, (28.03.2021).

⁶⁹⁶ Bideleux and Jeffries, *The Balkans*, p.542.

government, some Albanians believed Kosovo could be an independent state by the end of the transitional period. Yet, many of them opposed the agreement⁶⁹⁷.

In the beginning of the next year, it was clear that this agreement was not a solution for Kosovo either. KLA increased its attacks on Serbian forces. On January 8th, KLA killed three Serbian police officers in Shtime. Receiving the news of the death of other Serbian police officers, Serbian government was now certain that the ceasefire could not continue, and responded by attacking Racak on January 15th. Forty five Kosovar Albanians, including civilians, were killed there. When William Walker, head of the KVM, held Serbian forces responsible for this massacre, he faced expulsion by Serbian authorities⁶⁹⁸. Western powers together with Russia condemned the forced expulsion of Walker⁶⁹⁹. International community was aware of the situation in Kosovo and blamed Serbian authorities. What happened in Racak was a “crime against humanity” according to UN Secretary General Annan⁷⁰⁰.

In fact, the failure of the ceasefire between the parties was not a surprise to many. It was believed that Serbia launched Operation Horseshoe in early October⁷⁰¹. As part of this plan, Serbian forces seized the properties of Albanians, and armed local Serbs⁷⁰².

3.4.3.2. Rambouillet Agreement

As tensions escalated in Kosovo, the international community called parties to a meeting to be held in Rambouillet, on 6 February, 1999. It represented a final effort to find a solution for Kosovo through political dialogue. The key names representing the Kosovar Albanians in the negotiation process included Rugova, Rexhep Qosja, Veton Surroi, and some KLA leaders such as Hashim Thaqi and Azem Syla. Milosevic did not take part in the negotiations, while Milan Milutinovic,

⁶⁹⁷Timothy W. Crawford, “Pivotal Deterrence and the Kosovo War: Why the Holbrooke Agreement Failed”, **Political Science Quarter**, Vol: 116, No: 4, 2001, p.513.

⁶⁹⁸Judah, p.84.

⁶⁹⁹Bideleux and Jeffries, *The Balkans*, p.542.

⁷⁰⁰“Focus-Annan backs NATO military threat over Kosovo”, **Reuters**, 28.01.1999, <https://reliefweb.int/report/serbia/focus-annan-backs-nato-military-threat-over-kosovo>, (27.03.2021).

⁷⁰¹Crawford, p.541.

⁷⁰²Ramet, *From the Death of Tito to the Fall of Milosevic*, p.326.

the president of Serbia, joined the talks after five days. Negotiations were co-chaired by British foreign minister Robin Cook, and French foreign minister Hubert Vedrine. The EU was represented by Wolfgang Petritsch, whereas Boris Mayorsky represented Russia. US ambassador Christopher Hill was also present⁷⁰³.

The dialogue between the parties was not without challenges though, and the absence of Milosevic certainly did not make them easier. Hill even had to go to Belgrade to consult Milosevic in the early days of the negotiations⁷⁰⁴.

The first draft produced in the negotiations was refused by both the Serbian and Albanian negotiation teams. Since this draft envisioned the deployment of thirty thousand NATO ground troops in Kosovo, Serbs were not willing to accept such a NATO presence in Kosovo⁷⁰⁵. The Albanian side, in their turn, were not satisfied either, as their wish for the independence of Kosovo was once again ignored⁷⁰⁶. Meanwhile, Serbian tanks and security forces were still moving into Kosovo⁷⁰⁷.

By February 20th, the deadline set for the negotiations, the parties were still not in a position to make a deal. The Contact Group decided to prolong negotiations until the 23rd of February. Yet, Albanians and especially KLA leaders insisted on independence for Kosovo. In order to overcome the deadlock and convince the Albanian side to signing the agreement, US Secretary of State Madeleine Albright and Cook reminded Albanians that if they rejected the agreement, the international community would not take any action against the Serbs. Fearing losing Western support, Albanians agreed to sign⁷⁰⁸.

However, in the eyes of many Albanians, Kosovo's status was not clearly stated in the agreements. After a three-year interim period, Kosovars would be entitled to decide on the status of Kosovo. Yet, "referendum" option was not explicitly mentioned in the deal. Instead the agreement indicated that "the will of the

⁷⁰³ Bideleux and Jeffries, *The Balkans*, p.544.

⁷⁰⁴ Marc Weller, "The Rambouillet conference on Kosovo", *International Affairs*, Vol: 75, No:2, 1999, p.229.

⁷⁰⁵ Ramet, *From the Death of Tito to the Fall of Milosevic*, p.326.

⁷⁰⁶ Weller, p.230.

⁷⁰⁷ Ramet, *From the Death of Tito to the Fall of Milosevic*, p.326.

⁷⁰⁸ Bideleux and Jeffries, *The Balkans*, p.544.

people” would decide the status of Kosovo after the interim period. Because of this unclear situation, most KLA members opposed the agreement⁷⁰⁹.

Rambouillet Agreement stipulated a three-year interim period for Kosovo. During this period, it was not possible to change the borders of Kosovo. Kosovo’s territorial integrity within the FRY was highlighted once again, despite Albanians’ insistence to the contrary. According to article I of the agreement, both FRY and the Republic of Serbia had authority over Kosovo. In order to prevent any excessive use of force, the Serbian government was required to reduce its security forces in Kosovo. The Ministry of Interior Police (MUP) force was limited to 2500 officers, and their responsibilities were limited to policing activities only. Border forces were reduced to 1500, while other restrictions were imposed with respect to the weapons of military and police forces. The agreement also stipulated the establishment and deployment of the Kosovo Force (KFOR), NATO-led peace implementation multinational force, to be comprised of roughly 28,000 troops. Article VIII regulated the authority of KFOR and clearly stated that it had the right to use military force if required⁷¹⁰.

Not many were surprised when Serbia did not sign the agreement. Serbian authorities were already increasing their military presence in Kosovo and were sending more troops to the Kosovo border by the end of February⁷¹¹. Albright and Supreme Allied Commander Europe of NATO General Wesley Clark, threatened Serbian government with an impending NATO attack on Serbia if they continued to deploy troops in Kosovo⁷¹².

While the tension in Kosovo was increasing, the international community was trying to persuade the parties in the Paris conference held in March. Finally, the Albanians agreed to sign the deal produced, on March 15th. Yet, the Serbs were not so amenable⁷¹³. After an extended process of negotiation, the Albanian negotiation

⁷⁰⁹ Weller, p.232.

⁷¹⁰ See full text of Rambouillet Agreement: Interim Agreement for Peace and Self-Government in Kosovo, available at https://1997-2001.state.gov/www/regions/eur/ksvo_ambouillet_text.html, (27.03.2021).

⁷¹¹ Weller, p.236.

⁷¹² Bideleux and Jeffries, The Balkans, p.545

⁷¹³ Judah, p.86.

team signed the Rambouillet agreement on 18th of March, but neither Serbia/FRY nor Russia accepted the deal⁷¹⁴.

As no concrete agreement was reached, the officials of KVM and other international monitoring organizations began to leave Kosovo due to security concerns⁷¹⁵. After US Diplomat William Walker's departure, the situation in Kosovo got worse. There was nothing left to stop the fighting in Kosovo anymore. Within the week, around twenty thousand Kosovar Albanians were displaced from their homes⁷¹⁶. On 22nd of March, Holbrooke tried one last effort to persuade Serbian authorities for the agreement. Yet, Serbian government refused to sign. Instead, the number of troops deployed in Kosovo was increased even further. The next day, FRY announced "immediate threat of war"⁷¹⁷.

Neither the Rambouillet attempt nor the efforts of senior officials from various countries and international organizations could persuade the Serbian government to withdrawing its forces from Kosovo or starting a meaningful political dialogue with Albanians.

3.4.4. NATO's Intervention in Kosovo

Thus failed the international community's efforts for a political solution through dialogue. Serbian authorities expanded the military and police forces operating in Kosovo, and violence did not end. NATO launched its air campaign on 24 March, 1999 and started bombing targets in Serbia, Kosovo, and Montenegro⁷¹⁸.

Russia, a country with close ties to Serbia, wanted to be involved in the developments in the region. Indeed, Moscow supported the efforts of the international community by taking part in the negotiation processes. However,

⁷¹⁴ Bideleux and Jeffries, *The Balkans*, p.546.

⁷¹⁵ Weller, p.236.

⁷¹⁶ Ramet, *From the Death of Tito to the Fall of Milosevic*, p.327.

⁷¹⁷ Bideleux and Jeffries, *The Balkans*, p.546.

⁷¹⁸ Ramet, *From the Death of Tito to the Fall of Milosevic*, p.327.

Russia opposed the use of force against Serbia, arguing that any attempt to resolve Kosovo issue must be based on Serbia's consent⁷¹⁹.

China was yet another permanent member of the UN Security Council which opposed the use of force against Serbia. In order to prevent Kosovo from being used as a precedent in the Taiwan issue, China had been approaching the matter with caution. On 25th of February, China used its veto power at UN Security Council to prevent the extension of UN preventative deployment force (UNPREDEP) in Macedonia. The Chinese veto was directly linked with Macedonian Government's decision to establish diplomatic relations with Taiwan, in the same month⁷²⁰

The process came to a point whereby, for the first time in NATO history, the organization intervened in a sovereign state, without a UN Security Council mandate. Besides, NATO's intervention was not about the right of collective self-defense. According to Flora Lewis, this intervention was a "milestone" since it was not "for conquest, or defence or the imposition of political power, but to assert standards of behavior"⁷²¹.

Decision to intervene was taken unanimously, just like any NATO decision. It would not be inaccurate to say that it was a US-dominated air campaign since US provided eighty percent of the warplanes. After many decades of nonviolent foreign policy, Germany also conducted a military operation for the first time since World War II with this air campaign⁷²².

Milosevic was aware of the possibility of intervention, and he was increasing the number of Serbian volunteers in his forces⁷²³. He immediately warned Romania, Albania, Hungary, Bulgaria and Macedonia not to support NATO when NATO bombing began. However, just before that, NATO had sent letters to these countries, providing them with effective assurances against possible Serbian hostile actions⁷²⁴.

⁷¹⁹ Stanislav Secieru, "Russia in the Western Balkans", **European Union Institute of Security Studies**, Brief 8, 2019, p.2.

⁷²⁰ John Philips, **Macedonia: Warlords&Rebels in the Balkans**, I.B. Tauris, London, 2004, p.61.

⁷²¹ International Herald Tribune, 18 March 2000, p.8 quoted in Bideleux and Jeffries, *The Balkans*, p.546.

⁷²² Bideleux and Jeffries, *The Balkans*, p.546.

⁷²³ Judah, p.87

⁷²⁴ Bideleux and Jeffries, *The Balkans*, p.547.

In fact, NATO thought that the bombing would not take more than a few days, as in the case of Bosnia. But it did not go as planned, and the intervention lasted seventy-eight days. Milosevic did not think the coalition would last that long. Milosevic also apparently miscalculated about the possibility of Russia's military support to Serbia⁷²⁵. Yet, Milosevic believed that he could defeat NATO in this war because he was "ready to walk on corpses"⁷²⁶.

When NATO's bombing campaign began, FRY declared a "state of war"⁷²⁷. War against NATO actually means a war against the Western alliance, because of Article 5 of NATO Charter⁷²⁸. With this declaration, Milosevic once again highlighted the importance of Kosovo for Serbs. In fact, Operation Horseshoe was also still in effect in Kosovo. The displacement of Kosovar Albanians from their homes and their forced deportation to neighboring states was the result of this secret operation. Serbian forces also confiscated Kosovar Albanians' official documents as they left the country, to ensure they would not come back. A systematic policy of ethnic cleansing of Kosovo from Albanians was an important task for Milosevic even during the war⁷²⁹.

3.4.4.1. The Impact of the Intervention

On March 26th, Belarus, Russia, and India submitted a draft resolution to UN Security Council, calling for a cessation of the NATO campaign against FRY and a return to the negotiation table. However, twelve members of the Security Council

⁷²⁵ Judah, p.87.

⁷²⁶ Josef Joffe, "A Peacenik Goes to War", **The New York Times Magazine**, 30.05.1999, <https://www.nytimes.com/1999/05/30/magazine/a-peacenik-goes-to-war.html>, (28.03.2021).

⁷²⁷ Milica Stojanovic, "Suspicious Persist About NATO's Deadly Bombing of Serbian TV", **Balkaninsight**, 23.04.2021, <https://balkaninsight.com/2021/04/23/suspicious-persist-about-natos-deadly-bombing-of-serbian-tv/>, (28.03.2021).

⁷²⁸ Principle of collective defense, see Article 5 of the NATO Charter, available at https://www.nato.int/cps/en/natohq/topics_110496.htm#:~:text=Article%20%20provides%20that%20if,to%20assist%20the%20Ally%20attacked, (28.03.2021).

⁷²⁹ Judah, pp.88-89.

rejected this resolution and only China, Namibia and Russia voted in favor of the draft resolution⁷³⁰.

NATO's air campaign was carried out in three phases. The first one focused on Serbian air defense systems together with command and control centers. It lasted three days. Yet, the first phase was not as effective as it was expected to be, and could not stop the mobilization of Serb forces in Kosovo. Indeed, Serbian forces continued to displace the Albanian population from their homes and forced them into border regions, creating a refugee flow. The second phase was launched on 27th of March and focused on military targets in Serbia⁷³¹. During this phase, NATO made an attempt to identify strategic targets that were not necessarily military, but had "dual use". Allies tried to suppress Serbian forces in the field. However, by fielding false targets, Serbian forces confused NATO attackers and caused them to hit wrong targets. Drawing the attackers' attention away from actual targets, Serbs effectively reduced their losses⁷³².

Since those two phases did not have the planned effect on the Serbian government, NATO launched Phase Three on 3rd of April. NATO's target list was expanded to include "strategic" targets such as highways, bridges, factories, electric stations, government buildings and television stations as well. By bombing targets in Belgrade, NATO seemed to want to show Milosevic that the attack would not end unless he accepted the peace terms. On May 3rd, NATO even bombed the electrical plant at Novi Sad, causing a blackout to last several hours throughout Serbia⁷³³.

Since these attacks affected civilians, they sparked anger among the Serbian population against NATO and the United States. Serbian government conducted a campaign through national television and claimed that more than forty thousand civilians died because of NATO's air campaign. To break the government's

⁷³⁰ United Nations Security Council, "Security Council Rejects Demand for Cessation of Use of Force Against Federal Republic of Yugoslavia", United Nations, 26.03.1999, <https://www.un.org/press/en/1999/19990326.sc6659.html>, (28.03.2021).

⁷³¹ Bideleux and Jeffries, *The Balkans*, pp.547-548.

⁷³² Judah, pp.87-88.

⁷³³ Bideleux and Jeffries, *The Balkans*, p.548.

influence on the public and prevent them from spreading false information, NATO bombed the national radio and television station in Belgrade on 23rd of April⁷³⁴.

Indeed, Serbian authorities were controlling the channels of information, to gain public support. For example, Yugoslav national television broadcasted images of Rugova and Milosevic on 1st of April as if they were signing an agreement to stop NATO's air campaign. But later the real story behind this broadcast was revealed. Rugova said that he was being held captive in Belgrade and was forced to take part in this broadcast to save his family⁷³⁵.

Bombing of strategic targets, such as the interior ministry building, TV stations, or factories could be interpreted as elements of NATO's coercion strategy. All those targets had symbolic meaning for Serbian authorities. In a way, they were strategic assets for Serbia, showing the government's strength and power.

On April 12th, at the Ministerial meeting in Brussels NATO issued a statement on Kosovo and set five key conditions. It was declared that, to see the end of NATO's air campaign, Milosevic had to accept the following conditions:

*(i) stop all military action, violence and repression, (ii) withdraw all military, police and paramilitary forces, (iii) accept the stationing of an international military presence in Kosovo, (iv) agree to the unconditional return of all refugees and permit the operations of humanitarian aid organizations, (v) provide assurance of his willingness to work on the basis of the Rambouillet Accords with a view establishing a political framework agreement for Kosovo*⁷³⁶.

In fact, those conditions were much heavier than those set in Rambouillet Accords, as NATO now demanded the withdrawal of "all" Serbian forces from Kosovo. Nonetheless, during the Washington Summit held on 23-25 April on the occasion of the fiftieth anniversary of NATO's establishment, the Allies did not refer to the word "all" in the official statements⁷³⁷.

⁷³⁴ Daniel Williams, Serbs Unsettled by NATO Strikes on Power Plants, **Washington Post**, 04.05.1999, <https://www.washingtonpost.com/wp-srv/inatl/longterm/balkans/stories/albania050499.htm>, (29.03.2021).

⁷³⁵ Bideleux and Jeffries, *The Balkans*, p.548.

⁷³⁶ The situation in and around Kosovo, Statement Issued at the Extraordinary Ministerial Meeting of the North Atlantic Council held at NATO Headquarters, Brussels, on 12th April 1999, <https://www.nato.int/docu/pr/1999/p99-051e.htm>, (01.04.2021).

⁷³⁷ Bideleux and Jeffries, *The Balkans*, p.553.

On 29th of April, FRY filed a lawsuit against ten NATO member states⁷³⁸ before the International Court of Justice in Hague. FRY accused those states on the grounds that NATO bombing was a violation of “the obligation not to use force”⁷³⁹.

To avoid civilian casualties, NATO tried to provide notification about its targets before bombing so that the civilians could get away. However, aerial bombing still carries much greater risk for civilians in heavily populated areas. Mistakes can and do happen, posing threats against the lives of civilian population and causing deaths. On 12th of April, a passenger train was bombed while crossing the bridge at Grdelica Klisura, with a death toll of twenty civilians. On 7th of May, cluster bombs killed fourteen civilians in Nis. According to the report of the Human Rights Watch, five hundred civilians were killed during the bombing campaign⁷⁴⁰.

The Chinese Embassy in Belgrade was also hit by an American B-2 Bomber on May 7th. NATO provided a statement about the bombing, saying that the aim was to hit the Federal Directorate for Supply and Procurement for the Yugoslav Army. NATO claimed the bombing had been accidental and certainly not intentional, and that it was caused by an error in target selection process due to the old map used. Yet, Beijing was not satisfied with this explanation. China suspected that the attack was deliberate. NATO’s attack provoked several anti-American and anti-NATO demonstrations in China⁷⁴¹. NATO paid 4.5 million dollars as compensation for the victims of bombing, and 28 million dollars for the damaged building⁷⁴².

NATO’s air campaign did not stop the violence in Kosovo, however. On 27th of April, Serbian forces killed more than three hundred Kosovar Albanians including children in the village of Meja. Though exact numbers are still unclear, more than

⁷³⁸ Belgium, Canada, France, Germany, Italy, Netherlands, Portugal, Spain, United Kingdom and United States of America

⁷³⁹ International Court of Justice, “Legality of Use of Force (Yugoslavia v. United States of America)”, <https://www.icj-cij.org/en/case/114>, (01.04.2021).

⁷⁴⁰ Human Rights Watch, “Civilian Deaths in the NATO Air Campaign”, Vol:12, No: 1, February 2000, <https://www.hrw.org/sites/default/files/reports/natbm002.pdf>, (01.04.2021).

⁷⁴¹ “Nato bombed Chinese deliberately”, **The Guardian**, 17.10.1999, <https://www.theguardian.com/world/1999/oct/17/balkans>, (01.04.2021); Also see “Statement on the bombing of the Chinese Embassy in Belgrade by the North Atlantic Council”, **NATO**, 08.05.1999,

https://www.nato.int/cps/en/natolive/official_texts_27430.htm?selectedLocale=en, (01.04.2021).

⁷⁴² Bideleux and Jeffries, *The Balkans*, p.555.

forty refugees were killed in Korisha village on 13th of May by Serbian forces⁷⁴³. Kosovar Albanians were also affected by NATO's air campaign. They were often used as human shields by Serbian forces. When the air campaign ended, about eight hundred and forty-eight thousand Kosovar Albanians had left Kosovo. In the end, approximately 1.4 million people were displaced⁷⁴⁴.

Three US soldiers were captured during a patrol mission in Macedonia on April 23rd, and this incident only heightened existing fears among some alliance members about the possible use of NATO's ground forces⁷⁴⁵. Germany, the US, Italy and Greece had some doubts about the using ground forces since they thought such an action may not be supported by their citizens. On the other hand, Britain and France favored the deployment of ground forces, claiming it would give NATO the upper hand and help overcome the power of Serb forces operating on the ground⁷⁴⁶.

On 6th of May, foreign ministers of G8 countries, including the foreign minister of Russia, adopted the following principles for a solution for the Kosovo problem;

- 1) Immediate and verifiable end of violence and repression in Kosovo;*
- 2) Withdrawal from Kosovo of military, police and paramilitary forces;*
- 3) Deployment in Kosovo of effective international civil and security presences, endorsed and adopted by the UN, capable of guaranteeing the achievement of the common objectives;*
- 4) Establishment of an interim administration for Kosovo to be decided by the Security Council of the United Nations to ensure conditions for a peaceful and normal life for all inhabitants in Kosovo;*
- 5) The safe and free return of all refugees and displaced persons and unimpeded access to Kosovo by humanitarian aid organizations;*
- 6) A political process towards the establishment of an interim political framework agreement providing for substantial self-government for Kosovo, taking full account of the Rambouillet accords and the principles of sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the other countries of the region, and the demilitarization of the KLA;*
- 7) Comprehensive approach to the economic development and stabilization of the crisis region.*

These principles presented to the United Nations Security Council (UNSC) and China has been informed about those above mentioned principles⁷⁴⁷.

⁷⁴³ Bideleux and Jeffries, *The Balkans*, p.555.

⁷⁴⁴ Judah, p.88.

⁷⁴⁵ Ramet, *From the Death of Tito to the Fall of Milosevic*, p.327.

⁷⁴⁶ Bideleux and Jeffries, *The Balkans*, p.547.

⁷⁴⁷ Bideleux and Jeffries, *The Balkans*, p.553.

The UN Security Council adopted resolution 1239 on May 14th. The decision highlighted the importance of humanitarian relief organizations which help to ensure the safe return of refugees and working towards better living conditions for displaced persons. This resolution also emphasized the territorial integrity and sovereignty of all states in the region⁷⁴⁸. Before this resolution, there was no reference to the territorial concerns of other states in the region, but resolution 1239 specifically mentioned the sovereign rights of these states. The reason for such reference was the influx of refugees to the neighboring states, especially to Albania and Macedonia.

On 24th of May, Slobodan Milosevic, the President of the FRY, Milan Milutinovic, the President of Serbia, Nikola Sainovic, the Deputy Prime Minister of the FRY, Dragoljub Ojdanic, Chief of General Staff of the Yugoslav Army, and Vljako Stojiljkovic, Minister of Internal Affairs were indicted by the International Criminal Tribunal for the Former Yugoslavia (ICTY) for their “crimes against humanity”. Thus, for the first time in history, the world witnessed the accusation of sitting heads of state by an international court⁷⁴⁹.

NATO’s original plan entailed 28,000 peacekeeping forces. However, on May 25th NATO changed this plan, and dramatically increased the number to 48,000. Nevertheless, the member states of NATO had yet to come to an agreement about the possible use of ground forces. Germany, US, Greece and Italy argued that ground forces should not operate in Kosovo without UN Security Council authorization or Serbian consent, contrary to what the British government claimed⁷⁵⁰.

3.4.4.2. Military Technical Agreement

On 14th of April, former Russian Prime Minister Viktor Chernomyrdin was appointed by Russian President Yeltsin as his special representative on the Kosovo issue. Yeltsin thought that Chernomyrdin was capable of bringing two sides together

⁷⁴⁸ United Nations Security Council Resolution 1239, 14 May 1999, <https://digitallibrary.un.org/record/1493988>, (01.04.2021).

⁷⁴⁹ “President Milosevic and Four other Senior Fry Officials Indicted for Murder, Persecution and Deportation in Kosovo.”, United Nations International Criminal Tribunal for the former Yugoslavia, 27.05.1999, <https://www.icty.org/en/press/president-milosevic-and-four-other-senior-fry-officials-indicted-murder-persecution-and>, (02.04.2021).

⁷⁵⁰ Bideleux and Jeffries, *The Balkans*, p.554.

for a political solution for Kosovo⁷⁵¹. But his attempt showed Milosevic that Russia was not inclined to being a part of the issue as Milosevic had expected.

Both the US and NATO welcomed Russia's efforts for a solution on the Kosovo issue. Yet, Yeltsin argued, NATO should take the first step and put an end to its air campaign. That Clinton refused to do before Milosevic pulled his forces back⁷⁵².

Chernomyrdin went to Belgrade four times and discussed the conditions with Milosevic. Nonetheless, Milosevic's approval was not easy to obtain⁷⁵³. On July 3rd, Chernomyrdin once again visited Belgrade in the company of Finnish President Martti Ahtisaari, and Milosevic finally agreed to accept NATO's demands. Serbian parliament adopted the conditions despite opposition from Serbian Radical Party leader Vojislav Seselj. These conditions included the withdrawal of all police, military and paramilitary forces from Kosovo, along with the terms noted above⁷⁵⁴.

Both Russia and China wanted to stop NATO's air campaign before the adaptation of a UN resolution on the matter. Their efforts gave fruit eventually, and NATO stopped its air campaign on 9th of June, the day both parties signed the military-technical agreement⁷⁵⁵. It was signed by Lieutenant General Sir Michael Jackson on behalf of NATO, and by Colonel General Svetozar Marjanovic and Lieutenant General Obrad Stevanovic on behalf of the FRY and Republic of Serbia⁷⁵⁶.

With the agreement, FRY/Serbia agreed to immediately withdraw all forces from Kosovo. The agreement also provided for the deployment of KFOR in Kosovo, adoption of the UN Security Council resolution on the deployment of KFOR, cessation of all armed activities including provocation of public, and full cooperation between KFOR and Yugoslav/Serb forces. The time frame granted for the

⁷⁵¹ John Norris, **Collision Course: NATO, Russian and Kosovo**, Praeger Publishers, Westport, 2005, p.43.

⁷⁵² Stephan Kieninger, "The 1999 Kosovo War and the Crisis in U.S.-Russia Relations", **The International History Review**, 2020, DOI: 10.1080/07075332.2020.1848899.

⁷⁵³ PBS Interview with Viktor Chernomyrdin available at <https://www.pbs.org/wgbh/pages/frontline/shows/kosovo/interviews/chernomyrdin.html>, (02.04.2021).

⁷⁵⁴ Bideleux and Jeffries, *The Balkans*, pp.555-556.

⁷⁵⁵ It's full name is the Military Technical Agreement between the International Security Force (KFOR) and the Governments of the Federal Republic of Yugoslavia and the Republic of Serbia

⁷⁵⁶ Bideleux and Jeffries, *The Balkans*, pp.556.

withdrawal of Yugoslav/Serbian forces was extended from seven days to ten. The agreement also established a five-kilometer buffer zone (ground safety zone) along Serbia's border with Kosovo and Macedonia, and a twenty-five kilometer no-fly zone (air safety zone)⁷⁵⁷.

On 10 June, 1999, NATO's air campaign officially ended as Serbian forces began to withdraw from Kosovo⁷⁵⁸.

3.4.4.3. Post-Intervention Period

The UN Security Council passed resolution 1244 on 10th of June. The resolution praised the acceptance of the agreement by the FRY, and authorized the deployment of an international civilian and military force in Kosovo. The peace terms formulated on 3rd of June were incorporated in the resolution. The resolution also specified the objectives of the international civilian presence in Kosovo, which would also facilitate a political process to determine the future status of Kosovo. With this resolution, the Security Council laid down the responsibilities of the transitional administration in Kosovo. Initially jurisdiction in Kosovo was passed to the UN. No member state rejected the resolution, and fourteen members of the Security Council voted in favor, with one abstention (China)⁷⁵⁹.

With the Resolution 1244, the NATO-led peacekeeping force and UN administration had now effectively replaced the Serbian security forces and administration in the region. Even though it was decided to return of some Serbian forces in order to keep their presence in border security and in some Serbian historical sites, it was almost impossible for the international force to accommodate their return⁷⁶⁰.

Both parties wanted to avoid a power vacuum which could arise with the withdrawal of Serbian forces. For this reason, on 12 June 1999, KFOR began to

⁷⁵⁷ See full agreement "Military Technical Agreement between the International Security Force ("KFOR") and the Governments of the Federal Republic of Yugoslavia and the Republic of Serbia", NATO, 09.06.1999, <https://www.nato.int/kosovo/docu/a990609a.htm>, (03.04.2021).

⁷⁵⁸ Judah, p.90

⁷⁵⁹ See United Nations Security Council Resolution 1244, 10 June 1999, <https://digitallibrary.un.org/record/274488>, (04.04.2021).

⁷⁶⁰ Judah, p.91.

deploy in Kosovo, while Serbian security forces were withdrawing. Indeed, KLA tried to take control of region by making use of a potential power vacuum, but it was not permitted to⁷⁶¹.

Even though Russia opposed NATO's air campaign at the beginning, Moscow eventually sent its troops to Kosovo and thus Russian troops operated with KFOR. On 18th of June, an agreement was signed with Russia, and Russia's participation in KFOR became official⁷⁶². Between 1999 and 2003, Russia contributed to the peacekeeping force with 3,150 personnel⁷⁶³.

Kosovo was split into five sectors by NATO, and these sectors were controlled by the United States, France, Britain, Italy and Germany. Russia also contributed to the mission in American, German, and French sectors⁷⁶⁴.

Kosovo had an autonomous administration but nominally remained a part of the FRY. Yet, the presence of United Nations Mission in Kosovo (UNMIK) and its responsibilities stipulated in resolution 1244, effectively suspended FRY's authority over Kosovo⁷⁶⁵. The primary tasks assigned to UNMIK were the establishment of an interim administration in Kosovo, maintaining law and order, and facilitating a political process to determine Kosovo's future status⁷⁶⁶.

3.4.4.4. Independence

When the intervention came to an end, the situation in Kosovo was rather unstable. There was no central authority to run the government since Serbian authority was no longer effective in Kosovo's governing mechanism. Besides, the cities were heavily damaged by the conflict. Seeing this lack of stability as an opportunity to take control, KLA tried to make a comeback in Kosovo. During this time, Kosovar Albanians were carrying out revenge attacks on Serbs and those

⁷⁶¹ Judah, p.93

⁷⁶² "Agreed Points on Russian Participation in KFOR", NATO, 18 June 1999, <https://www.nato.int/kosovo/docu/a990618a.htm>, (04.04.2021).

⁷⁶³ Secieru, p.2.

⁷⁶⁴ Bideleux and Jeffries, *The Balkans*, p.557.

⁷⁶⁵ Alexandros Yannis, **Kosovo Under International Administration: An Unfinished Conflict**, Hellenic Foundation for European and Foreign Policy, Athens, 2001, p.17.

⁷⁶⁶ See UN Security Council Resolution 1244

accused of collaborating with Yugoslav/Serb forces⁷⁶⁷. Serbs fled Kosovo in the face of revenge attacks by Albanians. Approximately ninety-seven percent of Serbs who lived in Kosovo left⁷⁶⁸.

After the intervention by NATO, Serbs in Kosovo tried to maintain their presence with parallel structures and those initiatives received support from Belgrade. In Mitrovica in northern part of the Kosovo, the bridge over Ibar became the symbol of the divide between Serbs and Albanians. Serbs created their own structures on the northern side of the bridge. In 2004, a study carried out by European Stability Initiative, revealed the possibility of future violence which could erupt in Mitrovica due to this divide⁷⁶⁹.

On 15 May, 2001, with the Constitutional Framework on Provisional Self-Government in Kosovo, UNMIK transferred a significant part of its legislative, executive, and judicial powers to local institutions, thus increasing the self-government ability of Kosovars⁷⁷⁰.

In 2005, Kai Eide, Norwegian Permanent Representative to NATO, presented a report to the UN Security Council on whether the conditions in Kosovo were suitable for a political process to determine the future status of Kosovo. Eide concluded on his report stating that both Serbia and the people of Kosovo were ready to proceed with the next step for determining Kosovo's future status⁷⁷¹.

In November 2005, the Contact Group specified ten guiding principles for Kosovo's status based on Eide's report and submitted it to the UN Security Council. According to these principles there should be no partition of Kosovo, and no return

⁷⁶⁷ Judah, p.93.

⁷⁶⁸ OSCE, Kosovo/Kosova: As Seen, As Told. Part II. A Report on the Human Rights Findings of the OSCE Mission in Kosovo, Pristina, June-October 1999, pp.122-123.

⁷⁶⁹ European Stability Initiative, "People or Territory? A Proposal for Mitrovica", 16.02.2004, <https://www.esiweb.org/publications/people-or-territory-proposal-mitrovica>, (03.04.2021).

⁷⁷⁰ See Constitutional Framework for Provisional Self-Government in Kosovo, available at the address <https://www.esiweb.org/pdf/bridges/kosovo/12/1.pdf>, (04.04.2021).

⁷⁷¹ United Nations Security Council, "Letter dated 27 May 2005 from the Secretary-General addressed to the President of the Security Council", 3 June 2005, <https://digitallibrary.un.org/record/550388>, (04.04.2021).

of Kosovo to the pre-1999 situation. It was also specifically mentioned that any union of Kosovo with any country or part of any country would not be allowed⁷⁷².

On 26 March, 2007, UN Security Council received Ahtisaari's⁷⁷³ Comprehensive Proposal for Status Settlement referred to as 'the Ahtisaari Plan' for the future status of Kosovo. According to this proposal, best solution for Kosovo was independence, supervised by the international community during the initial period⁷⁷⁴.

On 4 January, 2008, EU established European Union Rule of Law Mission in Kosovo, EULEX KOSOVO, in order to support the rule of law in Kosovo. It is also the largest civilian mission ever launched under the Common Security and Defence Policy (CSDP)⁷⁷⁵.

Report of the Troika comprised of the European Union, Russia, and the US, on Kosovo's future status was presented to the UN Security Council on 10th December, 2007. The report stated that the parties of the conflict did not have any common ground regarding Kosovo's future status⁷⁷⁶. The failure of this negotiation process accelerated the process leading to the declaration of independence of Kosovo.

Kosovo formally declared its independence on 17 February, 2008. In their declaration of independence, Kosovo Assembly reaffirmed the conditions set out in Ahtisaari Plan, and described Kosovo as a "democratic, secular and multiethnic republic"⁷⁷⁷. The next day to follow the declaration saw the US, France, Britain,

⁷⁷² "Guiding principles of the contact group for a settlement of the status of Kosovo", https://www.esiweb.org/pdf/kosovo_Contact%20Group%20-%20Ten%20Guiding%20principles%20for%20Ahtisaari.pdf, (04.04.2021).

⁷⁷³ Martti Ahtisaari was appointed as the Secretary-General's Special Envoy for the future status process for Kosovo on 10 November 2005. See "Secretary-General Appoints Former President Martti Ahtisaari of Finland as Special Envoy for Future Status Process for Kosovo", **United Nations Meetings Coverage and Press Releases**, 15 November 2005, <https://www.un.org/press/en/2005/sga955.doc.htm>, (04.05.2021).

⁷⁷⁴ Comprehensive Proposal for the Kosovo Status Settlement, UNSC S./2007/168, 26 March 2007.

⁷⁷⁵ Council Joint Action 2008/124/CFSP of 4 February 2008 on the European Union Rule of Law Mission in Kosovo, EULEX KOSOVO, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32008E0124>, (02.04.2021).

⁷⁷⁶ United Nations Security Council, "Letter dated 10 December 2007 from the Secretary-General to the President of the Security Council", 10 December 2007, <https://digitallibrary.un.org/record/613708>, (05.04.2021).

⁷⁷⁷ For full text see "Kosovo Declaration", **BBC News**, 17.02.2008, <http://news.bbc.co.uk/2/hi/europe/7249677.stm>, (05.04.2021).

Albania, and Turkey recognizing Kosovo's declaration of independence⁷⁷⁸. Serbia, China and Russia strongly opposed this declaration and called it an "illegal act" and "open violation of Serbia's sovereignty"⁷⁷⁹. As of the time of writing, Kosovo recognized by 117 different country as an independent state.



⁷⁷⁸ Henry H. Perrit Jr., **Road to Independence for Kosovo: A Chronicle of the Ahtisaari Plan**, Cambridge University Press, Cambridge, 2010, p.217.

⁷⁷⁹ Security Council, "Security Council Meets in Emergency Session Following Kosovo's Declaration Of Independence, with Members Sharply Divided on Issue", United Nations, 18 February 2008, <https://www.un.org/press/en/2008/sc9252.doc.htm>, (05.04.2021).

CONCLUSION

The doctrine of humanitarian intervention is still considered controversial in international law. The reason for this controversy is the lack of certain principles which can define the context and limits of the notion of humanitarian intervention. Though just war tradition offers criteria for intervention, there isn't any consensus even on the definition itself. This study, taking the lack of consensus on both the doctrinal and practical domains of the concept into account, highlights the growing literature on humanitarian intervention with an aim to equip the readers about its meaning, evolution and development.

The aim of this study was to make a comparison between interventions in East Timor and Kosovo through the lens of humanitarian intervention. Thus the thesis tried to contribute to the growing literature on humanitarian intervention by revealing similar and different aspects of these two interventions that occurred in the same year, conducted with similar motivations, produced parallel results, but carried out by different actors. Yet, the study limited itself to the pre-intervention and intervention period and did not focus on the post-conflict period as discussed in the introduction part.

After presenting a detailed comparison of both cases, this study put forward the following outputs. The first key difference between the two cases was the legitimacy of operations. In East Timor, the authorization of the United Nations Security Council (UNSC) justified the use of force by the multinational force and deployment of INTERFET. Besides, the Indonesian government gave its consent for the operation and officially accepted the deployment of a multinational force in East Timor. Therefore, there was a consensus about the legitimacy of the operation since no country opposed it.

But in the Kosovo case, the situation was different. The lack of any resolution regarding NATO's air campaign exacerbated the debates about the legitimacy of the intervention. Though NATO officials claimed that the intervention was intended to stop a possible humanitarian catastrophe in Kosovo, the legitimacy of the operation remained blurred. UNSC resolutions of 1160, 1199, and 1203 have been put forward

by NATO as the legal basis of operation since they included Chapter VII measures concerning Kosovo. However, none of those resolutions did clearly authorize for the threat or use of force. Yet, NATO's air campaign showed that neither the UN Charter nor the absence of UNSC authorization could prevent international actors from using force on humanitarian grounds.

The second difference between East Timor and Kosovo was the UN's approach towards these two cases. Since it was considered an invasion by the international community, UN never formally recognized Indonesia's claims over East Timor. All states contributing to the INTERFET (excluding Australia) regarded East Timor as a non-self-governing territory and rejected Indonesia's territorial claims on the country. But, Kosovo was formally a part of the Yugoslavia. UN Security Council reaffirmed the territorial integrity and sovereignty of the Federal Republic of Yugoslavia in its resolutions 1160, 1190, 1203, and 1239.

The third difference could be found in the motivations and perceptions of Serbia and Indonesia. Kosovo had both historical and religious meaning in Serbian nationalism, and so Milosevic was ready to "walk on corpses" for not to lose Kosovo. This approach still seems valid, as Serbia does not recognize Kosovo's independence and continues to perceive the country as part of Serbia. On the other hand, the East Timor invasion was mostly justified on security grounds by Indonesia within the context of Cold War politics. However, this justification is nullified with the dissolution of the Soviets.

The fourth difference between the two cases could be seen in the success of coercive strategies implemented by the international community. The U.S. imposed an effective arms embargo against Indonesia in September 1999, and other Western countries followed this kind of coercive action almost simultaneously. At this point, APEC meetings were beneficial in the sense that they helped leaders to conduct informal meetings and to discuss a common strategy. The decision to implement arms embargoes, combined with the economic measures of the IMF and the World Bank, created a powerful coercive pressure on Indonesia. Additionally, negative impact of the Asian crisis on the Indonesian economy also doubled the effects coercive pressure.

Similarly, UN Security Council imposed an arms embargo on FRY with Resolution 1160. Serbian government was faced with economic and diplomatic sanctions as well. Yet, the effectiveness of those actions in producing the desired outcomes has remained limited, unlike in the East Timor case. Serbian economy had long suffered because of the measures they faced, but it was the NATO bombing that eventually convinced Milosevic to accept a political agreement over Kosovo.

The fifth difference between two cases could be found in Yugoslavia and Indonesia's stance towards war. When the NATO campaign began, the war was already on the way in the region since Operation Horseshoe was still active. Besides, FRY officially declared a state of war on the first day of the bombing. But when INTERFET deployed in East Timor, the Indonesian government had ordered the withdrawal of its military forces from the ground.

The sixth difference between East Timor and Kosovo cases was the different attitudes of permanent members of the Security Council regarding the cases. Russia and China opposed any military action without the authorization of the UN Security Council and consent of the target state. Yet, after Indonesia's invitation, they did not oppose the authorization of a multinational force for East Timor and voted in favor of the operation. But in Kosovo, the situation was different. Russia had been more involved in the Kosovo case than East Timor due to its historical and religious ties to Serbs. There was also no Serbian consent for an operation in the Kosovo case. China also had been reluctant to approve any military action without Serbian permission, as it could set out an example for future operations.

Despite the differences between two cases, this study concluded that there were also similarities. The end of the Cold War period dramatically changed the way international community's perceptions about humanitarian intervention. During the Cold War, cooperation had greater importance among the allies of the Western camp, and they were reluctant to criticize each other's policies, including the ones that caused grave human rights violations. Yet, the transformation in the international system allowed states to criticize each other even in policies that were once seen as domestic affairs. This systemic transformation facilitated the use of force by states for humanitarian purposes.

The first similarity was the global public support behind these interventions. Revolution in the field of communication also had direct consequences on humanitarian interventions. As discussed in the second chapter of the thesis, when Indonesia launched its operation, it tried to cut off all information channels of the local population with the outside world, and- in some sort- it was easy to achieve this objective. The aim was to control all the information flow about the region. But remarkable progress in technology such as satellite television made the information provided by governments questionable and even observable. Thus, international community had witnessed the tragedy ongoing both in the Balkans and in East Timor. The world no longer turned a blind eye to human rights abuses, and that's why states could not ignore the massacre in Santa Cruz, in Dili, and the Racak massacre in Kosovo. Live broadcastings from the regions resulted with increasing public pressure on the Western governments for preventing second Srebrenica or Rwanda.

The second similarity between the cases is that both interventions are carried out on humanitarian grounds. In East Timor, international community described the high level of violence on the ground because of Indonesian scorched earth policy. In Kosovo, UN Security Council resolution 1199 defined the situation as humanitarian catastrophe. Both the deployment of INTERFET, and NATO's air campaign aimed to end violence and repression in the territories.

The third similarity was that both two cases posed a threat to regional security and peace. Refugee flows to neighboring states threatened the stability in these regions. Therefore, both operations were conducted by the parties for the "responsibility for the maintenance of international peace and security" of the UNSC under the 24(1) article of the UN Charter. It is important to note that the UN Security Council described the situation in Kosovo as a "threat to peace and security in the region" with resolution 1199, but did not explicitly mention the use of "all necessary means". Yet, NATO claimed that the operation was carried out to fulfill this responsibility on behalf of the international community.

The fourth similarity was that both interventions were carried out through institutions. Although there was a possibility for states to act unilaterally in both

cases, neither chose such an action. The costs and risks of unilateral action encouraged the US to act under NATO's umbrella in the Kosovo case. The decision to intervene was a unanimous one, and the intervention was essentially an international "coalition of willing". Similarly, in the East Timor case, instead of intervening alone, Australia took the leadership of the multinational force under the UN. By opting for a multinational action, states shared the burden of operations and reduced the transaction costs.

The fifth similarity was that both cases demonstrated the importance that states attach to the principles and norms embedded in the institutions. Since ethnic tensions and insecurity in the Balkans posed a challenge to NATO's New Strategic Concept in which included violation of human rights, intervention in Kosovo had been seen as a defense of these new values. In this regard, together with intending to end violence in the region, the fear of destroying NATO's credibility encouraged member states of NATO to act together and uphold the alliance's new values-based order.

Similarly, instability and increasing violence in East Timor were challenges to the UN's credibility. Responsibility to maintain international peace and security aside, attacks on UNAMET personnel on polling day and afterward posed a direct threat to UN mission. Although the UN decided to evacuate all its staff after the vote, some UN volunteers chose to remain in Dili. Thus, the decision to not to intervene could have posed a crisis of credibility. Therefore, this study concluded that core components of neoliberal theory have been seen as applicable to both cases.

After scrutinizing similarities and differences between these two cases through careful comparative analysis, this study reached at the following conclusions. The first one was that different attitudes among five permanent members of the UN Security Council affected the UN's approach to the cases, including all necessary measures to address the situation with success. In East Timor, the consensus among UNSC members made it possible to produce sufficient resolutions that built a complete framework for the meaningful solution. But in the Kosovo case, disagreements and vital conflicts of interest among permanent members of the UNSC hindered a solution that could be reached under the UN

umbrella. Ultimately, it was the NATO intervention that agreed to Milosevic for a political agreement over Kosovo.

Also, this study concludes that both interventions were successful in the sense that they ultimately ended the violent conflict in the regions. Nevertheless, unlike East Timor, intervention in Kosovo was commenced by NATO without authorization of UNSC and consent of the target state, air campaign caused collateral damage, and the operation lasted longer than expected. Yet, this study refrains from making any claims on the success of the post-intervention period since it did not look beyond the operations.

Another conclusion of this study is that Indonesian consent for the deployment of the multinational force in East Timor directly affected the speed of intervention. The operation was conducted through ground forces, and there was no aerial bombing or direct clash with the Indonesian military. Thus, INTERFET was able to take control of the territory and stop the violence in just a month without causing civilian casualties. Lack of the target state's consent ultimately prolonged the intervention period in Kosovo and led to the decision of aerial bombardment, resulting in civilian deaths. As this study shows, there are still deep disagreements about the concept of humanitarian intervention and its practical implications. As these disputes continue, we can argue that there will be more room for discussion of humanitarian intervention in international relations.

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