

3. Unprincipled Engagement and Misplaced Realism from 1974

I know that I am recommending a pragmatic rather than a principled stand but this is what national interest and foreign policy is all about.

— Australian Ambassador to Indonesia, Richard Woolcott, 17 August 1975, advice to Prime Minister Whitlam that the gap in Australia's Timor Sea border that was vital to settling offshore petroleum rights could be more easily settled with Indonesia (quoted in CAVR 2006:Part 7, p. 28)

[M]y overall assessment of that policy [Australian policy towards East Timor] during the 25 years under consideration is that it was mostly a failure. There was failure to support an underlying principle of the United Nations and of international law and justice: the right of all people to self-determination. And there was failure to work to restrain Indonesia from the path of military intervention and aggression in 1975.

— Former Australian Foreign Affairs official Dr Henry Chan (quoted in CAVR 2006:Part 7, p. 32)

This chapter characterises the diplomacy of Australia and the West more broadly towards Timor as realist and unprincipled. Then it seeks to develop the road not taken as 'principled engagement' (Pedersen 2008). This alternative path is illustrated by the Obama–Clinton diplomacy towards Burma and Arab states. The chapter then argues that responsive regulatory theory is helpful in revealing the mechanisms that can give principled engagement both bite and integrity. Responsive regulatory theory seeks to transform institutions while minimising resort to either violence or stigmatisation of adversaries. Without being pacifist, responsive regulatory theory renders 'violence as a last resort' as more than just a slogan. It develops a philosophy and a practice of exploring alternatives to violence in a sequenced and principled way, avoiding stigmatisation of adversaries at every layer of a regulatory pyramid.

Unprincipled Australian Engagement

Australian Prime Minister Gough Whitlam in 1975 believed in and practised decolonisation (in Papua New Guinea, for example). Yet he and his advisors worried that the decolonisation occurring in the hundreds of smaller islands in the oceans around Australia was leading to many new nations of fewer than a million people that would not be economically viable even with decades of foreign aid. Whitlam saw East Timor as another of these island micro-states that would find it hard to lift its people out of poverty.

The boundaries the colonial powers drew between the Dutch East Indies and Portuguese Timor in the 1859 Treaty of Lisbon did not track any clear cultural lines; they simply split the island down the middle and also carved out the western Portuguese enclave of Oecussi, where the Portuguese had a trading centre.¹ In Australian eyes, there were no mature political parties or political movements in the early 1970s that had crystallised public opinion. There were certainly many new young leaders who advocated an independent East Timor, but others spoke for joining Indonesia. Whitlam felt integration would be best for the economic future of the people of East Timor. President Suharto seemed to be doing a good job of stabilising the Indonesian economy after the unsteady hand of the Sukarno years. Corruption might have been rife at the top, but at the same time the conditions of the poor were improving. Considering as well that Indonesia had proved resiliently inclusive of Christians, and that there were large numbers of Christians in West Timor, embrace within the same province of this developing republic seemed the best outcome to Whitlam.

Whitlam's opponents accused him of being soft on communism because he consistently opposed the Vietnam War and withdrew Australia's participation in it as soon as he came to power. In fact, Whitlam was a solidly anti-communist social democrat. There was a determined revolutionary socialist minority within Fretilin, and Whitlam became open to some of the misinformation Indonesian intelligence agents within East Timor were generating that these elements were much more in charge of Fretilin than they really were. Whitlam, however, did not believe the Indonesian intelligence fabrications that China and the Soviets, even Vietnamese military advisers, had infiltrated East Timor in ways they had not. Whitlam listened to the concerns of the Indonesian intelligence establishment that a pro-communist regime in the midst of the Indonesian archipelago would be destabilising, and a Soviet naval base in Dili would be a particularly large strategic setback,² given the importance of the deep ocean trough north of Timor for nuclear submarines to slip undetected between the Indian and Pacific oceans. BAKIN (Badan Koordinasi Intelijen Negara: State Intelligence Coordinating Agency), the Indonesian Army's central coordinating intelligence agency from 1969, had been patiently floating the idea of integrating Portuguese Timor into Indonesia (Taylor 1999:23), and in mid-1974 developed a plan, Operasi Komodo (Operation Giant Lizard),³ to destabilise and take Timor (Taylor 1999:31), with the academic think tank the Centre for Strategic and International Studies (CSIS) (Fernandes 2011:26–8).

1 There was actually local support for the enclave remaining Portuguese (Farram 1999).

2 That this would divide Indonesian waters into two zones was a particular concern of Lieutenant-General Benny Moerdani (CAVR 2006:Part I, p. 22).

3 One Timorese civil servant who was working at brokering peace agreements between gangs on the streets of Dili in 2006 made the interesting point that 'they should admit that Operation Komodo was very successful in that it turned them against each other'.



Figure 3.1: Toasting series: Whitlam toasts Suharto

Photo: National Archives of Australia

In September 1974, Whitlam met with BAKIN officers on the way to a meeting with President Suharto (Taylor 1999:32). At that point BAKIN was making more headway with persuading Whitlam that an independent East Timor would be a political threat to the region than it was with its own president. Suharto and Foreign Minister Malik were taken aback with how forthrightly aligned Whitlam's views were with those of BAKIN at their subsequent meeting. Indeed, influence between BAKIN and Whitlam was likely two-way. A 14 October 1974 cable to Canberra from Australia's Ambassador in Lisbon quoted BAKIN General Ali Murtopo as saying 'that until Whitlam's visit to Djakarta they had been undecided about Timor. However the Prime Minister's support for the idea of incorporation into Indonesia had helped them to crystallise their own thinking and they were now firmly convinced of the wisdom of this course' (Documents on Australian Foreign Policy 2000:119). Murtopo was not an advocate of full-scale invasion during 1974 and the early part of 1975 in the way Benny Murdani and some other generals were. Until the time of the invasion, President Suharto rejected the counsel of the latter group and supported Murtopo's thinking that Special Forces destabilising Fretilin would ultimately allow Indonesia to engineer something like the fraudulent Act of Free Choice that allowed the United Nations to deliver West Papua to Indonesia in 1969 (Fernandes 2011:20, 30). Perhaps Whitlam was influenced by the belief that this was what Murtopo and Suharto were aiming for rather than an invasion.





Figures 3.2a–c: Fretilin supporters rally in Portuguese Timor, 1975

Photos: Penny Tweedie/Panos

The stories of Chinese, Vietnamese and Soviet military infiltration of East Timor were so inconsistent that it did little credit to Western nations that they did not dismiss Cold War security concerns about Timor as fanciful or exaggerated. Former Australian consul in Dili James Dunn (2003:187) sees the Whitlam Government as particularly culpable in allowing Indonesia to paint the false picture in late 1975 that a destabilising civil war was raging inside East Timor, when in fact the short UDT–Fretilin war was over:

[I]n late September when Indonesia was trying to maintain the fiction that the civil war was still raging, the Australian government could have exposed it as a lie. Not only did the Whitlam government not do this; as we have seen, official spokesmen went out of their way not to discredit

the accounts from Jakarta which they knew to be fabrications. In a way the Whitlam government joined with Indonesia to prevent Fretilin from gaining international credibility. (Dunn 2003:187)⁴

Whitlam communicated his view to Suharto and other world leaders that the best interests of the people of Timor, Indonesia and Australia and of their alliance with the United States would all be served by the island of Timor being unified within Indonesia. As soon as Fretilin gained control of Timor, Australia cut off most shipments of petroleum to Timor on grounds that Fretilin might use them militarily (Kohen and Taylor 1979:104). Until August 1975, President Suharto had been resisting the advice of his military leadership for more than a year that integration of East Timor into Indonesia—by force if necessary—was the best course (Scott 2005:106–7). Whitlam might have been advised that Indonesia was more firm in its resolve to annex East Timor than it was (CAVR 2006:Part I, p. 19). Suharto and a number of senior generals were opposed to an invasion; their view changed only after Fretilin had soundly defeated UDT.⁵ The invasion of West Papua had come at a cost, particularly diplomatically and in world opinion of Indonesia, which did seem to Suharto to be worth the fight. But would the forced integration of East Timor be worth it, given that Timor did not seem to have the resource riches in gold and energy that were apparent in Papua? Suharto's reluctance proved prudent in retrospect because the economic cost of development transfers to Timor became huge (several times as high as for other provinces), as did the military cost of thousands of Indonesian soldiers' lives, and a diplomatic cost that was so high that the integration could not be sustained in the medium term. Suharto was also worried that an invasion could bring US modernisation of his armed forces to a halt (Documents on Australian Foreign Policy 2000:376). The Indonesian intelligence establishment, particularly BAKIN, was whipping the Indonesian public into a state of indignation with fabricated stories such as of a Fretilin cross-border attack that killed seven

4 Gerard Stone's account in *The Times*, as the first journalist to enter East Timor after the civil war broke out, put it this way: 'Strangely, it is in the interest of all three governments—Portuguese, Indonesian and Australian—to make the situation appear as chaotic and hopeless as possible: Portugal: To explain away its loss of face and inability to pursue any further colonial responsibilities. Indonesia: To justify intervention and the eventual forced reunion of the island. Australia: To conceal its shameful rejection of a cry for help. In that light, I am convinced that many of the stories fed to the public in the past two weeks were not simply exaggerations: they were the product of a purposeful campaign to plant lies' (*The Times*, 2 September 1975). As far as we can tell, Australian parliamentarian Ken Fry, who went to Timor with a cross-party committee, was accurate in his UN testimony when he said that all Australians who actually went to Timor during the months of the Fretilin Government were impressed at the way it had stabilised the country: 'Like all other Australians who visited Timor during this period, I came away full of admiration for the Central Committee of the Fretilin party. I was tremendously impressed by their moderation, by their integrity and by their intelligence in dealing with a very difficult situation' (Kohen and Taylor 1979:27).

5 An Australian Foreign Affairs cable reported Bian Kie, the Private Secretary of the Indonesian military commander, as providing intelligence that '[a]s recently as National Day celebrations on 17 August [1975] the President had refused to give the green light to a deputation of top generals who sought a ruling on East Timor policy. Indeed, according to Bian Kie, the President made some disparaging remarks about Murdani's desire for a military solution' (Scott 2005:106).

villagers in West Timor (Taylor 1999:59). Even much later than August 1975, Suharto's reluctance was still in play. Australian Ambassador Richard Woolcott reported that: 'As a senior general remarked to me in an unguarded moment early in November 1975: "We have to act but we still have to persuade the old man to agree"' (2003:138).⁶

Whitlam's enthusiasm for integration helped persuade Suharto to back his military leadership's plan to prepare for invasion.⁷ In 1975 Saigon fell—the high point of US disengagement from Asia. The United States had long respected Australian intelligence assessments of its own region. More than at any time before or since, in 1975 the United States was willing to defer to Australia as the Western experts on Indonesia. Other Western governments similarly 'looked to Canberra for intelligence and policy advice on the issue' (CAVR 2006:Section 7.1, p. 23). Commentators on different sides, such as Richard Woolcott (2003:151–2) and Desmond Ball and Hamish McDonald (2000), could agree that the Australian Embassy in Jakarta was better informed than any other about Indonesian plans for East Timor during 1975, even more than the Indonesian Foreign Ministry and all other Indonesian agencies outside the inner circle of top generals and intelligence officials.

US President Ford and Secretary of State Kissinger had no stomach for muscular intervention in the East Timor question.⁸ Yet Whitlam's analysis made sense to the US intelligence community. So when Ford and Kissinger visited Indonesia on 6 December 1975—the day before the invasion—they did not object, indeed said they understood Indonesia's good intentions, but asked that the invasion not commence until they had left Jakarta. Kissinger also warned that 'the use of US-made arms could create problems'⁹ (Scott 2005:112; see also Burr and

6 An 18 August 1975 Woolcott cable said: 'Receiving reports from his senior advisers twice daily, the President is at present firm in his attitude that Indonesia should not intervene militarily in Portuguese Timor at this stage. Concern about Australia's reaction, the Non-Aligned meeting in Lima, the forthcoming session of the General Assembly, and his wish to concentrate his resources on Repelita II [the national economic plan] are all factors in his present attitude' (Taylor 1999:52).

7 Leadbeater (2006:35) found that '[o]n 14 October 1974, the Australian Ambassador in Lisbon was told by General Ali Mortopo that Australian support for the idea of incorporation helped his team "crystallise their own thinking" and overcome indecision about East Timor. After the Whitlam visit they were "now firmly convinced of the wisdom of this course"'. They then used Whitlam's support as one of their arguments with Suharto.

8 The Kissinger papers include a report of a meeting of Kissinger with his closest advisors on 12 August 1975: 'We have taken the position that the US should eschew involvement in the Timor situation and leave its resolution to the Indonesians, Portuguese, Australians and the Timorese themselves' (Scott 2005:107). Indeed, a 17 August 1975 cable from Richard Woolcott said that the US Ambassador to Indonesia had told him that 'he is under instructions from Kissinger not to involve himself in discussions with the Indonesians... and to cut down its reporting on Timor' (Documents on Australian Foreign Policy 2000:314). The British Ambassador similarly advised his government: 'Britain's interest is that Indonesia integrates that territory...if there is a crisis and a debate in the UN we shall all keep our heads down and avoid taking a position against Indonesia' (quoted in CAVR 2006:Part I, p. 19). In addition to the realist interests the United Kingdom shared with Australia, British companies became major suppliers of the weapons used in that reign of terror over the people of East Timor.

9 On the same day, waiting in an outside hall while the two presidents met, Brent Scowcroft from the US National Security Council asked Indonesian military commander Benny Moerdani straight out: 'Will you be

Evans 2001). The Ford–Kissinger visit to Jakarta resulted in the doubling of US military assistance to the Indonesian Government for the following year (Kohen and Taylor 1979:35).

What Australia's Western allies probably did not understand at that time was that, unlike them, Australia saw itself as having a profound economic interest in the integration of Portuguese Timor into Indonesia. Australia, in the words of an Indonesian Foreign Minister we interviewed, had irrevocably taken them 'to the cleaners' in a 1972 seabed agreement with Indonesia. Portugal, in contrast, was adopting a much tougher negotiating position on licensing petroleum exploration off the Timor coast that would be in Australia's part of the Timor Sea bed under the terms of the Indonesian agreement.¹⁰ When Indonesia took over East Timor, Australia believed this contested oil-rich seabed would fall into the lap of Australia (Cleary 2007:12–14). Indonesia actually toughened its negotiating position after the invasion, but eventually Australia did secure most of the rights to the Timor Sea oil that it coveted. After the invasion, Australian oil interests successfully lobbied for Australia to be the first country to recognise Indonesian sovereignty over Portuguese Timor (Taylor 1999:75).

Whitlam did not urge an invasion of East Timor. He simply articulated a preference for integration and then showed a reluctance to urge his friend Suharto *not* to invade, even in October 1975 after the killing in Balibo of five journalists from Australian media organisations covering the armed encroachments of Indonesian forces across the border (Scott 2005:107). Instead of defending the human rights of its journalists, and protesting publicly when it was well aware that the journalists were killed because they were exposing an Indonesian invasion dressed up as a civil war, the Australian Government opted for a cover-up. While Whitlam always made it clear he did not support enforced integration, but integration 'in accordance with the properly expressed wishes of the people of Portuguese Timor' (Scott 2005:147), he continued to back integration when it was clear this would occur at the point of a gun without the support of the people of East Timor. In 1982, as a former prime minister—notwithstanding the fact that an act of self-determination by the people of East Timor had never occurred—Whitlam pressed: 'It is high time that the question of East Timor was voted off the United Nations agenda and ceased to preoccupy and distract the nations of South-east Asia and the Pacific' (quoted in CAVR 2006:Ch. 7.1, p. 84).

using US weapons?' The General knew it was illegal to do so under the terms of their sale, but gave an honest answer: 'our military is built largely around US systems. We have no choice' (Conboy 2003:242).

¹⁰ 'It would seem to me that this Department might well have an interest in closing the present gap in the agreed seabed border and that this could be much more readily negotiated with Indonesia by the closing [of] the present gap than with Portugal or an independent Portuguese Timor' (Australian Ambassador to Indonesia, Richard Woolcott, Cablegram to Canberra, 17 August 1975).

Australian Labor Party policy was self-determination for the people of East Timor. Whitlam never took the question of the likely invasion of East Timor to cabinet, or, as far as we know, confided with any member of his cabinet about the nature of the conversations he was having with Suharto. Whitlam knew that the invasion was going to occur, but he was looking the other way, declining to raise his voice against it, in violation of the policy of his party. Had Whitlam decided to defend the principles of the UN Charter, and persuaded the United States and the United Nations to warn Suharto off the invasion, as James Dunn (2003) and Matthew Jardine (2000) have argued, Indonesia might have been persuaded to abandon it. Indeed, given how uncertain Suharto himself was as to whether the invasion was prudent, it is possible that had Whitlam discouraged rather than encouraged it in his conversations with Suharto, and made it clear that Australia would oppose an illegal invasion at the United Nations, this might have been enough to tip the Indonesian policy scales against the invasion. José Ramos-Horta (1987:78) put it more strongly when he referred to a US Central Intelligence Agency (CIA) analysis of this question: 'There is no doubt in my mind that if Australia and the United States had cautioned Suharto against invading unilaterally in East Timor, the invasion wouldn't have taken place.' As Ball and McDonald (2000:23) put it:

[F]or a self-perceived statesman anxious to project Australia as an independent actor in its region, Whitlam showed a remarkably pessimistic assessment of Canberra's ability to sway the Indonesians from their path, exert positive influence in East Timor itself or marshal support for a principled approach among friendly countries. Deriding the motives of all suggesting otherwise, he saw no way between the two stark alternatives of facilitating an Indonesian takeover—by any plausible means that could be sold to the Australian public—or going to war.

When Bill Hayden first took over from Whitlam as Labor leader in opposition, he found the forced integration of Timor 'inexcusable, unjustifiable, illegal and immoral' (Scott 2005:169). He reversed this posture as Foreign Minister in the Hawke Labor Government from 1983, concluding that self-determination for East Timor was a hopeless cause, and less important than securing Indonesian support for an Australian-led peace initiative for Cambodia.¹¹ Hayden's successor as Foreign Minister in the Hawke Government, Gareth Evans, also thought that Whitlam had erred in not being faithful to Labor policy of self-determination in 1975, but, like other Western foreign ministers, he froze out Ramos-Horta, accepting the invasion as a fact on the ground. He gave priority to good relations with Indonesia, which were critical to the considerable accomplishment of

11 In this period, Cambodia also caused the Soviet Union to further soften its support for Fretilin when it sought Indonesian backing to replace the pro-China Khmer Rouge with the pro-Soviet Heng Samrin Government in 1979 as Cambodia's representative to the United Nations (CAVR 2006:Part 7.1, p. 46).

launching the first genuinely multidimensional UN peacekeeping operation in Cambodia. Prime Minister Bob Hawke similarly endorsed a pragmatic recognition of the importance of maintaining warm diplomatic collegiality with Indonesia, and with President Suharto in particular. Likewise with his Labor prime ministerial successor, Paul Keating. During the Liberal Government of 1975–83, Prime Minister, Malcolm Fraser, and Foreign Minister, Andrew Peacock, also legitimated East Timor's integration (Woolcott 2003:161).

There is realist contagion in diplomacy. Once Australia had become a firm supporter of legitimating the occupation, a realist argument for the United States doing likewise was that this would consolidate its regional alliance with Australia, and, more fundamentally, once the United States was locked in to the legitimacy of the occupation, a realist concern for Australia was to continue to support the United States in this. The testimony of Assistant Secretary of State Richard Holbrooke to Congress in 1981 not only made this point, but also canvassed a host of realist arguments (that mostly also applied to Australia) for the United States to support Indonesia on East Timor

- Indonesia is strategically important because it is such a large, influential yet moderate member of the Non-Aligned Movement
- it is an 'important oil producer—which plays a moderate role in OPEC'
- there are important US business and trade interests in Indonesia
- it 'occupies a strategic position astride the sea lanes between the Pacific and Indian Oceans'
- it is an influential Muslim country whose leaders 'have publicly called for the release of our hostages in Iran'
- its influence in the Association of South-East Asian Nations (ASEAN) is important, particularly with potentially destabilising developments in Indochina (CAVR 2006:Ch. 7.1, p. 59).

In its about-face on Australian Labor Party policy on self-determination for East Timor, the Labor elite set itself on a course that would become out of tune with the feelings of most Australians, whose hearts became very much with the people of East Timor. The Australian people over time came to see the East Timorese as underdogs crushed by an illegal invasion that their Australian Government was too weak to stand up to.¹² Australia did not get the realist pay-off of the warm relationship with Indonesia in the months after the invasion that was the

12 Indeed, this was an elite-citizens tension evident from the beginning. A 31 March 1975 Foreign Affairs brief for Prime Minister Whitlam stated: 'A trade union and student group, led by Mr Jim Roulston, has also recently returned from Timor. Ministerial correspondence on the subject is increasing; it invariably calls on the government to adopt a robust stand with Indonesia over Timor. Another strand of opinion has stressed the special obligation we have to the Timorese because of the help extended to the Australian "Sparrow Force" during the war...In the last few weeks too the Australian press has descended on Timor; its reporting

objective of its diplomacy. Suharto became extremely angry that an Australian government, wary of the negative reaction of its electorate to the invasion, did not speak and vote as strongly in support of Indonesia at the United Nations as it did privately to them. Moreover, 'Jakarta appeared to hold the Australian government responsible for the activities of "its" public and press, sections of which vociferously opposed the invasion' (Kohen and Taylor 1979:105).

The Fraser Government that succeeded Whitlam persisted with a low-integrity realism. This realism was recurrently lose-lose for Fraser's relationships with Indonesia and with the Australian people. For 11 months, the Fraser Government angered the Suharto regime with its protests that it had no legal basis for shutting down a Darwin radio that was the only way for the resistance to get information out of East Timor to the United Nations and the world's media on the atrocities that were occurring there. Then in October 1976, Fraser enraged many Australians and the media when he ordered the Commonwealth Police to seize the transmitter. Realism is a theory that becomes untrue in practice when a democratic government seeks to implement a realist agenda that its people do not share. There is no fact of the matter of what the national interest is; the national interest is what people think it is. As Robert Putnam's study of the Bonn G-7 economic summit showed, international relations is not a simple realist game of balancing the power and rational interests of the national players; it is a two-level game (Putnam 1988) that must simultaneously be played across the table of international politics in front of each diplomat and across their own table of domestic politics that sits behind each nation's diplomats. Politicians can play hands that lose them a lot of chips at both tables. On Timor, Australian leaders certainly lost at both international and national tables between 1975 and 1999.

In Chapter 5, we will see how Australian public opinion sympathetic to East Timor was cultivated by a solidarity network inspired by Ramos-Horta and by outraged veterans who had only survived World War II with the support of East Timorese fighters and helpers against the Japanese. Tom Uren, a senior and admired figure in Whitlam's cabinet, was one of them. Uren was perhaps one reason Whitlam never took East Timor to cabinet.

Australian political and diplomatic leaders saw themselves as being more worldly wise and responsible than the Australian people, whom they saw as led by their hearts more than their heads. Prime ministers and foreign ministers drew support from what has often been disparagingly called the 'Indonesia lobby' among Canberra policy elites. Benedict Anderson (1996) was one of the first to use the term 'Indonesia lobby', in a 1986 paper that described the efforts

has occasionally been tendentious and it has overdrawn the Indonesian threat...as well as the attitude of groups like Amnesty International...But domestic political factors may be nudging us further into the Timor quagmire' (Documents on Australian Foreign Policy 2000:233).

of Ali Murtopo, Benny Murdani, Harry Tjan and Jusuf Wanandi (a CSIS group instrumental in planning the takeover of East Timor). This group made a 1975 visit to the United States to cultivate a network of pro-Indonesia academics and diplomats, dangling research visas, among other incentives. As with Anderson in the United States, in Australia there were many scholars of Indonesia such as Herb Feith who were consistently outspoken critics of Indonesian policy in East Timor, and Australian diplomats such as James Dunn, who took a similar line. It is fair to say, however, that the dominant ethos of Australian diplomats who were experts on Indonesia—of whom the most influential was Richard Woolcott—was of engagement with Indonesia that was uncritical, indeed supportive, of East Timor's integration into Indonesia. The leading Canberra scholars of the 'Indonesia lobby' were likewise uncritical on this issue, even if they were critically engaged on other issues.

The authors are friends and admirers of many of the scholars in our college, the then Research School of Pacific and Asian Studies (now the College of Asia and the Pacific) at The Australian National University, who were the intellectual defenders of what we call unprincipled engagement with Indonesia over East Timor. They formed a distinguished and decent group of people who sincerely believed that they were advocating an engagement between Indonesia and Australia that was in the best interest of the peoples of the two nations by ensuring productive trading and security relationships. Scholarly critics of the pro-Indonesia policy network in the East Timor solidarity movement have argued that they were excluded as critics from the funding opportunities, the influence with Canberra–Jakarta elites, and even from access to Indonesia, which the scholars of the Indonesia lobby enjoyed between 1975 and 1999. While this might be true, we do not see unprincipled engagement as venal and careerist, but as an error of analysis of what was best in the long run for Indonesia, for Australia and for East Timor.

Nor was the pro-Indonesia policy network monolithic; it was as riddled with factions and hard-fought differences of opinion as the solidarity network. Most members, among both its diplomats and its scholars, thought that both Whitlam and Woolcott went too far in urging integration so early and so strongly; some offered written advice to that effect. What distinguished the approach of one network from the other was the willingness to confront Indonesia at every opportunity over its human rights abuses. The pro-Indonesia network did not; its members felt nothing would be achieved by resisting an invasion that would never be reversed, that harm would be done to Australian interests by offending Indonesia.

The Idea of Principled Engagement

Before concluding that Australian policy on East Timor from 1975 to 1999 was one of unprincipled engagement with Indonesia, let us recount the history of the idea of principled engagement. It is an idea that has been applied to how corporations might engage with authoritarian or military regimes while sustaining fidelity to principles of corporate social responsibility (Holliday 2005), to how NGOs with a commitment to peace might engage with militaries as partners in humanitarian and development work in poor countries (Thompson 2008), but most widely to how democratic states committed to human rights might engage with states that are the worst abusers of human rights.¹³

The history of different states' engagement with Burma since the arrest by its military junta of Aung San Suu Kyi following her 1990 election victory has defined the development of the concept. Under pressure from human rights groups, and general outrage in Western public opinion, the imprisonment of the charismatic Oxford-educated, Westernised Suu Kyi led most Western nations to renounce Burma as a pariah state. From 1991, ASEAN, of which Burma became a member in 1997, aggressively rejected Western stigmatisation of Burma, announcing its alternative policy of 'constructive engagement' (Malik 2000:247). Indonesia has always been the most influential member of ASEAN, no less so than in development of the policy of constructive engagement with Burma. This began in the year of the Santa Cruz massacre in East Timor, which led to Indonesia for a short period in 1991 becoming almost the pariah in Western public opinion that Burma had continuously been. But all ASEAN states to varying degrees resented the sanctimonious way the West stigmatised them as states that did not take human rights seriously. In the 1990s Prime Minister Mahathir of Malaysia was outspoken in this regard, particularly against Australia. Singapore's Lee Kuan Yew was a prominent interlocutor with the view that Asian values were different from Western ones. 'Asian values' included the idea of respectful acceptance of one another regardless of records on human rights.¹⁴ Asian values were said to imply stronger responsibilities to states and weaker rights against the state. In a sense, what happened with Burma is that the West so overplayed its hand in stigmatising the regime as a human rights pariah that the majority of the world that is Asia (with China and India¹⁵ being

13 See the research project Principled Engagement: Promoting Human Rights by Engaging Abusive Regimes. This joint project between the United Nations University, Sydney University and the Australian Defence Force Academy is co-directed by Morten Pedersen and David Kinley. It will involve a dozen leading scholars and practitioners from around the world and will address an important gap in the academic literature on international statecraft, as well as provide concrete lessons and recommendations for policymakers. It will develop a theoretical model of principled engagement and undertake a series of case studies to elucidate how it works in practice.

14 For a discussion of the 'Asian values' debate, see Boll (2001); Milner (1999); Sen (1997).

15 India decided to abandon its isolation of Burma by allowing it to join ASEAN in 'constructive engagement' from 1994 (Malik 2000:247).

particularly sympathetic to ASEAN constructive engagement on Burma, and Japan not unsympathetic) dealt a global setback to the legitimacy of the global human rights regime.¹⁶

What happened to the human rights regime has parallels with Western–non-Western diplomacy on all the central issues, such as democracy, that define the Western good governance canon of late modernity. So when Australia and New Zealand treated Fiji as a pariah following each of its three coups since 1987, mobilising support to exclude it from the South Pacific Forum, the Pacific Island Forum and the Commonwealth, Melanesian neighbours, notably Vanuatu and Papua New Guinea, dissented from Western stigmatisation of Fiji. They maintained warm relationships of ‘Melanesian brotherhood’ with the coup leaderships, embracing them within the bosom of the Melanesian Spearhead Group of states, believing that Melanesian ways of not cutting off wrongdoers were a more effective approach to the shared objective of restoring democracy in Fiji.

The problem with ASEAN’s (and India’s and China’s) constructive engagement with Burma of course was that it gave the message that the rest of Asia did not care if Burma abused human rights. This was different from the more principled engagement of Vanuatu with Fiji, which was very much about saying that democracy matters, but our brotherhood with each other also matters. Morten Pedersen (2008) has developed theoretically the policy of principled engagement with Burma. It means friendly diplomatic and trading relationships with Burma that are also unremittingly firm in protesting the imprisonment of democracy advocates and in communicating disagreement with all specific human rights abuses as they arise. Such a relationship with the West is believed by principled engagement advocates to have the advantage of persuading Burma to allow Western NGOs to operate inside the country. By supporting bottom-up engagement of Burmese civil society with their country’s profound problems of delivery of health, education and anti-poverty programs, small steps are taken towards Burmese civil society learning to be democratic. The problem of completely cutting off Burma from the West is not only that its sick and poor are also cut off from donor help. It is also that Burma is cut off from the nurturance of civil society, from the development of social capital (Putnam 1993), so that if one day the junta steps aside in favour of genuine democracy, there will be people and institutions ready to lead the democracy from below. There will be the resources for a networked governance of freedom to resist post-junta nodes of tyranny.

16 On the unproductiveness of the ‘Asian values’ debate, see Bell (2000); Ghai (1994); Hanreich (2009); Sen (1997); Thompson (2001).

Educational development of elites in waiting is particularly critical here. Education helps economic development under a junta, which on the one hand supports the survival of the junta; on the other hand, education is an immediate assistance to the poor of Burma, contributing to the alleviation of their poverty and suffering. In addition, it lays a foundation for a future democracy that might actually work rather than disintegrate, and creates an educated constituency that might demand democracy at the ripe moment for transformation. The rational contemporary incumbent of the junta can look at this proposition and calculate that education spending makes the people better off in the short term, thereby shoring up in the short term the legitimacy of a junta that makes him rich and powerful. At the same time, he might calculate that a more educated community increases long-run prospects of democratic transition. His rational calculation can be that enhanced short-term survival prospects certainly benefit him, while reduced long-term prospects of survival might be more likely to hurt his junta successors after he retires. At least, he might calculate that way if he is not a young junta member.

The International Crisis Group (ICG), for which Morten Pedersen worked on Burma, became the most internationally influential vehicle for the doctrine of principled engagement. As early as 2002, it applied principled engagement to peacebuilding in Liberia (ICG 2002). During this period, the International Crisis Group was led by none other than Gareth Evans, the very Australian Foreign Minister from 1988 to 1996 who we conclude continued the unprincipled engagement of his predecessors Bill Hayden and Andrew Peacock with Indonesia over East Timor.

In 2009, the doctrine of principled engagement came of age when US Secretary of State, Hilary Clinton,¹⁷ and President, Barack Obama, gave prominent speeches in which they argued for principled engagement as the new US policy towards Arab and other states such as Burma with whom their relationship was fraught (MacAskill 2009). In late 2010, the Burmese junta seemed to respond in a limited way, releasing Aug San Suu Kyi unconditionally (while continuing the confinement of some 2000 other political prisoners) and holding flawed elections that were boycotted by Suu Kyi's National League for Democracy. Since then there has been some further gradual but significant progress towards democratic institutions.

17 'We will pursue principled engagement with those who disagree with us' (Hilary Clinton, viewed 9 May 2011: <<http://www.state.gov/secretary/rm/2009a/july/126071.htm>>), also a theme in President Obama's landmark Cairo speech (viewed 9 May 2011: <<http://www.whitehouse.gov/the-press-office/remarks-president-cairo-university-6-04-09>>). Harold Koh (2010) has described 'principled engagement' as the first of four commitments of an emerging 'Obama-Clinton Doctrine'.

Responsive Regulatory Theory and the Principled Engagement Debate

Responsive regulatory theory is helpful in clarifying some of the dilemmas of engagement in diplomacy. Our analysis here distinguishes three options: one is tolerance and understanding of violation of an international norm, of a criminal state and its crime (such as a crime against humanity or a crime of aggression such as an illegal invasion); a second is stigmatising a crime and a criminal state (as in treating Burma as a pariah state, or defining Iran as a rogue state—part of an ‘axis of evil’); a third is respectful engagement with the state and its people while firmly disapproving its crime. This third option is principled engagement. This way of describing the compliance method of principled engagement reveals that compliance method to be reintegrative shaming. Reintegrative shaming theory (Ahmed et al. 2001; Braithwaite 1989, 2002) argues that if a society shows tolerance and understanding towards a form of criminal behaviour, that form of crime will increase. So if a society gives a green light to family violence by never confronting it with disapproval, family violence will be rife; if citizens just laugh when their friends and neighbours are heard to have cheated on tax then tax cheating will become widespread.

Yet reintegrative shaming theory asserts that shaming crime is not necessarily a superior policy to tolerance and understanding. It all depends on how the shamefulness of crime is communicated. Stigmatising shaming makes crime worse; reintegrative shaming reduces crime. Stigmatisation treats the criminal as a bad actor who has committed a bad act. Reintegrative shaming treats the criminal as a good actor who has committed a bad deed. Stigmatisation is disrespectful shaming (as in treating Burma as a pariah); reintegrative shaming communicates disapproval within a continuum of respect for the offender (as in principled engagement that sustains a respectful relationship with Burma). Stigmatisation has rituals that certify criminality (like the pronouncement of guilt in a courtroom) without rituals to de-certify deviance (like a truth and reconciliation hearing and report in which some victims forgive the criminal). Reintegrative shaming places importance on the termination of the certification of criminality by various kinds of restorative justice rituals that de-certify deviance, and that embrace the offender back into the community of the law abiding. This de-certification of deviance might or might not depend on expressions of remorse by the wrongdoer, listening to victims, apology and offers of reparation. We will not sidetrack here onto the various ways this is done. The point is that a third distinction between stigmatisation and reintegrative shaming is that reintegrative shaming pays a great deal of attention to ceremonies to de-certify deviance once remorse, reform and repair occur.

Reintegrative shaming theory has been applied to both individual and organisational law breaking. Makkai and Braithwaite (1994) found that 331 nursing homes inspected by inspectors with a reintegrative shaming philosophy experienced 39 per cent improved compliance with the law in a follow-up inspection two years later. Nursing homes inspected by stigmatising inspectors suffered an equivalent drop in compliance two years later, while homes checked by tolerant and understanding inspectors suffered an intermediate fall in compliance (see Figure 3.3). Obviously, the data suggest that this is a major issue with inspection effectiveness—the difference between making things 39 per cent better and 39 per cent worse. It seems that both being nasty and being nice to lawbreakers can be counterproductive, while being firm but fair in a respectful way can work. When this result was first published, one referee wondered whether inspectors ‘can really have such an impact in one inspection’. The qualitative fieldwork for that nursing home compliance research suggested they often have even larger effects than a 39 per cent improvement when respectful confrontation of nursing home crime is a catalyst of a major process of corporate deliberation.¹⁸ It is not just the single encounter; the subsequent staff meetings and the soul-searching at subsequent quality-assurance committee meetings are what can be triggered when inspection is firm, respectful and forgiving.

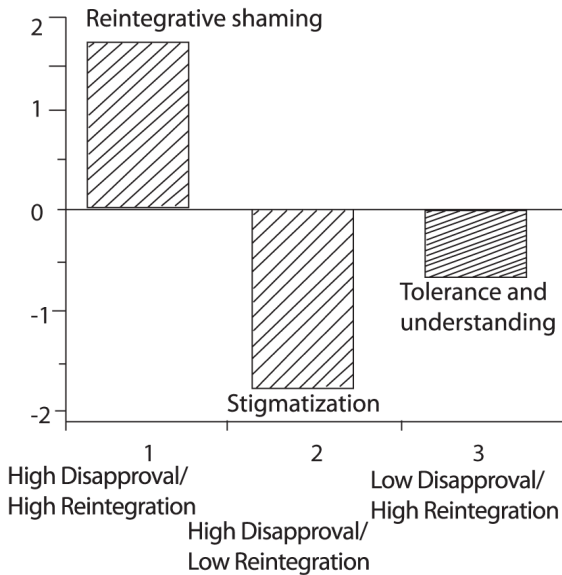


Figure 3.3: Improvement in compliance. Mean improvement in compliance for nursing homes where inspectors used high disapproval and high reintegration styles; high disapproval and low reintegration styles; low disapproval and high reintegration styles

Source: Makkai and Braithwaite (1994)

¹⁸ See Braithwaite et al. (2007:Ch. 3).

Low disapproval/high reintegration (unprincipled engagement) maps onto the way Australia responded to Indonesian crimes in East Timor between 1975 and 1999. None of the Australian Prime Ministers of this era gave speeches firmly disapproving the illegal invasion of East Timor and the human rights crimes that followed the invasion; all of them made it a priority to have a close and friendly relationship with President Suharto, the youngest of them (Keating) respectfully addressing him as *bapa* (father). High disapproval/high reintegration maps onto the Obama–Clinton policy of principled engagement with Burma. High disapproval/low reintegration maps onto the old US policy of stigmatising Burma as pariah state, just as with the ‘axis of evil’ states. The Makkai and Braithwaite (1994) data also showed that respectful confrontation of the seriousness of non-compliance works best when inspectors know the chief executive of the nursing home well. This tracks the conventional diplomatic wisdom that if a head of state has a warm and respectful personal relationship with another head of state, he or she will be better able to communicate disapproval of specific conduct of concern by that state. Of course, states are larger, more complex organisations than nursing homes. Yet we do think there are some principles of respectful engagement with leaders of general relevance to steering any complex organisation that breaks a law. Even more broadly, the reintegrative shaming literature argues that whether it is parents raising children or inspectors regulating businesses, nattering at bad behaviour does not work;¹⁹ what works is a history of respectful engagement that allows us to face bad behaviour and engage the wrongdoer by making a case that this is not something that should be tolerated in a civil society.

While this is far too sweeping a generalisation, there is something to the hypothesis that Western social control is much more prone to oscillate between liberal tolerance and understanding and stigmatising outcasting²⁰ than non-Western social control. Certainly, non-Western audiences are regularly perplexed by sudden shifts to stigmatise them—for example, Saddam Hussein of Iraq. In the 1991 war, the articulated US policy was to humiliate Saddam Hussein so he could not rise again with a reputation as a dogged fighter in the Arab world. Saddam actually thought the United States would respond to his invasion of Kuwait in the same way as it responded to Suharto’s invasion of East Timor: public denunciation for the benefit of human rights critics, with a nudge and a wink to him (Simpson 2004:458). The error of diplomacy with Saddam Hussein was that the US Ambassador to Iraq in a critical meeting failed to communicate

19 For the negative impact of ‘nattering’ by parents who scold their children often but do not follow through to ensure compliance, see Patterson (1982). A nattering parent might tell their son to stop hitting his sister as they walk from dining room to kitchen without stopping to ensure the violence stops and to ensure it is understood how important this is.

20 This is tempered by the fact that non-Western societies have been greatly influenced by globalisation of the Western mentalities of the core outcasting institutions invented by the West: stigmatic criminal law and the prison.

to him that the United States was prepared to escalate up the kind of regulatory pyramid discussed in the pages that follow. Indeed it was prepared to escalate right up to war, but it did not convince Saddam of that until he had already committed his troops to battle. Reintegrative diplomacy is most likely to work when it occurs in the shadow of the political capacity and will to escalate. That is why the diplomacy of Hans Blix and Kofi Annan with Saddam Hussein later in the 1990s can be seen in retrospect as so effective in persuading him to dismantle his considerable weapons of mass destruction program. Kofi Annan said to him, reintegratively, in one meeting for which we have a transcript:

You're a builder, you built modern Iraq. It was destroyed once. You've rebuilt it. Do you want to destroy it again? Look how you talk about the suffering of your people. It's in your hands, we can do something about this. If we can work out an agreement that will prevent military action and you would undertake to comply, it will save the day. (Shawcross 2000:241)

This was a good example of principled engagement with a ruthless tyrant that worked, just as it seems to be working for the moment in Burma and in various places across the Arab Spring. It worked without escalation in Tunisia and Egypt, and with escalation in Libya. With hindsight, Kofi Annan's principled engagement with Iraq (backed by the implied threat of force) seemed effective. UN inspections and sanctions worked; Iraq had ceased to pose any kind of credible military threat to Kuwait, Israel, the United States or even to the state the United States had wanted Iraq to threaten, Iran, where the United Nations and its peacekeepers had also effectively brokered a peace. President George W. Bush and his American mass media organisations believed, and internationally promoted the belief, that President Hussein's performances for the 'dangerously naive' Annan and his weapons' inspector, Hans Blix, were a charade. Annan and Blix for their part believed in a trust-and-verify presumption that Saddam could be persuaded to walk his talk. They believed war would make the world less safe by risking new cycles of violence in the Middle East.

On our theoretical view, stigmatisation reduces the prospects of a dangerous leader becoming a more democratic political leader, of decreasing domination, renouncing terrorist violence. Most bouts of twentieth-century terrorism ended with the integration of some terrorist leaders into legitimate politics after they renounced violence (Karstedt 2005)—whether it was terrorism in Northern Ireland, Israel or South Africa, or the terrorism of the Italian Red Brigades, the Baader–Meinhof gang in Germany, militias in East Timor, or the Bougainville Revolutionary Army in Papua New Guinea. It simply does not help to label an Israeli prime minister a terrorist because he once committed terrorist acts. Even if there is some truth in the view that his renunciation of political violence is hypocritical, a performance for Western publics, we do better to eschew scoffing at his talk of nonviolence; we want him to walk the talk. Hence, the stupidity of

Western leaders like Dick Cheney in opposing the release from prison of Nelson Mandela because he had been an advocate of armed struggle against an elected government—Mandela the terrorist who had blown things up.

Asian leaders particularly do not warm to being constantly niggled over their human rights record in ways that do not amount to sincere, problem-solving communication. Interestingly, the Peacebuilding Compared project has concluded that Indonesian social control over terrorism has been unusually effective, with Indonesia experiencing sharp reductions in terrorism that other Muslim societies have not yet seen. Indonesia was the nation in the world with the biggest terrorism problem at its peak in 2002; today Indonesia experiences low rates of violence of all forms (Braithwaite et al. 2010a:Ch. 1). One of the strategies that has helped accomplish this has involved showing respect and kindness to convicted terrorists, engaging them with religious leaders whose theology and practice they respect in every way other than the renunciation of violence, helping their families and helping them to find productive alternative forms of employment on their release from prison. At last, the West is learning from this Indonesian wisdom in the way it is conducting what the West disastrously called the 'War on Terror'.

When the West stigmatises a society like Indonesia or Burma—because of differences between Western and Asian modalities of social control—the outcome can be particularly counterproductive. One of the counterproductive effects of stigmatisation demonstrated by criminological research is that those who are rejected reject their rejectors. Being rejected, they have a status problem. They then solve that status problem collectively with others who have been similarly rejected. They turn to find support in a community of the similarly rejected; they find respect in a criminal subculture precisely because they are so rejected by mainstream society. The tragedy is that this oppositional subculture further reinforces criminality, excuses it, and teaches methods for executing crime with greater professionalism and impunity.

This is the same general social dynamic that occurs when Asian societies rejected by the West band together to reject their rejectors by glorifying 'Asian values' and vilifying Western human rights discourse. It is the dynamic of certain members of Muslim societies together turning to excuse violence against the West, together seeking to build a new caliphate, after generations of humiliation and stigmatisation by the West. Our hypothesis is that Western stigmatisation of non-Western actors is even more likely to strengthen collective cultures of resistance to Western norms than Western stigmatisation of Western actors. Obversely, the request of the Non-Aligned Movement, which Indonesia had helped form and which Suharto aspired to chair, that Indonesia withdraw from East Timor (at its 1975 Colombo summit and subsequent summits) was

an accomplishment of young Ramos-Horta's diplomacy that did not run this risk. It was, therefore, a particularly strategic form of shaming (Ramos-Horta 1987:160–2; Schwartz 1999:194–229).

In Chapter 11, we apply Sally Engle Merry's (2006) approach of 'vernacularising' rights discourse into local non-Western discourses as a technology of respect. Even more respectful is vernacularising Eastern and southern discourses into global human rights discourse. So we conceive bubbling up influences from non-Western sources into global discourse as part of what is required by principled engagement. Principled engagement, we argue, does not mean abandoning rights universals. It means embedding them more respectfully. It does not mean watering them down; it means infusing them with diverse flavours that help them become more tasty beverages.

Principled Engagement and Sanctions

The debate on principled engagement has been entangled with the debate on sanctions in the case of Burma. Responsive regulatory theory separates these issues in the following way. Responsive regulation means attempting at first to secure compliance with a norm by persuasion, praise for improvement, education, capacity building, restorative justice and other mechanisms of principled engagement with respect and without recourse to sanctions. Then, if principled engagement without sanctions fails and fails again and again to persuade, escalation to sanctions is considered, and when that fails, escalation to tougher sanctions is foreshadowed, then implemented. This is the idea of the regulatory pyramid illustrated in Figure 3.4.

So, responsive regulatory theory certainly positions persuasion, capacity building and other mechanisms of principled engagement as alternatives to sanctions at the base of the pyramid. And the idea of responsive regulation is that most of the regulatory action should occur at the base of the pyramid. Yet it is also part of the theory of responsive regulation that by signalling (without threatening) a credible capacity to escalate to increasingly onerous sanctions, right up to shutting down the criminal organisation, principled engagement without sanctions or threat of sanctions can be more effective at the base of the pyramid. Hence, responsive regulatory theory does not pose a choice of principled engagement versus sanctions. The question is whether principled engagement can work without sanctions, and, if it cannot, what potency of sanctions is required to change behaviour? Then there is a logically prior empirical question of whether principled engagement is more often effective in changing behaviour than stigmatisation or unprincipled tolerance and understanding.

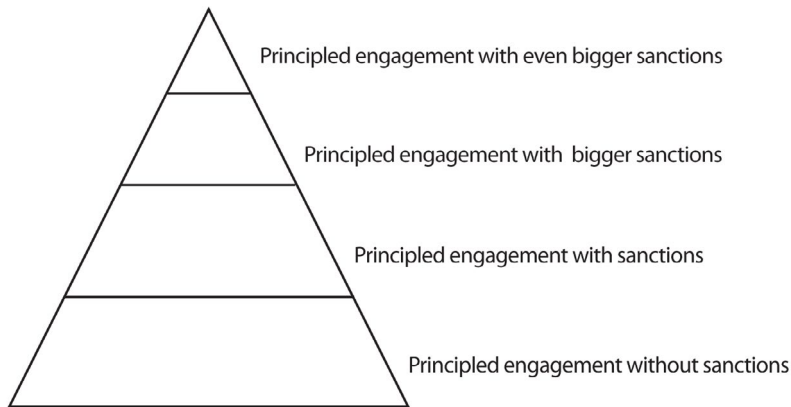


Figure 3.4: A responsive regulatory pyramid with principled engagement and sanctions

In practice, responsive regulation of states that perpetrate human rights abuses tends to be accomplished by escalated networking of informal sanctioning by more network partners in the international system—states, businesses, media organisations, human rights NGOs, traditional chiefs, UN agencies, foundations and other donors—becoming enlisted in a widening web of sanctions against the rights-abusing state: naming and shaming, withdrawal of donor support, trimming trade links, cutting defence support, cutting diplomatic support, terminating the membership of international organisations, and so on. This networked escalation approach to responsive regulation is illustrated in Figure 3.5. When international society finds a way to signal the inexorability of escalation up a credible pyramid of networked regulation, cooperation with principled engagement (without sanctions) can become more effective and widespread.

Unprincipled Engagement with Indonesia

Not only did the Australian Government and Australian scholars of Indonesia succumb to unprincipled engagement with Indonesia after the crime of aggression of 1975, so did the United States, the United Kingdom, other Western and Eastern powers, and the United Nations. None of these actors in the pro-Indonesia network would refer to the invasion as a crime, when clearly it was as a matter of law, no less so than the crime of aggression for which many of these same state actors hanged Prime Minister Tojo of Japan in 1948, or the human rights crimes for which they hanged President Saddam Hussein of Iraq in 2006.

Our first argument is that at least this unprincipled engagement with Indonesia's leadership was not as bad a policy as the stigmatisation directed at Burma. The door was at least kept open to Indonesia and respectful diplomatic relationships were sustained. In the long run, however, if Gough Whitlam had opted for principled engagement, had seriously confronted President Suharto with the view that an invasion would be illegal and that Australia would call on the United Nations to have it reversed by an Indonesian withdrawal, if this had been done from their earliest meeting, and at each subsequent meeting, in circumstances where Suharto and his Foreign Minister, Malik, at first resisted an invasion, it is possible that the United States and European powers would have supported this Australian position, and the spectre of resolute UN opposition to an invasion might have meant it would not have occurred. That principled engagement might then have saved not only more than 100 000 Timorese lives, but also the lives of thousands of Indonesian soldiers, which was a huge drain on the Indonesian budget for 24 years and prevented the international humiliation of Indonesia in 1999 when the occupation ultimately was reversed.

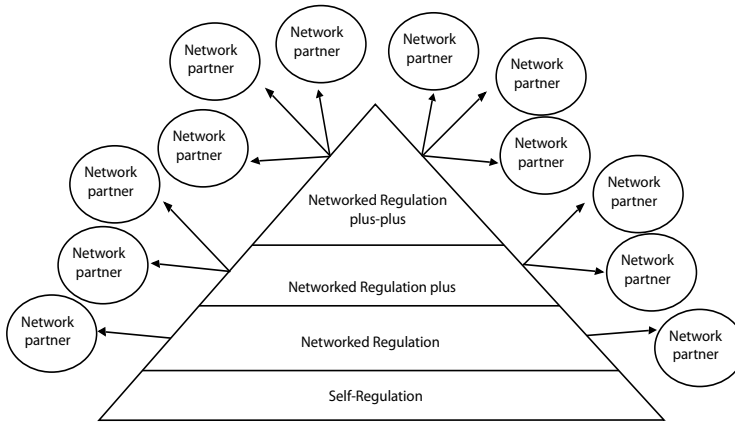


Figure 3.5: An example of a pyramid of networked escalation. This pyramid picks up Peter Drahos's (2004) idea of nodes that tie together networks at each layer of a pyramid

Australia allowed itself to be a bad friend of Indonesia in the medium term by this unprincipled engagement.²¹ Our argument is that it served Indonesia poorly because of an error of misplaced realism. At first, Whitlam believed

21 Rodney Tiffen (2001:104) concluded one of the more perceptive analyses of the politics of principle versus pragmatism on Timor with: 'Nearly all the assumptions in 1974 and 1975—about what would constitute a pragmatic policy—were proven false over the following quarter of a century. The Indonesian annexation did not produce stability. Australia's pre-emptive acquiescence in Indonesian designs did not produce harmonious relations with Indonesia. East Timor remained a vexatious issue in Australian domestic politics. And the toll in human suffering was horrendous.'

that because Indonesia had the military might to pull off a quick, clean victory over Fretilin forces and because its military leadership wanted to do just that, therefore Suharto wanted to invade (when he did not) and would inevitably either do that or engineer destabilisation that would lead to a West Papua Act of Free Choice fraud. Second, the argument of the rest of this book is that because Whitlam's successors (and US President Gerald Ford's successors, including the human rights champion, President Jimmy Carter) succumbed to the misplaced realism of seeing Indonesia as too important to cross, and their foot as too firmly planted on the throat of East Timor, unprincipled engagement became the policy. While these heads of state were not willing to cross Indonesia, the international solidarity movement, the international media and, ultimately, international society were. The foot Indonesia was believed to have so firmly on Fretilin's throat began to shake after Santa Cruz and more so after the Asian financial crisis, until finally it was removed because of an escalation of networked pressure. Belatedly, after Santa Cruz, Western democracies did begin to move up the two pyramids of Figures 3.4 and 3.5, especially through cutting off new defence technologies and training to the Indonesian military, who cared about these things. And belatedly, it worked. The illegal invasion was reversed and Indonesian crimes against the human rights of Timorese ceased from late 1999.

As influential a network as the pro-Indonesia diplomats, think tanks and scholars was in Australia and across the globe, ultimately it was defeated by a more powerful network of rather hairy people in the clandestine movement domestically and the solidarity movement internationally. Our argument in Chapters 5 and 6 will be that this network mobilised a most effective pyramid of networked escalation that finally caused Indonesian resolve to crumble. Second, we will argue that unwaveringly principled engagement that two hairy young men started in a marginalised mission ended in the office of the President of Timor-Leste. Those men, Xanana Gusmão and José Ramos-Horta, over decades of struggle, manifested the power of principled engagement. They never stigmatised Indonesia or Indonesians; they persistently chastised any racist vilification of the invaders by their followers; they eschewed terror tactics; certainly, they waged a war in defence of their country against the invasion, but it was a war in which they progressively came to opt for minimalist as opposed to maximalist violence. At the end, both quickly forgave Indonesian leaders, even General Wiranto, in open rituals of embrace. They surprised supporters and enemies alike by apologising for the killing they had inflicted on young Indonesian soldiers. Their reintegrative shaming of Indonesia in the 1980s and 1990s was infectious in inspiring ever expanding networks of supporters of East Timor in a way that bore similarities to the way Nelson Mandela inspired both anti-apartheid networks and reconciliation with his white oppressors.

In the film *Invictus*, Mandela flips black support behind the (overwhelmingly white) South African rugby team in its 1995 World Cup campaign. His aide says the experts give South Africa no chance of surviving the quarterfinals. Mandela replies: 'If we believed the experts you and I would still be in prison.' The celebrations after the World Cup victory in South Africa unify the nation in the way Mandela hoped. When the white South African captain accepted the cup, he said that the team was inspired by Mandela—'we won it for our President'²²—and many of us who were watching wept.

Our argument is that leadership for networked escalation of pressure against human rights crimes can be an accomplishment of inspiring leadership based on principled engagement. But that leadership need not come from international leaders like Gough Whitlam. It can come from a black man in a prison cell on Robben Island; it can come from a junior officer remote in the mountains who takes over the Timorese resistance when all the senior leaders are dead, and later leads from a prison cell in Jakarta; it can come from a Timorese man in his mid-twenties with a limited high school education who works as a cleaner in New York to support his UN networking by day; it can come from young Timorese women who as refugees in Australia and Portugal inspired the patience of the solidarity movement. We argue, however, that unlike Mandela, Gusmão and Ramos-Horta have not yet moved to depersonalise power through humility.

Misplaced Realism

Realist international relations theory does not see refugee women, imprisoned bombers and lobbyists funded by employment as a cleaner as important to shaping history. History according to realist international relations theory is shaped by states in proportion to the military and economic power those states control. It models international affairs as a billiards table on which the bigger billiard balls with more force behind them invariably push aside smaller balls. We can immediately see in responsive regulation's pyramid of networked escalation (Figure 3.4.) why that will recurrently prove to be false. The weak often prevail over the strong in the world system because they can inspire the enrolment of many organisational actors who are stronger than themselves to their cause (Braithwaite and Drahos 2000). Notwithstanding its massively larger military and economy, Indonesia did not prevail over tiny Timor-Leste. As we see in the next chapter, even the purely military part of the invasion was costly. Indonesia did not prevail even though it was supported with military equipment and diplomatically by the United States and all its allies, and by ASEAN in its own region.

22 This at least was what he actually said in 1995. He said something a bit different in the film.

That support, and the 1975 victory it delivered in Dili, was pyrrhic precisely because it was based on realism rather than principle. These allies who were supporting Indonesia diplomatically and with weapons and military training were democracies. Australian activists and a good many ordinary citizens look back with distaste on what our country has done on East Timor. Many Labor Party activists who were devotees of Gough Whitlam stood with East Timor once they realised the handiwork of their leaders. Equally, we would expect, though we do not know, that many around US President Jimmy Carter were moved to support the international solidarity movement on East Timor when they discovered that the administration of the human rights president was sending Bronco aircraft armed with napalm to maim and starve ordinary villagers of East Timor. In other words, when realism is too palpable, when engagement is too unprincipled, the kind of people power that is a subject of the rest of this book can swing in to outflank realist power, so long as it is resilient and patient.

This anti-realist analysis applies with special force to democracies when it becomes clear to citizens who believe in human rights, in international law and in the principles of the United Nations that their leaders are flouting these principles for realist reasons. Yet this analysis also applies to non-democracies, the leaders of which must also bring their cadres with them. China was one of the few states to consistently support Fretilin at the United Nations and provide limited resources to Ramos-Horta's diplomacy—though it was realist enough to shy off supplying weapons to Fretilin; Indonesia was after all a major force in Third-World diplomacy networks on which the increasingly soft power of China depended. Fretilin visited Beijing seeking military support on 29 December 1975. Australian Ambassador to China, Stephen FitzGerald, reported on the request for military aid. FitzGerald noted that when the Chinese Foreign Minister said at the opening banquet that 'the East Timorese people...would surely win the final victory on national independence so long as they persevere in self-reliance and hard struggle', he meant 'no' (CAVR 2006:Part 7.1, p. 41). The irony was that the Foreign Minister proved to be right in this utterance that was infected with duplicitous realism. British Ambassador to China, John Ford, opined in a cable of 2 January 1976 that China's strong language in support of Fretilin in the Security Council should not be taken at face value (CAVR 2006:Part 7.1, p. 41):

Apropos the Fretilin delegation's visit to Beijing and the Chinese ostensible support of Fretilin, the Chinese had apparently commented to the effect that too much notice should not be paid to their support of Fretilin: there were occasions when cannons need to be fired even if only paper balls were shot.

The error of misplaced realism is nicely palpable in this quote now that we can see that the paper balls Ramos-Horta and his network were able to mobilise from widening circles of cardboard cannons ultimately proved more potent than military hardware.

The Character of a Deeper 'Realism'

So what is the opposite of this realism? In Chapters 5 and 6, we will argue that it is patient networking of weapons of the weak. Hard-headed diplomats might say that the opposite of realism is romanticism. There is something to this; yet there is more. That extra element that was manifested by the people of Timor and the international solidarity movement that supported them is a commitment of character, a commitment to sacrifice oneself if necessary to do what is right and just, rather than what is realistic. It involves the unwavering resilience that led so many foreigners who visited places like Vietnam during the US occupation, Afghanistan during the Soviet occupation, East Timor during the Indonesian occupation, and the United States during the Revolutionary War to conclude that these people would never give in. This is well illustrated by the story of Shirley Shackleton, Australian wife of one of the 'Balibo Five' journalists, when she arrived in 1989 to plant a tree in Balibo to honour her husband. Indonesian authorities refused permission to plant it near the place of his death. Finally, a priest offered a place to plant the tree behind his church. Troops sealed off the vicinity to prevent any Timorese witnessing the planting. Shirley Shackleton then described what happened:

They had not allowed any Timorese to be there...But as I kneeled, saying a few words to Greg, the most wonderful singing washed over me. On the other side of the road, a young people's choir had timed its practice to my being there. I shall never forget those beautiful voices. They came through the barrier the Indonesians had set up between us,²³ and they comforted me. You see, that's how the resistance works; everything is pre-arranged but never appears to be. They will never be defeated. (Pilger 1994:273)

23 This does not mean the children literally broke through, just their voices (see also Shackleton 2010:241–3).



Figure 3.6: Shirley Shackleton sits next to the grave of her husband, Greg, 9 July 2010

Photo: Adek Berry/AFP

This book is about the difference in character between people who never surrender to crimes against humanity and pragmatists who do give in to what is a realistic pursuit of national interest. The key Australian and American realists who are the lead characters of our drama are old men now. Diplomats like the former Australian Ambassador to Indonesia and Head of the Department of Foreign Affairs Richard Woolcott and former US Secretary of State Henry Kissinger doubtless comfort themselves with the belief that in their time, on questions like Timor, they took the tough decisions in the national interest. Yet they also know that the people of the nations in whose interest they acted do not see it that way. Most of these citizens do not want to be the kind of nation that is duplicitous in betraying innocents. They do not agree that a nation like Australia is better off to be the kind of nation that repeatedly betrays its friends.

Gough Whitlam seems to realise in his old age that he is a greatly revered Australian, but nevertheless perceived as having left one great blemish on our national character. Like Gough Whitlam, Gareth Evans can take satisfaction in his old age that his contributions to humankind have been profound on many fronts. In spite of that, he must know that he is not a figure of affection among the Australian people, that the images that stick in the nation's consciousness are much more of him clinking champagne glasses with the Indonesian Foreign Minister after concluding the Timor Gap Treaty (which would allow drilling

for oil to proceed to benefit Australia and Indonesia). They are much more of Evans excusing the Santa Cruz massacre as an 'aberration' from an improving Indonesian rights record. At the end of the day, it is not very realistic for these individuals (or for their nation) to lose their reputations as persons of character who hail from a nation of character. They as individuals and their nations as nations come to value more their character and the reputation it enjoys than the short-term national objectives pursued with 'realism'.



Figure 3.7: Toasting Series: Gareth Evans toasts Indonesian Foreign Minister, Ali Alatas, flying over the Timor Sea to celebrate signing the Timor Gap Treaty, 1989

Photo: National Archives of Australia

If these men wish to look at the executors of a deeper long-term realism that nations of democratic citizens really do value, they should look to figures they would have called romantic in their time like Nelson Mandela, Helen Suzman, Mahatma Gandhi and Thomas Jefferson who in earlier times were scoffed at as romantics by the diplomatic realists of London and other imperial capitals. All the world's great religions, and a great deal of contemporary psychological evidence, teach paradoxically that we are better off if we do not live a life of maximising our wealth (or power or other realist assets). It is not just that it is right for us to be givers rather than takers; it is that we are better off when we are givers. When realist thinkers about international affairs refuse to apply this insight to the interests of nations and their leaders, they perpetrate a deep error in their understanding of where reality resides in the long run of history.

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