Chapter-I Introduction

Conceptual Framework and Historical Background

1.1: Formation of United Nations

The United Nations (UN) was officially established on 24th October 1945, in the aftermath of the Second World War. The founding fathers of the UN foresaw the role, which was assigned to the UN considering the importance and challenges of maintaining international peace and security. The UN Charter laid down the ideals, common aims, rights and obligations that member states had to adhere to and ensure to promote an orderly environment. The substance of the Charter clearly stated the UN intention i.e.

“to save the succeeding generation from the scourge of war, to respect the fundamental human rights, uphold the dignity and worth of human being, foster equal rights of men and women and of nations large and small, to ensure justice and respect the obligations arising from international treaties and to promote social progress and better standard of life.”

The basic purposes of the UN as outline in Article 1 are primarily to maintain international peace and security. To realise this responsibility the UN had to take collective measures and actions to prevent any threats that can impede peace, acts of aggression, breach of peace via peaceful means and in conformity with the principles of international laws. The UN also encouraged friendly relations among member states based on the principle of respect for equal rights and self-determination of the

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people\textsuperscript{6} and strived to build international cooperation in solving international problems ranging from economics, social, cultural and providing humanitarian relief. To uphold and promote respect the spirit of human rights and fundamental freedoms sans distinction based on race, religion, sex, language etc.\textsuperscript{7} In addition the UN will act as the nodal centre in harmonising and coordinating the implementation of these stated purposes.\textsuperscript{8}

1.2: United Nations and Peacekeeping

International institutions such as the UN played a vital role in managing any conflict when sought to intervene. As a multilateral institution, the UN is considered as an organisation capable of restoring peace and normalcy in countries plagued or torn apart by conflict.\textsuperscript{9} In this context, drafters of the UN Charter envisioned an organisation engaged in the entire spectrum of conflict management and resolution, from preventive measures, to ad-hoc responses to crisis, to the long-term stabilisation of conflict areas.\textsuperscript{10} While undertaking the role of conflict management, the UN has to rely solely on the support of the member states since it has no standing personnel of its own.\textsuperscript{11} This responsibility is explicitly stated in Article 43 (1) of the Charter that member states should make their forces available to undertake UN mission to maintain peace and security.\textsuperscript{12} The role of the UN in conflict management has been clearly stated in the UN Charter. The various tools or instruments of conflict

\textsuperscript{6} See, Article 1 (2) of the United Nations Charter.
\textsuperscript{7} See, Article 1 (3) of the United Nations Charter.
\textsuperscript{8} See, Article 1 (4) of the United Nations Charter.
\textsuperscript{12} Article 43 (1) of the United Nations Charter.
management are used in accordance with the development and stages of conflict. These tools or instruments are enunciated in Chapter VI of the UN Charter which deals with Pacific Settlement of Disputes. The role of the UN in conflict management can be understood clearly from the Agenda for Peace presented by former UN Secretary-General Boutros Boutros Ghali in June 1992. These approaches stated in the Agenda for Peace include preventive diplomacy, peacemaking, peacekeeping and peacebuilding whereby the UN initiated actions prior to the eruptions of conflict or in the post-conflict period.

(A) Concept of Preventive diplomacy: The term preventive diplomacy was first proposed and articulated by former UN General-Secretary Dag Hammarskjold. Article 99 of the UN charter presaged the significant of preventive diplomacy which permit the Secretary-General to inform the Security Council any issue that pose a threat to international peace and security. In the UN context, preventive diplomacy is regarded as an integral part of broader conflict-prevention efforts commonly known as early diplomatic actions. The basic objectives of is to prevent new disputes including the existing tension which would further escalate into violence and as well as limiting its spread. The concept of preventive diplomacy is defined in the Agenda for Peace as,
“action to prevent disputes from arising between parties, to prevent existing disputes from escalating into conflicts and to limit the spread of the latter when they occur.”18

The importance and efficient of employing preventive diplomacy is mainly to ease tensions before the situation resulted in conflict or in any case when conflict breaks out the UN should act it promptly in order to contain and resolved the underlying causes of conflict.19 To achieve success in containing any conflict, preventive diplomacy requires certain measures to build and strengthen confidence which may includes formal fact-finding which is need in accordance with the Charter. The UN Secretary-General is responsible in this regard to initiate this step. This may include sending fact-finding missions on the request of the host state that will be mandated by the Security Council or the General Assembly or the Secretary-General may take necessary steps to designate his special envoy to collect information on any disputes or conflict.20 Early warning based on the information gathering also helped in preventing and containing any threats that may disturb peace and security such as environmental threats, risk of nuclear accident, natural disasters, mass movements of population, threat of famine and the spread of diseases. In this respect cooperation with regional organisations are vital to make regional arrangements for any consequences that may entail.21 Preventive deployment can also contribute to contain any conflicts at the earliest stage. For instance, during national crisis within the states preventive deployment can be employed with the request of the concern governments


19Ibid., para. 23, p. 46.

20Ibid., para. 25.

21Ibid., para. 26.
or consent of all the parties. Preventive deployment can help in alleviating suffering and to limit and control violence. It can also aid in facilitating humanitarian assistance, assist in providing public security through military, police or civilian personnel which may save lives, provide conditions for safety and facilitate negotiation among the parties engaged in conflict. The UN can also help in conciliation efforts if the parties agreed. Meanwhile, demilitarised zones can also play a crucial role as form of preventive deployment. Such zones will help in separating potential belligerents in case of inter-state conflict and removing any pretext for counter attacks.

In August 2011 report of the Secretary-General Ban Ki-Moon on ‘Preventive Diplomacy: Delivering Results’ had cited the significant contribution and importance of preventive diplomacy during the course of political tensions and escalating crises. In fact preventive diplomacy is one of the available optioned which was short of coercive measures to preserve peace. It was also considered as high return-investment that could save precious lives from the clutches of violence conflict. The key actors of preventive diplomacy include General Assembly, Security Council, Peacebuilding Commission, Good offices of the Secretary-General, Envoys, Regional Office of the United Nations, Resident Political Mission and Peacekeeping Operations etc.

(B) Concept of Peacemaking: Another technique employed by the UN to maintain peace and security is the application of peacemaking. Peacemaking referred to,

22Ibid., para. 28, p. 49.
23Ibid., para. 29, p. 50.
24Ibid., para. 33, p. 51.
26Ibid.
“action to bring hostiles parties to agreement, essentially through such peaceful means as those foreseen in Chapter VI of the United Nations Charter.”

In this context Article 33 of the UN Charter specifically provides the mandate for peacemaking. It stated that,

“the parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangement or other peaceful means of their own choice.”

Among the various means of peacemaking, negotiation which can lead to direct and friendly settlement of dispute between the warring parties is universally accepted. It is considered as a flexible means for settling and resolving disputes peacefully and it can be applied for different disputes which range from political, legal or technical. Negotiation is mostly resorted by member states to solve contentious issues and although it has minimal success, yet it has helps in solving majority of disputes. The provision of enquiry as a means of settlement of disputes figured prominently in various bilateral, multilateral treaties, covenant of the League of Nations, UN Charter and certain specialised agencies and other international organisation within the UN system. Enquiry refers to an impartial third-party procedure for fact-finding and investigation. As a peaceful mean it can contribute to reduction of tension and the prevention of an international dispute. The process of inquiry may be commission with the mutual consent of the states concerned.

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27 Ibid.
30 Ibid., para. 22.
31 Ibid., para. 23, p. 10.
32 Ibid., para. 76, p. 24.
33 Ibid., para. 77.
Moreover, inquiry can be instituted as a mode of handling any disputes by specifically indicating its process and method of work.\textsuperscript{34} Mediation has been defined as a method of peaceful settlement of an international dispute where a third party intervenes to reconcile the claims of the contending parties and to advance his own proposals as aimed at a mutually acceptable compromise solution.\textsuperscript{35} It is a distinctive method which facilitates dialogue between warring parties and aimed to reduce hostilities and tensions through a political process controlled by the parties. One of the crucial features of mediation is that it facilitates for the disputing parties recourse to a peaceful approach to the dispute.\textsuperscript{36} It should be noted that during the course of mediation the mediator or mediators primarily assist the parties in resolving and settlement of the disputes in simplest and direct manner by avoiding formalities. Mediation seeks an acceptable solution.\textsuperscript{37} Conciliation is a peaceful settlement procedure combining both the elements of inquiry and mediation.\textsuperscript{38} This method can be initiated with the consent of the concern States or parties which is agreed in writing.\textsuperscript{39}

Meanwhile, arbitration connotes as the settlement of disputes between States by judges chosen by the parties themselves and on the basis of respect for law. Arbitration is a procedure which results in binding decisions upon all the parties.\textsuperscript{40} This mean of peaceful settlement of dispute is basically constituted with the mutual consent of the parties engaged in the disputes. It should be noted that the parties involved in the conflict retain considerable control over the process in appointing the

\begin{itemize}
\item \textsuperscript{34}Ibid., para. 83, p. 27.
\item \textsuperscript{35}Ibid., para. 123, p. 40.
\item \textsuperscript{36}Ibid., para. 126.
\item \textsuperscript{37}Ibid., para. 128, p. 42.
\item \textsuperscript{38}Ibid., para. 140, p. 45.
\item \textsuperscript{40}See, \textit{Handbook on the Peaceful Settlement of Disputes between States}, op.cit., para. 168, p. 55.
\end{itemize}
arbitrators of their own choice. Arbitration has been frequently chosen and used as the third party procedures to settle disputes such as territorial and boundary disputes, interpretation of bilateral or multilateral and relating to claims of violation of international laws. Acting as a third party, arbitration may be performed by individual as a sole arbitrator or group of individuals appointed by the parties to form an arbitral tribunal. On the other hand, judicial settlement as a mean of peacemaking relies upon pre-constituted international courts or tribunals. Its composition is not the same and primarily based on the parties to the disputes. In addition, peacemaking can be initiated via regional arrangements and regional agencies. The term regional arrangements “denote agreements under which States of a region undertake to regulate their relations with respect to the question of the settlement of disputes”.

Regional agencies refer to,

“regional international organisations created by regional multilateral treaties under a permanent institution with international legal personality to perform broader functions in the field of maintenance of peace and security including the settlement of disputes.”

It should be noted that regional agencies can apply their own mechanism to settle any disputes peacefully either by referring to negotiation, inquiry, mediation, conciliation, judicial settlement and arbitration or by endowing permanent organs with specific functions for this purpose. The objective of including regional arrangement and regional agencies as means of peacemaking are primarily meant to provide an option for Member States to settle their disputes via peaceful means as

41 Ibid., para. 170.
42 Ibid., para. 172, p. 56.
43 Ibid., para. 178, p. 59.
44 Ibid., para. 170.
46 Ibid.
47 Ibid., para. 235, p. 82.
enumerated in the regional forum. Moreover, by resorting to regional arrangement and regional agencies Member States are at liberty to apply any of the mechanism to solve their disputes or conflict.\textsuperscript{48}

The primary objective of peacemaking is to address the ongoing conflict by attempting to bring them to a halt as early as possible. Peacemaking uses tools such as diplomacy and mediation to bring warring parties to a peaceful settlement. The agents or peacemakers include envoys of government, groups of states, regional organisations or the United Nations. They may be unofficial and non-governmental groups.\textsuperscript{49} In other words peacemaking imply diplomatic effort intended to move violent conflict into non violent dialogue where differences are settle through representative political institutions. Besides, negotiation, mediation, conciliation and arbitration, international law also provides a channel for settlement of disputes through international courts.\textsuperscript{50} It should be noted that the process of mediation and negotiation can be undertaken by UN representative as designated by the Security Council, General Assembly or by the Secretary-General.\textsuperscript{51} The essence of peacemaking was also stressed in the Manila Declaration of 1982 which was adopted by the General Assembly. Member States should act in accordance with the purposes and principles of the UN Charter and should restraint from aggravating the situations that can endanger the maintenance of international peace and security that may

\textsuperscript{48}Ibid., para. 237, p. 83.
\textsuperscript{49}See, An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peacekeeping, A/47/277, 17, op.cit.
\textsuperscript{51}See, An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peacekeeping, A/47/277, 17, op.cit., para. 37, p. 53.
impede peaceful settlement of disputes.\textsuperscript{52} It is imperative that Member States should prioritise to settle their dispute through peaceful means.\textsuperscript{53}

\textbf{(C) Concept of Peacekeeping:} Peacekeeping have been traditionally associated with Chapter VI of the UN Charter albeit the Security Council never mentioned specific Chapter when adopting resolution to authorise the deployment of UN peacekeeping.\textsuperscript{54} Peacekeeping is design to preserve peace and deployed when upon cessation of conflict and their task is to implement and enforce the ceasefire agreements, which is achieve by peacemakers.\textsuperscript{55} An Agenda for Peace 1992 define,

\begin{quote}
“peacekeeping is the deployment of a United Nations presence in the field, hitherto with the consent of all the parties concerned, normally involving United Nations military and/or police personnel and frequently civilians as well. Peace-keeping is a technique that expands the possibilities for both the prevention of conflict and the making of peace.”\textsuperscript{56}
\end{quote}

Peacekeeping as a technique is meant to prevent conflict and to make peace between the contesting groups in a conflict.\textsuperscript{57} Article 43 (1) of the UN Charter provide,

\begin{quote}
“all members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special arrangements, armed forces, assistance and facilities including the rights of passage, necessary for the purpose of maintaining international peace and security.”\textsuperscript{58}
\end{quote}

\textsuperscript{53}Ibid., para. 9.
\textsuperscript{55}Ibid., p. 17.
\textsuperscript{56}See, An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peacekeeping, A/47/277-S/24111, 17, op.cit., para. 20, p. 45.
\textsuperscript{57}Ibid.
\textsuperscript{58}See, Article 43 (1) of the United Nations Charter.
While undertaking deployment of UN peacekeeping forces three cardinal principles are observed and adhered by the UN peacekeeping missions. The core principles are mutually related and reinforcing which play a pivotal for the UN peacekeeping missions in order to enable them carry out the mandates of keeping peace, security and restored normalcy in conflict zone.  

These include: Consent of the parties: UN peacekeeping forces are deployed with the consent of the parties who are engaged in conflict and also required commitment by the parties to a political process. The acceptance and consent of the parties are vital for UN missions to carry out its mandates of freedom of action both physical and political. In the absence of this principle, the UN peacekeepers risk of becoming party to the conflict and a breaches of its fundamental role of keeping peace. The second principle is impartiality. UN Peacekeeping missions are expected to act impartially while maintaining peace and security, which play a crucial role in keeping the parties consent and cooperation with the UN forces. In this context it should be clear that peacekeepers act impartially with parties engage in conflict but they cannot act neutrally in executing the mandates entrusted by the Security Council. Moreover, peacekeepers cannot condone the actions of parties which violated the undertaking of peace process, international norms and the principles of peacekeeping operations. Peacekeepers must also avoid activities that may compromise its image of impartiality, undermine its credibility and legitimacy. The third principle is non-use of force except in self-defence and defence of the mandates. Under this principle the UN forces are restraint to carry out force operation considering that peacekeeping forces are not tool of enforcement. However, peacekeepers can use force only with

60Ibid.
61Ibid.
the authorisation of the Security Council in defence of the mandates and self-defence.\(^{62}\) Moreover, in certain cases of volatile situations whereby robust mandates is sanction by the Security Council, peacekeepers can use all necessary means to deter forceful attempts to disrupt the political process, protect civilians under imminent threat of physical attack or to assist the national government in maintaining law and order.\(^{63}\)

Peacekeepers helped in monitoring the conflict situation and prevented the movement of armed contingents undetected.\(^{64}\) Secondly, peacekeepers can effectively prevent movement of hostile parties by patrolling on major roads arteries which aided in establishing protected areas.\(^{65}\) Thirdly, the presence of peacekeepers also helped in decreasing the government forces intention to use heavy handed tactics in crushing and clearing the areas of rebel parties and its supporters.\(^{66}\) Hence, peacekeeping as an instrument of conflict management contributed significantly to prevent geographic spread of intra-state conflict via containment.\(^{67}\) The role of peacekeepers also include protections of human rights, provides public security, political supports and peacebuilding activities undertaken to established sustainable peace and prevent its recurrence or relapse into conflict.\(^{68}\) UN peacekeepers are considered as the representative of the world body which consistently and tirelessly working round the clock, seven days a week, braving all kind of risks and battling with numerous

\(^{62}\)Ibid.  
\(^{63}\)Ibid.  
\(^{65}\)Ibid.  
\(^{66}\)Ibid.  
\(^{67}\)Ibid.  
challenges in different theatres of wars and conflicts and in various tension zones.\textsuperscript{69} Elaborating on the role played by peacekeeping, Michael Harbottle describes it as a third party intervention, which is peaceful and act impartially. In fact peacekeepers act as a referee and equipped with a whistle instead of a gun to control and manage the violent situation.\textsuperscript{70} They conduct the operation sans force, coercion or undue persuasion, but with tactful reasoning, quiet diplomacy and above all patient restraint.\textsuperscript{71}

During the Cold War period peacekeeping operations are classified as traditional peacekeeping operation because most of the operational activities undertaken by the UN fall under Chapter VI of the Charter which has limited role to play. Peacekeeping operation mainly focus on containment of conflict between parties through demarcation of boundaries, maintaining cease fire, stabilising the ground situation in order to resolve the conflict by peaceful means.\textsuperscript{72} The basic objective of traditional peacekeeping operations are deployed as an interim measures to help in managing the conflict and provide assistance in ensuring an environment that will permit negotiations of both parties engaged in conflict so as to achieve lasting settlement.\textsuperscript{73} Moreover, the UN operation during this period is composed of military in character. They involved principally in activities such as observation, monitoring and reporting, using static post, patrols, over-flights or other technical means with the agreement of the parties. In addition they assisted in supervising cease-fire and

\textsuperscript{70}Michael Harbottle, “Lessons for UN Peacekeeping”, \textit{International Affairs}, Vol. 50, No. 4, October, 1974, p. 545.
\textsuperscript{71}Ibid.
\textsuperscript{73}Ibid., p. 21.
support to verification mechanism, interpose as a buffer and aid in confidence-building measures.\textsuperscript{74}

The end of the Cold War led to a shift in the nature of peacekeeping, which transforms from traditional to multidimensional peacekeeping. Multidimensional peacekeeping mission is composed of a range of components which include military, civilian police, political, civil affairs and rule of law, human rights, humanitarian, reconstruction, public information and gender.\textsuperscript{75} Multidimensional missions are also tasks to undertake different assignment which are complex ranging from rendering help in implementing a comprehensive peace agreement, monitor ceasefire and cessation of hostilities so as to allow the warring parties to resume political dialogue, negotiation to settle their disputes peacefully. Multidimensional mission extend helps in providing a secure environment for ushering normal civilian life. It also prevents the spill-over of conflicts to its neighbouring borders and takes the lead in administering the territory during the transition period through ‘democratic principles, good governance and economic development’.\textsuperscript{76} In addition to the military which played vital role during the operations, the civilian staffs have also undertaken a constructive responsibility through this mission. The role of civilians includes liaising with different political and civil society actors in implementing the peace agreement. They supported in providing and delivering humanitarian relief to the affected people. Engaged in disarmament of warring parties, provide assistance in demobilisation of and re-integration of the former combatants, which belonged to warring parties involved in conflict.\textsuperscript{77} Apart, they extend supervision and conduct of national

\textsuperscript{74}Ibid.
\textsuperscript{76}Ibid., pp. 1-2.
\textsuperscript{77}Ibid., p. 2.
elections, strengthen the rule of law in the host country and providing vital assistance in reforming the judicial sector and training of civilian police. The civilian personnel of the multidimensional mission also provide protection and monitoring of human rights and conduct investigation into any cases of alleged human rights violation. They extend vital support in post-conflict reconstruction and rehabilitations.  

(D) **Concept of Peacebuilding:** The other technique which emerged from the Agenda for Peace in 1992 which deal with ensuring lasting peace and stability in the post conflict period is to employ peace-building. In fact the term peacebuilding first emerged in 1970s through the work of Johan Galtung to promote sustainable peace by addressing the root causes of violent conflict and support indigenous capacities for peace management and conflict resolution. The Brahimi Report defines peacebuilding as,

> “activities undertaken on the far side of conflict to reassemble the foundations of peace and provide the tools for building on those foundations something that is more than just the absence of war.”

In 2007 the Secretary General’s Policy Committee has described peacebuilding as,

> “a range of measures targeted to reduce the risk of lapsing or relapsing into conflict by strengthening the national capacities at all levels for conflict management and to lay the foundation for sustainable peace and development. Peacebuilding strategies must be coherent and tailored to the specific needs of the country concerned, based on national ownership and should compromise a

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78Ibid.
carefully prioritised, sequenced and relatively narrow set of activities aimed at achieving the above objectives.”^81

Peacebuilding assume an important role in post conflict period in order to ensure lasting peace and stability. Peacebuilding ranges from reintegration of former combatants into civilian society, strengthening the rule of law through training and restructuring of local police, judicial and penal reforms. It also referred to improving respect for human rights through monitoring, education and investigation of previous and existing cases. Besides, the UN would also provide technical assistance for democratic development such as electoral assistance and support for free media and above all the UN also promoted conflict resolution and reconciliation techniques.\(^82\)

The other additional activities of peace-building include support for the fight against corruption, implementation of humanitarian demining programmes, emphasis on immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) education and control and action against other infectious diseases.^83

Effective peacebuilding requires active engagement with the local parties, and that engagement should be multidimensional in nature.\(^84\) Peacebuilding also ensure free and fair elections which were viewed as part of broader efforts to strengthen governance institutions.\(^85\) The role of United Nations Civilian police were also important in assisting civilian police by imparting training and restructuring local police forces in accordance with international standards of democratic policing, human rights and to ensure their effective respond to civil disorder and self-defence. Peacebuilding aided the courts to be politically impartial and free from intimidation or

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^83 Ibid., para. 14, p. 3.
^84 Ibid., para. 37, p. 7.
^85 Ibid., para. 38.
The human rights component of a peace operation is indeed critical to effective peace-building. In this way it gave strong emphasis on training military, police and other civilian personnel on issues of human rights and other relevant provisions of international humanitarian law. Another area which peace-building makes direct contribution was in terms of disarmament, demobilisation and reintegration of former combatants were key factor that could contribute to immediate post-conflict stability and reduce conflict recurrence.

1.3: UN Peacekeeping: An Overview

United Nations peacekeeping operation was devised during the Cold War era by the UN Security Council to assist in maintaining international peace and security. UN peacekeepers are based on the principle that an impartial presence on the ground would help in easing tensions between the parties engaged in conflict and to facilitate the process of political negotiation. It should be noted that UN peacekeeping mission was engaged in bridging the gap between cessation of hostilities and a durable peace, provided that the hostile parties agreed to engage constructively.

For the last seven decades, peacekeeping operations had provided positive support and assistance in countries embroiled in conflict. UN peacekeepers performed their responsibility based on three basic principles which includes consents of the parties, impartiality and non-use of force, except in self-defence and in defence of the

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86 Ibid., para. 39.
87 Ibid., para. 41.
88 Ibid., para. 42.
91 Ibid.
mandate. Initially, peacekeepers discharged their responsibility as per the Security Council mandates, mainly to maintain peace and security, to prevent the recurrent of hostilities and act as a buffer zone between the warring parties between states engaged in conflict. Such UN peacekeeping operations were undertaken by the UN during the Cold War era. In the post Cold War period, the UN was faced with an increasing demand to deploy peacekeeping operations which posed a daunting task. This was necessitated by the rise of intra-state conflict which UN personnel had never experience in handling such situation. Such development made the UN to redesign the mandates. In this context, UN peacekeeping mandates have further expanded such as assisting the host states in maintaining law and order, protect human rights, provide public security, facilitate humanitarian relief for the displaced population etc. Peacekeepers are call upon to facilitate political process, assist in disarmament, demobilisation and reintegration of the former combatants, supervise the conduct of general election etc. UN peacekeepers also assist the countries in implementing the peace agreement and stabilised the situation after the ceasefire to create a conducive environment, necessary for the warring parties to engage fruitfully in establishing perpetual peace.

From 1948 to 1985, the UN undertook 13 peacekeeping operations of varying scope, duration and degree of success. The first UN peacekeeping mission was deployed in May 1948. The United Nations Truce Supervision Organisation was

entrusted with the mandates to monitor the Armistice Agreement between Israel and its Arab neighbours.\textsuperscript{97} Since then, the United Nations had deployed a number of UN peacekeeping operations in different parts of the globe to maintain peace and security as per the mandate bestowed by the UN Charter. In 1956, the UN set up the First United Nations Emergency Force (UNEF-I) with the objectives to oversee the withdrawal of the armed forces of France, Israel and United Kingdom and serve as a buffer between Israel and Egypt.\textsuperscript{98} The other important peacekeeping mission was the United Nations Operation in the Congo (ONUC), set up from 1960-1964.\textsuperscript{99} It was the largest UN peacekeeping operation of its period.\textsuperscript{100} Similarly, the UN had to deploy its peacekeeping mission in Cyprus in 1964 known as the United Nations Peacekeeping Force in Cyprus (UNFICYP) in the wake of the conflict that broke out between the Greeks and Turkish Cypriots.\textsuperscript{101} In 1978 the conflict between Israel and Lebanon prompted the UN to deploy the UN Interim Force in Lebanon (UNFIL) to oversee the withdrawal of Israeli forces from Southern Lebanon and to restore peace and security.\textsuperscript{102} During this period the UN mainly dealt with inter-state conflict. The task was to act as a buffer zone between the two states involved in the conflict.

The period between 1988 and 1994, the UN was flooded with requests for new peacekeeping missions. The UN established its mission the UN Transition Assistance Group (UNTAG) in Namibia in 1989 with the mandates to oversee the election

\textsuperscript{97} Civil Affairs Handbook, Department of Peacekeeping Operations and Department of Field Support, New York, 2012, p. 16.
process in the country. In 1991, the UN set up its most ambitious mission the UN Mission for the Referendum in Western Sahara (MINURSO) to conduct an independence referendum in an arid and sparsely populated portion of northwestern Africa. This was followed by the establishment of UN Transitional Authority in Cambodia (UNTAG) in February 1992 with the mandate to restore peace and security in the aftermath of the civil war and internal strife. In the same year the UN deployed its mission in former Yugoslavia after the eruption of conflict and intense fighting within the country. The Security Council mandated the United Nations Protection Force (UNPROFOR) to maintain peace and stability. UN missions during this period were mostly engaging in managing intra-state conflict which was different from the previous era of inter-state conflict. The task posed huge challenges for UN peacekeepers. They were fought not only by regular armies but also by militias and armed civilians.

The increasing demand for UN peacekeeping was encountered with myriad deficiencies and limitations which impeded the mission performance. For instance, the Security Council was not able to authorise sufficiently robust mandate or provide adequate resources. The UN Protection Force (UNPROFOR) in Yugoslavia, UN Assistance Mission for Rwanda (UNAMIR) and UN operation in Somalia II (UNOSOM) came under criticism as peacekeepers faced a situation where warring

parties failed to adhere to peace agreements and where peacekeepers themselves were not provided adequate resources or political supports. Faced with the setbacks the Security Council decided to limit the number of new peacekeeping missions and undertook a major exercise to examine the challenges to peacekeeping in the 1990s and accordingly introducing reforms.

By the turn of the 21 st century, the then UN Secretary-General Kofi Annan appointed Lakhdhar Brahimi to carried a detail review and proposed recommendations to strengthen future peacekeeping missions in the wake of the increasing demand for deployment of UN peacekeepers in countries plagued by internal conflict. The “Brahimi Report” release on the 21 st August, 2000 found that the UN would not be capable of executing the critical peacekeeping and without renewed political commitment on the part of member states, initiate significant institutional change and increased financial support. The Brahimi Report and the New Horizon non-paper while honouring the spirit and letter of the Charter re-iterated the basic principles of UN peacekeeping. The documents recognised that UN peacekeeping is an imperfect but indispensable instrument for the international community. The reform also saw the UN decision to introduce women peacekeepers to aid and address the grievances faced by women and children in conflict countries. This resulted in the adoption of the Security Council resolution

109Ibid.
1325 which mandated for more deployment of women peacekeepers, women officers and staff in UN mission.\textsuperscript{113}

In the following years, the UN Security Council also established a number of peacekeeping operations which are large and complex especially in African countries that are embroiled in internal conflict. These missions include UN Operations in Burundi (ONUB), UN Mission in the Central African Republic and Chad (MINUCRAT), UN Mission in Cote d’Ivoire (UNOCI), UN Organisation Stabilisation Mission in the Democratic Republic of the Congo (MONUSCO, UN Mission in Liberia (UNMIL), UN Mission in Sierra Leone (UNAMSIL) etc. UN peacekeepers also returned to resume vital assistance such as keeping peace, security and facilitate peacebuilding in Haiti- UN Stabilisation Mission in Haiti (MINUSTAH) and in newly independent Timor-Leste- United Nations Integrated Mission in Timor-Leste (UNMIT).\textsuperscript{114}

Today, UN peacekeepers working in different parts of the world faced daunting assignment to provide peace and security for the population. Their task is challenging and success can never be guaranteed because the environment is difficult. Moreover, peacekeepers are also facing threat for their life while discharging their duty in hostile and volatile situation. UN peacekeeping operations also suffered casualties and a number of UN personnel made supreme sacrifice while carrying out the UN mandate of maintaining peace and security.\textsuperscript{115} Today’s conflicts are fewer in number, but they are entrenched, intractable, prolonged and deadly to handle.


\textsuperscript{114}See, Towards the 21\textsuperscript{st} Century: New Operations, New Challenges, United Nations Department of Peacekeeping Operations.

effectively. Numerous factors are responsible for creating a complex situation such as failing or incapable states, flare-ups of ethnic strife, transnational criminal and terrorist threats and couple with serious humanitarian and public health crisis. In the wake of these emerging challenges, the UN hosted the Leaders’ Summit on Peacekeeping in September 2015 which was attended by member states to chart out new commitments to meet the pressing demand of keeping peace and security.

However, in spite of the various setbacks which UN peacekeeping encountered, yet the UN missions were able to restore peace, security and law and order and aided in restoring democratic governance in countries plagued by internal conflict. At present, UN peacekeepers are discharging their duty of maintaining peace and security, law and order etc in various parts of the world such as in South Sudan, Central African Republic (CAR), Liberia, Mali, Democratic Republic of Congo (DRC), Cyprus, Lebanon, Darfur etc.

Over the years, the Blue Berets have saved lives, assisted in rebuilding societies, prevented violence and preserved peace from El Salvador to Namibia, from Liberia to Timor-Leste. UN missions are imparting training to local police such as in Haiti, Liberia, Timor-Leste, protecting civilian in South Sudan, fostering peace and stability in Lebanon etc. The struggle and services which the Blue Helmet has rendered since the inception of the UN peacekeeping operations is enormous and

117See, World Leader’s Recommit to Modernise 120,000-strong UN Peacekeeping force, UN News Centre, September, 28, 2015.
today the UN personnel has earned as a symbol of hope to millions of people living in war-ravaged lands.\textsuperscript{120}

1.4: Historical Background of Timor-Leste

(A) Timor-Leste under Portuguese Rule

East Timor is located in Southeast Asia, to the East of the Indonesian archipelago and comprises the eastern half of the island of Timor, along with the enclave of Oecusse in Indonesian West Timor.\textsuperscript{121} The first wave of people arrived in Timor approximately in 40,000 to 20,000 years Before Christ (BC) that belonged to the Vedo-Australoid, which is similar to the Vedas of Ceylon. The Second wave which consisted of Melanesians arrived in the Timor Island around 3000 years BC. These are similar to those inhabitants living in Papua New Guinea and some Pacific Island. The third wave arrived in 2500 BC consisted of ‘Proto-Malays’ i.e. people coming from South China and North Indo-China. But the various inhabitants who had settle in Timor did not mix with the new arrivals. This was mainly due to the mountainous regions which keep them apart.\textsuperscript{122} Different views emerged regarding the original inhabitant in Timor-Leste. Some pointed out that the Atoni, a group of Melanesian descent was the original habitants which settle mainly in central highlands and the west of the Island.\textsuperscript{123}


At present, the composition of the Timorese society is diverse. The island of Timor-Leste consisted of a number of ethnic groups. These included the Tetun or Tetum which is the largest of the Malayo-Polynesian ethnic group that settle predominantly in the northern coast and around Dili. The Mambae are mainly based in the mountain of central Timor-Leste and the Tukudede lives in the area around Maubara and Liquisa. The other groups include the Galoli which settle in between the tribes of Mambae and Makasae, Kemak in north-central Timor and the Baikeno which settle in Pantemakassar. On the other hand the Papuan tribes include the Bunak in central Timor, the Fataluku and Makasae inhabited the eastern part of the country. Tetum is the official language which is spoken by a majority of the population.

Majority of the groups in Timor-Leste are patrilineal. But there is also a minority of communities which follows matrilineal system. These groups include the Bunak in Bobonaro and Cova Lima, Tetum-Terik in Manufahi and Manatuto and the Galoli in Manatuto. The total percentage of these groups is approximately 12.5 per cent of the population. It should be noted that the patriarchal system and male-biased traditional power within the Timorese society has impeded women leadership and equal participation in decision making. In fact, as per the indigenous logic women and girls are primarily confined to internal and domestic sphere such as taking

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125Ibid.
care of children and performing household duties. Land forms an important asset for rural people and a very special for rural women which act as a social security.

The culture of Timor-Leste reflects the numerous influences which include Portuguese, Roman Catholic, Indonesian traditional Timorese and Chinese. Timorese culture continues to evolve in local arts and handicrafts and as well as in dance and music. Different groups still performed traditional dances and songs during festivals. Timorese are quite diverse and there are differing standards of living throughout the country. Timorese are very much a family-based society with strong focus on community and religion. The Catholic Church is a major force that influence within the community especially in rural areas. Portuguese architecture and cuisine still dominate in the rural areas of Timor-Leste.

The Timor-Leste culture has also suffered deeply from the exterior influences such as the Portuguese and Indonesian. But in spite of the domination by Christianity, the indigenous culture was still practised by Timorese which is largely influenced by their traditional animist beliefs. Indigenous customary laws and experience still retain profound meanings for most Timorese. But unfortunately, Timorese constitution did not uphold the Timorese indigenous religion known as Lulik. The

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130 Vanda Narciso, Pedro Damiao De Sousa Henriques and Mario Tilman, op.cit., p. 3.
133 Neil Sugget, See the Road Well: Shaping East Timor’s Frontier, New South Wales, Pandanus Books, 2005, p. 3.
135 Andrew McWilliam, Lisa Palmer and Christopher Shepherd, “Lulik Encounters and Cultural Frictions in East Timor: Past and Present”, The Australian Journal of Anthropology, 2014, p. 305. Lulik is describes as the philosophical, religious and moral order that represents the core of Timorese values which remain an important guide to East Timorese intentions and actions across all areas of social life.
constitution merely maintains a reference which stated to respect cultural differences. This implies that East Timorese indigenous spiritual/sacred experiences will gradually diminishing.\(^\text{136}\)

In the sphere of economic activities, majority of the rural population in Timor-Leste are relying on subsistence agriculture for survival.\(^\text{137}\) Around 75 per cent of the Timorese populations are living in rural areas which depend on rearing livestock and agricultural activities. Besides, the GoTL is investing in tourism and energy sectors to boost its economic growth.\(^\text{138}\)

The Island of Timor is divided in two parts viz., the West which formed parts of the Republic of Indonesia with provincial capital in Kupang and the East whose capital Dili was under the Portuguese territory since the 16\(^{\text{th}}\) century. The first traders and missionaries arrived in the coast of Timor in 1515. During this period the island was organised in small states, governed by two kingdoms i.e. Sorbian and Belos, who practiced animism. Other religion such as Islam which was prevalent in Indonesia, and even Buddhism, which was extensively practiced in Java, especially in the 13\(^{\text{th}}\) century, did not prevail in Timor.\(^\text{139}\) It should be noted that the first Portuguese Dominican priests arrived in Timor in third quarter of the 16\(^{\text{th}}\) century and started developing a progressive religious influence, albeit the Portuguese domination was not properly settled.\(^\text{140}\) In 1651, the Dutch invaded Kupang in the Western end of the


\(^{140}\) *Ibid.*
Island of Timor and took controlled half of its territory. In 1859, the Dutch concluded a treaty with Portugal to determine the border between the Portuguese Timor (present-day Timor-Leste) and the Dutch Timor (Western Timor). Upon Indonesian independence in 1945, Western Timor was integrated into its territory.\textsuperscript{141}

The territorial division of the island and consolidation between the two colonial powers was negotiated in 1913 with the Portuguese taking over the Eastern part of the island and the Oecusse enclave known as East Timor or Timor-Leste and the Dutch controlled the Western part of the island which formed Indonesia.\textsuperscript{142} During the World War II the Island was briefly occupied by Japanese for a period of three years. This was the only exception in the Timorese history otherwise Timor-Leste remained under Portuguese colonial rule from 1500 until 1974.\textsuperscript{143} For most of the 20\textsuperscript{th} century, Portugal itself was under the authoritarian regime of Salazar and his successor Marcelo Caetano where political freedoms in Portugal were heavily curtailed and suppressed all aspirations for independence in its colonies. The Portuguese authority considered their colonies as an integral part of Portugal.\textsuperscript{144}

In 1974, political development took a sudden turned in Portugal. After a coup which overthrew its fascist dictatorship, Portugal granted East Timor the right to self-determination.\textsuperscript{145} The liberation wars in Portugal’s African colonies and the Carnation

\textsuperscript{141}Ibid.
\textsuperscript{142}Ibid.
Revolution\textsuperscript{146} that takes place on 25\textsuperscript{th} April, 1974, had ended the Estado Novo (New State) authoritarian regime.\textsuperscript{147} This revolution convinced many Portuguese that the empire would not be sustained in the long run and that changed must be occurred with the Carnation Revolution. This is the turning point in the history of Portuguese control over its colonies in Africa and Asia which had ignored the wave of decolonisation that began in the aftermath of the Second World War. In fact decolonisation was one of the main rallying cries of this revolution in Lisbon. Portugal was in fact, the last of the European powers to decolonise its colonies.\textsuperscript{148} The Carnation Revolution led to the overthrow of the military dictatorship in 1974. The new regime, which assumed power in Portugal, was committed to grant independence to all of its overseas territories, including East Timor.\textsuperscript{149}

Meanwhile, in East Timor the Carnation Revolution opened the way for aspirations for freedom among the young and inexperienced political leaders. The political changed that took place in Lisbon, which favoured decolonisation, provide an opportunity for Timorese to take charge of their own country after the Portuguese withdrawal.\textsuperscript{150} In this scenario, political groups were quickly formed, with the two main associations known as, the Uniao Democratica Timorense or Timorese Democratic Union, (UDT) and Associaç\'ao Social Democrata Timorense or Timorese Social Democratic Association, (ASDT), later to be renamed as the Frente

\textsuperscript{146} Carnation Revolution originate from the fact that no shots were fired and when the population took to the streets to celebrate the end of the dictatorship and war in the colonies, carnation were put in muzzles of rifles and on the uniforms of the army personnel.
\textsuperscript{147}Edalina Rodrigues Sanches and Ekaterina Gorbunova, “Portuguese Citizens’ Support for Democracy: 40 Years after the Carnation Revolution” \textit{South European Society and Politics}, Vol. 21, No. 2, March, 2016, p. 211.
\textsuperscript{148}See, Commission for Reception, Truth, and Reconciliation Timor-Leste (CAVR), \textit{op.cit.}
Revolucionária de Timor Leste Independente or the Revolutionary Front for an Independent East Timor (FRETILIN). The third party formed is the Associacao Popular Democrata Timorense (APODETI). Among them, FRETILIN was left leaning and pro independence whereas UDT was more conservative and favoured limited autonomy under continued Portuguese governance. The APODETI advocated integration with Indonesia.

But the outcome from decolonisation did not usher any ray of hope for the Timorese. In the early part of Portuguese departure in 1975, the FRETILIN formed a coalition with UDT to run the administration of the country. In fact there were attempts to form a national unity movement at the initial stage to strengthen the bond of unity, which failed to materialise. Instead skirmishes between supporters of FRETILIN and the UDT culminated in an all-out civil war, aspiring to control the territories, with different constellations of groups fighting each other in different parts of the country. The differences broke out in the open after the right-wing Timorese Democratic Union (UDT) launched a coup in 1975 to overthrow ASDT. In response, a counter coup was staged by the Timorese Social Democratic Association (ASDT). As Portuguese left the island, a Timorese ‘civil war’ ensued from May to September of 1975. The discord and differences between the two prominent political parties sparked fierce competition for the country’s political power.

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152 See, Ending the 2006 Internal Displacement Crisis in Timor-Leste: Between Humanitarian Aid and Transitional Justice, No. 44, *op.cit.*
Indonesian intelligence officials that convinced the Timorese Democratic Union (UDT) on the clandestine role of its coalition partner, the FRETILIN party to overthrow UDT by a coup-de-tat contributed the primary reasons that led to the civil war. Acting on the tip off provided by the Indonesian officials, the UDT pre-empted this eventuality, which resulted in violence clashes between the two parties. This short but intense period of violence and political division after the Portuguese exit was followed by the country’s leadership today in which conflict still surfaced in Timor-Leste like the case of 2006. In other words, the differences and political rivalry between the Timorese leaders who led the resistance movement such as Xanana Gusmao and Mari bin Amude Alkatiri is a major impediment which impeded the efforts to consolidate peace, security and to establish democratic governance in the country. Both the leaders are the founders of the FRETILIN party, which is a left leaning party. But the hostility between them is mainly due to ideological belief. The former is actually a moderate and the latter belonged to radical left. According to the Commission for Reception, Truth and Reconciliation in Timor-Leste (CAVR), set up in 2000, found that almost 1,500 to 3,000 Timorese lost their lives during the civil conflict in 1975. 

Another major development that emerged from this conflict between the two groups eventually gave birth to the military wing of FRETILIN party, the Forças Armadas de Libertaçaao Nacional de Timor-Leste (FALINTIL) which played a major role in revolting and denouncing the Indonesian illegal annexation of Timorese. In


\[159\] Ibid., p. 235.

\[160\] See, Commission for Reception, Truth, and Reconciliation Timor-Leste (CAVR), op.cit.
2001 this group was transformed, into the Falintil-Forças de Defesa de Timor-Leste (F-FDTL) or the Timorese armed forces. Meanwhile, the FRETILIN party (Revolutionary Front for an Independent East Timor) under the leadership of Xavier de Amaral, as the first president and president of FRETILIN, declared independence for Timor-Leste on 28th November 1975. The declaration was taken following the exit of four other Timorese political parties, which had fled to Indonesia and signed the Balibo Declaration proclaiming integration with Indonesia.

The Portuguese departure in 1975 had totally dashed and clouded the dreams and hopes that decolonisation in Timor-Leste would be smooth were in fact thwarted by the Portuguese neglect. The self rule that lasted for few months only was preceded by the Indonesian invasion known as ‘Operation Komodo’ which began on 7th December 1975. The operation was marked by extreme violence, forced displacement, torture, and other human rights violations. The overthrow of a popular and briefly FRETILIN-led government ignited violence and occupation in which approximately 100,000-180,000 East Timorese civilians were estimated to have been killed or starved as a direct result of the Indonesian military invasion and occupation.

Interestingly the invasion was supported and backed by its key Western allies, the United State, Portugal, United Kingdom and Australia. In March 1975, the

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161See Todd Wassel, *op.cit.*
162See, *How did East Timor Take The First Steps To Democracy?, op.cit.*
163See, Olav Ofstad, *op.cit.,* p. 5.
166*Ibid.,* p. 11.
American Ambassador to Indonesia David Newsom, recommended a "policy of silence" on the issue and argued that US had considerable interest in Indonesia and non in Timor. Kissinger endorsed this view, the then Secretary of State.\(^167\) On 8\(^{th}\) October 1975, Philip Habib who was a member of the United States National Security Council knew about Indonesian plan to attack on Timor. But Kissinger responded to Habib to keep his mouth shut on this subject.\(^168\) In fact, American President Gerald R. Ford and Kissinger met with Indonesian president Suharto a day before the invasion of Timor and discussed the devastating setback in Vietnam. With Indonesia as the most important ally in the region, the US president concluded that its national interest "had to be on the side of Indonesia."\(^169\) According to declassified documents released by the National Security Archive (NSA) in December 2001, US gave the green signal for the invasion launched by Indonesia.\(^170\) Meanwhile, Australian attitudes, though ambivalent, yet clearly indicated that it supported the invasion, when Prime Minister Whitlam brief Haji Mohammad Suharto that a merger with Indonesia was the only possible course for Timor.\(^171\) In fact, Australia’s support for Indonesia’s annexation had attracted sharp criticism from within the country, which include from the far left but also from unions, churches and even the mainstream media.\(^172\)

From the part of the UN, a committee of the UN General Assembly was immediately convened to debate the situation following the occupation of Timor. In


\(^{170}\)Ibid.

\(^{171}\)Ibid.

\(^{172}\)See, Memorandum for Secretary Kissinger from W.R SYMSER on the Policy Regarding Possible Indonesian Military Action against Portuguese Timor, *op.cit.*, p. 2.

this context, the General Assembly adopted the Resolution 3485 (XXX) on 12th December, calling on the government of Indonesia to desist from further violation of the territorial integrity of Portuguese Timor and withdrawn without delay its armed forces in order to ensure Timorese to exercise their rights to self-determination and independent.\textsuperscript{173} Ten days later the Security Council unanimously adopted Resolution 384 (1975), which echoes the General Assembly resolution which called for an immediate Indonesian withdrawal.\textsuperscript{174} On April 1976, the Security Council expressed the same sentiment through its Resolution 389 (1976) and affirmed the inalienable right of the Timorese to self-determination and independent.\textsuperscript{175}

On the other hand, Indonesia claimed and justified their invasion, which were based principally on the ground of securing fears and concerned over territorial unity. Besides, the obsession of communism relating to the victory for the left-wing FRETILIN led to the creation of a communist state on the other side of the border. The existence of communism could be used as a base for incursion by unfriendly powers into Indonesia and a potential threat to Western allies. Moreover, the fear psychosis had gripped them that an independent East Timor within the archipelago could inspire secessionist sentiments within Indonesian provinces.\textsuperscript{176} These reasons were successfully used by Indonesia to garner support from Western countries, which were keen to maintain good relations with Indonesia, particularly the United States.


(B) Timor-Leste under the Indonesian Occupation

The advent of the Indonesian occupation from 1975 up to the end in 1999, revealed the sinister modus operandi of the Indonesian government. It maintained heavy military deployment in Timor-Leste to tackle Timorese opposition. The Indonesian military imposed brutal rule throughout the territory with an aimed to crush the FRETILIN members. But in spite of the repressive counter from the Indonesian forces, FRETILIN continued its armed resistance without any fear for Indonesian powerful military might. The resistance movement was able to sustain with the support and protection rendered by the populace to the members and armed wing of the FRETILIN. During the initial period of occupation, the Indonesian military were applying destructive method to subdue the Timorese who countered against Indonesian military suppression. Indonesia was responsible for destroying food sources by burning and poisoning crops and food stores, slaughtering herds of livestock. Timorese were denied access to international aid organisations, which offered to provide food to those confined to the settlements and relief camp.

Indonesia’s annexation of Timor-Leste was by far one of the most brutal military occupations in the latter half of the 20th century. To maintain and strengthen its position and controlled over the annexed territory, Indonesian military forces detained, tortured, executed and forcibly disappeared tens of thousands of Timorese. Social, political or religious activities in Timor-Leste that challenged the illegal Indonesian rule were ruthlessly repressed. Though armed resistance to the


178 See, Commission for Reception, Truth, and Reconciliation Timor-Leste (CAVR), op.cit., p. 147.

occupation was quelled by 1979, the Timorese population continued to be subjected to twenty more years of extrajudicial killing, torture, detention and starvation. From the beginning of the occupation, FRETILIN supporters were targeted in an “encirclement and annihilation” campaign to root out the perceived threat of communism. Human rights violations were taking place throughout the 1980s and 1990s, in the forms of mass massacres, disappearances and systematic violence against women. The Indonesian military took advantage of the fragile situation where young leaders of the newly-formed political parties were inexperienced and new to politics. Moreover, their political discourse was heavily laced with the rhetoric of violence and personal attacks rather than interchange of ideas on governing the country. Indonesian values were imposed and East Timorese culture were circumscribe. They also undertook the policy of force migration and involved in sexual slavery and forced sterilisation. Besides, saturation bombing and massacred of entire villages were conducted in an attempt to crush the members of the resistance movement.

In 1987 the political conflicts took a new dimension in Timor-Leste with the leader of FRETILIN Kay Rala Xanana Gusmao step down from the party and set-up the National Council of Maubere which was later replaced by the National Council of Timorese Resistance (CNRT). This changed brought Falintil, the armed branch of FRETILIN, under CNRT’s control, causing FRETILIN to lose control of the policies of the resistance.

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180 Ibid.
181 Ibid.
182 See, Luis Aucoin and Michele Brandt, op.cit., p. 248.
183 See, Olav Ofstad, op.cit., p. 7.
The change of events on the ground in East Timor and the shifts of political development in the international context began to weaken Indonesia’s position gradually through the 1990s. In 1991, international attention was drawn to East Timor when footage of Santa Cruz massacre of 12th November 1991, resulted in as many as 270 people being shot or beaten to death by Indonesian soldiers.184 This brutal and heinous crime committed by the Indonesian army against Timorese was grave and outrageous. In spite of these ghastly act perpetrated by Indonesia the struggle of the Timorese resistance movement against the Indonesian coercive regime did not end in vain. In fact, the international community recognised the ceaseless repressive operation which Timorese had to endure in the clutches of Indonesia. So in 1996, two East Timorese, which represent as the international spokesmen for the resistance movement i.e., Jose Ramos-Horta and the Bishop of Dili, Monsignor Carlos Belo were awarded the Nobel Prize for Peace. The award had raised hopes for independence to unprecedented levels, and further increased the leverage of East Timor support groups and non-governmental organisations (NGOs).185

In May 1998, Indonesian President Suharto was forced to resign after 30 years of authoritarian rule. The economic crisis made the new government especially attentive to the demands of donor countries and lending institutions such as the International Monetary Fund and the World Bank to withdraw from East Timor. The new President of Indonesia, Bacharuddin Jusuf Habibie who assumed office on 27th

185 Ibid., p. 21.
January 1999\(^{186}\) in the mid of economic crisis and in need of international support had to give in to international pressure to liberate East Timor. Indonesia agreed to hold a Popular Consultation to determine once and for all the status of Timorese\(^{187}\) and it also proposed limited autonomy for East Timor within Indonesia.\(^{188}\) This resulted in a set of agreements between Indonesia and Portugal, signed in New York on 5\(^{th}\) May 1999, entrusting the Secretary-General of the United Nations with organising and conducting a ‘popular consultation’ in order to determine whether the East Timorese would accept or reject a special autonomy for East Timor within the Republic of Indonesia.\(^{189}\) It was evident that the Indonesian security forces had accelerated its support to the Timorese militia throughout East Timor and thus security emerged as a primary concerned for the Timorese population and the international community to restore peace in the country.\(^{190}\)

In the lead-up to the consultation date, militia activities, threats, and violence get worsened in which an estimated of 40,000 people were displaced. But in spite of the violence and intimidation, the Popular Consultation took place on 30\(^{th}\) August 1999.\(^{191}\) The voter turnout registered 78 per cent that opted overwhelmingly for independence of East Timor and rejected the autonomy status within Indonesia. This formally marked the end of Indonesian illegal occupation for 24 years.\(^{192}\) But the joy of independence was overshadowed with severe violence perpetrated by the Indonesian-controlled militia after the result was declared. More than 1,000 people were killed, thousands more were displaced to West Timor or internally within East

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\(^{186}\)Ibid.


\(^{188}\)See, How did East Timor Take The First Steps To Democracy?, *op.cit.*

\(^{189}\)Ibid.

\(^{190}\)See, Luiz Vieira, *op.cit.*

\(^{191}\)Ibid.

Timor and an estimated 70 percent of the country’s infrastructure had been destroyed in the aftermath of the referendum. Thus, in an effort to support East Timor’s transition from an occupied territory to a fully-fledged independent nation, the UN Transitional Authority for East Timor (UNTAET) was established on 25th October 1999 by Security Council Resolution 1272. UNTAET was empowered with the mandates to exercise all legislative authority for the new country. During its tenured the first Timorese Constitutional Assembly was established. This mission ended in May 2002.

(C) Independence of Timor-Leste

By the turn of the 21st century, Timor-Leste was the world’s newest democratic country in Southeast Asia. After nearly 400 years of Portuguese colonial rule and 24 years of Indonesian military occupation, independence was formally gained on 20th May 2002. In the same year the Democratic Republic of Timor-Leste gained its independence, it became the 191st member of the United Nations on 27th September of the same year. The birth of Timor-Leste was both prolonged and difficult. The UN had thoroughly assessed the ground situation in Timor-Leste after it received its independence in May 2002. Thus, the establishment of UN Mission of

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193 See, Luiz Vieira, op. cit., p. 5.
196 The Democratic Republic of Timor-Leste is the official name of the independent state adopted in the Constitution in 2002. East Timor is known as Timor-Leste after 2002.
Support in East Timor (UNMISET) preceded the exit of UNTAET in 2002. The mission was handed with the mandate to support the new country considering the security problems emanating from the militant groups who wanted the continuation of Indonesian rule. It had to provide assistance to core administrative structures meant for political stability of Timor-Leste and public security. The mission was stationed in Dili for over a period of three years and completed its mandate in May 2005.

Today, the Democratic Republic of Timor-Leste consisted of 13 districts at present and a total land mass measuring 15,000 square kilometers. The island is extremely mountainous and experiences distinct wet and dry seasons. The vegetation varies from tropical to semi-arid type of vegetation. The total enumerated population of Timor-Leste in 2010 stand at 1,066,409 million people. The capital Dili, top the table with the largest concentration of inhabitants in the country i.e. 21.9 per cent whereas the majority of the population were concentrated in regional centre or rural communities across the nation's 13 districts. The official languages of Timor-Leste are Tetum and Portuguese while Indonesian and English are designated as working languages. However, much of the population does not speak either Tetum or Portuguese as a 'mother tongue'. In regards to religion, the vast majority of the populations are Catholic (over 90 per cent), with small populations of Muslims.
Protestants and Hindus.\textsuperscript{205} Education is imparted in Tetum, Indonesian, Portuguese and English, which comprised of 77.8\%, 55.6\%, 39.3\% and 22.3\% respectively as per the 2010 census. Any person who can speak, read and write in the above mention medium is considered as literate person. Agriculture was the main stay of occupation for the Timorese people, which account for 63 per cent of the households being engage in agriculture production and 80 per cent rearing any kind of livestock.\textsuperscript{206}

Against this conceptual framework the study on the role of United Nations Mission in Timor-Leste will be undertaken which is mandated by the UN Security Council to extend the preparation of the 2012 Presidential and Parliamentary election, protections and promotion of human rights and in maintaining law and order in the country after the breakdown of the security sectors.

\textsuperscript{205}See, Civil Affairs Handbook, \textit{op.cit.} p. 11.
\textsuperscript{206}See, Highlights of the 2010 Census Main Results in Timor-Leste, \textit{op.cit.} p. 2.