


# Chapter 13

## Decolonization and Peacebuilding: The Case of Timor Leste and Kashmir

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### ABSTRACT

*Nations that fail to achieve independence at decolonization seek recognition and support from the international community. The United Nations peacebuilding activities significantly influence conflicts over statehood and self-determination. This chapter examines United Nations peacebuilding and conflict resolution through the successful independence of Timor Leste with the ongoing conflict in Kashmir since the moment of decolonization. It argues that the patterns of decolonization are critical in explaining initial UN positions, which then shape future peacebuilding operations. Decolonial designs determine the primacy of either territorial integrity or the right to self-determination. In Kashmir, partition made the new territorial boundaries geopolitically significant, which had to be maintained for international peace and security. Annexation made the right to self-determination more salient in generating support for independence since the UN understood the right within the context of decolonization rather than geopolitics.*

### INTRODUCTION

Peacebuilding and reconstruction of conflict-torn nations involve an intricate interaction with historical events such as decolonization. After the Second World War, decolonization worldwide took several forms. Decolonization gave rise to periods of restoration, development, and disruption that set a ‘people’ and their movements on a particular trajectory. The quest for identity and self-rule has reshaped the political landscape in many countries. Self-determination is expressed as a desire for political independence or statehood, or a “right of secession” (Kirgis, 1994, p. 306), joining or integrating with another state, or claiming greater cultural independence and autonomy within a state (Anaya, 1996). Home states, pos-

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sessing material advantages over secessionist movements, wield influence as subjects and beneficiaries of international law. These states, as legitimate arbiters of separatist movements and their outcomes, emphasize territorial integrity and are hesitant to recognize acts of unilateral secession (Fierstein, 2008).

The interaction between nationalist movements occurs within a broad “regime” that comprises multiple actors - colonial powers, the nation-state, other nation-states, and representatives of the “international community,” for instance, the United Nations (UN), human rights organizations, international financial institutions like International Monetary Fund (IMF), or the World Bank and certain regional and religious blocks like Association of Southeast Asian Nations (ASEAN), North Atlantic Treaty Organization (NATO), and Organization of Islamic Countries (OIC), to name a few. Within this contentious political space, this chapter analyzes the position of the United Nations and its peacebuilding operations in East Timor and Kashmir.

As a new nation-state, Timor Leste presents an opportunity to examine the peace agreements for independence and the role of the United Nations to compare it with the attempts at peace made in Kashmir. Analyzing the linkages between the Kashmiri movement for self-determination and the socio-cultural aspects is the foundation of meaningful and lasting peace. Due to the extensive nature of UN operations in Timor Leste, it is an apt “test case” (Suhrke 2001) and an “important marker in the liberal statebuilding [and peacebuilding processes]” (Richmond & Franks, 2008, p. 83).

This chapter argues that the patterns of decolonization are critical in explaining international responses and the nature of peacebuilding operations. The decolonial designs - annexation of Timor Leste and partition of British India - and other such designs impart a particular understanding of the conflicts in these regions. Both were mobilizations by ethnic groups with a history of colonial exploitation by their Western colonizers, faced postcolonial state exclusion and repression, and were victims of human rights abuses. Both movements framed their struggles in terms of statehood and self-determination. One would expect the results or the outcome of these self-determination movements – statehood – in each place to be similar, given the strength and longevity of these movements. However, what emerges is that despite the similarity of the claims, East Timor was able to achieve independence through a UN-enforced referendum in 2002, while the Kashmir movement continues with no resolution or recognition (Shah, 2023).

The decolonial design of partition made the newly created boundaries geopolitically significant. These territorial boundaries had to be maintained for international peace. Partition imparted a ‘*bilateral*’ nature to the Kashmir dispute, which became a refuge for the global community to refrain or abstain from recognizing the Kashmiri right to self-determination or pushing for a plebiscite (Shah, 2012). The international reluctance to support Kashmir is linked to the enduring geopolitical stature of India and its rise on the global stage as an economic powerhouse and, therefore, the interest of powerful states to maintain good relations with India. The roots of this dynamic, again, date back to the partition of British India, giving rise to geographic entanglement between India and Pakistan. These patterns were reinforced in the UN resolutions and on-ground activities, where a resolution of the Kashmir conflict was repeatedly mentioned as bilateral negotiations between India and Pakistan.

In contrast, annexation made the right to self-determination more salient in generating support for independence since the UN understood the right within the context of decolonization rather than geopolitics. The Timorese claims to territory and the right of the people making a claim prevailed since annexation was a continuation of rule by ‘others’ like their colonial predecessors that attempted to weaken their cultural and historical bonds with the land. Independence or secession, therefore, was understood as an extension of decolonization, which was interrupted by the decolonial design of annexation.

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