

East Timor in Transition: From Conflict Prevention to State-Building

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Interviews for this report were all conducted off the record. Individual speakers are therefore not cited, though a list of persons interviewed appears in Appendix I.

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Executive summary

Transitional administrations represent the most complex operations attempted by the United Nations. The operations in East Timor and Kosovo are commonly seen as unique in the history of the UN — perhaps never to be repeated. But they may also be seen as the latest in a series of operations that have involved the United Nations in “state-building” activities, where it has attempted to develop the institutions of government by assuming some or all of those sovereign powers on a temporary basis.

Like many innovations in United Nations practice, these operations were born of necessity. The United Nations Mission in Kosovo (UNMIK) provided some much-needed legitimacy to the military intervention undertaken by NATO without Security Council authorization. The UN Transitional Administration in East Timor (UNTAET) was hurriedly established after the violence that greeted the Timorese people's overwhelming vote for independence from Indonesia.

Seen in the context of earlier UN operations, such as those in Namibia, Cambodia and Eastern Slavonia, the view that these exceptional circumstances may not recur is slightly disingenuous. It is therefore necessary to develop policies that might facilitate implementation of similar operations in the future. (This is distinct from the question of whether it is appropriate for the UN to engage in such operations in the first place.)

The experiences of these earlier UN operations suggest that they will be most successful in establishing the foundations for lasting peace when:

- There is a clear political endpoint, with a time-frame accepted by all parties. (This political endpoint should be distinguished from the continuing need for development assistance.)
- There is sufficient time to plan, to obtain resources, to recruit and train appropriate staff, to establish partnerships with local actors, and to build political credibility.
- The operation's mandate is flexible enough to accommodate to changing local conditions, and the leadership is sensitive to the changing needs of local stakeholders.

In reality, of course, such operations are likely to be established in situations of urgency, with limited time and resources, and in the absence of political certainty.

On the particular experiences of UNTAET in East Timor, the following observations may be made:

- It is necessary to make a clear distinction between the competing obligations of (i) restoring peace and security; (ii) establishing the conditions for self-government; (iii) providing development assistance; and (iv) actually governing the territory from day to day. These are not necessarily sequential phases, nor are they mutually exclusive, but do represent discrete aspects of a transitional administration. In the case of East Timor, reliance upon the limited experiences of UNMIK, where the development of civil society was constrained by continuing threats to peace and security, appears to have delayed the necessary transition to political and economic development in preparation for independence.

- Local partners should be chosen carefully and broadly. UNTAET soon established close ties with CNRT and Xanana Gusmão in particular. By embracing CNRT as representing the Timorese people, it is arguable that UNTAET prejudiced the political process it was there to oversee. Others argue that UNTAET still fails to consult meaningfully with the Timorese population.

- Local actors should be involved as early and as widely as possible. UNTAET learnt this lesson relatively quickly, and by April 2000 had at least recognized the need to transform its "Timorization" policies. In future operations, an early emphasis should be placed on building the capacity for local governance, rather than on deploying large numbers of international staff of highly uneven quality.

- Where the UN assumes the role of government, it should expect and welcome criticism appropriate to that of the sort of governance it hopes to foster. Security issues may require limits on this, but a central element in the development of local political capacity is encouraging discussion among local actors about what sort of country theirs is going to be.

- It is imperative that the United Nations sees its commitment to East Timor as an ongoing one. In particular, it would be a mistake to withdraw large numbers of troops and resources soon after presidential elections or a declaration of independence. Previous experience suggests that an election may be a very unstable point at which to disengage from a post-conflict situation. The UN and its member states have made substantial economic and political investments in East Timor, but by its own acknowledgement has not yet succeeded in establishing East Timor as a viable state. Independence will change this dynamic, putting Timorese in positions of significant authority, but should not change the obligation on the international community to complete what it has started.

List of acronyms

AP	Associated Press
BRTT	East Timor People's Front
CIVPOL	United Nations Civilian Police
CNRM	National Council of Maubere Resistance
CNRT	National Council of Timorese Resistance
CPD-RDTL	Popular Council for the Defense of the Democratic Republic of East Timor
CPP	Cambodian People's Party
CRTR	Commission on Reception, Truth and Reconciliation
DPA	Department of Political Affairs
DPKO	Department of Peacekeeping Operations
DSRSG	Deputy Special Representative of the Secretary-General
ETTA	East Timor Transitional Administration
EU	European Union
FALINTIL	Armed Forces for the National Liberation of East Timor
FPDK	Forum for Unity, Democracy, and Justice

FRETILIN	Revolutionary Front of Independent East Timor
FRY	Federal Republic of Yugoslavia
FUNCINPEC	United National Front for an Independent, Neutral, Peaceful and Cooperative
GPA	Cambodia
KOTA	Governance and Public Administration
IEC	Sons of the Mountain Warriors or Association of Timorese Heroes
INTERFET	Independent Electoral Commission
IPA	International Force in East Timor
IPTF	International Peace Academy
JAM	International Police Task Force
JIAS	Joint Assessment Mission
KFOR	Joint Interim Administrative Structure
MINURSO	Kosovo Force
NATO	United Nations Mission for the Referendum in Western Sahara
NC	North Atlantic Treaty Organization
NCC	National Council
NGO	National Consultative Council
OSCE	non-governmental organization
PDC	Organization for Security and Cooperation in Europe
PDM	Christian Democrat Party of Timor
PNT	Maubere Democratic Party
POLISARIO	Timorese Nationalist Party
PPT	Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro
PSD	People's Party of Timor
PST	Social Democratic Party
RENETIL	Socialist Party of Timor
SDSS	National Resistance of East Timorese Students
SFRY	Independent Democratic Serb Party
SNA	Socialist Federal Republic of Yugoslavia
SNC	Somali National Alliance
SRSG	Supreme National Council
SWAPO	Special Representative of the Secretary-General
TNI	South-West African People's Organization
TRABALHISTA	Indonesian Armed Forces
UÇK	Timor Labor Party
UDC	Kosovo Liberation Army
UDT	Christian Democratic Union of Timor
UN	Timorese Democratic Union
UNAMET	United Nations
UNAVEM I	Nations Mission in East Timor
UNHCR	United Nations Angola Verification Mission I
UNMIK	United Nations High Commissioner for Refugees
UNOSOM II	United Nations Mission in Kosovo
UNSF	United Nations Operation in Somalia II
UNTAC	United Nations Security Force
UNTAES	United Nations Transitional Authority in Cambodia
UNTAET	United Nations Transitional Administration in Eastern Slavonia, Baranja and
UNTAG	Western Sirmium
UNTEA	United Nations Transitional Administration in East Timor
US	United Nations Transitional Assistance Group
USC	United Nations Temporary Executive Authority
	United States
	United Somali Congress

Introduction

The transitional nature of the United Nations Transitional Administration in East Timor (UNTAET) is most evident in the architecture. Moored a few hundred meters away from the old Portuguese Governor's House is the Veksa, a floating 133-room four-star hotel connected to the island by an umbilical cord of pipes and wires, home to many senior UNTAET staff. The Governor's House itself, inadequate to the size of the UN presence here, is supplemented by prefabricated Kobe offices formed out of shipping container-sized sections. Functional cuboids of metal and glass punctured by doors and air-conditioning vents, these are deposited by ship and crane to be carted away at the end of the mission. When most UN staff had no shelter outside their own "tent city", such measures were a pragmatic response to the destruction wrought by Indonesian-supported militias after the referendum of 30 August 1999. A year and a half on, some Timorese see the floating hotel and the container-offices as indicative of the temporary interest that the rest of the world holds in this land that had almost become accustomed to being forgotten.

Architecture and geography frequently hold a blunt symbolism in East Timor. On a headland a few kilometers to the east of Dili, at the edge of Cape Fatucama, a massive bronze statue of Christ overlooks the sweeping harbor on which the Portuguese capital was built. "Christ the King" is the second tallest statue of its kind in the world, built to evoke Rio de Janeiro's Christ the Redeemer. But this was a gift of the Indonesian government to the people of East Timor in 1996, intended to symbolize Indonesia's embrace of Timor's majority Catholic population: the statue faces Jakarta and stands 27 meters tall — one meter for each province of the archipelago state, with East Timor as the controversial twenty-seventh.

Still more blunt is the geography of the Timor Gap Zone of Co-operation, the oil-rich area that was the subject of a 1989 treaty between Australia and Indonesia. Australia was the only country in the world to give de jure recognition to Indonesia's annexation of Portugal's former colony, an occupation credited with the death of 200,000 Timorese, or over a quarter of the population. An unevenly stretched hexagon, the Zone of Cooperation is in the shape of a squat coffin.

This report addresses the work of UNTAET and the particular question of when and how political power is to be transferred to local hands. This is a crucial test of the United Nations' expanding role in such "state-building" projects, and yet little serious policy research has been conducted in the area. In addition, it is unclear how the United Nations' ad hoc involvement in such projects is transforming the accepted norms of self-determination and state sovereignty. These questions are central to the role of the United Nations in preventing, containing and resolving conflict in the twenty-first century.

The International Peace Academy (IPA) conducted field research in East Timor for the period 9-25 January 2001, visiting six of East Timor's thirteen provinces. In addition to over thirty formal interviews with senior UNTAET and Timorese officials and non-governmental organization (NGO) representatives, many other persons from the UN and civil society were consulted informally. A list of persons interviewed appears in Appendix i.

The report first discusses the nature of what the United Nations is attempting in East Timor in the context of other, similar, UN peace operations. Part ii provides a brief historical background to East Timor's vote for independence. Part iii then examines specific questions that confront UNTAET as it prepares for elections in East Timor later in 2001.

i. State-building prior to East Timor

The situation in East Timor since 1999 is unique within the experience of the United Nations. It is arguable that this is the first occasion on which the UN, through its Transitional Administration in East Timor (UNTAET), has exercised sovereignty over territory. Full legislative and executive powers are concentrated in the hands of one individual, SRSG and Transitional Administrator Sergio Vieira de Mello. UNTAET holds effective treaty-making powers, has entered into a treaty with the World Bank's International Development Association, and is negotiating on behalf of East Timor on a future treaty with Australia on the Timor Gap. Following so closely on the assumption of a similar (but more limited) mandate in Kosovo, this raises significant doctrinal and institutional questions about whether and how the United Nations' ad hoc involvement in "state-building" projects is contributing to the transformation of accepted norms of self-determination and state sovereignty.

The term "nation-building", sometimes used in this context, is a broad, often vague, and sometimes pejorative one. In the course of the 2000 US presidential campaign, Governor George W. Bush sometimes used it as a dismissive reference to the application of US military resources outside their traditional mandates. In addition, the term was used to conflate the circumstances in which US forces found themselves in conflict with the local population (most notably in Somalia), with complex and time-consuming operations such as those underway in Bosnia and Herzegovina, Kosovo, and East Timor.

Within the United Nations, the term "peace-building" is generally preferred. In Secretary-General Boutros Boutros-Ghali's An Agenda for Peace (1992), this was said to include "reforming or strengthening governmental institutions"; by the time of his Supplement to An Agenda for Peace (1995), the essential goal was said to be "the creation of structures for the institutionalization of peace". Nevertheless, "peace-building" embraces a far broader range of activities than those particular operations under consideration here.

In this report, the term "state-building" will be used to refer to extended international involvement (primarily, though not exclusively, through the United Nations) that goes beyond traditional peace-keeping and peace-building mandates, and is directed at developing the institutions of government by assuming some or all of those sovereign powers on a temporary basis. This highlights the linkage between recent events and earlier activities by the United Nations and its predecessor, the League of Nations, in exercising or supervising varying forms of trusteeship over territory.

The starting point of this report is the concern — raised, though only in passing, by the Report of the Panel on UN Peace Operations (the Brahimi Report) — that the United Nations is becoming involved in such state-building projects without any clear institutional mandate or political consensus. This has given rise to uncertainty of mandate in ongoing UN operations, as well as the potential for establishing precedents that may confuse the normative framework within which future operations take place. As disputes over the right to self-determination were some of the most prominent on the Security Council's agenda in the 1990s, these issues are central to the role of the United Nations in preventing, containing and resolving conflict in the twenty-first century.

The need for further research in this area is highlighted in the Brahimi Report, which notes that operations such as those in Kosovo and East Timor "face challenges and responsibilities that are unique among United Nations field operations". The Report is primarily concerned with the detailed questions of mandates for such operations, and recommends work on developing an interim criminal code to be applied in *such situations*. *In passing, however, it raises a more fundamental question:*

Beyond such challenges lies the larger question of whether the United Nations should be in this business at all, and if so whether it should be considered an element of peace operations or should be managed by some other structure. Although the Security Council may not again direct the United Nations to do transitional civil administration, no one expected it to do so with respect to Kosovo or East Timor either. Intra-State conflicts continue and future instability is hard to predict, so that

despite evident ambivalence about civil administration among United Nations Member States and within the Secretariat, other such missions may indeed be established in the future and on an equally urgent basis. Thus, the Secretariat faces an unpleasant dilemma: to assume that transitional administration is a transitory responsibility, not prepare for additional missions and do badly if it is once again flung into the breach, or to prepare well and be asked to undertake them more often because it is well prepared. Certainly, if the Secretariat anticipates future transitional administrations as the rule rather than the exception, then a dedicated and distinct responsibility center for those tasks must be created somewhere within the United Nations system. In the interim, DPKO has to continue to support this function.

This was not the subject of any recommendation, however, and was not addressed in the Secretary-General's response to the Report.

Such analysis is slightly disingenuous. Whether or not the United Nations will, in the near future, undertake operations on the scale of Kosovo and East Timor is certainly debatable, but the United Nations has undertaken a number of smaller-scale operations exercising similar powers in the past decade. The likelihood of the United Nations undertaking further operations in which it exercises some or all of the functions of a government on a temporary basis is therefore high.

To put this into perspective, it is instructive to review briefly the various peace operations in which the UN has assumed such a role. Some scholars have proposed categories to describe discrete sets of UN peace operations, such as assistance, partnership, control, and governorship. Though useful conceptual handholds, these categories imply a degree of neatness that might be deceptive. In this report more fluid categories are adopted to reflect the specific powers entrusted to specific missions. These are presented in Table i.

Table i: "State-building" missions

Territory	Mission	Date	Primary responsibility for policing?	Primary responsibility for referendum?	Primary responsibility for election?	Executive power?	Legislative power?	Judicial power?	Treatymaking power?
West Papua	UNTEA	1962-1963	YES		regional elections only	YES	limited		
Namibia	UNTAG	1989-1990			YES				
Western Sahara	MINURSO	1991-		YES					
Cambodia	UNTAC	1992-1993	YES		YES	as necessary			
Somalia	UNOSOM II	1993-1995					disputed		
Eastern Slavonia	UNTAES	1996-1998		YES					
East Timor	UNAMET	1999	YES			YES	YES	YES	
Kosovo	UNMIK	1999-	YES			YES	YES	YES	
East Timor	UNTAET	1999-	YES		YES	YES	YES	YES	YES

In the following sections, the various operations will be described briefly.

West Papua (West New Guinea/Irian Jaya) (1962-1963)

The first operation in which the United Nations exercised functions similar to those of UNTAET also concerned territory claimed by Indonesia. Nominally intended to facilitate the decolonization of Dutch West New Guinea and the realization of the population's right to self-determination, the United Nations effectively facilitated its hand-over to Indonesia.

The territory of West New Guinea had been in the possession of the Netherlands since 1828. After the Netherlands recognized the independence of Indonesia in 1949, the status of West New Guinea remained unclear. Following active mediation efforts, Indonesia and the Netherlands signed an agreement on 15 August 1962. On 21 September the General Assembly passed resolution 1752(xvii) (1962), taking note of the agreement and authorizing the Secretary-General "to carry out the tasks entrusted to him". Although this occurred at the height of the controversy over the expanding operations then underway in the Congo, the resolution was passed without dissent — perhaps due to the operation's short duration and clear mandate, the consent of the relevant states, and the fact that Indonesia and the Netherlands agreed to pay for the operation themselves.

Under the agreement, administration of West New Guinea was to be transferred by the Netherlands to a United Nations Temporary Executive Authority (UNTEA), headed by a United Nations Administrator appointed by the Secretary-General. Under the Secretary-General's jurisdiction, UNTEA would have full authority to administer the territory, to maintain law and order, to protect the rights of the inhabitants, and to ensure uninterrupted normal services from 1 October 1962 until 1 May 1963, when administration would be transferred to Indonesia.

The agreement also provided for a United Nations Security Force (UNSF) to assist UNTEA with "such security forces as the United Nations Administrator deems necessary". (An advance team of UNSF had already commenced monitoring a cease-fire that was agreed prior to the formal establishment of a mandate.)

By the transfer of power to the United Nations on 1 October 1962, three-quarters of the lower-ranking Dutch civil servants had left the territory, creating a vacuum that UNTEA had to fill. Due to a shortage of adequately trained Papuans, the Secretary-General's Representative and Temporary Administrator, José Rolz-Bennett (later replaced by Djalal Abdoh), began recruiting international personnel. In effect, however, Indonesians soon replaced the Dutch civil servants, with UN staff holding senior positions for the six month transitional period. Ultimate authority was duly passed to Indonesia as scheduled on 1 May 1963, leading to early assessments that the operation had been a success.

Crucially, the agreement required Indonesia to make arrangements, with the assistance and participation of the United Nations Representative and his staff, to give the people of the territory the opportunity to exercise freedom of choice. The inhabitants were to make the decision to "remain with Indonesia" or to "sever their ties with Indonesia", through a plebiscite to be held no later than 1969. This was, to say the least, somewhat inconsistent with provisions for transfer of power to Indonesia within the space of six months.

Whatever one thinks of the first phase of the operation, the second phase showed the United Nations to be, at best, ineffective. At worst it was complicit in fraud. Six years later, Indonesia organized the "act of free choice" for West Irian between 14 July and 2 August 1969. Having rejected calls by the SRSG, Fernando Ortiz-Sanz, for a one-man one-vote method supplemented by consultations in remote areas, Indonesia announced that it would consult only with representative councils chosen by Indonesian authorities. Enlarged representative councils (consultative assemblies), including 1,026 members, were asked to state, on behalf of the people of the territory, whether they wished to remain with Indonesia or sever their ties with it. The vote was unanimously in favor of remaining with Indonesia.

In his final report to the Secretary-General in November 1969, Ortiz-Sanz expressed “regret” that Indonesia had not fulfilled its obligations to guarantee the rights of the Papuan inhabitants, having “exercised at all times a tight political control over the population”. He could only observe that within

the limitations imposed by the geographical characteristics of the territory and the general political situation in the area, an act of free choice has taken place in West Irian in accordance with Indonesian practice, in which the representatives of the population have expressed their wish to remain within Indonesia.

Namibia (1989-1990)

The United Nations Transitional Assistance Group (UNTAG) began operations in 1989, but was created by the UN over a decade earlier. Security Council resolution 385 (1976), “Reaffirming the legal responsibility of the United Nations over Namibia”, declared that

in order that the people of Namibia may be enabled freely to determine their own future, it is imperative that free elections under the supervision and control of the United Nations be held for the whole of Namibia.

The “legal responsibility” of the UN referred to the role of the UN Council for Namibia, created by the General Assembly in 1967 as the de jure administrator of the territory.

In 1978, a “Western Contact Group” (Canada, France, Germany, the United Kingdom and the United States) issued a proposal to implement the 1976 resolution, calling for a large UN presence. Secretary-General Kurt Waldheim drew upon these recommendations in a report to the Security Council, endorsed in resolution 435 (1978), in which the Council decided

to establish under its authority a United Nations Transition Assistance Group ... for a period of up to 12 months in order to assist [the SRSG] ... to ensure the early independence of Namibia through free elections under the supervision and control of the United Nations.

South Africa’s refusal to accept UNTAG prevented its deployment for over a decade. This long delay enabled the UN to spend more time in preparation than is possible for most missions. SRSG Martti Ahtisaari visited Namibia a number of times to determine the logistical requirements of UNTAG and began recruiting and training officials for the job long before it deployed.

One reason for the delay was the linkage between South African troop withdrawal from Namibia with the removal of Cuban troops from Angola. In late 1988, South Africa, Angola and Cuba agreed to deploy UNTAG in Namibia on 1 April 1989, with UNAVEM I moving into Angola at the same time to monitor Cuba’s withdrawal.

Elections were held on 7-11 November 1989, with a 97 percent turnout, no violence and ballot secrecy preserved. The South-West African People’s Organization (SWAPO) was declared the winner. On 21 March 1990, the South African flag was lowered for the last time and Namibia attained independence.

Western Sahara (1991—)

Western Sahara, like East Timor, was a self-determination problem born of failed Iberian decolonization. When Spain withdrew, both Morocco and Mauritania claimed the territory, a claim

opposed by the Frente POLISARIO. Mauritania renounced its claim in 1979, but conflict continued between Morocco and POLISARIO, supported by Algeria.

The Secretary-General's good offices, offered in 1985, led to "settlement proposals" that were accepted in August 1988. In 1990, the Security Council approved a report from the Secretary-General containing the full text of the proposals and the outline of a plan to implement them. Security Council resolution 690 (1991) of 29 April 1991 established the United Nations Mission for the Referendum in Western Sahara (MINURSO), deciding also that the transitional period would begin no later than 16 weeks after the General Assembly approved the budget for the mission.

The plan provided for a transitional period in which the SRSG was to have sole and exclusive responsibility over all matters relating to a referendum in which the people of Western Sahara would choose between independence and integration with Morocco. The transition period was to begin on 6 September 1991, with the referendum to be held in January 1992.

By September 1991 it was clear that the transition period could not begin at this time, and MINURSO's initial deployment was limited to 100 military observers to verify the cease-fire. Since this time the cease-fire has generally held, but key differences remain that prevent commencement of the transition period and a referendum — most importantly concerning the eligibility to vote.

MINURSO established an Identification Commission in May 1993, and in August 1994 began the process of identifying voters. This was suspended in May 1996, until agreements between the Secretary-General's Personal Envoy, James Baker, and the parties enabled the process to restart in December 1997, with applicants from all tribes other than three contested groupings being completed by September 1998. These groups were processed from 15 June 1999 until the end of December 1999. The parties continue to disagree over the appeals process.

In resolution 1349 (2001) of 27 April 2001, the Security Council extended the mandate of MINURSO until 30 June 2001, with the expectation that the parties

will continue to try to resolve the multiple problems relating to the implementation of the Settlement Plan and try to agree upon a mutually acceptable political solution to their dispute over Western Sahara.

This paragraph has been included in the four previous resolutions extending MINURSO's mandate over the preceding 12 months, but few expect a referendum to take place in the short-term.

Cambodia (1992-1993)

The United Nations Transitional Authority in Cambodia (UNTAC) is widely regarded as a successful mission. Certainly, it completed its mandate with efficiency, though the substantive results and aftermath of the elections conducted by the UN were less obviously a success.

The Agreements on the Comprehensive Political Settlement of the Cambodia Conflict were signed in Paris on 23 October 1991. The Paris Agreements created a Supreme National Council (SNC), defined as the "unique legitimate body and source of authority in which, throughout the transitional period, the sovereignty, independence and unity of Cambodia are enshrined". The SNC in turn delegated to the UN "all powers necessary to ensure the implementation of this Agreement", and provided that

In order to ensure a neutral political environment conducive to free and fair general elections, administrative agencies, bodies and offices which could directly influence the outcome of elections

will be placed under direct United Nations supervision or control. In that context, special attention will be given to foreign affairs, national defense, finance, public security and information. To reflect the importance of these subjects, UNTAC needs to exercise such control as is necessary to ensure the strict neutrality of the bodies responsible for them. The United Nations, in consultation with the SNC, will identify which agencies, bodies and offices could continue to operate in order to ensure normal day-to-day life in the country.

This mechanism was primarily a way of avoiding the thorny question of how to obtain consent from two parties, both of which claimed to be the legitimate government of Cambodia.

The Security Council was then invited to create the UN Transitional Authority in Cambodia (UNTAC), “with civilian and military components under the direct responsibility of the Secretary-General of the United Nations”, “to provide UNTAC with the mandate set forth in this Agreement”, and “to keep its implementation under continuing review”.

The Security Council duly passed resolution 745 (1992), establishing UNTAC for a period not to exceed eighteen months, with elections to be held by May 1993. Elections were held and declared by SRSG Yasushi Akashi as free and fair on 29 May 1993. From a field of 20 political parties, the royalist FUNCINPEC party won a plurality (45 percent) of the vote. As required by the constitution, FUNCINPEC shared power with the Cambodian People’s Party (CPP) (38 percent), with Prince Norodom Ranariddh (FUNCINPEC) and HUN Sen (CPP) being appointed as joint Prime Ministers.

Subsequent events suggested that the initially positive evaluations of the Cambodia operation were premature. As in the case of Namibia, the UN had nominated the staging of elections as marking the endpoint of the mission. In both cases, however, elections were shown to be only one of the conditions necessary for a durable peace.

Somalia (1993-1995)

Governmental authority was asserted by the SRSG in Somalia, despite the lack of a clear mandate to do so, when he promulgated the former Somali Penal Code of 1962 as the criminal law in force in Somalia.

Security Council resolution 814 (1993), which established the second UN Operation in Somalia (UNOSOM II), requested the Secretary-General, through his Special Representative, to “direct the Force Commander of UNOSOM II to assume responsibility for the consolidation, expansion and maintenance of a secure environment throughout Somalia”. It seems unlikely that such a mandate gave the SRSG legislative power. Indeed, the report of the commission of inquiry established by Security Council to investigate subsequent armed attacks against UNOSOM II stated that “the promulgation of the Somali Penal Code of 1962 ... was capable of being interpreted by the USC/SNA as an overstepping of the UNOSOM II mandate.”

In the absence of any functioning government authority, however, this was clearly an exceptional case. Somalia presented the UN with a situation in which it was the *de facto* government when it lacked the mandate, the resources, and, ultimately, the inclination to fulfil this role. The UN’s withdrawal from Somalia prejudiced future operations, most notably in relation to the international community’s reluctance to involve itself in the Rwandan genocide in 1994.

Bosnia and Herzegovina (1995—)

Under the Dayton Peace Agreement, Bosnia and Herzegovina, Croatia, and the Federal Republic of Yugoslavia requested designation of a High Representative to facilitate implementation of the Agreement. The High Representative, who exercises sweeping powers, was to be appointed “consistent with relevant United Nations Security Council resolutions”, but it was not a United Nations operation. In accordance with the Agreement, the Security Council established a civilian police (CIVPOL) contingent known as the International Police Task Force (IPA). Its mandate is to assist parties in meeting their obligations to provide a safe and secure environment for all persons in their respective jurisdictions, and so will not be considered in the present report.

Eastern Slavonia (Danube Region of Croatia) (1996-1998)

Following Croatia’s declaration of independence from the Socialist Federal Republic of Yugoslavia (SFRY), three areas within Croatia in turn declared themselves independent of the new entity: the area surrounding the Krajina, western Slavonia and eastern Slavonia. The first two areas were brought under Croatian control in 1995, but in response to international pressure the government abandoned plans to move into eastern Slavonia — the last Croatian region with a sizable Serbian community.

On 12 November 1995, Croatia and the Serbian authorities in eastern Slavonia signed the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium (the Erdut Agreement), which requested the Security Council to establish a Transitional Administration. On 15 January 1996, the Security Council unanimously adopted resolution 1037 (1996), establishing the United Nations Transitional Administration in Eastern Slavonia, Baranja and Western Sirmium (UNTAES) for an initial 12-month period (later extended for two six-month periods). UNTAES comprised a military and a civilian component. The military component was to supervise and facilitate the demilitarization of the region; monitor the voluntary and safe return of refugees and displaced persons in cooperation with UNHCR; contribute, through its presence, to the maintenance of peace and security; and otherwise assist in implementing the Erdut Agreement. The civilian component was to establish a temporary police force; undertake tasks relating to civil administration and to the functioning of public services; facilitate the return of refugees; organize elections; and the assist in the coordination of plans for the development and economic reconstruction of the region. The Council also requested that the Secretary-General appoint a Transitional Administrator to have overall authority with regard to both components.

UNTAES was fully deployed on 20 May 1996, with Jacques Paul Klein (United States) as Transitional Administrator (succeeded on 1 August 1997 by William Walker, also of the United States). Demilitarization began on 21 May 1996 and was completed a month later. Various development programs were undertaken in the following year, though there were few refugee returns. Incident-free elections were held on 13-14 April 1997, with the newly formed Independent Democratic Serb Party (SDSS) winning an absolute majority in 11 of 28 municipalities.

Following a military draw-down, UNTAES concluded its mandate on 15 January 1998, succeeded by a support group of 180 civilian police monitors.

Writing in 2001, force commander Johan Schoups observed that the relative success of the UNTAES operation could be partly explained by the very limited nature of its mandate. Crucially, it was based on a treaty that represented an unequivocal political resolution — peaceful reintegration into Croatia — to be achieved in a limited time. In addition, the military component was credible and unified, with broad rules of engagement (including the threat of NATO air power) to enforce the agreement if necessary. UNTAES also enjoyed relatively solid diplomatic support throughout preparation and implementation of its mandate, and broad support on the ground.

None of these factors was present in the far more troubled operation that was hastily arranged in Kosovo.

Kosovo (1999—)

In the course of NATO's aerial campaign against the Federal Republic of Yugoslavia (FRY) over its actions in Kosovo, a key element in agreeing on a resolution to the dispute was the establishment of an "interim administration" authorized by the UN Security Council.

The principles adopted by the G-8 Foreign Ministers on 6 May 1999 provided for a "political process towards the establishment of an interim political framework agreement", which would in turn provide for "a substantial self-government for Kosovo", taking full account of the sovereignty and territorial integrity of the FRY. This was further "elaborated" in the principles finally agreed by the FRY, which stated that the interim administration was to be established as a part of the international civil presence "under which the people of Kosovo can enjoy substantial autonomy within the Federal Republic of Yugoslavia".

Security Council resolution 1244 (1999) authorized an international security presence with substantial NATO participation under unified command and control (KFOR), and authorized the Secretary-General to establish an international civil presence in Kosovo. This international civil presence was designed to provide

an interim administration for Kosovo under which the people of Kosovo can enjoy substantial autonomy within the Federal Republic of Yugoslavia, and which will provide transitional administration while establishing and overseeing the development of provisional democratic self-governing institutions to ensure conditions for a peaceful and normal life for all inhabitants of Kosovo. (Emphasis added.)

Some UN officials report that Bernard Kouchner, SRSG from July 1999-January 2001, said that he read the text of resolution 1244 (1999) twice every morning and still had no idea what "substantial autonomy" meant.

The United Nations Mission in Kosovo (UNMIK) brought together four "pillars" under United Nations leadership. Pillar i, humanitarian assistance, led by the Office of the High Commissioner for Refugees (UNHCR), was phased out at the end of June 2000. Pillar ii, civilian administration, was led by the UN. Pillar iii, democratization and institution building, was undertaken by the Organization for Security and Cooperation in Europe (OSCE). Pillar iv, reconstruction and economic development, was managed by the European Union (EU).

The central contradiction of UNMIK's mandate was that it lacked a political resolution for the problem of Kosovo. Within UNMIK, it was long an open secret that Kosovo would eventually become independent. Nevertheless, the authorizing resolutions and official statements continued to emphasize the continuing respect for the territorial integrity and political independence of the FRY.

Following the October 2000 regime change in Belgrade, the FRY increased cooperation with UNMIK, suggesting that some sort of autonomy arrangement might be possible within the Federal Republic of Yugoslavia. Nevertheless, continuing violence within Kosovo and in neighboring Macedonia, and the prospect of Montenegro declaring independence unilaterally, all point to Kosovo's status remaining ambiguous and the UN policing that ambiguity for some years to come.

Conclusion

By October 1999, there had been no opportunity for meaningful analysis of the UN's activities in state-building operations. With the benefit of hindsight, it is possible to observe that a clear political resolution accepted by all parties was central to the relative successes of Namibia, Cambodia and Eastern Slavonia. A generalization is sometimes made that such operations are easier in the context of former colonial territories seeking independence, though the determining factor appears to be the agreement on a designated outcome. A related issue is the time-frame within which the agreed goal is to be achieved. In East Timor, for example, the agreed outcome of independence was compromised by differences of opinion on an appropriate timeline.

A second criterion was the long lead-time for the deployment of UNTAG, making extended planning possible. This was due only to South African intransigence, but UNTAG nevertheless demonstrated the importance of establishing relations with local actors, recruiting and training appropriate staff, and building the political credibility of the operation. A gradual deployment was, for obvious reasons, not possible in East Timor; as discussed in Part ii, however, the UN must bear its share of the blame for agreeing to an unrealistic time-frame and inadequate contingency-planning for East Timor's independence vote.

Perhaps most importantly, anecdotal evidence from each of the operations suggests that sensitivity to local needs, accompanied by a flexible mandate and sufficient human and material resources, is a necessary but not sufficient element in such operations. This aspect of the UN operation in East Timor will be considered in Part iii.

ii. East Timor's vote for independence

Almost two years after East Timor voted overwhelmingly for independence from Indonesia, it is still difficult to understand the violence that consumed the island in September 1999. What is confusing is that unrest before the vote was both sporadic and, it seemed, controllable. When pressure was placed on the Indonesian Armed Forces (TNI), the limited instances of intimidation stopped; there was little trouble on the day of the vote itself. As one UN official who was in Dili at the time now muses, if the intention had been to prevent East Timor's independence this could have been achieved easily by the late night murder of a few UN Volunteers, or the selective torching of a couple of buildings used by expatriates.

With the benefit of hindsight, there were two key factors at work. The first was that most of the Indonesian cabinet, relying on remarkably bad intelligence, genuinely believed that in a free vote the Timorese would choose to remain within Indonesia (or, perhaps, that the result would be close enough to dispute). Officials at the UN anticipated precisely the opposite result, but were constrained from planning openly for independence by the delicate political balance that had made a vote possible in the first place. This set the stage for a very swift transition, with little planning for either the logistics of independence, or management of the inevitable political crisis it would cause within Indonesia.

The second factor was the erroneous assumption on the part of the international community that the Indonesian government and military could be assumed to work in concert. Quite apart from the dubious reliance placed on Indonesia's occupying forces to maintain "peace and security" during the vote, there appears to have been great reluctance within the TNI to leave the battleground sometimes described as Indonesia's Vietnam as anything other than scorched earth.

Many of the Timorese, by contrast, knew precisely what was going to happen. Across the country there were reports of entire towns packing their belongings and leaving in anticipation of the violence to come. One UN observer in Maliana reported a day before the vote that his entire town had disappeared, only to find people streaming back from the hillsides from 4am to queue up, vote,

and depart once more. That people anticipated great violence but voted anyway is one of the most remarkable aspects of this story.

The origins of the present situation in East Timor lie in Indonesia's 1975 invasion of the former Portuguese colony. Since the purported annexation of East Timor by Indonesia was never recognized by the vast majority of the international community (with the notable exception of Australia), it is questionable what role Indonesia was entitled to play in the territory's transition to independence. In practice, however, East Timor's independence only became possible following the replacement of Indonesian President Suharto by B J Habibie, who offered to hold a plebiscite on the territory's future. An agreement dated 5 May 1999, between Indonesia and Portugal (as the administering power of a non-self-governing territory), provided for a "popular consultation" to be held on East Timor's future on 8 August.

The date of the consultation fell squarely in the middle of Indonesia's first presidential elections in 44 years. And, crucially, the agreement left security arrangements in the hands of Indonesia's military, which had actively suppressed the East Timorese population for 24 years. On 11 June, the Security Council established the UN Mission in East Timor (unamet) to organize and conduct the consultation. A month later, with the consultation postponed until the end of August, the Secretary-General made a report to the Council, noting that "the situation in East Timor will be rather delicate as the Territory prepares for the implementation of the result of the popular consultation, whichever it may be". Despite threats of violence, 98 percent of East Timorese voted in the referendum, with 78.5 percent choosing independence.

The violence that ensued took place under the direction of the Indonesian military, if not the government itself. At the time there was great reluctance to intervene, despite the apparent double standard given the international response to the situation in Kosovo. Finally, at the instigation of Australia — driven by domestic political pressure, concern about a refugee crisis, and some measure of contrition for its previous policies on East Timor — the Security Council on 15 September authorized an Australian-led multinational force to restore peace and security to East Timor.

There seems to have been no legal basis for requiring Indonesia's consent to such an operation. Nevertheless, as a practical matter, it was clear that no form of enforcement action was possible in the absence of that consent. Resolution 1264 (1999) therefore welcomed a 12 September statement by the Indonesian President that expressed the readiness of Indonesia to accept an international peacekeeping force through the UN in East Timor. This was followed on 25 October by resolution 1272 (1999), establishing the United Nations Transitional Administration in East Timor (UNTAET). (This resolution is reproduced in full in the printed version of this report, and linked to this report in [Appendix ii.](#))

Today, few Timorese regret that the vote took place, nor do they feel that the price paid was too high. But as the territory prepares for independence towards the end of this year, it is far from clear what sort of country East Timor will become.

Box 1: Truth and reconciliation in East Timor

The proposed Commission on Reception, Truth and Reconciliation (CRTR) is one of the most commonly misunderstood projects in East Timor. Despite frequent comparisons with the South African Truth and Reconciliation Commission, the CRTR will not offer amnesties.

Serious crimes, including murder, rape and torture, would be excluded from the commission, on the assumption that they should go to trial. Less serious crimes,

such as destruction of private property — including, perhaps, arson — would be resolved through a community reconciliation procedure. The question of arson is central, as 35,000 homes were destroyed after the 1999 popular consultation.

The idea of such a commission has been driven largely by East Timorese, and is now being developed with the support of UNTAET's Human Rights Unit, working closely with women's groups and human rights organizations, the Catholic Church and CNRT. In addition to national reconciliation, the commission would aim to facilitate reintegration from West Timor and to establish a historical record of human rights abuses from 1974-1999.

The likely procedure would be for perpetrators to meet with the affected community, offer a public apology, and undertake some form of community service by way of atonement. This agreement would be registered by a court; following completion to the satisfaction of the CRTR, the perpetrator's debt to society would be deemed to have been paid. It is likely that a perpetrator would be required to make some sort of a declaration accepting that the result of the August 1999 popular consultation reflects the will of the majority of the Timorese population.

A separate function would enable victims to enter testimony about violations suffered in the period 1974-1999. There were some initial concerns that this public airing of grievances might interfere with East Timor's first elections. In any case, the CRTR now seems unlikely to be adopted until after elections have been completed, and perhaps not until after independence.

The CRTR would be funded bilaterally. Several donor states have already expressed support for the idea.

iii. Preparations for elections in East Timor

East Timor and Kosovo

A persistent, if slightly unfair, criticism of UNTAET is that it relied too greatly on the experiences of the UN's operation in Kosovo. The UN Department of Peacekeeping Operations (DPKO) assumed control over UNTAET following an internal turf battle with the Department of Political Affairs (DPA), which had overseen the May 5 agreements and been lead agency throughout the UNAMET referendum. Much as the International Criminal Tribunal for Rwanda was substantially modeled on the Hague Tribunal for the former Yugoslavia, UNTAET drew directly upon the institutional and personal knowledge of UNMIK. The planning staff were, it seems, told to "re-jig" the Kosovo plan for East Timor; and the SRSG and Transitional Administrator, Sergio Vieira de Mello, came from a position as head of UNMIK, bringing many core personnel with UNMIK backgrounds.

The criticism is slightly unfair because when the UN entered East Timor it was reasonable to assume that it was entering an area of potential conflict. Kosovo represented the most relevant experience the UN had in pacifying territory that had come under the control of the UN, where a deeply polarized society faced the continued threat of violence. In Kosovo, the failure to contain and demobilize the Kosovo Liberation Army (u k) had caused problems that continued to plague the mission. Building upon previous experiences in the former Yugoslavia, the result was that centralized control and neutrality dominated the mandate and initial activities of UNTAET personnel.

The problem, rather, was that the mandate and mindset, once established, was slow to change with the reality on the ground. It was quickly established that the violence in East Timor had been caused by militias, supported and organized by the Indonesian military. With INTERFET's arrival, most of the militias had left East Timor. By 26 January 2000, the Secretary-General was able to report that the "internal security situation greatly normalized ... For most people there is now little threat of violence and they can circulate freely."

The result was that UNTAET was established primarily as a peacekeeping operation. With the evacuation of most of the militias and the arrival of over 8,000 troops, the demands of security were swiftly overtaken by the demands for political and economic development in preparation for independence. Both were hindered by the initial choices made in New York in 1999.

A further difference worth noting is that the UN played a more muted role in Kosovo thanks to the burden assumed by European institutional actors. The absence of such actors in East Timor both increased the demands on UNTAET and reduced the opportunity for engagement with senior UN staff over differing interpretations of the situation on the ground.

The politics of consultation

It is a nostrum of the expatriate expert community that East Timor in late 1999 was a political and economic vacuum. Economically, this was largely true. Even before the vote, East Timor was one of the poorest parts of Indonesia; afterwards, the formal economy simply ceased to function. Today, unemployment remains at around 80% and most economic activity is parasitic on the temporary market for expatriate food and entertainment. Politically, however, the situation was and remains more complex.

Certainly, East Timor exhibits an atypical form of political life. As the territory prepares for its first elections, many ordinary Timorese are expressing doubts about the need for political parties. This stems from the view that divisions between the FRETILIN and UDT parties in 1974-1975 were exploited by Indonesia and facilitated its invasion and subsequent annexation. Significantly, Xanana Gusmão, who until his (possibly permanent) resignation from the East Timor Transitional Administration (ETTA) in March 2001 was assumed almost certain to be East Timor's first president, is not formally associated with any political party. He is President of the National Council of Timorese Resistance (CNRT), the umbrella organization of groups that opposed Indonesia's occupation, but has repeatedly claimed that this is not a political party and that it will not run in the elections.

CNRT's status is important because it is the vehicle through which UNTAET attempted to carry out its mandate to consult with the Timorese population. From soon after UNTAET's deployment, CNRT was regarded as representing the Timorese people, giving enormous political sway to its leadership — arguably at the expense of other sections of the population. The questionably representative nature of CNRT is reflected in its August 2000 decision to adopt Portuguese as the official language of East Timor, a language understood by fewer than ten percent of the population and by virtually no one under 30. (See Box 2 on page 19.) This was compounded when FRETILIN broke from CNRT in August 2000, coinciding with a proliferation of smaller parties. (See Box 7 on page 28.)

The flip-side of the perceived lack of political sophistication among the Timorese is that many of the expatriates working for UNTAET and the seventy-odd international ngos tend to treat the Timorese political system as a *tabula rasa*. Within the UN, this attitude led to the first and only civic education initiative proposed for the territory being rejected by the Timorese. A letter from Timorese ngos to the Director of Political Affairs, Peter Galbraith, complained of inadequate consultation in the development of the project, and the fact that the vast majority of the \$8m budget was earmarked for the salaries of international staff. This approach greatly underestimated the interest and capacity of

Timorese actors to play an active role in civic education. Following changes of personnel and the formation of a steering committee with substantial local representation, Timorese civil society returned to the table in January 2001.

Many of these problems are referable to a central contradiction within Security Council resolution 1272 (1999). It establishes UNTAET in order to give the East Timorese eventual control over their embryonic country, stressing the need for UNTAET to “consult and cooperate closely with the East Timorese people”. At the same time, however, it concentrates all power in UNTAET and the SRSG/Transitional Administrator, explicitly granting “all legislative and executive authority, including the administration of justice”, and endowing the administration with all the institutional and bureaucratic baggage that the UN carries.

Box 2: Language

Choice of an official language is one of a number of issues that UNTAET officials have deferred to a legitimately Timorese government (along with the definition of citizenship and title to land). This decision was pre-empted somewhat by the decision of CNRT at its August 2000 National Congress to adopt Portuguese as the “official language” and Tetum as the “national language, to be developed within a 5-10 year period as a second option as an official language”. Younger Timorese in particular are critical of this position, as virtually no one under 30 speaks Portuguese.

Senior Timorese leaders — most prominently José Ramos-Horta — have been the strongest advocates of Portuguese. The key reason that is generally presented concerns the identity of East Timor, a geographical anomaly bound together only by its history of Portuguese (as opposed to Dutch) colonialism. “If you take away Portuguese language and religion,” says Ramos-Horta, “there is no such thing as East Timor.” Other reasons advanced concern the importance of good relations with Lusophone countries (notably Portugal and Brazil), as well as the connection that Portugal grants into the European Union (and away from dependence on Asia — particularly Indonesia). In addition, Portuguese is said to support the development of Tetum, whereas Bahasa Indonesia would “kill” it. Finally, there is an emotional resentment on the part of many (mostly older) Timorese to the imposition of Bahasa Indonesia during Indonesian occupation. Fr. Filomeno Jacob, Cabinet Member for Social Affairs (encompassing education), is blunt: “I’m not going to spend money to teach Indonesian in our schools.”

The World Bank Joint Assessment Mission (JAM) noted in December 1999 the policy position of CNRT to adopt Portuguese and Tetum as the official and national language, observing that this was clearly a sensitive issue: “not only the choice of language(s) but the speed and method of introduction of a new policy can cause fears of exclusion if not carefully managed. The mission therefore recommends that a process of consultation with key stakeholders be held over the coming months, [to] discuss transitional language policy and migration path.”

As a practical matter, Bahasa Indonesia remains the predominant language, particularly of business, closely followed by Tetum and the variety of local dialects spoken across the country. Portuguese, with between five and ten percent of the population speaking it, is still far ahead of English. Nevertheless, English remains the de facto language of UNTAET. (In January 2001, UNTAET tv was broadcasting one hour of Tetum — the rest of the day it played a feed from the bbc.) A notable exception to this is the Cabinet, which largely conducts business in Portuguese.

The failure to define what “consult and cooperate closely with the East Timorese people” gave UNTAET considerable latitude in its interpretation of the mandate. The initial approach was to establish a non-elected national advisory council, with representatives of UNTAET and local political factions. Created in December 1999, the 15-member National Consultative Council (NCC) comprised:

- seven representatives of CNRT (divided between its constituent parties);
- three representatives of political groups that voted against independence (BRTT and PNT, which took up their seats, and FPKD, which did not);
- one representative of the Catholic Church in East Timor; and
- the SRSG/Transitional Administrator and three other UNTAET members.

The NCC was a purely advisory body, but in practice it reviewed (and endorsed) all UNTAET regulations. Nevertheless, as the situation in East Timor became more stable, there were calls for wider and more direct participation in political life.

On 5 April 2000, the SRSG announced the appointment of Timorese deputy district administrators to operate under the 13 international district administrators. In addition, new district advisory councils would be established. These were to have “broad participation of representatives of political parties, the Church, women and youth groups.” In particular, the SRSG noted, “We wish to establish advisory councils in the districts that are representative of the East Timorese civil society more than was possible in the NCC.” In addition, he announced that proceedings of the NCC, which had been criticized by some as overly secretive, would be opened to representatives of NGOs and of FALINTIL.

The criticisms of UNTAET in Dili were echoed and amplified in the thirteen districts, where the district administrators complained of their exclusion from policy decisions. In a letter to DSRSG and head of UN administration Jean-Christian Cady, they warned that the appointment of deputy district administrators might exacerbate the problem if it was not accompanied by meaningful reform in the decision-making process:

These high-level posts might satisfy the international community's demand for involvement but will not increase our authority at a local level if the process is not handled correctly. Unless it is part of a broader integration strategy it is likely to be perceived as tokenism.

Weeks earlier, the head of district administration, Jarat Chopra, had resigned in a very public disagreement with senior UNTAET staff.

As the SRSG later acknowledged at the National Congress of CNRT, more radical reform was needed:

UNTAET consulted on major policy issues, but in the end it retained all the responsibility for the design and execution of policy. What is more, the NCC came under increasing scrutiny for not being representative enough of East Timorese society, and not transparent enough in its deliberations. Faced as we were with our own difficulties in the establishment of this mission, we did not, we could not involve the Timorese at large as much as they were entitled to.

In May 2000, the SRSG presented two options to Timorese leaders. The first model was a “technocratic model”, by which the administration would be fully staffed with East Timorese, so a fully national civil service would be in place at independence. The second was a “political model”, whereby East Timorese people would also share responsibility for government in coalition with UNTAET and hold several portfolios in the interim government. He explained that the latter option was a mixed blessing, as those East Timorese would also share UNTAET’s role as a “punching bag”.

The latter model was chosen, and a National Council (NC) was established by a regulation passed on 14 July 2000. Importantly, the Transitional Administrator did not chair the NC and its membership was exclusively East Timorese (though all appointed by the Transitional Administrator). Its 33 members were to be chosen as follows:

- seven representatives of CNRT;
- three representatives of political parties outside CNRT;
- a representative from each of:
 - the Roman Catholic Church in East Timor;
 - the Protestant church denominations in East Timor;
 - the Muslim community in East Timor;
 - women's organizations in East Timor;
 - student/youth organizations in East Timor;
 - the Timorese NGO forum;
 - the professional associations in East Timor;
 - the farming community in East Timor;
 - the business community in East Timor;
 - the labor organizations in East Timor; and
 - each of the 13 Districts of East Timor.

On the same day, a "Cabinet of the Transitional Government in East Timor" was established. Of the eight posts initially established, four were assigned to East Timorese (Internal Administration, Infrastructure, Economic Affairs, and Social Affairs) and four to international staff (Police and Emergency Services, Political Affairs, Justice, and Finance). In October 2000, the NC was expanded to 36 members and José Ramos-Horta was sworn in as Cabinet member for Foreign Affairs.

Box 3: "Dual desk" administration and recruitment

A possible alternative to the "two-track" and "co-government" models of transitional administration is the "dual desk" model. Senior civil administration positions would be filled by two professionals - one international and one local.

Such an approach was adopted in Kosovo's Joint Interim Administrative Structure (JIAS). Each interim administrative department of the JIAS has two "co-heads": a senior UNMIK staff member and a Kosovar appointed by a particular political party (with positions apportioned out to the various parties).

A similar approach was adopted in relation to district administrators, with the decision in May to appoint deputy administrators - variously described as "shadows" or "understudies", these deputies were originally intended to replace the thirteen district administrators by June 2001, with the international staff member remaining in an advisory capacity. By May 2001, there were four Timorese district administrators in place, and five Timorese deputies.

Clearly, UNTAET faced extraordinary difficulties in the early stages of its implementation. Nevertheless, a recurring criticism has been the introduction of large numbers of under-trained and often disinterested staff. The recruiting processes of the UN, with their emphasis on diversity and inter-agency bickering, appear to have taken precedence over merit, local knowledge, and language skills. Indeed, for many international staff, the only Timorese that they ever interact with are those in administrative or service capacities.

The World Bank Joint Assessment Mission (JAM) observed in November 1999, "whenever Timorese are available with the right qualifications, competencies and experiences for civil services jobs, they should be preferred candidates for hire before considering external

recruitment." A key problem was the lack of qualified personnel. Future operations might consider adopting a dual desk strategy that provides for on-the-job training of local staff and a phasing out of international staff in civil administration, whose most important task would be to identify and train their replacement within a fixed period of time.

A comparable approach was adopted in the appointment of judges, where quick impact training led to appointment of judges, prosecutors and public defenders despite the presence of only 60 Timorese with law degrees living in East Timor. Continuing mandatory training was supplemented with mentoring by international legal practitioners. This structure appears to have been a factor in the judicial system avoiding the necessary policy upheavals that affected many other areas of UNTAET's operations in April-June 2000.

The selection of the new representatives of East Timor continued to reflect UNTAET's reliance on CNRT in general and on Gusmão in particular. This was most evident in the selection of the four Timorese Cabinet members — essentially chosen by Gusmão — which were seen by some as reflecting political allegiances established in 1975, rather than representing the interests of the Timorese in 2000. Two positions went to FRETILIN (Ana Pessoa and Mari Alkatiri), one to UDT (João Carrascalão), and one to the Catholic Church (Fr. Filomeno Jacob).

Soon after establishing the NC, UNTAET announced at a daily press briefing that the East Timorese Transitional Administration (ETTA) had replaced UNTAET's Governance and Public Administration (GPA) pillar, and that ETTA should now be referred to as a "government". (UNTAET had originally been established with three components or pillars: governance and public administration; humanitarian assistance and emergency rehabilitation; and military.) The ideal, as senior UNTAET officials later explained, was that UNTAET should eventually be regarded as a UN assistance mission to ETTA. This is sometimes described as a "co-government" approach, in contrast to the earlier "two-track" approach. Such an arrangement could only ever be theoretical, as the SRSG retained ultimate power, but it represented a decisive shift in thinking less than one year into the mission.

With the benefit of hindsight, UNTAET officials now describe the early attempts at consultation as "confused at best", and as leading to justified criticism on the part of the East Timorese. Capacity-building and preparation for government were originally seen as requiring a "bottom-up" creation of an East Timorese civil service, with minor consultation at senior levels. The inadequacy of that consultation, combined with the failure to achieve much in the way of "Timorization" of the civil service, had led to pressure to reform UNTAET's structure. Unlike the NCC, which was generally presented with draft regulations for approval, the National Council had power to initiate, modify and recommend draft regulations; to amend regulations; and to call Cabinet members before it to answer questions regarding their respective functions.

Box 4: Lessons learned

In his opening statement to the Lisbon Donors' Meeting on East Timor in 22-23 June 2000, SRSG and Transitional Administrator Sergio Vieira de Mello outlined some of the lessons learned in the course of the first months of UNTAET:

The early months have been difficult. ... We have learnt many lessons and no doubt many more will be learned. This is the first time that we have attempted such an ambitious international nation-building effort — the first time for all of US. As I said in Tokyo, the international community has, in East Timor, the unique opportunity and the responsibility to

get the development of a country right from the beginning.

One of the most significant lessons we have learnt is that a standard UN peacekeeping and peace-building mission, even with a substantive transitional administration component, is not an ideal structure to undertake the broad and expansive role of government in East Timor. There are several problems intrinsic to a UN mission operating as a civilian administration, including: the staff profile of a UN mission of this kind, their understanding of the local culture and their ability to perform sectoral government functions; our recruitment processes, and UN procurement rules and regulations. These problems are being addressed, but it has taken time to identify them and to find the solutions.

Slow disbursement from the UNTAET Trust Fund is a good example of this. Many of you have raised concerns about our low levels of expenditure from the Trust Fund. I believe we have now removed the systemic problems constraining our expenditure. Key among these have been our government procurement capacity as well as rules and regulations, as distinct from classic UN peacekeeping procurement, and delays in recruiting competent sectoral staff. We have also faced logistical constraints, some related to our remoteness, and others like port congestion. In addition, the need to establish a framework for civil service recruitment, including terms and conditions of employment, has involved extensive consultation and, therefore, taken considerable time.

Furthermore, with no substantive national development planning apparatus, or indeed an agreed consolidated budget, in these early months it would have been unwise to forge ahead with rapid disbursement while clear priorities for Trust Fund expenditure were not yet in place.

Our planning capacity was also handicapped by major objective constraints including:

- the almost total lack of knowledge of the Timorese economy and society;
- the enormous difficulty to establish economic and financial parameters due to the absence of accurate statistical information;
- the fact that until September 1999 the financial flows for the recurrent budget and the investment program originated in Jakarta.

At UNTAET we are very much aware of the frustrations of the East Timorese people and others at the slow progress in reconstruction and development. High expectations have not been translated into immediate, visible, large-scale development results. In UNTAET we have shared the impatience and disappointment over difficulties in mobilizing administrative and reconstruction activities in East Timor. The situation is an inherently difficult one and the problems are myriad. However, many of the obstacles have now been overcome.

We also recognize that these frustrations, combined with inability on our part to explain clearly some of the difficulties and dilemmas we have faced, have led to occasional misunderstandings between UNTAET and the Timorese. Through an increasingly inclusive consultation process, we are doing our best — on both sides of this partnership — to improve our shared understanding of issues and how to take them forward. The National Consultative Council (NCC) has been an integral part of policy decision-making in East Timor. This will be further strengthened. We are about to expand the NCC into a more representative body — including members from each district and a broader cross-section of East Timorese civil society. We are establishing District Advisory Councils. We are also strengthening our efforts at communication and outreach to ensure the population at large is abreast of developments. Our friends of the Timorese leadership will agree, I am sure,

that despite occasional setbacks, we have now reached a much higher level of mutual understanding and there is much greater sense of common purpose. In this assessment of early difficulties, I would like to thank all our partners, both in East Timor and beyond, for their forbearance of the delays experienced thus far.

Nevertheless, the theoretical powers of the NC and the Cabinet were not borne out in reality — at least, not to the satisfaction of the Timorese. Gusmão expressed the collective frustration by October 2000 in the following terms:

We are not interested in a legacy of cars and laws, nor are we interested in a legacy of development plans for the future designed by (people) other than East Timorese [a reference to the hundreds of UN vehicles seen around Dili and the succession of regulations being passed by the UN administration].

We are not interested in inheriting an economic rationale which leaves out the social and political complexity of East Timorese reality. Nor do we wish to inherit the heavy decision-making and project implementation mechanisms in which the role of the East Timorese is to give their consent as observers rather than the active players we should start to be.

The Timorese Cabinet members shared these sentiments; in December 2000 they threatened to resign. In a letter to the SRSG, the Timorese Cabinet members (excluding José Ramos-Horta, who was out of East Timor at the time) complained of being “used as a justification for the delays and the confusion in a process which is outside our control. The East Timorese Cabinet members are caricatures of ministers in a government of a banana republic. They have no power, no duties, no resources to function adequately.”

The threat of resignation has been used frequently as a political tool in East Timor. The Cabinet members' threat came soon after Gusmão himself threatened to resign from his position as speaker of the NC. Earlier that year, in the August 2000 CNRT Congress, both Gusmão and Ramos-Horta resigned, twice, only to be reinstated. Gusmão resigned once again from the NC in March 2001, with some indications that this departure might be permanent. In the absence of real political power, however, resignation — essentially an attempt to challenge UNTAET's legitimacy by threatening its consultative mechanisms — was perhaps the most effective means of expressing frustration and trying to bring about change.

Box 5: The Timor Gap

One area in which the Timorese leadership has been happy to encourage a lead role for UNTAET is in the negotiations with Australia over the coffin-shaped area of the Timor Gap. The 1989 treaty concluded between Australia and Indonesia is not recognized by UNTAET, as it presumed the legality of Indonesia's annexation of East Timor. Nevertheless, in the interests of investor confidence, an interim agreement was made that all parties would continue to apply the terms of the treaty until independence. Once East Timor becomes independent, however, the 1989 treaty will no longer be recognized and a new treaty must be ready for signature.

These negotiations will be the most significant economic legacy that UNTAET leaves a future administration. Current projections are that by 2005 the Zone could be earning \$100m of government revenue annually — around double the current annual budget of the East Timor Transitional Administration (ETTA), East Timor's

skeleton government. UNTAET's position is that it is entitled to all or nearly all of the revenue, on the basis that most of the Zone falls within Timorese waters as usually demarcated in international law. In December 2000, it was offering a 90:10 split with Australia. The Howard government has reportedly been pushing for a 60:40 division, though there are signs that it might be shifting on this. (The opposition Labor Party has said that it would agree to a 90:10 split, and it is possible that UNTAET negotiators might wait for a change of government later in 2001.)

The decision to have Peter Galbraith lead the negotiations — rather than, for example, José Ramos-Horta, now Cabinet Member for Foreign Affairs, was a tactical one. Ramos-Horta and Mari Alkatiri, Cabinet Member for Economic Affairs, are candid about the benefits of having the United Nations negotiate with Australia in the place of a very small and very new neighbor. Most importantly, it enables Galbraith, whose previous negotiating experience includes peace-brokering in the Balkans, to play “hard-ball”, while confining any ill-will that this generates to an international (and American) official instead of the future Timorese leadership.

Drafting a constitution

The major political legacy that UNTAET will leave East Timor is likely to be its constitution. In debates on this crucial question, frequent analogies are made with Fiji and the United States. Fiji is presented as an example of a country with a serviceable constitution that was regarded as imposed by foreigners and became a source of instability. The United States, particularly the recent election of George W. Bush as president, is cited as proof that it doesn't matter how flawed a constitutional procedure is or how dubious the result. Provided that the citizens feel ownership of the constitution itself — or are at least apathetic to the issue — they will accept it. This analogy was made by Galbraith (himself an American) in public consultations on the constitutional timetable held in Dili in January 2001. But the analogy can be taken further: the American constitution was drafted and adopted by white property-owning men — there are some fears that a similarly narrow cross-section of East Timorese society will have input into its constitution. The question of whether the rest of East Timor will come to identify with that constitution remains a valid one.

In a speech delivered on New Year's Eve, Gusmão in his capacity as President of CNRT elaborated its programme for adopting a constitution. Among other things, he suggested that the Constituent Assembly to be elected on 30 August 2001 would only require enough time to “fine-tune” a pre-existing draft that would be prepared by CNRT. This was profoundly disturbing to Timorese ngos that operate outside CNRT, who saw it as excluding much of the population. Gusmão later embraced the idea of further popular consultation, but a proposal for a national commission was rejected by the NC.

UNTAET officials say they have no intention of involving themselves directly in the drafting process. UNTAET will, however, be running the vote for the Constituent Assembly and is committed to a “perfect election”. These positions reflect competing and potentially inconsistent obligations. On the one hand, the UN is committed to disseminating the values enshrined in the UN Charter and other treaties: the promotion of democracy, freedom of association, the rule of law. On the other, the choice of political system that is adopted must lie with the Timorese themselves. In discussions on a draft regulation on political parties, for example, UNTAET resisted a push to exclude parties that had opposed Timor's independence. It is quite possible that an elected Constituent Assembly might impose a similar requirement in the constitution, however, and it is far from clear what, if anything, UNTAET could do to prevent this.

A related problem concerns the possibility that East Timor will become a one-party state. Assuming that CNRT does not enter the elections, FRETILIN seems certain to win an overwhelming majority of the vote — estimates range up to 90 percent — and could effectively impose whatever constitution and legislative programme it wanted. Senior UNTAET staff confess that they regard such an outcome as undesirable, but are reserved as to what they should (or could) do to avoid it. As a start, they are encouraging the Timorese to adopt a mixed voting system with proportional representation in the hope that smaller parties will be represented in the process. (See Box 6 above.)

Procedural difficulties also arise. The current plan is for an elected Constituent Assembly to draft and adopt a constitution, probably without a referendum. The Constituent Assembly will then become the first legislature prior to presidential elections later in the year. But two of the most contentious questions for a constitution are (i) how the legislature is elected and (ii) what powers it holds vis-à-vis the other organs of government — this process presumes a consensus on at least the voting method before the assembly can be elected, and mandates that legislature-in-waiting to define the scope of its own powers.

At the same time, some UNTAET staff warn of “worrying authoritarian tendencies” within the Timorese leadership. Civic education programs run by CNRT have sometimes come closer to propaganda campaigns. “I have grave doubts that anything democratic will come out of this,” says one senior international official. “Look at Cambodia [where a UN Transitional Authority supervised elections in 1993]: everyone regards it as a success but it was an utter disaster — look who we put in power!” The Jakarta Post recently ran a story on these lines bearing a title of fulsome irony for an Indonesian paper: “The New Timor: A Xanana Republic?”

Gusmão railed against such criticisms in his New Year’s speech, deriding those who “spout forth points of view ... in a remote-control-style.” He went on to draw what he saw as broader lessons from East Timor’s engagement with the international community:

We are witnessing another phenomenon in East Timor; that of an obsessive acculturation to standards that hundreds of international experts try to convey to the East Timorese, who are hungry for values: democracy (many of those who teach US never practised it in their own countries because they became UN staff members); human rights (many of those who remind US of them forget the situation in their own countries); gender (many of the women who attend the workshops know that in their countries this issue is no example for others); ngos (numerous ngos live off the aid “business” to poor countries); youth (all those who remind US of this issue know that in their countries most of the youth are unemployed) ...

It might sound as though I am speaking against these noble values of democratic participation. I do not mind if it happens in the democratic minds of people. What seems to be absurd is that we absorb standards just to pretend we look like a democratic society and please our masters of independence. What concerns me is the non-critical absorption of (universal) standards given the current stage of the historic process we are building.

This bears interesting similarities to the “Asian values” arguments of the 1990s, when south-east Asian leaders (and some Western commentators) defended authoritarian political systems on the basis of their alleged effectiveness in promoting economic success. Few UN staff felt comfortable even discussing the idea that good governance might not always be coterminous with multiparty democracy.

For its part, UNTAET can hardly lay claim to democratic legitimacy. Sergio Vieira de Mello, the Brazilian SRSG and Transitional Administrator, holds absolute power in East Timor at the pleasure of the UN Security Council, whose composition reflects the balance of power at the end of the Second World War. Neither he nor his staff are accountable in any direct way to the Timorese

population. (This caused some controversy when UNTAET began collecting taxes on 1 January 2001 — UNTAET staff themselves are exempt from such taxation.)

But criticism of the Timorese leadership's style is not limited to expatriates. Aderito de Jesus Soares, of the Timorese Jurists Association, speaks of the need to change the "culture of command" in Timorese political life that developed within a clandestine resistance. Other Timorese ngos are critical of the closed nature of the political process as it functions now. The greatest point of leverage for the international community will be Timor's continued reliance on development assistance over the coming years, and so it is highly unlikely that independent East Timor will be overtly draconian. There is, however, a real danger that Timorese civil society will become regarded as simply a channel for aid.

Recent developments underscore the problems in the un's approach to political life. In March 2001, the path to independence was put in doubt when the NC voted to reject a bill creating a national commission to consult the Timorese people on drafting the constitution. The NC cited "political manipulation" of the process, an accusation that prompted Gusmão to resign as its speaker on March 28, charging that the legislature was being "irresponsible" and blocking the path to independence.

Box 6: Election of the Constituent Assembly

According to UNTAET Regulation 2001/2, adopted on 16 March 2001, the Constituent Assembly will have 90 days in which to prepare and adopt East Timor's Constitution, before becoming the legislature of an independent East Timor, if the Constitution so provides.

- The Assembly will be composed of 88 representatives, with one from each of the 13 districts and a further 75 elected on the basis of a single nation-wide constituency.
- Persons eligible to vote must be aged 17 years or above, and either be (a) born in East Timor, (b) the child of a person born in East Timor, or (c) married to a person falling within (a) or (b).
- An Independent Electoral Commission (IEC) with a majority international personnel will oversee the election, with a Chief Electoral Officer appointed by the Secretary-General of the un.
- Only registered political parties may nominate candidates for election. Parties are to apply to the IEC for registration, declaring, inter alia, that the leader and all other officers of the political party will continuously reside in East Timor for at least three months before the date of the election, and that they are habitual resident of East Timor. In addition, parties are required present the signatures of 500 eligible voters. Parties are prohibited from registering a name, acronym or symbol that is likely to incite hatred or violence. Parties are also prohibited from using the symbols used by FALINTIL and CNRT.
- Individuals may also stand as independent candidates, provided that they obtain 500 signatures to rUN as a national candidate, or 100 signatures to rUN as a district candidate.
- District representatives will be decided by a simple plurality. National

representatives will be decided by proportional representation.

On 13 March, the NC rejected a proposal to include a 30 percent quota for female candidates, prompting the SRSG to include an extra paragraph to the preamble: "Encouraging the equal participation of women and men at all stages of the electoral and constitutional process, and undertaking to promote the full enjoyment by women of their civil and political rights."

Gusmão has resigned before, but these events may herald renewed division between him and FRETILIN. Though UNTAET had, in the preceding months, started to distance itself from Gusmão and CNRT, if Gusmão truly withdraws himself from formal political life, this might well create the vacuum that many assumed existed prior to the UN's engagement.

Box 7: Political actors in East Timor

Political parties (selected)

APODETI Pro Referendo Pro Referendum Popular Democratic Association of Timor

BRTT East Timor People's Front

CPD-RDTL Popular Council for the Defense of the Democratic Republic of East Timor

A splinter group from FRETILIN, which believes that East Timor achieved its independence in 1975. Does not operate under the umbrella of CNRT. Frequently suggested to operate under Indonesian influence or control.

FPDK Forum for Unity, Democracy, and Justice

FRETILIN Revolutionary Front of Independent East Timor

The main party advocating the independence of East Timor.

KOTA Sons of the Mountain Warriors or Association of Timorese Heroes

PDC Christian Democrat Party of Timor

PDM Maubere Democratic Party

PNT Timorese Nationalist Party

PPT People's Party of Timor

PSD Social Democratic Party

To some extent a repackaged UDT. Led by Mario Carrascalão, it was established on 20 September 2000.

PST Socialist Party of Timor

A splinter group from FRETILIN, adopting quasi-Marxist ideology, preaching a form of agricultural collectivism, but supportive of foreign and private investment.

TRABALHISTA Timor Labor Party

UDC Christian Democratic Union of Timor

UDT Timorese Democratic Union

Initially pro-independence in 1974, it was maneuvered into supporting integration through fears of FRETILIN communist aims.

Other organizations

CNRM National Council of Maubere Resistance

Gusmão's first major initiative as leader of FRETILIN was to establish the CNRM on 26 April 1986. This was a clandestine coalition of all East Timorese groups, including FRETILIN, UDT, and the student group RENETIL. Maubere means "older brother" in Tetum, and described the relationship between active pro-independence fighters and the general population of East Timor.

It was renamed as the National Council of Timorese Resistance (CNRT) in 1997.

CNRT National Council of Timorese Resistance

Following CNRT's renaming in 1997, FALINTIL shifted its political alliances to join the umbrella organization, bringing some UDT members into its ranks in the process.

In August 2000, Xanana Gusmão was elected President of CNRT, with José Ramos-Horta and Mario Carrascalão elected jointly as Vice-Presidents.

Gusmão has repeatedly said that CNRT is not a political party and will not run in the August 2001 elections.

FALINTIL Armed Forces for the National Liberation of East Timor

Formally separated from FRETILIN in 1987, reflecting a desire to have the armed resistance movement represent all anti-Indonesian political groupings. Xanana Gusmão was commander until he relinquished this position in August 2000.

NCC National Consultative Council

Established in December 1999 as the primary mechanism through which the East Timorese participated in UNTAET's decision-making. It included seven CNRT representatives (including Gusmão); one from the Catholic Church; three reps from political groups outside CNRT (BRTT, PNT, FPDK); and four UNTAET reps, including the SRSG as chairman. It became clear over time, however, that its membership needed to be expanded to facilitate broader participation in policy-making, and was replaced on 14 July 2000 by the National Council (NC).

NC National Council

Originally created with 33 members, all Timorese, appointed by the Transitional Administrator: These included one from each of the 13 districts, 7 from political parties within CNRT, three from other parties, and one each representing youth, students, ngos, the professions, farmers, labor, business, the Catholic Church, the Protestant Church and the Muslim community.

RENETIL

National Resistance of East Timorese Students

Conclusions

The experiences of the UN operations with state-building functions considered in this report suggest that such operations will be most successful in establishing the foundations for lasting peace when three criteria are satisfied.

First, there should be a clear political endpoint, with a time-frame accepted by all parties. This was present in Namibia, Cambodia and Eastern Slavonia, as well as East Timor (despite early differences on the timeline for independence), but remains a source of uncertainty and concern in Kosovo. In West Papua, local parties' acceptance was assumed, but this depended upon dubious assurances from Indonesia that it would provide a meaningful process for them to choose whether to remain part of the archipelago state or not. (The need for a political endpoint should not be confused with the likelihood of a continuing need for development assistance.)

Second, the operation should have sufficient time to plan, to obtain resources, to recruit and train appropriate staff, to establish partnerships with local actors, and to build its own political credibility. This was the case in Namibia, but it was due to delays in obtaining the consent of South Africa to the operation. In the absence of such time, the UN should have far greater recourse to experts, particularly those based on the ground, than was evident in East Timor, and place greater emphasis on deploying local actors.

Third, the operation's mandate should be flexible enough to accommodate to changing local conditions. Of still greater importance is that the leadership should be sensitive to the changing needs of local stakeholders. This is particularly true of situations where the political endgame is unresolved. A notable feature of UNTAET's experience is that it has had to change its approach on a number of occasions as the situation on the ground changed.

In reality, of course, such operations are likely to be established in situations of urgency, with limited time and resources, and in the absence of political certainty. It is therefore important to draw lessons from the various experiences of the UN in such operations, with a view to developing policies that may help shape future such operations (even if they are not undertaken on the same scale). From the examination of UNTAET in this report, the following observations may be made:

First, it is necessary to make a clear distinction between the competing obligations of (i) restoring peace and security; (ii) establishing the conditions for self-government; (iii) providing development assistance; and (iv) actually governing the territory from day to day. These are not necessarily sequential phases, nor are they mutually exclusive, but do represent discrete aspects of a transitional administration. In the case of East Timor, reliance upon the limited experiences of UNMIK, where the development of civil society was constrained by continuing threats to peace and security, appears to have delayed the necessary transition to political and economic development in preparation for independence in East Timor.

Second, local partners should be chosen carefully and broadly. UNTAET soon established close ties with CNRT and Xanana Gusmão in particular. By embracing CNRT as representing the Timorese people, it is arguable that UNTAET prejudiced the political process it was there to oversee. Others argue that UNTAET still fails to consult meaningfully with the Timorese population.

Third, local actors should be involved as early and as widely as possible. UNTAET learnt this lesson relatively quickly, and by April 2000 had at least recognized the need to transform its "Timorization" policies. In future operations, an early emphasis should be placed on building the capacity for local governance, rather than on deploying large numbers of international staff of highly uneven quality.

Fourth, where the UN assumes the role of government, it should expect and welcome criticism appropriate to that of the sort of governance it hopes to foster. Security issues may require limits on this, but a central element in the development of local political capacity is encouraging discussion among local actors about what sort of country theirs is going to be.

Finally, it is imperative that the United Nations sees its commitment to East Timor as an ongoing one. In particular, it would be a mistake to withdraw large numbers of troops and resources soon after presidential elections or a declaration of independence. Previous experience suggests that an election may be a very unstable point at which to disengage from a post-conflict situation. The UN and its member states have made substantial economic and political investments in East Timor, but by its own acknowledgement has not yet succeeded in establishing East Timor as a viable state. Independence will change this dynamic, putting Timorese in positions of significant authority, but should not change the obligation on the international community to complete what it has started.

What sort of country East Timor becomes is ultimately, of course, up to the Timorese themselves. The temptation to regard East Timor as a laboratory for political and economic engineering ignores the fact that the Timorese, despite minimal international support, maintained a costly but successful guerrilla campaign against the fourth most populous country in the world for 24 years. Equally, however, the view that the Timorese are budding democrats waiting to sprout may also be misplaced. As Aderito de Jesus Soares observes, political culture is not something that can be developed in the abstract: "If you want to learn swimming, you need to put yourself in a swimming pool and not practice in the street. Otherwise, you'll just get hurt."

Appendix i: List of persons interviewed

Timorese political leaders

Xanana Gusmão, President of CNRT, Speaker of the National Council (until March 2001)

José Ramos-Horta, Vice-President of CNRT, ETTA Cabinet Member for Foreign Affairs

Mario Carrascalão, Vice-President of CNRT

João Ruiamaral, Vice-Secretary of CNRT in Lautem District

Mari Alkatiri, ETTA Cabinet Member for Economic Affairs

Fr Filomeno Jacob, ETTA Cabinet Member for Social Affairs

Timorese representatives of non-governmental organizations

Arsenio Bano, Executive Director, NGO Forum

Aderito de Jesus Soares, sahe/Jurist's Association

Joaquim Fonseca, Spokesman for Yayasan hak, Advocacy Division

Laura Soares Abrantes, Coordinator of Education and Training Programme, fokupers

Isabel Ximenes, International Rescue Committee

United Nations staff

Sergio Vieira de Mello, Special Representative of the Secretary-General (SRSG)/Transitional Administrator

Peter Galbraith, Director, Political Affairs/ETTA Cabinet Member for Political Affairs

Colin Stewart, Deputy Director, Political Affairs

Andrew Whitley, Director of the Civil Service Department

Patrick Burgess, Director of Human Rights

Johan van Lamoen, Principal Legal Adviser

David Haeri, Cabinet Secretary

Jonathan Prentice, Special Asst to the SRSG

Pedro Cabral Adão, Office of the SRSG

Hansjoerg Strohmeier, Policy Adviser, Office for the Coordination of Humanitarian Affairs

Khan Shahid, Acting CIVPOL Commander, Los Palos Subdistrict Station

Aine Joyce, pio for Lautem District Administration Office

Heran Song, District Administrator for Lautem

Francisco de Menezes, Senior Adviser to Ana Pessoa (Mayor of Dili until 1971)

Rosemary Gutierrez, Political Affairs Officer assigned to the National Council

Zarqaa Chohan, Legal Affairs Officer

Annemarie Devereux, Legal Affairs Officer

International Representatives of non-governmental organizations

Fr Frank Brennan, Country Director of the Jesuit Refugee Service in East Timor

Pam Sexton, International Coordinator, La'õ Hamutuk

Holly Holtman, NGO Forum

Other

John Somai, Supreme Commander, opm [independence movement], West Papua

[name withheld], FALINTIL soldier, Aileu

Carolyn Robinson, CNN/Internews

Firdie, Indonesian AP photographer

Appendix ii: Security Council resolution 1272 (1999)

Adopted by the Security Council at its 4057th meeting, on 25 October 1999

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