Brahimi+10: an approaching decade of political challenges and the echoing lessons from the UN Transitional Administration of East Timor

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The *Report of the Panel on United Nations Peacekeeping Operations* can be seen as a milestone in the recent history of UN's endeavours to mitigate the impact of wars and civil violence. Conventionally known as the *Brahimi Report* – named after the panel's chairman Lakhdar Brahimi – it was commissioned to analyse the history of peacekeeping operations, to assess their challenges and 'to make frank, specific and realistic recommendations for change'.[1] The report was made available by UN's Secretary-General on August

2000, a time when the organization had already collected a series of setbacks, failures and rich experiences from the overwhelming number of peacekeeping operations throughout the 1990s. Never in history had the UN been demanded so much to take on complex and numerous roles in averting conflicts. In a time when the organization increasingly prioritized discussions on internal reforms, the Brahimi Report looked into the future and reorganization of peacekeeping operations – surely the most visible and judged functions of the United Nations.

In 2010, the Brahimi Report completes ten years and has contributed to vigorous discussions on the feasibility of its recommendations. It raised critical points on the needs of conflict prevention, on the limitations of information gathering and planning, on the delays to engage, as well as on general operational hindrances faced by the United Nations. However, the Brahimi Report concentrated on technical areas instead of drawing an essential focus on politics and political strategies that peacekeeping operations should consider in the field. If the UN is a political organization *par excellence* and increasingly engaged in building institutions, in social engineering and in consolidating governance arrangements, it must confront the unending challenges faced in the interaction with local political domains. This has a special meaning when considering complex peacebuilding scenarios and when the UN acts as a

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transitional authority (such as in Kosovo, Afghanistan and East Timor). This article focuses on such political areas that have been missed out by the Brahimi Report – either unintentionally or on purpose. The objective is to contribute to a more general reflection on the political challenges faced by the UN since the launch of such report almost a decade ago.

For such reflection to take place, the case of the UN intervention in East Timor provides unequivocal lessons of how sensitized the operation should have been concerning local political issues in order to sustain peace and governance. This article covers issues overlooked in East Timor in order to understand the deficiencies of the Brahimi Report and to apply such lessons to the political challenges in contemporary peacebuilding missions. For that, a focus is drawn onto the level of participation granted to local political forces from the start of a UN operation. These lessons are able to fill in a part of the gaps concerning political recommendations in the Brahimi Report. Accordingly, they intend to expand the analysis on the deficiencies of UN complex peacebuilding operations in light of the approaching 10-year birthday of such report.

UN's transitional authority (versus ?) local politics

When the Brahimi Report was launched in 2000, not only the UN Secretariat wanted to exorcize haunting memories from failed missions, but the report was born into a transforming era of peacebuilding doctrine. One year later, a new paradigm would be expressed into the *Responsibility to Protect* report and later endorsed by the United Nations. It argued that international security should be centred on people and not exclusively on states. State sovereignty would depend on complying with perceived state functions, such as guaranteeing the concept of *human security*. Amartya Sen argues that this would involve the creation of 'political, social, environmental, economic, military and

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cultural systems that together give people the building blocks of survival, livelihood, and dignity'.[2] If a state systematically and chronically defies its responsibilities, the international community (legally through the UN) would have to be held responsible for intervening. The new doctrine breaks with the traditional Westphalian world of 'airtight' sovereignties, and thus, has provided an ethical basis to legitimise full scale interventions in the name of humanitarian protection.

This new *ethos* has been crucial in the last decade of complex peacebuilding interventions, particularly where the UN has acted as an interim government. In these new types of mandates, comprehensive approaches are undertaken in order to promote the broader concept of *human security*. Therefore, not only military or policing measures are put in place – in tune with traditional peacekeeping – but also measures to foster social, political and economic development.

Additionally, the fact that complex interventions had to deal with local political arenas prompted the UN to be heavily concerned with promoting *governance*. According to Kofi Annan, 'good governance at the local, national, and international levels is perhaps the single most important factor in promoting development and advancing the cause of peace'.[3] Governance is a decision-making process that is 'participatory, consensus orientated, accountable, transparent, responsive, effective and efficient, equitable and inclusive, and it follows the rule of law'.[4] In light of this, this article maintains that the UN has failed to comply with several basic criteria of governance, especially *participation*, *inclusiveness* and *responsiveness* to local demands and realities. This failure is due to misunderstanding and neglect of the dynamics of local politics – an aspect that should have been assessed more thoroughly by the Brahimi Report.

When the UN assumes the role of an interim government, the organization has to deal directly with local political dynamics in order to guarantee the success of peacebuilding goals. Transitional administrations aim 'to rescue people from the effects of arbitrary or ineffective government and to help them acquire the skills needed for stable enlightened self-rule'.[5] As Guttieri and Piombo note, interim governments bridge old and new orders of rule and 'occurs in a hinge in history, a central point upon which future national – and at times international – stability depends'.[6] Due to the nature of interim governments headed by UN peacebuilding mandates, they offer valuable examples of the tensions created between the arriving international political structure and the political life in place. These tensions are central in defining the quality of governance strategies and the prospects for long-term political stability.

The operation in East Timor by UNTAET[7] between 1999 and 2001 has represented so far the apex of UN's functional role, where it had an 'ultimate authority of a kind that in the contemporary international system is reserved for sovereign states'.[8] However, the experience is not isolated in history. It seems to be an evolution of the UN towards increasingly complex operations, particularly where it is demanded to *be* a transitional government – similar to what actual countries have undertaken in mandates from the League of Nations and in trusteeships. Suhrke recalls previous examples in Cambodia and Kosovo, while Mortimer suggests that in the future 'the demand for international intervention and administration is potentially very large'.[9] Therefore, if this tendency grows, the Timorese example can enlighten some of the *do's* and *don'ts* on how

the UN should act more effectively in local political arenas.

Hybrid administrations: respect to local political life

When Security Council Resolution 1272 authorised UNTAET as the new peacebuilding operation in East Timor, it prescribed full authority to the transitional administrator to hold executive, legislative and security powers. The designated SRSG (Special Representative of the Secretary General) was Sergio Vieira de Mello. His mission aimed to bridge the long colonial past of the territory to a future of complete independence – an autonomy expres-

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sed in both developmental and political dimensions.

However, as long as absolute powers were concentrated around one person immune from prosecution according to international law, UN's transitional administration in East Timor was more alike *benevolent despotism* – as De Mello himself recognized later.[10] Jarat Chopra critically called UNTAET the 'UN's Kingdom of East Timor', while others compared De Mello's powers as 'those of a Roman provincial governor'.[11] The concentration of absolute powers added to deficient planning of the transitional administration in East Timor, to a misunderstanding of the local political environment, and to a lack of clear guidelines on political interactions between international and domestic authorities.

Too much attention was given to build a civil service in the weberian perspective – that is, apolitical, neutral, bureaucratic and embodying rational-legal authority. This was probably justifiable due to the emergency to foster development in East Timor and to counter pressing humanitarian issues. On this, the UN had already proven to perform effectively in some operations in the past. However, the process of institutionalization cannot precede politics. In the case of East Timor, the fact it had never had an indigenous *state* does not mean it was an empty political shell, or *terra nullis* as called by Suhrke. In line with Chopra and Hohe,

> There is never a vacuum of power on the ground. Even when there is the complete absence of an identifiable state government or any semblance of government institutions (…) traditional structure evolve, social organization is redefined, and people continue to survive, filling the space.[12]

The reluctance to recognize Timorese political forces and to involve them from the start had negative impacts on the legitimacy and effectiveness of UNTAET. It also proved troublesome for the stability of East Timor.

Since the first movements for independence consolidated in 1975, the territory has counted with growing nationalist forces and political organizations that channelled the approach of national unity. Although there were different factions and views in such movement, the leader Xanana Gusmao skilfully managed to arrange them under a single political umbrella favouring independence – that is, the CNRT or the National Council of Timorese Resistance. As Goldstone argues, the CNRT therefore proved to be the 'obvious choice' in the search for an interlocutor in the early days of the mission.[13] The UN Department of Political Affairs (DPA) had already used the CNRT as the prevalent Timorese voice in negotiations much before the deployment of the transitional administration. Nonetheless, why did the UNTAET decided to see Xanana Gusmao and the CNRT as distant consultants and not as early constructive players in government decisions?

There is no doubt that the UN principle of *neutrality* is fundamental to understand such attitude. As Suhrke notes, this is the 'dominant institutional culture in the DPKO'[14], namely the Department of Peacekeeping Operations held responsible for the mission. The dilemma lied on the fact that 'the CNRT was not a sovereign entity, [being] relegated to the conceptual category of a faction'.[15] As elections were the later objective anyway, representative political forces could arguably be legitimised democratically after the UN mission constructed proper institutions and frameworks. However, although the principle of neutrality and the respect for elections must be privileged always, they cannot override local political authorities and structures in place. In East Timor, the early vision of the transitional administration seemed to be: as I cannot work with *everybody* or *anybody*, I prefer to work with *nobody*.

As Chopra notes, 'while De Mello has tried to avoid *politicizing the environment*, a transitional administration cannot afford to be above politics'.[16] In this case, the CNRT was not a party or mere faction, but a 'distinctive creature, requiring a different approach'.[17] The CNRT 'overwhelmingly represented pro-independence political perspectives'.[18] Therefore, the recognition of the CNRT as a player was possible and desirable without colliding against DPKO's standards and institutional culture. Neutrality is definitely a principle, but should not be a dogma. This is especially relevant when prevailing and legitimate political actors are recognized to channel some of the identities and anxieties of the local population. A transitional administration, aiming to affirm its own authority and effectiveness, should not put this aside.

In practical terms, the failure to promote political inclusiveness from the beginning has a negative impact onto: (a) the legitimacy of the international administration; (b) the coherence between institutional models and future political arrangements; and (c) the *ex-post* governance, po-

litical stability and development. Therefore, participation is not only a matter of abiding to liberal principles. It is primarily a pragmatic approach to overcome major challenges faced by complex peacebuilding operations.

Concerning legitimacy, it is undeniable that the United Nations enjoys a popular perception as an organization working for the "greater good" and one that is legally supported by international standards. At least in East Timor, that was the mood at the reception of UNTAET, as it 'enjoyed a degree of legitimacy, chiefly as the agency of East Timor's coming to independence'.[19] However, as argued before, East Timor had never been an empty political shell. Traditional authorities ruled villages, while pro-independent leaders (mainly in the CNRT) seemed to condense broader nationalist forces. Therefore, a fault line was present between *de jure* legitimacy of the transitional administrator and *de facto* legitimacy gravitating around indigenous political voices.[20] Furthermore, the UNTAET did not manage 'to enjoy the legitimacy that was expected to accrue to the elected indigenous government that it was mandated to create'.[21] Therefore, in line with Goldstone's arguments, it 'exemplified a tension inherent in UNTAET's mandate, between the extraordinary powers theoretically available to it and the limited powers that it was able to exercise in practice'.[22]

As seen in the case of East Timor, the UN transitional administration had a peak of legitimacy at its beginning and then gradually fell. The "benevolent" absolute powers of the De Mello soon began to echo imperial or neo-colonialist impressions. As Guttieri and Piombo put it, 'the responsibility to protect introduces a new paternalism that overrides the notion of indigenous rights to rule'.[23] From

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that point, the UNTAET started to be more inclusive only after strong international and local pressures. Albeit such flexibilization, the transitional administration was far from letting Timorese to have an active participation in civil service and in political decision-making until elections were held.

The pragmatic importance of maintaining a more constant level of legitimacy lies on the fact that transitional administrations must buy *time*. Time is essential not only to build stable institutions and local skills, but also to accommodate political elites, to lever local support, to buffer dilapidating criticisms, and to prepare the population for democratic elections. Including political elites from the start make them feel part of the process and it benefits the transitional administration with essential insights into the local culture, popular anxieties and into several peculiarities of the country. Inclusiveness is not only a strategy to discourage criticisms that taint the legitimacy of peacebuilding operations; rather, it is an effective in-job-training of governance. It allows mutual adaptation: first, the adjustment of the international structure into local demands and realities; and, in exchange, the adjustment of political elites into the institutional frameworks set by accepted international standards and procedures. Richard Caplan argues that 'early devolution of responsibility allows the local population to learn from their experiences under the watchful eye of international specialists who may not be able to remain very long in a territory'.[24] It is normal for transitional governments to be reluctant to involve local political authorities into the early stages of intervention – particularly when they had been the belligerent parties beforehand. Nonetheless, although involving political elites into early decision-making does not guarantee success, not involving them is a certain path to failure.

In the case of elections, if they do represent a pivotal point when political participation and sovereignty is finally returned to the local population, then its importance impels a greater level of preparation. The thorough research conducted by Andrea Molnar reveals that one month prior to elections 'many people were still confused as to what elections [were] about'.[25] Furthermore, 'not a single person polled cited elections as an important aspect of democracy'.[26] These facts verify that the Timorese population was not yet prepared to liberal and democratic institutions only 20 months after the beginning of UNTAET.

There is no doubt that elections should have been postponed and that 'elections cannot be held too early in the process to allow new political forces to coalesce into coherent parties capable of running election campaigns'.[27] In fact, however, elections would not have managed to be postponed since UNTAET could not withstand anymore those political pressures demanding devolution of power. Arguably, if it had been inclusive enough from the start, UNTAET could enjoy a longer legitimacy lifespan and effectiveness.

In the attempt to prepare a country for independence or for a stable post-conflict reality, the UN is compelled to review its attitudes on what level of interaction it should have with local political players. As Dahrendorf recalls in the case of East Timor, UNTAET faced the existential dilemma of either being a political player or a political arbiter.[28] However, instead of adopting one or the other alternative, a *via media* could be envisaged. A dual or *hybrid* transitional government between international and local political elites should be pursued. If coexistence in executive and legislative spheres proves to be impossible, then the

separation of legal and political authority could be another arrangement – as conceptualized by the UN/DPA.[29]

As transitional administrations have been the most complex and fragile operations conducted by the UN and international coalitions in the last decade, not only operational and technical hindrances should be analysed. Ten years after the Brahimi Report, good governance will be achieved only after more thorough assessments and frank recommendations decide to outspoken the political engineering among international administrations, national players and traditional authorities at local levels.

End notes

[1] United Nations (2000), p. 1
[2] Sen and Ogata (2003), p. 4
[3] Id., p. 11
[4] United Nations (2006), p. 3
[5] Mortimer (2004), p. 13
[6] Guttieri and Piombo (2007), p. 3
[7] UNTAET – United Nations Transitional Administration in East Timor
[8] Suhrke (2001), p. 2.
[9] Mortimer, op. cit., p. 12
[10] De Mello in Chopra (2000), p. 35
[11] Fairlie (2002), p. 1068
[12] Chopra and Hohe (2004), p. 298
[13] Goldstone (2004), p. 89
[14] Suhrke (2001), p. 8
[15] Ibidem.
[16] Chopra (2000), p.33
[17] Suhrke, op.cit., loc.cit.
[18] Chopra, op.cit., loc.cit.
[19] Dahrendorf (2003), p. 276
[20] Suhrke (2001), p.3
[21] Dahrendorf, op.cit., loc.cit.
[22] Goldstone (2004), p. 90
[23] Guttieri and Piombo (2007), p. 19
[24] Richard Caplan in Baskin (2004), p. 124
[25] Andrea Molnar in King (2003), p. 749
[26] King, op. cit, p. 750
[27] Guttieri and Piombo (2007), p. 22
[28] Dahrendorf (2004), p. 280
[29] Suhrke (2001), p. 9

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