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Multilateralism with Muscle:

Tracing the United Nation's Record as Transitional Administrator

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INTRODUCTION

In the wake of humanitarian tragedies such as Rwanda, Srebrenica, and more recently, the spectacle of the United States' defiant invasion of Iraq, it would be no exaggeration to say that UN-bashing is approaching academic sport. The credibility of the organization has suffered greatly over its inability to prevent these debacles, making its critics quick to proclaim its irrelevance. Yet each time this prognosis is made, the UN bounces back. It is as if it gathers its greatest resolve in the face of its harshest critics.

The institution of the Transitional Authority Model (TAM) is a premier example of how the UN has surprised its detractors with a robust assault on the specter of conflict. It is the purpose of this thesis to explain how this model has helped the UN retain its relevance in an increasingly hostile world. Exploring the achievements and the failings of this model also allows us predict if the UN will continue to retain its relevance into the future. Thus, the question being answered is this: Is a UN Transitional Administration a viable archetype for implementing a peacebuilding agenda in a post cold war era?

What we discover through this investigation is that the UN is uniquely qualified to tackle the challenges of the current geo-political environment. Relative to other multilateral organizations, its diplomatic influence is weighty, its resources substantial and its institutional memory long. Although its past experiences are checkered with failures, this is no reason for relegating the UN to disrepute. If properly accounted and adjusted for, such failings are highly instructive, giving the organization a measure of institutional wisdom that is lacking in others. Indeed, no other organization has a knowledge base—academic or experiential — sufficiently wide-reaching to orchestrate the comprehensive measures that a contemporary peacebuilding mission truly requires. If anything, the conclusion we should draw from the UN's recent history is that the role of the organization should be enhanced, not diminished.

When the United Nations sponsored a series of progressively more ambitious missions in Namibia, Cambodia, Kosovo and East Timor, each was considered unprecedented. A pattern soon emerged illustrating that the lessons learned from each experience impacted on the character of the next. In line with the evolution occurring in academic and policy circles over the nature and scope of 'peacebuilding', UN ground operations were gradually becoming more sophisticated and robust. It was understood that more participatory, comprehensive and innovative measures were required to truly resolve the conflicts in question. Moreover, the value of assuming more muscular administrative control became apparent. In short, nation-building became the order of the day. Thus we saw the introduction of the Transitional Authority Model, which was not only a response to the changing demands of the post-Cold War era, but a reflection of the UN's increasing capacity to handle peacebuilding tasks of greater magnitude.

Chapter One of this thesis explores the academic pillar of this evolution. The concept of peacebuilding is traced from its origins in the UN's 'peacekeeping' role to its fruition in the current incarnation of 'nation-building'. Contributions from various schools of thought, particularly those from conflict, governance and peace studies, are relied upon to demonstrate how the peacebuilding agenda has changed over time, and why its present incarnation is especially well suited to the competencies of the United Nations. The more comprehensive quality of the nation-building agenda reveals that despite some well publicized setbacks in the 1990s, the UN has pursued an increasingly more ambitious paradigm to inform its peacebuilding efforts at the turn of the century.

Chapter Two of this thesis is the practical pillar of the evolution. Four case studies, carefully chosen for their geographic distribution and chronological ordering, form the basis for comparing the UN's ever-expansive activities in the field of peacebuilding. Despite significant variances in the reach of their respective mandates, the common denominator is that in each mission, the UN assumed the lion's share of governance functions in order to direct the transition toward stability and nationhood. In the earlier two, Namibia and Cambodia, we see that the mission mandate focused clearly

on elections as the end result. In the latter two, Kosovo and East Timor, we see missions of unparalleled complexity, as the international community endeavors to rebuild institutional and social structures far beyond electoral administration. UN primary documents as well as the analysis of key policy and field practitioners are relied upon to judge the outcome of these missions. Collectively they contend that the greater the undertaking, the greater the number of pitfalls, but on balance the scorecard is encouraging. It is in assessing its achievements that we see why the UN has a distinctive contribution to make in the field of conflict resolution.

But in praising the UN, one must also answer its critics. It is clear that the Transitional Authority Model needs refinement-- if only because no two conflicts will ever look the same. The concluding chapter will summarize the lessons learned from the case studies and make suggestions for potential improvements at both field and headquarters level. Among them are prescriptions for: encouraging sustained commitment among donors; developing participatory governance arrangements for local stakeholders; breaking the fixation on elections as the quintessential benchmark of peacebuilding success; and encouraging clear objectives to orient and complete specific missions (not to be confused with an exit strategy). Together, these might form the knowledge base from which the UN might draw for its next set of missions.

The impression that the UN is becoming irrelevant is wholly debunked in the end. With new or more perilous forms of conflict arising every day in Sierra Leone, the Ivory Coast, Sudan, Liberia, and Iraq, the greatest threat to its position as the world's peace monger is not its potential irrelevance, but rather, the lack of concerted donor support for its varied capacities. Despite the United States' disregard for its multilateral partners' injunction against invading Iraq, the Bush administration has recently admitted that it cannot rebuild the Iraqi nation without the help of the UN. This is a telling point. No other actor has the moral authority or the peacebuilding expertise to do the job right. For all the criticism the UN faces, its detractors would do well to remember the absence of viable alternatives.

1. THE CHANGING FACE OF WAR AND PEACE

The discourse on conflict—ways to detect, prevent, mitigate, manage or resolve it—has evolved tremendously in the last century. This has not been a strictly academic exercise, with analysts endeavoring to succinctly encapsulate a given phenomena, or forge definitions which will become the ‘industry standard’. The shift has been more paradigmatic than semantic. It reflects not only a change in the way conflict is understood, but also a genuine change in the nature of conflict itself and, more importantly for this paper, the nature of the appropriate responses to it. No discussion of the efficacy of the UN’s transitional authority model would be complete without a clear understanding of this evolution.

In order to accomplish this, one must begin with the ideas themselves, and then move toward how they were implemented. A first step, then, is to unpack the terminology referenced in UN primary documents and link it to the wider academic discourse on conflict and its resolution—for this is the glossary informing the Transitional Authority Model (TAM). We will see that in a relatively short period, our understandings of conflict, security, as well as peace and how to achieve it, have evolved in ways which has affected both the capacity and the scope of UN missions profoundly. A representative sample of case studies has been carefully selected to illustrate the geographic as well as characteristic variations in conflicts that UN has had to deal with, and how the ‘net’ it cast to resolve conflict became wider as time wore on.

To assess the efficacy of the Transitional Authority Model in responding to new geo-political challenges, especially those presented by the case studies considered in this thesis, practical obstacles must also be explored. The foremost area of concern alludes to the question of intervention itself and whether the United Nations has either a right or a responsibility to become directly involved in intra-national conflicts. It is a central tenet of this thesis that the measure and quality of UN interventions directly impacts on the organization’s ability to effectively wage peace. The historical record of the UN as

transitional administrator will be studied in detail at the end of this chapter to illustrate that, despite some obvious pitfalls, more ambitious and reaching mission offer greater likelihood of effective and sustainable peacebuilding efforts. Special attention will be paid to the development of UN peace operations since the end of the Cold War—particularly how and why UN peacekeeping missions went from lion to turtle and back to lion again in the space of only 10 years.

1.1 THE EVOLUTION OF CONFLICT

Conflict, and the international community's ability to help cope with the aftermath, is a preeminent challenge in the post-Cold War era. As the nature of conflict moves from the international to the internal sphere—with grave repercussions for the integrity and stability of vulnerable states—a host of new challenges emerge. While classic interstate warfare has not disappeared, the virtual monopoly it enjoyed within the discourse of conflict throughout the Cold War has certainly been eroded.

Indirectly, the ending of bipolar rivalry, and with it the termination of aid between superpowers and client states, has seriously undermined the ability of many states to maintain their already tenuous control over their populations. The withdrawn support curtailed the capacity of the central authority to resist contending forces from internal challengers.¹ For some, this change in global interests and superpower policy objectives accelerated their transition from a position of weakness or illegitimacy to total collapse. As a result, internal conflicts suddenly became the norm; only 7 of the 108 conflicts between 1989 and 1998 were between states with the rest taking place in the domestic arena.²

More directly, the collapse of the Soviet system contributed to many of the conflicts of the 1990's. Many communist countries were suddenly thrust into political and economic transitions, imposing pressures that made them weak and vulnerable to

¹ Adejumo, Said, *Citizenship, Rights and Problem of Conflicts and Civil War in Africa*, in «Human Rights Quarterly», vol. 23, no. 1, 2001, p. 149.

² Ibidem..

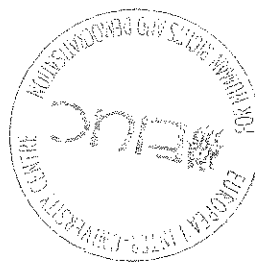
internal and external threats. Old elites found themselves in power struggles with new elites, fighting for political control and the tremendous economic benefits to be had by a few during privatization of the economy.³ At the same time, populations at large experienced a tremendous drop in their living standards coupled with a collapse of social security systems. This is especially evident in Central Asia and the Southern Caucuses, as well as in Yugoslavia, where Kosovo is among the most obvious candidates for a case study and will taken up in the following chapter.

The upsurge of intrastate conflicts has been particularly pronounced in Africa, from where a second case study, Namibia, will be drawn. Conflicts have been fuelled by a combination of weak state structures, which became obvious when external support was largely withdrawn, and the insipient struggle of elites over control of natural resources and of groups over political power.⁴ "Ethnic conflict" is a blanket term that is widely used to explain away many of the resulting wars, suggesting vaguely irreconcilable cultural differences or 'ancient hatreds' as the causal factor. There is troubling and unconvincing reductionism in this interpretation. The more pragmatic position sees several underlying causes of ethnic or other identity-related conflicts. It is likely that modern conflict has more to do with resource allocation than conflicting 'ethnic' characteristics, less the result of ancient hatreds than calculated tyranny.

Asia has also been a tumultuous region since the end of the Cold War, with a proclivity for domestic dissent against typically strong governments. General Suharto in Indonesia and Joseph Estrada in the Philippines were unseated by popular unrest, Malaysia and Thailand are both beset by violent religious separatist groups and Singapore and Myanmar are facing increasing dissent against strong-arm tactics by the government. Growing economic disparity within countries and throughout the region adds to the possibility of instability, though progress on the Kashmiri and Sri Lankan peace processes provide hope. Two case studies, Cambodia and East Timor, are drawn from this region.

³ Schnabel, Albrecht, p. 9.

⁴ Schnabel, Albrecht, p. 9



1.2 THE EVOLUTION OF SECURITY

The Institute for Democratic and Electoral Assistance (IDEA) identifies three main flashpoints which can be seen as a threat to a group's security. 'Security' is thereby interpreted in a very broad sense: *economic insecurity*, where scarce resources are unequally distributed and/or group discrimination policies are in place; *cultural conflicts*, where groups fear that the survival of their linguistic or religious heritage is threatened by assimilationist policies; and *territorial disputes*, when groups are territorially concentrated and wish separate or be seen as an autonomous area.⁵ It continues:

Ethnic animosities can often lie dormant until groups perceive themselves to be competing in a zero-sum game for resources, rights and territory. Issues of identity often provide a convenient cloak for other issues that concern the distribution of these resources.⁶

Many of the conflicts are commercialized; the conflict is begun for economic reasons (such as control of the diamond trade), and is fuelled by those who benefit from its prolongation, such as arms traders.⁷ In other words, opportunity contributes more to conflict than grievance.⁸ As with the influence of external stakeholders through Cold War clientism, we see that a combination of intervening variables is a common denominator between case studies. No conflict is fundamentally attributable to one source, nor can its resolution be achieved with a single approach.

This points to the enormous challenges in preventing conflict or in coping with its aftermath. Civil wars in the past fifteen years have seen a loss of the distinction between combatants and civilians. Mozambique's civil war cost the lives of 490,000 children and left another 200,000 orphaned or abandoned. Ten thousand child soldiers fought in the

⁵ Harris, Peter and Ben Reilly, eds. Democracy and Deep-Rooted Conflict: Options for Negotiators. IDEA: Ljubljana, 1998. p. 33

⁶ Ibidem. p. 31

⁷ For one of the most comprehensive studies to date on the economic causes and incentives of conflict, see Collier, Paul and Anke Hoeffler, *Greed and Grievance in Civil War*, World Bank, 01 March 2001, online version: <http://econ.worldbank.org/programs/conflict/library/doc?id=12205>

⁸ Ibidem, p. 17.

conflict. Forty percent of schools and health centres were destroyed or forced to close, and the industrial infrastructure was decimated, making post-conflict economic recovery extremely difficult.⁹ Mozambique's case isn't particularly unique; estimates suggest that ninety percent of casualties of today's civil wars are civilians.¹⁰ The toll that internal conflicts take, in terms of human suffering, is debilitating. However, one distinctly positive aspect of determining that the roots such conflict are more pragmatic than intrinsic is that resolution suddenly seems possible, and that the international community has options for addressing the structural inequities that give rise to disenfranchisement and hostility. This, after all, it is essential aspiration of the goals sought through the Transitional Authority Model.

1.3 PEACE AND HOW TO ACHIEVE IT

Ostensibly, the most desirable way to address conflict is to avoid its outbreak entirely. The notion of *conflict prevention* first emerged out of the literature of the early 1990's, described rather vaguely by former UN Secretary General Boutros Boutros-Ghali as "action to prevent disputes from arising between parties, to prevent existing disputes from escalating into conflicts and to limit the spread of the latter when they occur".¹¹ In practice, this came to involve relying on intelligence and other early warning mechanisms to identify situations that had the potential to become violent, as well as employing 'soft' tools such as shuttle diplomacy to stop the conflict before it begins. Other means included the preventative deployment of troops at or near the site of tension and the preventative disarmament of belligerents.¹²

With the alarming increase in civil warfare throughout 1990's, however, the related failures of arms-length diplomatic efforts and the inconsistencies apparent in the application of preventative actions in Rwanda, Somalia and Bosnia, it soon became

⁹ Schnabel, Albrecht, p. 10.

¹⁰ Ibidem.

¹¹ Boutros-Ghali, Boutros, *An Agenda for Peace: Preventative diplomacy, peacemaking and peacekeeping*, United Nations Document, A/47/277-S/24111, 17 June 1992, www.un.org/Docs/SG/agpeace.html, para. 20

¹² United Nations; Department of Political Affairs Website.
www.un.org/Dept/dpa/prev_dip/fst_prev_dip.htm

apparent that conflict prevention was being exercised in a perilously unsystematic way. It was in fact a type of crisis management where problems were detected and addressed on an ad hoc basis. Spurred by some of the most heated criticism it had faced in its 50 year history, the UN chose to broaden its approach to conflict substantially. The following definition of conflict prevention was thus elucidated by UN Secretary General Kofi Annan:

An effective preventive strategy <which> requires a comprehensive approach that encompasses both short-term and long-term political, diplomatic, humanitarian, human rights, developmental, institutional and other measures taken by the international community, in cooperation with national and regional actors¹³

While this more robust understanding was widely hailed as a step in the right direction, many obstacles continued to stymie its implementation, and do so to this day. Prime among them is the reality that it often takes excessively violent conflict and destruction to make the international community take action. Indeed, when it comes to conflict prevention there exists an egregiously large gap between rhetoric, policy and actual commitment that the international community seems unwilling or unable to bridge.¹⁴

These challenges notwithstanding, the concept of *Structural Prevention*, an even more robust approach to conflict prevention, is increasingly gaining currency in international circles. With conceptual roots in the work of International Relations theorists like Johan Galtung— and couched in almost utopian visions of the ‘Security Community’ and ‘Warm Peace’— this school of thought grounds itself in the importance of addressing structurally reinforced inequalities and fostering peaceful inter-group interaction.¹⁵ Addressing structured inequalities is thought to be encouraged through inclusive national institutions, and achieved using techniques such as constitutional

¹³ Annan, Kofi, *Prevention of Armed Conflict: Report of the Secretary-General*, United Nations Document A/55/985-S/2001/574, 7 June 2001, <http://www.reliefweb.int/w/Rwb.nsf/s/5C2F9069C32FE03AC1256A6F004762E4>

¹⁴ Schnabel, Albrecht, *Post-conflict Peacebuilding and Second Generation Preventative Action*, in «International Peacekeeping», vol. 9, no. 2, Summer 2002, p. 19.

¹⁵ See Galtung, Johan, *Solving Conflicts: a Peace Research Perspective*, Honolulu, University of Hawaii Press, 1988.

engineering, group representation¹⁶, economic development and educational initiatives. It seeks to institutionalize peace through structural arrangements that favour moderation and mutual dependency. Conceptually rich, it is the emphasis on dealing directly with the root causes of conflict that makes this approach so appealing, especially to advocates for those who are most vulnerable to conflict, namely children, the poor and minority groups.

Still, some analysts, including the current author, reject the inclusion of structural elements under the rubric of conflict prevention; for it serves to widen the 'prevention' net to a point which risks rendering the term meaningless.¹⁷ As a concept, structural prevention blurs the lines between prevention, democratization, economic development, institution-building and a myriad of other reconstruction efforts in a way that does not translate easily into professional policy worlds. As a practical initiative of the Transitional Authority Model, this blurring can create serious handicaps where the distribution of resources and responsibilities is concerned, as is evidenced in the irony that it is often militaries rather than relief organizations are given the bulk of funding for 'humanitarian' interventions. For this reason, it is best to keep the discussion of structural elements under the more relevant rubrics of *peacebuilding* and *nation-building*, two aspects of the TAM which will be taken up later in this chapter.

Once conflict has been initiated, terms such as *peacekeeping*, *peacemaking* and *peacebuilding* almost immediately come into play. *Peacekeeping* is the most straightforward of the three, referring to the deployment of military forces to form a physical barrier that will separate warring parties. For the most part, this characterized peace operations throughout the Cold War. The 'barrier' is typically made up of soldiers under the auspices of the United Nations, or a group of nations that are neutral to the conflict. An example is the UN Iraq-Kuwait Observation mission¹⁸ that was put in place after the first Gulf War and tasked with monitoring the demilitarized zone as well as observing any "hostile action mounted from the territory of one State against the other".

¹⁶ Though talking in terms of peacebuilding rather than conflict prevention, Luc Reyhler's term 'democratic peace architecture' is suitable here.

¹⁷ See Lund, Michael, *Preventing Violent Conflicts: A strategy for preventive diplomacy*, Washington, DC, US Institute of Peace Press, 1996.

¹⁸ UNIKOM was in place between April 1991 and October 2003.

In such a scenario, there is no mediation or attempts on the part of peacekeepers to broker a peace deal. And while this tactic is perhaps the most appropriate in certain circumstances— traditional inter-state conflicts between conventional armies, for instance—it suffers greatly from its incongruence in most others. Fundamentally it is shallow, a symptomatic treatment for a given conflict that does nothing to address the causes behind it. Peacekeeping therefore cannot be thought of as a viable long-term solution to hostilities. And although some have suggested that the role of UN peacekeepers should expand to include ‘softer’ humanitarian efforts, such as conducting human rights investigations, this transmogrification of the military ethos from ‘neutral peace enforcer’ to ‘partisan intervener’ remains highly contentious. In the TAM, peacekeeping is largely conceived of as a preliminary tool quite distinct from the ‘softer’ functions..

Peacemaking, which is to facilitate the creation of more peaceful conditions, has typically been left to the diplomatic realm. It is achieved through the good offices of a third party, as with Norway’s involvement in the Sri Lankan conflict or the UN’s recent activities leading to the failed referendum on reunification in Cyprus¹⁹. By acting as a mediator the third party can help maintain an open communication channel, circumvent trouble spots and aid in structuring and drafting a peace agreement. As a matter of policy, the United Nations only becomes involved in this type of activity if it is invited to by all parties to a conflict. By extension, then, peacemaking excludes the use of force.²⁰ Unlike classical peacekeeping, this approach offers the advantage of constructive political input rather than merely stabilizing the security situation.²¹ It therefore goes much further toward trying to address the underlying causes of hostilities. Nevertheless, it still fails to engage those causes in a comprehensive manner. Negotiations between

¹⁹ While the forty year UN presence in Cyprus represents a classical peacekeeping operation, i.e. a neutral force enforcing a buffer zone between two groups, UN Secretary General Kofi Annan has been very active in attempting to force a settlement, taking the UN authored reunification plan directly to the Cypriot population in a referendum. The plan was eventually rejected by the Greek Cypriots in a vote on 20 April 2004

²⁰ United Nations; Department of Political Affairs Website.

²¹ Thakur, Ramesh, *From Peacekeeping to Peace Enforcement: The UN Operation in Somalia* in *«The Journal of Modern African Studies»*, Vol. 32, No. 3, September 1994, p. 394.

political elites often do little to appease the grievances of the population at large, and without the commitment substantial resources to implement peace plans, they can easily die on the vine. This too, then, is reserved for the initial phase of addressing a conflict under the Transitional Authority Model.

That kind of follow-through is what is commonly referred to as *Peacebuilding*. This is by far the fuzziest of the peace-related terms, hinting at both its theoretical richness and its contested applicability. Indeed, with all of the challenges associated with peacebuilding, answering accusations of conceptual imprecision looms large among them—and perhaps this practical ambiguity is why it is often left to the last. In order to reflect on the most common understandings of the term, three main bodies of literature must first be fleshed out.

In the first prescription, we see that neither peacebuilding, nor the proscribed activities associated with it, should necessarily be limited to the post-conflict phase. Structural preventionists argue that peacebuilding activities should be initiated before the outbreak of violence in the first place. Thus peacebuilding in a post-conflict context is not seen as particularly different from peacebuilding in a preventative context, and should not be segregated as such.²² Nevertheless, there is a certain logic to keeping these categories discrete. Whether or not the activities and their focus are ostensibly the same, it is clear that the environment in which they are being applied can differ substantially and that this can have a great impact on both the implementing strategies employed and the results one can expect. Unlike periods of stability, violent conflict itself can cause the upheaval necessary to make comprehensive change possible. It is, in that sense, a unique opportunity to reverse the structural order of things— if only because sheer and total destruction can create an institutionally ‘clean slate’. After all, Hitler’s Nazi government may have continued its racist and genocidal campaigns had World War II not occurred. At its core, peacebuilding is about building the capacity of a society to reorganize and reorient its internal relationships. Post-conflict peacebuilding involves

²² Post-conflict itself can be seen as imprecise terminology when looking at countries where conflict has occurred and recurred over long periods of time. In those circumstances, there is arguably no reasonable way to differentiate between building post-conflict peace or preventing conflict.

nothing less than the construction of an entirely new social and political order—a program that might appear either far too ambitious or threateningly revolutionary during a time of peace.

The second view of peacebuilding was championed by Boutros Boutros-Ghali in his 1992 *Agenda for Peace*, after which the term 'peacebuilding' entered popular lexicon. Loosely identified to include "comprehensive efforts to identify and support structures which will tend to consolidate peace and advance a sense of confidence and well-being among people"²³, the aim was "the creation of structures for the institutionalization of peace"²⁴. On the ground, this implies the widespread reconstruction and/or reformation of society's basic structures (institution-building) and societal relations (reconciliation) after a protracted and destructive conflict. Each post-conflict environment is considered unique and, accordingly, requiring a different, contextually nuanced approach.

The third and most recent approach, emanating from researchers in the field of Peace Studies²⁵, and frequently referenced as 'conflict transformation', relinquishes the state level of analysis and favours the social and psychological dimensions of resolving conflict at the local level.²⁶ Essentially, it involves building peace from the ground up. But while this approach is highly instructive to facilitate the necessary reconciliation process at the individual, village or community level, it ultimately fails to address systematic inequalities that initiated the conflict in the first place. Rwanda, for example, has accomplished a great deal in the field of reconciliation and restorative justice, yet the Rwandan Patriotic Front, the Tutsi-dominated party born out of the genocide of 1994, continues its complete and exclusionary domination of the political arena. Neglecting to ensure a more inclusive political environment weakens Rwanda's prospects for consolidated peace.

²³ Boutros-Ghali. Boutros, para. 55.

²⁴ Boutros-Ghali. Boutros, *A Supplement to An Agenda for Peace*, United Nations Document A/50/60 - S/1995/1, 03 January 1995, <http://www.un.org/Docs/SG/agstupp.html#POSTCONFLICT>, para. 49.

²⁵ See Lumsden, Malvern, *Breaking the Cycle of Violence*, in «Journal of Peace Research», Vol. 34, No. 4, November, 1997, pp. 377-383; Galtung, Johan, *Three Approaches to Peace: Peacekeeping, Peacemaking and Peacebuilding*, in Johan Galtung, *Peace, War and Defense*, Copenhagen, Christian Eljers, 1975.

²⁶ Call, Charles T. and Susan E. Cook, *On Democratization and Peacebuilding*, in «Global Governance», vol. 9, no. 2, April-June 2003, p. 235.

This thesis is primarily informed by the second understanding; not only because it is the one that also informs the TAM at issue, but because the first is as messy as the third is limited. This does not prevent us from drawing on the basic insights of all three, however. The understanding of 'peacebuilding' used henceforth could therefore be more precisely termed *nation-building*; for the complete relational and institutional transformation of a state with external guidance cannot be accurately described as anything else. Particularly in failed or war-ravaged states, attempting to view peace operations in narrower terms is both naïve and impractical. Such missions must be seen as nation-building operations, complete with governance functions. In recent cases such as East Timor or Kosovo, where the UN-led international community has been working to construct a state from the ground up, this has translated into missions of unprecedented scope, involving national administration and development in all sectors. It is this type of muscular mandate that this paper is concerned with, where far reaching and pervasive changes are attempted to reorient societies along a more peaceful path.

1.4 TO BUILD A NATION

Nation-building encompasses two essential elements:

- *State-building*: Reconstructing the state's transportation infrastructure and economic systems, remaking security forces, strengthening governmental institutions, etc. (i.e. rebuilding structures)
- *Peacebuilding*: Using the renewed structures to rebuild society itself, changing relationships, reorienting social and political interactions to encourage peaceful and productive interactions (i.e. rebuilding social order)

(Re)building a 'state' is one thing; attempting to (re) build a 'nation' is quite another. However, the latter should ultimately be seen as the desired outcome. Kymlicka defines a nation as meaning "a historical community, more or less institutionally complete, occupying a given territory or homeland, [as well as] sharing a distinct language and culture".²⁷ Trying to get former combatants to assimilate isn't the goal, nor is

²⁷ Kymlicka, Will, *Multicultural Citizenship*, Oxford, Clarendon Press, 1995, p. 11.

assimilation necessary to build a nation. But the desired outcome must be to foster some kind of integrative mindset that allows group distinctiveness while at the same time a recognition of, and allegiance to, the larger polity as well. Without some kind of collective identification, some feeling of mutual belonging²⁸, peace can't hold in the long term in any of the case studies considered here.

Its merit as a concept aside, our ability to operationalize the goals of peacebuilding and nation-building will determine how successful the world community is at managing the conflicts of this century. Precisely what this entails, how exactly it is done, and by whom remain central yet largely unresolved questions. However, clarifying some of the key terms in the morphing discourses on peace and conflict allows us to now move toward a more substantive discussion on the nature, trajectory and suitability of the current nation-building project.

1.5 SHOULD THE UN INTERVENE?

If the end of the Cold War has contributed to a rise in violent conflict, it has also contributed to our ability to address it as a world community. This is largely thanks to the cessation of the ideologically-driven paralysis of the Security Council, which remained divided and deadlocked on almost all regional conflicts during the Cold War. Nevertheless, the question remains over what role the international community should assume and, furthermore, if action should be taken through the UN in the first place.

Intervention has many serious implications. One is the contravention of the inviolability of state sovereignty—the notion that domestic security matters should be immune from external scrutiny or interference. As we will see, it is no longer taken for granted that acts committed by a state within its own territorial jurisdiction are strictly its concern. In such a political environment, the UN is forced to weigh continual demands

²⁸ Luc Reyhler calls this a feeling of “we-ness”, or an integrative moral-political climate where there are multiple loyalties and interests and an expectation of mutual benefits in the relationship. For a discussion of the necessary elements needed to develop/ensure this climate, see. Reyhler, Luc, *Democratic Peacebuilding and Conflict Prevention: The devil is in the transition*, Leuven, Leuven University Press, 1999, p. 34

for its involvement in one conflict or another against whether its financial and political coffers are sufficiently stoked to support another mission—in other words, if there is actually a chance of success.

It is impossible, however, to fully address the dynamics of sovereignty in a post-cold-war era given the space and time constraints of this thesis. Nevertheless, it is important to acknowledge that the sanctity of principle is being seriously challenged – as the NATO air strikes in Bosnia and Kosovo, labeled ‘humanitarian interventions’, so clearly illustrate. With the introduction of human security, human rights and ‘humanitarian’ intervention into popular policy discourse, it becomes more difficult for states to act with impunity against their own populations. The *Report of the International Commission on Intervention and State Sovereignty*²⁹ in 2001 argued that it is the primary responsibility of sovereign states to protect their own citizens from avoidable catastrophe, such as mass murder, large scale loss of life and rape, and starvation. But when they are unwilling or unable to do so, such as in the case of a failed state, that duty must be borne by the broader community of states which have a ‘responsibility to protect’. Indeed, UN Secretary General Kofi Annan, the head of an organization founded on the principle of the primacy of states, has said that the case for individual sovereignty is more compelling than national sovereignty.³⁰ So it is that while states still are the primary actors in the international system, less credence is given to the notion that they are inviolable. This nonetheless remains interesting legal territory for the UN, as statehood and sovereignty form the basis of UN credibility and authority.³¹ Quite paradoxically, a nation-building mission can simultaneously result in the UN challenging the legitimacy of the government while simultaneously working to preserve its sovereignty.

²⁹ *The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty*, Ottawa, IDRC, 2001.

³⁰ Annan, Kofi, *Two Concepts of Sovereignty*, in «The Economist», 18 September 1999, online version, <http://www.un.org/News/ossg/sg/stories/kaecon.html>

³¹ Bertram, Eva, *Reinventing Governments: The Promise and Perils of UN Peacebuilding*, in «The Journal of Conflict Resolution», vol. 39, no. 3, September 1995, 391.

Much has been written on issues surrounding intervention—its justification, scope, modalities, not to mention if it requires UN support³²—but much less discussion around the question of what should happen after intervention has occurred. Hence the need to explore a related issue, even more significant to this paper: the checkered success of UN nation-building efforts. The efficacy of direct involvement on the part of the international community, particularly through the UN, has been debated. Nonetheless, Zartman argues that achieving sustainable peace requires three main elements: the central power/authority needs to be reconcentrated (by making the powerful legitimate, or the legitimate powerful); state legitimacy needs to be increased through enhanced participation, namely through electoral arrangements, power sharing mechanisms and the like; and finally, and finally, to both have and allocate sufficient economic resources to support peacebuilding activities. These elements are generally dependent on the existence of a forth: external, international assistance or authority.³³ The consensus, then, is that the participation and support of international actors can have a positive impact on long term nation-building efforts.

Doyle and Sambanis' extensive quantitative analysis of 124 civil conflicts since World War II supports this hypothesis by highlighting variables that impact the success of various peacebuilding initiatives. Unsurprisingly, their research revealed that peacebuilding missions were less likely to be successful in 'identity' conflicts, where there was high human costs or in countries where the economy depends on natural resources. Yet they also learned that there was a significant rise in the rate of success where a strong UN presence was a factor. They conclude, therefore, that a robust UN peace operation with broad areas of activity is both desirable and effectual in resolving conflict.³⁴

³² For further reading on this subject, see Semb, Anne Julie, *The New Practice of UN-Authorized Interventions: A Slippery slope of Forcible Interference?*, in «Journal of Peace Research», Vol. 37, No. 4, July 2000, pp. 469-488.; Chopra Jarat and Thomas Weiss, *Sovereignty is No Longer Sacrosanct: Codifying Humanitarian Intervention*, in «Ethics and International Affairs», vol. 6, 1992, pp. 95-118; *The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty*, Ottawa, IDRC, 2000.

³³ Zartman, William, *Putting Things Back Together*, in I. William Zartman, (Ed.), *Collapsed States: The Disintegration and Restoration of Legitimate Authority*, Boulder: Lynne Rienner, 1995, p. 268.

³⁴ Doyle, Michael and Nicholas Sambanis, *International Peacebuilding: A Theoretical and Quantitative Analysis*, in «American Political Science Review», vol. 94, no. 4, December 2000, pp. 787-791.

The conflict variables identified in their study are very difficult to manage, but they are also areas in which the UN stands to make substantial contributions. For instance, conflicts organized around identity axes are highly susceptible to reigniting, particularly when deliberately enflamed by 'ethnic entrepreneurs' such as Slobodan Milosevic. Milosevic stood to gain considerable wealth and political power from the conflict in the former Yugoslav Republic, and was able to aggravate social cleavages among the population to his advantage by inflaming Serb nationalism.³⁵ However, through its simultaneous access to both political elites and actors on the ground, the UN is uniquely placed to diffuse these animosities in the reconstruction phase with the promotion of conciliatory mechanisms. Public campaigns toward reconciliation are funded through the media, for instance, just as diplomatic campaigns are negotiated among political power holders. It is also poised to fund and coordinate such activities among local and international civil society actors. No other international organization has this degree of clout among 'track one' and 'track two' actors.

The most likely factor to prolong hostilities, however, is that the very nature of internal conflict is particularly resistant to peace initiatives. Simply put, in a conventional interstate war, when two sides want to stop fighting, contesting armies can pull back across their respective borders and promise to refrain from using violence. Security rests in the knowledge that if the other side reneges on the agreement, the same armies are standing ready to respond with force. There is thus no need to rely on the dependability of your opponent. In many of today's conflicts, however, this backstop is out of the question, because in Kosovo, Cambodia and elsewhere, contending parties are scattered within rather than across state borders, making simple withdrawal an impossible luxury. The same can be said of traditional peacekeeping missions. To maintain its relevance, the UN has been forced to adapt its strategies to the new conflict environment.

Realistically, settling after a civil war invariably means that, at some point, disarmament must occur. This demands that at a time of extreme doubt, hostility and

³⁵ Harris, Peter and Ben Reilly, p. 32.

insecurity, warring sides are being asked to relinquish their fall back position. With no neutral police force or functioning state army to enforce the terms, the risk demanded from such a step can be simply too high for combatants to consider. Someone else must consider and oversee the options for them. Walter writes that:

“Civil war negotiations rarely end in successful peace settlements because credible guarantees on the terms of the settlement are almost impossible to arrange by the combatants themselves. Negotiations do not fail because of indivisible stakes, irreconcilable differences, or high cost tolerances make compromise impossible, as many people argue. They do not fail because bargains cannot be struck...they fail because civil war opponents are asked to do what they consider unthinkable. At a time when no legitimate government and no legal institutions exist to enforce a contract, they are asked to demobilize, disarm and disengage their military forces and prepare for peace.”³⁶

Without a third party guarantee of protection, the security dilemma is too great to be overcome in most civil war settlements. Using 41 civil war cases to test the hypothesis that successful resolution of civil war requires outside assistance, Walter posits that the promises from external actors must be ‘credible’ meaning that 1) outside state should have self-interest in upholding their guarantee, such as economic reasons, old colonial ties, etc., 2) the party must be strong enough to uphold peace and be obviously willing to use its strength, and 3) the intervening state must signal resolve, such as by placing enough troops with standing orders in or near the country.³⁷ The evidence showed that peace was rarely achieved or maintained in civil conflicts without a military guarantee from an outside power to provide safety for the belligerents during the transition stage.³⁸ What makes the UN the best candidate for this type of activity is that its multilateral character is preferable to the potentially partisan, disruptive interference of an outside state acting alone.

³⁶ Walter, Barbara. *The Critical Barrier to Civil War Settlements*, in «International Organizations», vol. 51, no. 3, Summer 1997, p. 335.

³⁷ Ibidem, p. 340.

³⁸ These are cases involving military deadlock, where both sides are strong enough to avoid defeat but not to achieve victory. Many conflicts end when one side is militarily defeated.

Brokered deals are only half the story, however. Ending the fighting is not synonymous with resolving the conflict. When fighting stops, the short-term concern is security. The long-term concern, and that which most likely caused/contributed to the conflict in the first place, is the nature of the future political arrangement. Security alone cannot bring long term peace; there must be progress made to a more inclusive, responsive system of governance. Griffin and Bruce note that "Preventing future conflicts is not solely a matter of keeping those with guns from using them, but of establishing accountable, transparent and participatory systems of authority".³⁹ A sustainable and peaceful outcome to a conflict requires a mixture of outside enforcement and the development of internal institutions that foster meaningful participation.

A UN peacebuilding operation has the potential to offer both of these needed elements. With proper support from its member states, the UN can provide the requisite muscle to enforce the ceasefire as it has done in dozens of peacekeeping missions since its inception. Further, there has been a marked increase in the UN's proficiency in assisting in the processes of institution building and social development—key elements of nation-building. Certainly the record of UN peace operations is less than perfect. However, the shift in the nature of conflict has brought a corresponding evolution in the nature of the UN response, a move that should be seized upon and supported. Larger scale nation-building missions that incorporate both security and governance functions, those that work towards rebuilding both *structures* and *society*, provide more robust strategies for addressing the aftermath of modern conflict.

1.6 EVOLUTION OF UN MISSIONS

The beginning of the nineties inspired a renaissance for the Security Council. The ideological infighting that impaired its functioning in the past was largely overcome. Between the founding of the United Nations after WWII and 1989, there were eighteen peacekeeping missions. There were thirty-four over the next decade. Peace operations

³⁹ Griffin, Michèle and Bruce Jones, *Building Peace through Transitional Authority: New Directions, Major Challenges*, in «International Peacekeeping», vol. 7, no. 3, Summer 2000, p. 11.

did not increase simply because the Security Council had a little more room to act; rather, conflicts were breaking out with alarming frequency. Democratization and liberalization forces were unleashed and Cold War clientism ended, allowing long suppressed conflicts to erupt and the need for their management to increase. The Security Council was thus presented with an opportunity and seized it, with fifteen peace operations were launched in the first three years of the nineties alone.

Each mission was bolstered by lessons gleaned from the last. The UN Transition Assistance Group in Namibia (UNTAG)⁴⁰ in 1989 marked a departure from strict peacekeeping functions of previous UN missions. Its central task was to help organize, implement and conduct elections to aid in Namibia's transition to an independent state. Even more dramatic, in 1992 the UN Transitional Authority in Cambodia (UNTAC)⁴¹ assumed such duties as disarmament and reintegration programs, police training, election organization and monitoring, and a variety of tasks typically reserved for national bodies. Quite distinct from classical peacekeeping practice, UNTAC ensured the implementation of the peace agreement by the four signatories and, temporarily, held administrative authority in a sovereign state. The 1992 UN Operation in Somalia I (UNOSOM)⁴² entered Somalia without the agreement of all contending sides with primary objectives of monitoring a ceasefire agreement, coordinating humanitarian assistance and ensuring the security of relief supplies. When the factional fighting continued and there was a full collapse of governmental authority, the Security Council authorized the formation of the

⁴⁰ The mandate and activities of UNTAG will be more fully explored in a later section.

⁴¹ The mandate and activities of UNTAC will be more fully explored in a later section.

⁴² UNOSOM I (April 1992-March 1993) was tasked with monitoring the ceasefire in Mogadishu, protecting UN personnel and supplies, and ensuring the safe delivery and passage of humanitarian supplies to various distribution point in and around the city and, in August 1992, throughout the country. UNITAF was authorized as a Chapter VII operation (*Restore Hope*) and was a US-led force of twenty five nations. Very successful, it led to the authorization of UNOSOM II which had a Chapter VII mission to create, through "all necessary means" including enforcement measures, a safe environment for humanitarian assistance. This included disarmament and reconciliation measures, restoration of stability and order, and even assisting helping the Somali people rebuild their political and social life. However, unrest and violence continued leading to the death of 23 Pakistani troops and a revision of the mandate to include the apprehension of those deemed responsible. The subsequent failed raid by US Rangers, where eighteen Americans were killed, precipitated the rapid withdrawal of US forces. UNOSOM was eventually withdrawn in March 1995.

Source: UNOSOM II Mission Background, UN Department of Political Affairs, 21 March 1997, <http://www.un.org/Depts/DPKO/Missions/unosom2b.htm>

Unified Task Force (UNITAF) to ensure safe delivery of humanitarian assistance through "all necessary means", including force.⁴³

These missions not only went far beyond traditional peacekeeping activities and objectives, but they also broke with traditional logic about non-intervention by becoming heavily embroiled in the political affairs of the parties involved. In a very short time, peace missions went from the neutral monitoring of ceasefires and withdrawals to refugee repatriation and voter registration. It was a heady time for supporters of the UN. It was a time of expanded responsibility, activity, and even success.

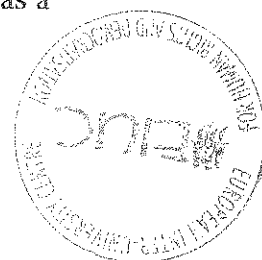
1.7 THE TIDES TURN

A series of events in the mid-1990's reversed the optimism for these missions as quickly as it had begun. Somalia was the catalyst for the downward turn in enthusiasm for intervention, where the death of twenty three Pakistani soldiers in 1993, followed by eighteen Americans in a failed raid to capture warlord General Aidid, led to the immediate withdrawal of American troops and a collapse of the mission. Essentially, the UN was defeated by a rag tag group of militiamen armed with Kalashnikovs and rocket propelled grenades and their departure had drastic and publicized effects on the Somali people. They were simply abandoned to the warlords. Meanwhile, global public opinion, particularly in the US, questioned the logic of getting involved in conflicts which were not directly related to national interest.

The following year, the UN failed again, this time owing to its own negligence. Approximately 800,000 Rwandans were slaughtered in one hundred days during the spring of 1994 by Hutu extremists. Stung by the debacle in Somalia, the mandate for the Mission to Rwanda (UNAMIR)⁴⁴ to supervise a ceasefire was much more limited than

⁴³ UNOSOM was heralded as 'Third Generation' peacekeeping or 'Peace Enforcement', immediately following the 'Second Generation' missions such as those in Namibia and Cambodia.

⁴⁴ UNAMIR was established to help implement the Arusha peace agreement signed by the Rwandese parties in August 1993. When violence broke out, it was completely ill equipped and understaffed (500 troops) lacking a mandate to intervene. Tremendous public reaction eventually forced the Security Council to expand the mission and the mandate, but much of the genocide had already taken place. UNAMIR's



UNOSOM, both in its small and poorly equipped composition and its inability to use force save in self defense. A cable sent to UN headquarters by Canadian General Romeo Dellaire on January 11, 1994 outlined intelligence regarding plans to exterminate Tutsis, including the locations of illegal weapon caches that were to be used. Rejecting his pleas for both extra troops and a mandate to take action, the head of U.N. Department of Peacekeeping Operations Kofi Annan replied "We wish to stress, however, that the overriding consideration is the need to avoid entering into a course of action that might lead to the use of force and unanticipated repercussions. Regards".⁴⁵ Clearly, the effect of Somalia was to emasculate the Security Council; the effect of this inaction in Rwanda was equally negative as the Council was rightly accused of permitting the genocide to occur.

The murder of 7,000 men and boys by Serb troops at Srebrenica in 1995 was another example of the costs of UN impotence. A contingent of Blue Berets from the Netherlands watched while men and women were separated, with the former ultimately taken, shot and buried in mass graves. Again, a gutless mandate reduced the peacekeepers to bystander status in the face of a calculated massacre, forced into complicity because they could not use force in any case except if they were attacked themselves.⁴⁶

These spectacular and highly public failures led to a reluctance of the Security Council to authorize new operations, or to fully staff them when they did. These debacles were seen by some as a result of UN overextension, both in terms of number of missions and in their broad mandates, and ushered in a period of retrenchment. In 1993 there were 80,000 UN military and civilian peace support personnel deployed in the field.

mission was again adjusted following the installation of a new government and its mandate expired on 8 March 1996.

Source: UNAMIR Mission Backgrounder, UN Department of Political Affairs, 21 March 1997
http://www.un.org/Depts/DPKO/Missions/unamir_b.htm

⁴⁵ Cable Number: UNAMIR: 100, 11 January 1994, *The Triumph of Evil: the warning that was ignored*,
<http://www.pbs.org/wgbh/pages/frontline/shows/evil/warning/unresponse.html>

There is plentiful documentation about the UN's knowledge of the situation in Rwanda before the massacres began, and its unwillingness to act.

⁴⁶ Although many have charged that this was also a result of poor decision making on the part of ground commanders, the mandate they were working under tied the hands of the soldiers.

By 1998, that number had dropped by more than 80% to 14,000.⁴⁷ Given the blow that these missions had struck to the credibility of UN peace operations, this period of wagon circling isn't particularly surprising.

The end of the Cold War forced the Security Council to adapt quickly to both a new international climate and an expanded degree of responsibility. The early nineties were characterized by optimism and expansionism. The Council move quickly and decisively into new roles and activities where it had little or no experience. Despite an imperfect record, it had many successful interventions and looked poised to acquire a new level of presence. The grisly failures of the UN in the middle of the decade were blamed largely on this 'overstretch', and retrenchment and inaction hobbled its willingness to become involved in potentially messy engagements. For several years in the mid-90's, the UN approached peace operations in a timid and reserved manner. The tumultuous decade had another shift in the making, however, and 1999 saw the deployment of two of the most ambitious and sweeping operations in UN history and, potentially, a substantial reorienting of peace operations in the future. But what had the UN learned from these debacles, and what qualitative differences did this make to its subsequent missions?

1.8 THE UN: LARGE, AND IN CHARGE

The Security Council authorized two of its most comprehensive mandates ever—the UN Mission in Kosovo (UNMIK) and the UN Transitional Authority in East Timor (UNTAET)—within three months of each other in 1999. Indeed, the scope of these missions far exceeded anything previously attempted, giving an unprecedented amount of authority to the transitional administrations tasked with implementing the UN mandate. This Transitional Authority Model allowed unrivaled administrative, judicial and executive power to the UN missions, giving them governmental muscle to manage the rebuilding process from the inside. However, despite the claims of some observers

⁴⁷ Griffin, Michèle and Bruce Jones, p. 75.

regarding the uniqueness of these missions, the international administration of such territory had much earlier historical roots.

The history of international territorial administration⁴⁸ begins with the League of Nations, the UN predecessor, which as an organization exercised certain governmental prerogatives over the Free City of Danzig from 1920-1939, and administered the German Saar Basin (1920-1935) as well as the Columbian town and district of Leticia from 1933-34.⁴⁹ Although the plan was never realized, the UN was authorized to exercise certain powers over the Free Territory of Trieste in 1947.⁵⁰ The first experience of United Nations territorial administration was in the Congo, where it held various administrative duties from 1960-64. For seven months in 1962-63, the UN took over governmental duties in West Irian as it shifted from being Dutch colony to part of Indonesia. In 1967 the UN Council for South West Africa (later Namibia) was established to administer the territory, although South Africa prevented it from taking up that role for more than two decades, until UNTAG was finally created to facilitate Namibia's transitional elections upon becoming independent.

In more recent history, the UN was authorized with providing administrative functions in both Cambodia and Western Sahara in 1991; and while those duties were completed in Cambodia between 1992-93, they have yet to be fully performed in Western Sahara.⁵¹ Under the Dayton agreement, the territories of Eastern Slavonia, Baranja and Western Sirmium in Croatia were put under UN administration from 1996-1998, and the European Union Administration in Mostar (EUAM) controlled the town in neighbouring Bosnia-Herzegovina from 1994-1996. In most of these, the international organizations

⁴⁸ The term "international territorial administration" is given by Ralph Wilde, and it is used here as a term that encompasses "transitional authority" while not being limited to it.

⁴⁹ Wilde, Ralph, *From Danzig to East Timor: The Role of International Territorial Administration*, in «American Journal of International Law», vol. 95, no. 3, July 2001, p. 586.

⁵⁰ See UN Security Council Resolution 16/1947. Under the terms of the 1947 Peace Treaty with Italy, a Governor for the Free Territory of Trieste was to be selected and appointed by the United Nations Security Council. Until such appointment was made, the United States, Great Britain, and Yugoslavia were to administer and protect that Territory. As the East and West Blocs never agree on a candidate, the governor was never appointed and the territory was divided between Italy and Yugoslavia.

⁵¹ The Department of Peacekeeping Operations neutrally summarizes the situation in Western Sahara as "Differences over key elements delay plan's full implementation; ceasefire remains in effect", <http://www.un.org/Depts/dpko/dpko/timeline/pages/minurso.html>

mandates' called for them to organize and hold of some form of popular consultation, and/or create or strengthen local institutions.⁵²

The UN's role in Kosovo and East Timor is much more comprehensive, and "entail[s] the UN occupying an unprecedented amount of political and administrative space".⁵³ While the shift in policy seems sudden when viewed in the context of the previous few years, it should be seen more as an extension of the developments at the beginning of the decade where peace missions expanded and took on more challenging roles. The failures of the mid-nineties, while initially causing a turtle reaction as the UN drew itself back to safety, simply highlighted the need for a new approach.

UNTAET and UNMIK's deployment came just a few months before the presentation of the Report of the Panel on United Nations Peace Operations (the "Brahimi Report") which provided a set of clear recommendations on necessary reforms for UN peace operations. Chief among them, and one that informed both missions, is that peacebuilding cannot be a peacekeeping mission with a civilian governance function tacked on. This arose out of a growing recognition, referenced in a previous section of this chapter, that although human security, development, and international peace and stability are not synonymous, they are inextricably linked. Initially this makes the UN's task seem all the more complex; on the other hand, the institution of a UN-led transitional authority system in a given country often serves to make the job of coordinating peacebuilding activities much more plausible and effective. Some of the best missions of the UN, albeit not without shortcomings, have come about when the UN was given temporary authority to implement all the necessary elements of the operation. Looking at the UN's experience in this type of approach offers many positive lessons for future peace operations.

This thesis will not, however, be an attempt to quantify or judge the 'success' of particular UN peacebuilding missions. Exhaustive research has already been done where

⁵² Wilde, Ralph, p. 586.

⁵³ Griffin, Michèle and Bruce Jones, p. 75.

such assessments are concerned.⁵⁴ Rather, this paper will look at the 'transitional authority' model of UN nation-building missions, those where a nation's or territory's sovereignty is temporarily surrendered to the United Nations mission so that it may attempt to rebuild a nation following conflict. Specifically, it will explore whether this form of multi-faceted, muscularly mandated missions should be the future face of UN peace operations and, if so, what must be done to ensure that it lives up to its promise.

⁵⁴ For a comprehensive overview of the various studies that have been done trying to determine the degree of 'success' of particular peace operations, see Lund, Michael, *What Kind of Peace is Being Built?: Taking stock of Post-conflict Peacebuilding and Charting Future Directions*, International Development Research Centre, Ottawa, Canada, January 2003, pp. 24-33.

2. CASE STUDIES

2.1 UNITED NATIONS AS TRANSITIONAL AUTHORITY

To assess the utility of the UN transitional authority model, it is necessary to look at several examples to have a representative understanding of the contribution the model does or does not make to the nation-building process. Proceeding chronologically, we will look at the missions in Namibia, Cambodia, Kosovo and East Timor. Not only were these case studies selected to illustrate the geographical reach of the UN, but they also correspond to the expansion of UN mandates over time. Each of these transitional authority missions was progressively more robust in scope and demands. Moreover, each provides an illustration of the different ways in which peace missions, even those sharing a transitional authority format, are structured and organized according to their respective contextual constraints, objectives and operating environment.

Briefly, the progression can be summarized as follows: The UN assumed near sovereignty over Namibia when it acquired trusteeship from South Africa and prepared the territory for its first free elections marking its transition to independence. Cambodia was quite a different situation. The newly formed Supreme National Council, composed of four contesting parties, was named the unique body holding authority and sovereignty in Cambodia, which then “designates to the United Nations all powers necessary to ensure the implementation of the Agreement”.⁵⁵ In Kosovo, the UN assumed full governing authority but not sovereignty; the peace agreement asserted that Kosovo was still a part of Serbia and that the final status of Kosovo would be determined at an unspecified later date by the UN Security Council. Finally, East Timor was deemed a ‘non-self-governing’ territory and the UN assumed full administrative authority *and* sovereignty during the mission.⁵⁶ Yet while the nature of the UN’s authority was different in each case, and the stated goals of the mission were varied in nature and breadth, two

⁵⁵ Agreement on a Comprehensive Political Settlement of the Cambodia Conflict, (“Paris Agreement”), Art. 6, accessed from the United States Institute of Peace Library: Peace Agreements Digital Collection, www.usip.org/library/pa/cambodia/agree_comppol_10231991.html

⁵⁶ Suhrke, Astri, *Peacekeepers as Nation-builders: Dilemmas of the United Nations in East Timor*, in «International Peacekeeping», vol. 8, no. 4, Winter 2001, p. 3.

basic similarities can be identified: 1) the goals went beyond peacekeeping, with more focus on governance than classical security concerns; and 2) The UN was not simply assisting the local government or working with the combatants to achieve peace—it was running the show. Before proceeding to a more detailed account of each mission, a glance at the enclosed table demonstrates clearly what denominators were common, and which were innovative.

Table I
Comparison of Mandate Scope

Components	UNTAG	UNTAC	UNMIK	UNTAET
Electoral	X	X	X	X
Military	X	X	X	X
Police	X	X	X	X
Repatriation	X	X	X	X
Civil Administration		X	X	X
Human Rights		X	X	X
Rehabilitation			X	X
Judicial			X	X
Democratization and institution-building			X	X
Humanitarian Assistance			X	X
Reconstruction (economic, development)			X	X
Public Services			X	X
Governance				X

2.2 NAMIBIA

(United Nations Technical Assistance Group – April 1989-March 1990)

2.2a Background

In 1966, the General Assembly mandated that the Namibian territory be placed under direct UN control, establishing the United Nations Council for South West Africa to administer it until independence. South Africa refused to acknowledge the motion and continued its control of the territory. In 1978, Canada, France, the Federal Republic of Germany, the United Kingdom and the United States (the 'Western Contact Group') submitted a proposal to the Security Council to settle the question of Namibia⁵⁷. According to its suggestion, elections for a Constituent Assembly would be held under United Nations auspices. Every stage of the electoral process would be conducted to the satisfaction of a Special Representative for Namibia appointed by the Secretary-General. A United Nations Transition Assistance Group (UNTAG) would be at the disposal of the Special Representative to help him supervise the political process and to ensure that all parties observed the provisions of an agreed solution. The Security Council requested the Secretary-General to appoint a Special Representative for Namibia and to submit recommendations for implementing the settlement proposal. By resolution 435 (1978), the Council endorsed the United Nations plan for Namibia and thereby established UNTAG.⁵⁸

Despite the diplomatic cajoling of the United Nations, South African refusal to accept the plan meant that it took another decade for events to align themselves in such a way as to make its realization possible. The road to democracy began with military stalemate. The South West African People's Organization (SWAPO), a rebel group struggling for Namibian independence since 1960, was unable to force the South African army out of the territory. Likewise, South Africa was incapable of routing SWAPO, which maintained bases in neighbouring Angola. The Angolan government was unable

⁵⁷ The UN officially began calling the territory Namibia in 1968, rather than South West Africa, in "accordance with the will of its people"

⁵⁸ UNTAG Backgrounder, UN Department of Peacekeeping Operations, http://www.un.org/Depts/dpko/dpko/co_mission/untagS.htm

to stop South African raids on SWAPO targets within its country, but the South Africans couldn't defeat the Cuban-backed Angolan army without enormous cost and casualties⁵⁹. An impasse had been reached and none of the groups were able to break through it, opening up the possibility of a settlement.

Each of the major actors—Angola, SWAPO and South Africa—had a potent and independent interest in a political solution. Angola housed Cuban troops at high cost to protect itself against South African raids, which would not have been necessary if a peace plan was in place. SWAPO could never succeed militarily, so was willing to accept a settlement that ended the fighting and gave it meaningful role in an independent Namibia. Finally, South Africa had several reasons to seek peace: it was economically staggered by the effect of international sanctions; the more pragmatic F. W. de Klerk had recently been elected to office; there was an increased possibility of a Cuban withdrawal; and domestic support for troop deployment to avoid 'giving up' South West Africa was on the wane.⁶⁰

On 22 December 1988, a tripartite agreement among Angola, Cuba and South Africa, mediated by the United States, was signed at United Nations Headquarters. The agreement committed the signatory States to a series of measures to achieve peace in the region, and opened the way for the United Nations-authored independence plan. Under the agreement, South Africa undertook to cooperate with the Secretary General to ensure Namibia's independence through free and fair elections. In parallel, Angola and Cuba signed an agreement for the complete withdrawal of Cuban troops from Angolan territory, to be monitored by the United Nations Angola Verification Mission (UNAVEM).

2.2b UNTAG Mandate and Activities

UNTAG was established in accordance with Resolution 632 of 16 February 1989, to assist the Special Representative of the Secretary-General (SRSG) to ensure the

⁵⁹ Bertram, Eva, p. 407.

⁶⁰ Ibidem, 408. Bertram also talks about the battle at Cuito Cuanavale from November 1987-March 1988, South Africa's 'Tet offensive' as being particularly crippling to domestic support for the conflict

smooth transition to independence for Namibia. The independence of Namibia would begin following free and fair elections supervised and controlled by the United Nations to determine the composition of its future leadership. UNTAG's specific duties included: monitoring the situation to ensure that the ceasefire was respected and that foreign troops vacated Namibia in a timely and orderly fashion; repealing any remaining discriminatory or restrictive laws; releasing political prisoners; facilitating the peaceful return of refugees; preventing against intimidation of any kind; and generally ensuring that law and order were maintained until a newly independent Namibian state could take over.⁶¹

Namibia's elections were held on 7-11 November 1989, with a spectacular 97 per cent voter turnout. No violence occurred and a clean and accountable process was certified by the international community observing the process. SWAPO won 41 of 72 seats, and Namibia officially became independent four months later, on 21 March 1990, joining the UN a month after that.⁶² It has held three elections since then that have been characterized as free and fair; Namibia received a rating of "free" from the Freedom House "Freedom in the World" Report for 2004.⁶³ All in all, UNTAG has been widely heralded as a successful mission.

2.2c Secrets of Success in Namibia

Several factors contributed to the smoothness of UN operations in Namibia. The first relates to the geo-political nature of the conflict with South Africa that Namibia had just emerged from. The border between the two countries, though not acknowledged by Pretoria, was de facto clearly demarcated. Thus, when it came time to hold peace talks and disengage, it was possible for the foreign party—South Africa—to withdraw its forces across its border as part of the agreement.⁶⁴ As previously discussed in relation to interstate war, securing peace is much easier when both sides can simply retreat to their

⁶¹ Griffin, Michèle and Bruce Jones, p. 77.

⁶² Chesterman, Simon, *East Timor in Transition: Self-Determination, State-building and the United Nations*, in «International Peacekeeping», vol. 9, no. 1, Spring 2002, p. 52.

⁶³ Specifically, it received a 2 for Political Rights and a Three for Civil Liberties, with 1 being the most free and 7 the least. In comparison with other countries in Sub-Saharan Africa, 42% were deemed 'partly free' and 35% 'not free'. Online Report: <http://www.freedomhouse.org/research/survey2004.htm>

⁶⁴ Paris, Roland, *Peacebuilding and the Limitations of Liberal Internationalism*, in «International Security», vol. 22, no. 2, Fall 1997, p. 64.

own territory. The threat perception is substantially reduced in this scenario, as neither side is forced to relinquish their access to the means of force as a fallback position. The result was that South Africa's departure greatly facilitated the consolidation of peace.

A second factor in UNTAG's success was initially its stumbling block—the extended period in which South Africa delayed the implementation of its mandate. The long lead-up made it possible for Martti Ahtisaari, the SRSG, to lay the political foundations and garner broad-based support through a lengthy consultative period prior to UNTAG's deployment.⁶⁵ South Africa's adversarial position took nearly a decade of delicate negotiations to break through and to sort out the modalities for implementing the Council's resolution. These negotiations were pursued concurrently by the Secretary-General and his Special Representative, and the 'Western Contact Group', which exerted considerable political leverage on South Africa.⁶⁶ Here again, we see the value of the UN's unique diplomatic positioning and the peace table. Only in 1985, however, did this effort succeed in obtaining South African agreement to the terms for holding UN-supervised elections⁶⁷. This eventually led to the conditions for their acceptance of Namibian independence. The long delay gave the UN mission the necessary time to prepare properly and cultivate the necessary support at the domestic and international level.

Thirdly, the projected political outcome of the mission was clear to all parties involved. There would be an election, and Namibia would gain its independence.⁶⁸ There was neither ambiguity nor competing visions of the mission's result, save for the composition of the new constituent assembly. This clarity of purpose and convergence of opinion meant that everyone was satisfied with the outcome, and this, in turn, made it sustainable. Compared with other TAMs, it also speaks to the relative simplicity of UNTAG owing to its narrow focus.

⁶⁵ Chesterman, Simon, 2002, p. 52.

⁶⁶ Report of the Secretary General, UN SG S/15776, 19 May 1983, Art 1-2.

⁶⁷ Report of the Secretary General, UN SG S/18767, 31 March 1987, Art. 2.

⁶⁸ Chesterman, Simon, 2002, 51.

All of the parties to the initial conflict had distinct but compelling reasons to end the hostilities. South Africa had lost domestic support for 'keeping' Namibia and wanted Cuban troops out of Angola; Angola wanted to be able to rid itself of the financial burden of hosting the Cuban troops without sacrificing its own security; and Namibia just wanted everyone out and knew it couldn't expel them by force. All sides were strong enough to avoid being defeated but not strong enough to win. This quagmire helped to coax the parties to the bargaining table. Without the UN on hand to facilitate the process, however, the conflict may have endured or worsened.

2.2d Lessons from the Namibia Experience

While Namibia, for the reasons listed above, cannot be taken as a quintessential example of the post-conflict contexts that UN transitional authorities are typically working in, the lessons that can be gleaned from any mission are always instructive. Primarily, the most significant factor in affecting a positive outcome was the *timeline* the SRSG had to prepare for the mission ahead of its deployment. Unlike most missions, which are necessarily assembled and designed with haste, he was given the time to lay the groundwork methodically. Proper planning and a long term presence, therefore, are highly relevant to the success of a mission and should be encouraged as much as possible.⁶⁹

Second, the *clarity* of the mission's mandate and its desired outcome helped to avoid some of the problems that can be seen in the other missions examined in this thesis. UNTAG was in place to assist Namibia on its path to independence and leave when that was achieved. There was little danger of 'mission creep' or getting entangled too deeply in intractable post-election issues. No one expected the UN to stay longer than it was mandated, regardless of the circumstances.

Finally, given the convergence of the *actors' self-interest* around peace, the question of whether or not there is 'peace to be built' in the first place should be taken into account. From a humanitarian point of view, this may not be an acceptable criterion.

⁶⁹ However, the Mission in Western Sahara shows that time isn't everything—the mission has been going for thirteen years and has not reached any deal.

There are many situations requiring UN intervention that do not fall into this category but where the price of standing idly by is unacceptably high, such as the developing catastrophe of southern Sudan. Still, the issue should be faced because it is pragmatic to do so. The reality of limited resources means that they should be spent where they are more likely to be successful in creating a sustainable peace/outcome. In Namibia, the chances of success were observable, and this made it an excellent candidate for UN intervention. This is not as obvious in other cases being considered.

2.3 CAMBODIA

(United Nations Transitional Authority in Cambodia – March 1992-September 1993)

2.3a Background

Cambodia suffered the worst mass slaughter of a people by its own government⁷⁰ in the twentieth century. Under the Khmer Rouge government led by Pol Pot, approximately two million Cambodians, or one in four, were killed from 1975-78. The country was invaded in December 1978 by Vietnam, which deposed the leadership of the Khmer Rouge, stationed troops there and installed a Hanoi-friendly government. This initiated more than a decade of occupation for the country with the Khmer Rouge maintaining a guerilla insurgency throughout.

After the intervention in Cambodia by Viet Nam, the General Assembly in 1979 called for the withdrawal of all foreign forces, non-interference by other States in the country's internal affairs and self-determination for the Cambodian people. It also appealed to all State and national and international organizations to render humanitarian relief to the civilian population.⁷¹ In 1981, the General Assembly requested the United Nations Secretary General to exercise his good offices⁷² to contribute to a comprehensive political settlement.

Exercising the UN's comparative advantage, the Secretary General developed his relationship among the Governments and parties involved over several years.⁷³ After a visit to the region in 1985, he listed a series of objectives on which there was convergence, thus detailing for the first time the main elements of a comprehensive political settlement. These included: withdrawal of all foreign forces from Cambodia; the

⁷⁰ Russell Rummel gives us the term 'democide', meaning "the murder of any person or people by a government, including genocide, politicide, and mass murder", arguing that more study to a phenomenon that has killed four times as many people as inter- or intrastate wars between 1900-1987. For full discussion, see: Rummel, Russell, *Death by Government: Genocide and Mass Murder in the Twentieth Century*, New Jersey: Transaction Publishers, 1994.

⁷¹ UN Documents, *United Nations Transitional Authority in Cambodia Background*, UN Department of Peacekeeping Operations, http://www.un.org/Depts/dpko/dpko/co_mission/untacbackgr1.html.

⁷² The term 'good offices' is used to refer to the prestige of the Secretary General's office, as well as the diplomatic weight it carries as the spokesperson for the international community.

⁷³ The four parties to the settlement were the Vietnamese-backed Phnom Penh government, the communist Khmer Rouge, Prince Sihanouk's supporters, and a second noncommunist resistance group led by former Prime Minister Son Sann.

promotion of national reconciliation; the right of the Cambodian people to determine their own destiny; respect for the country's independence, territorial integrity and non-aligned status; and international guarantees for supervising the implementation of any agreements reached.⁷⁴

The Vietnamese announced their plans to withdraw their troops from Cambodia in April 1989 and had completed this stage by the end of the year. After successive talks, a cease-fire came into effect in May 1991. On 23 October of the same year the four Cambodian parties signed the Agreements on the Comprehensive Political Settlement of the Cambodia Conflict⁷⁵ in Paris, leading the way for an end to the fighting and eventual elections.

2.3b UNTAC Mandate and Activities

The UN Transitional Authority in Cambodia was established to ensure the proper implementation of the terms of the Paris Agreements. The Agreements had created the Supreme National Council (SNC), a body composed of the four parties to the conflict, which was to be "the unique legitimate body and source of authority in which, throughout the transitional period, the sovereignty, independence and unity of Cambodia are enshrined".⁷⁶ At the same time, the SNC relinquished governing functions in Article 6, when it "delegate<d> to the United Nations all powers necessary to ensure the implementation of this Agreement".⁷⁷ Thus the sovereignty of Cambodia remained with 'the Cambodian people', while administrative and executive functions were given to the United Nations. The Agreements go on to say that: "in order to ensure a neutral political environment conducive to free and fair general elections... UNTAC needs to exercise such control as is necessary to ensure the strict neutrality of the bodies responsible for them".⁷⁸ This mechanism served to help the UN avoid any requirement to obtain consent

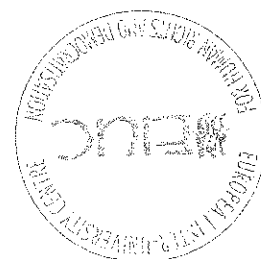
⁷⁴ UN Documents, *United Nations Transitional Authority in Cambodia Backgrounder*, UN Department of Peacekeeping Operations, http://www.un.org/Depts/dpko/dpko/co_mission/untacbackgr1.html.

⁷⁵ Commonly referred to as the "Paris Agreements".

⁷⁶ Agreement on a Comprehensive Political Settlement of the Cambodia Conflict, Art. 3.

⁷⁷ Ibidem, Art. 6.

⁷⁸ Ibidem.



for particular policies—a crucial factor considering two of the signatories considered themselves to be the legitimate government of Cambodia.⁷⁹

UNTAC was arguably the most complex UN operation undertaken to that point, with a mandate covering the seven main components listed here⁸⁰:

- **Human Rights:** education programs, human rights oversight in all administrative activities and departments, and investigation of human rights violations during the transition period;
- **Civil Administration:** UNTAC exercised direct control over administrative structures in the field of foreign affairs, national defense, finance, public security and information had an oversight role over structures that may have an effect over the upcoming elections;
- **Electoral:** organizing and conducting free and fair elections, by establishing a proper legal framework and electoral code of conduct, as well as providing civic education, voter and political party registration and control over the polling process itself;
- **Military:** monitoring the withdrawal and non-return of foreign troops, supervising the ceasefire, disarmament and demobilization process, assisting in mine clearance and investigating incidents of noncompliance with the above;
- **Police:** Monitor the civilian police force to ensure that law and order are upheld and that human rights and fundamental freedoms are protected and respected;
- **Repatriation:** The Office of the UN High Commissioner for Refugees (UNHCR) led this component, which covered the movement of returnees, provision of emergency supplies and a reintegration program;
- **Rehabilitation:** This included promoting food security, health services, housing training, education, and rebuilding infrastructure and public utilities.

⁷⁹ Ratner, Steven R., *The New UN Peacekeeping: Building peace in the lands of conflict after the Cold War*, New York: St. Martin's Press, 1996, p. 110

⁸⁰ Chopra, Jarat, *United Nations in Authority in Cambodia*, Occasional Paper #15, Thomas J. Watson Jr. Institute for International Studies, 2004, p. 2-4, and Michèle Griffin and Bruce Jones, p. 77

The sheer breadth of these activities is testimony to the UN's peacebuilding ambitions in Cambodia, a clear indication that the organization as a whole was gaining confidence in its abilities to effect peaceful change at structural and social levels. The goals were considerable, and consequently, the risk of failure high. One step at a time, UNTAC set as the primary focus of the mission the holding of free and fair elections. Indeed, the justification and very source of the UN's authority in Cambodia—the administrative supremacy granted it under the Paris Agreements—hinged on guaranteeing UNTAC's ability to organize and conduct these elections, as it had previously done so successfully in Namibia. An important distinction to be made this time, however, was that sweeping and unprecedented interim powers were given to the world body; its complete control was deemed necessary to ensure the smooth realization of the elections.

Despite the fact that the Khmer Rouge rejected the peace process mid-course, the elections were held in May 1993 and were declared free and fair by SRSG Yasushi Akashi. Ninety percent of voters cast ballots for twenty parties, with the royalist party FUNCINPEC winning 45% of the vote and the Cambodian People's Party (CPP) taking 35%.⁸¹ Continuing strife following the elections, however, stymied efforts to contain and demobilize the factional armies. Over the summer of 1993, a coalition government joining CPP and FUNCINPEC was "patched together to avoid a repetition of the quashed rebellion" that threatened the vote count in June 1993, and Hun Sen (CPP) and Prince Sihanouk (FUNCINPEC) were named as joint Prime Ministers.⁸² Call and Cook see this as a situation where "the sitting government did not respect the results and bullied the UN into ratifying a coalition government instead".⁸³ Clearly, the UN was forced to make concessions that compromised its original vision for Cambodia's transition. In September of that year, the constitution was proclaimed and the new government inaugurated, and UNTAC left Cambodia.

⁸¹ Chesterman, Simon, 2002, p. 55.

⁸² Doyle, Michael, *Peacebuilding in Cambodia* in «IPA Policy Briefing Series», New York, International Peace Academy, December 1996, p. 9.

⁸³ Call, Charles T. and Susan E. Cook, p. 242.

2.3c *Why UNTAC was—and wasn't—a Success*

The mission in Cambodia was initially hailed as a grand success for democracy. The elections that characterized it were exemplary from a technical viewpoint, and the violence of the previous decades had subsided. Like the mission in Namibia, it was the holding elections that clearly demarcated the end of the operation. This was to be expected, as the international community “typically viewed elections as a punctuation point in a peacekeeping mission” which “provide a convenient exit point”.⁸⁴

As a generic peacebuilding prescription, however, promoting elections can also be seen as naive. In a stable political environment, elections provide legitimacy for government and a basis for the political order. In an absence of such stability, elections can be an especially delicate process that risk destroying the fragile peace. The restoration of civil rule after years of internal conflict and foreign intervention isn't something that can be achieved with one trip to the ballot box.⁸⁵ In the geo-political environment of present-day conflict, which, as stated in the previous chapter, has altered considerably since the Cold War, a more comprehensive peacebuilding agenda is required. UNTAC was to learn that lesson in short order.

The UN's rapid departure did little to translate the results of a technically sound election into a consolidation of peace for Cambodia. Unlike Namibia, not all of the parties involved in the process had a vested interest in a movement toward democratic peace, as evidenced by the withdrawal of a key player in the lead up to the elections. While that should not necessarily have derailed the plans, factionalism among the key players threatened to destroy the new polity. Either more work needed to be done to reach convergence before the elections, thereby delaying them to a later date, or more commitment was needed in the aftermath in the form of continued technical and development assistance, regional dialogue and engagement, reconciliation and capacity building. Reilly notes that:

⁸⁴ Reilly, Benjamin, *Post Conflict Elections: Constraints and Dangers*, in «International Peacekeeping», vol. 9, no. 2, Summer 2002, p. 123.

⁸⁵ Chesterman, Simon, 2002, p. 54.

“the difficult process of transforming a poor traumatized and war-ravaged society into a well-functioning democracy requires more than the presence of a few hundred UN officials for eighteen months, with an election at the end”.⁸⁶

More than a decade has passed since the 1993 elections, and while the economy has improved and the semblance of political plurality exists, “the majority of Cambodians are still waiting to see their peace dividend”.⁸⁷ Although the 1998 elections were deemed fair by the 1000-plus international observers⁸⁸, and generally were, a crisis was narrowly averted as the intimidation and factional infighting threatened to return Cambodia to its typical strongman politics. The potential for far reaching change and development that UNTAC originally hoped to offer has yet to be realized to this day, in part because the mission oriented its entire activity base around holding elections—a short term and decidedly narrow objective.

It should nevertheless not be overlooked that a narrowly avoided crisis was just that—avoided. While power politics still infect Cambodian democracy, the country has not returned to war, the government has begun some effort at trying Khmer Rouge leaders for atrocities committed during the 1970’s⁸⁹ and a pattern of coalition formation over key issues is developing. There have been improvements in other areas as well: the human rights movement would likely never have been able to consolidate to the degree that it has without the international assistance, presence and attention; the press is arguably freer than before the mission of UNTAC; and despite the persistence of power

⁸⁶ Ibidem.

⁸⁷ *Cambodia: The Elusive Peace Dividend*, in «ICG Asia Report °8», Phnom Penh/Brussels, International Crisis Group, 11 August 2000, p. 1.

⁸⁸ Not wanting to discredit, and therefore undermine, the electoral process may have played a part in this assessment, as observers were informed as much by pragmatism as principle.

⁸⁹ An extremely sensitive and divisive issue, negotiations between the UN and Cambodia to establish a hybridized criminal court (with mixture of local and international judges) has been going on for five years. Currently, the court will be located in Cambodia and the defendants will be tried under national law. There are concerns about the impartiality of the mostly Cambodian judiciary. See: Sipress, Alan, *Khmer Rouge Trials Stalled by Political Deadlock*, Washington Post, 4 May 2004, and *Special Khmer Rouge tribunals in Cambodia -- Justice is not served by diluting international standards*, Amnesty International, ASA 23/012/2002, 7 December 2002,

<http://web.amnesty.org/library/Index/ENGASA230122002?open&of=ENG-KHM>

politics, there is a functioning and enduring party system.⁹⁰ Thus while the hopes for UNTAC were high, the results were mixed.

2.3d Lessons from the Cambodian Experience

The most important lesson from Cambodia is that a successful election does not correlate with sustainable peace. While elections are a necessary and desirable part of the democratic process, they cannot be seen as an *end* for peacebuilding missions. They are a benchmark, a stage in the *process*, not the end in and of itself. In a fragile post-conflict environment, elections can threaten the peace process if contending sides see them as a zero-sum game; that is, if they are viewed as a mechanism through which the opposing side(s) will gain political control and institutionalize their dominance, their reaction will quite naturally be to reject them or their outcomes. This issue of elections will be more fully discussed later in this thesis, as it is a repeatedly forgotten lesson yet one whose importance cannot be overstated. It is a central and very accurate criticism of most peacebuilding agendas that the UN, and its primary sponsors, cannot seem to shake their love affair with elections as the yardstick of success.

The second lesson is directly related to the first. Despite the broad scope of its mandate, UNTAC did not accomplish much besides the election. Part of this was the nature and source of the UN's authority; it was only granted administrative power insofar as it was necessary to properly organize and conduct the electoral process. Despite the seemingly sweeping powers and responsibilities granted to the transitional authority, they were in fact quite curtailed as their exercise had to be tied to the achievement of the limited goal of elections. The issue of mission mandate must therefore be carefully considered—not only the scope, but also the source of the UN's authority and possible limitations to its power to act against the particular political context in which it is dealing.

Another reason for the limited ability of UNTAC to fulfill more elusive yet vital goals of peacebuilding—such as capacity building at all levels of society, economic development and broad structural change—was a lack of time. Rebuilding the social

⁹⁰ Call, Charles T. and Susan E. Cook, p. 242.

fabric of a traumatized war-torn society is no less important than holding elections, but it takes more time than the UNTAC mission could commit. The multilateral nature of the UN means that it is consistently overstretched both financially and politically. World political opinion often does not focus consistently enough on one crisis to see it through to sufficient resolution.

Finally, as with the mission in Namibia, the UN was able to prepare for the mission in Cambodia over a long period. Over the decade of Vietnamese occupation there was time to slowly grasp the necessary elements to move toward a peace settlement and lay the political groundwork in advance. While the Khmer Rouge withdrew itself from the process before the elections and continued fighting, there was still enough of a consensus among remaining parties to carry on despite the spoiling efforts of the Khmer Rouge.

2.4 KOSOVO

(United Nations Interim Administration Mission in Kosovo – 10 June 1999—Present)

2.4a Background

The origins of the conflict in Kosovo are embedded deeply in the region's history. In 1389, Serb forces were defeated by the Ottomans at the battle at *Kosovo Polje* and the area has remained a special place in Serb history and folklore ever since. But Kosovo also has a particular significance to ethnic Albanians, who consider themselves the "original" inhabitants and have long been the majority population.

In 1913, after the Balkan Wars, Kosovo was integrated into Serbia despite the ethnic Albanian majority. Later it became part of Yugoslavia. In the late 1960s, Yugoslav policy towards Kosovo gradually shifted from repressive (which it had been for some time) to liberal thanks to Tito's efforts at fostering an assimilative, pan-Yugoslav identity. Under the 1974 Yugoslav Constitution, Kosovo became an autonomous province within Serbia. After Tito's death, while the old Yugoslav Federation was beginning to disintegrate, Serbian politician Slobodan Milosevic used latent Serb nationalism and resentment of the Kosovar Albanians as a springboard to national power. In 1990 the autonomy given to Kosovo in 1974 was revoked; the Kosovo Provincial Assembly and Government were dissolved; Kosovo Albanians were removed from important state posts; and a state of emergency was declared.⁹¹

During the 1990s, Kosovar Albanian resistance to Belgrade's rule grew in the face of the repressive tactics used by the police and military forces under Serbian command. The Democratic League of Kosovo, led by the author Ibrahim Rugova, opted for a policy of non-violent resistance, building a parallel set of political, economic and social institutions, including a shadow parliament with various political parties, independent schools, and trade unions. In 1992, they elected Dr. Rugova as president and elected a 130-member parliament. Albanians in Kosovo boycotted all the institutions of the Yugoslav state, including local and national elections.

⁹¹ Lord Robertson of Port Ellen, *Kosovo: An Account of the Crisis*, UK Ministry of Defense, <http://www.kosovo.mod.uk/account/index.html>.

This period also saw the rise of the Kosovo Liberation Army (KLA), an armed group that led violent attacks against the Serbian military, resulting in further state repression from Belgrade. By mid-1998 it is estimated that the KLA controlled as much as 25-30% of the territory of Kosovo, primarily in the rural regions.⁹² By this time, approximately 250,000 Kosovar Albanians had been driven from their homes.⁹³ As tensions and violence intensified over the next year, several diplomatic strategies were launched by the UN, NATO, the OSCE, the EU and the 'contact group'⁹⁴ to resolve the situation, all of which failed. NATO, which had threatened the use of air strikes if the Serbian offensive continued, began an aerial campaign on 19 March 1999 which lasted 78 days. When Milosevic and his administration capitulated in June of 1999, the resulting agreement placed the territory of Kosovo under the direct control of the United Nations. Never before had the United Nations been given such blanket and wide-ranging administrative authority over a given territory.

The logic of such intense external involvement was based on the degree and proximity of the crisis. The cessation of violence following the NATO campaign made clear the extent of damage to Kosovo and its people. Of a total population of 1.7 million, 800,000 Kosovars had fled or been forced from the province and as many as half a million others were internally displaced.⁹⁵ While the NATO offensive and deployment made it possible for many people to return, many of those found their homes and belongings completely destroyed or stolen. This devastating loss was compounded by the virtual collapse of the economy following the withdrawal of foreign and domestic investment, Belgrade's cessation of funding for municipal governments and services and a worsening of the relationship between local Serbs and Albanians.⁹⁶ Further, organized crime which included smuggling, drug and sex trafficking soon flourished.⁹⁷ The spiral

⁹² *Kosovo Background*, Global Security, http://www.globalsecurity.org/military/ops/kosovo_back.htm.

⁹³ Lord Robertson of Port Ellen, UK Ministry of Defense.

⁹⁴ The Contact Group comprised France, Germany, Italy, Russia, the UK and the US

⁹⁵ Report of the Secretary General on the United Nations Interim Administration Mission in Kosovo, UN Doc. S/1999/779, 12 July 1999, paras. 8-9.

⁹⁶ Michael J. Matheson, *United Nations Governance of Postconflict Societies*, in «The American Journal of International Law», vol. 95, no. 1., January 2001, p. 78.

⁹⁷ Strohmeyer, Hansjorg, *Collapse and Reconstruction of a Judicial System: The United Nations Missions in Kosovo and East Timor*, «The American Journal of International Law», vol. 95, no. 1. January 2001, p. 48.

into chaos, with little hope for local resolution but with a strong possibility for a humanitarian crisis, highlighted the need for the international community to step into a governance role.

2.4b UNMIK Mandate and Activities

The UN Interim Administration Mission in Kosovo (UNMIK) was by far the most complex and far-reaching peace operation to date, yet its sweeping responsibilities and challenging working environment would be compounded yet. Firstly, the mission had arisen after several years of Security Council timidity bought on by failures such as Rwanda and Srebrenica. It was thus attempting a project of unprecedented magnitude from a position of marginalization. Secondly, such a mission would typically be negotiated, designed, and deployed over a minimum period of six months. In this case, the UN struggled to launch the mission in less than a month and performed the three steps in reverse order.⁹⁸

UNMIK was established on 10 June 1999 by Security Council Resolution 1244 which authorized the Secretary General to set up an interim civil administration in Kosovo with an international security presence provided under the command of the NATO-led Kosovo Force (KFOR). Operations were highly dependent on the resources and support of a variety of states and international organizations⁹⁹ –although ostensibly the mission itself constituted the ultimate authority in the territory. Drawing once again on one of its comparative advantages, the UN has assumed and largely succeeded in its coordinating role.

The UNMIK umbrella contained four “pillars” working under UN authority. Pillar I was originally dubbed ‘humanitarian assistance’ and was to be led by UNHCR. It was primarily concerned with the repatriation of refugees and internally displaced

⁹⁸ Griffin, Michèle and Bruce Jones, p. 78.

⁹⁹ Matheson, Michael, p. 79.

persons, but was phased out in June of 2000.¹⁰⁰ With the inclusion of a new Pillar I in May 2001, the structure was revised to look like this:

Pillar I: Police and Justice, under the direct leadership of the United Nations

Pillar II: Civil Administration, under the direct leadership of the United Nations

Pillar III: Democratization and Institution Building, led by the OSCE

Pillar IV: Reconstruction and Economic Development, led by the European Union¹⁰¹

UNMIK is headed by the Special Representative of the Secretary General who is ultimately responsible for the work and coordination of these pillars. (The NATO-led KFOR is not under the leadership of the SRSG).

Unlike previous missions, UNMIK has progressed from working with or for governments to becoming a quasi-government itself. Its activities cover a myriad of administrative duties including: the establishment of a legal framework and the exercise of justice; the restoration of public services, utilities and transportation infrastructure; running state radio and television stations; demilitarization; 'national defence' and policing; the building of institutions such as political parties and the Kosovo Police Service (KPS); issuing birth, death and marriage certificates; and building schools. When entering the country a passport is stamped "UNMIK"; when a letter is leaving the country it is with a UN stamp from UN post offices. And like any other government authority, the UNMIK uses the customs and tax revenue it collects to fund these activities.¹⁰² Indeed, with the evidence of UN paraphernalia everywhere, and the droves of UN bureaucrats and field workers teeming in the streets, a visit to Kosovo leaves one with the impression that one has visited a country called 'UN'. Though it is temporary, it is impressive.

Its presence is in fact so influential that some complain that the UN has overstepped its bounds. In October 1999, the SRSG repealed laws that were deemed

¹⁰⁰ Morphet, Sally, *Current International Civil Administration: The Need for Legitimacy*, in Newman, Edward and Albrecht Schnabel (Eds.), *Recovering from Civil Conflict: Reconciliation, Peace, and Development*, London, Frank Cass, 2002, p. 151.

¹⁰¹ UNMIK Official Webpage, <http://www.unmikonline.org/intro.htm>.

¹⁰² Griffin, Michèle and Bruce Jones, p. 78.

discriminatory¹⁰³, and re-applied the legal structures that had been in place before 1989 despite complaints by Belgrade that it was “an encroachment on Serb sovereignty”.¹⁰⁴ Where laws were insufficient or absent, he made up new ones. By regulation, he has promulgated several new laws in such areas as the importation and sale of petroleum and other products¹⁰⁵; currency use¹⁰⁶; the imposition of hotel and service tax¹⁰⁷; postal services¹⁰⁸ and the regulation of personal income taxes.¹⁰⁹ Between July 1999 and May 2004, the SRSG has enacted or promulgated 212 pieces of legislation.¹¹⁰

Despite the outward appearance of being a functioning government, UNMIK does not have legal sovereignty over Kosovo—it is an internationally administered territory under which the population enjoys a measure of autonomy “within the Federal Republic of Yugoslavia”.¹¹¹ Yet UNMIK has the capacity to sign international agreements, as it did with a Cross Border Economic Cooperation Agreement with the Former Yugoslav Republic of Macedonia in March 2000.¹¹² It is a unique arrangement, a relative *carte blanche* in which the UN has been given an opportunity to demonstrate its full potential. No longer constrained by the limits of ‘invitation’, the prospects for making a substantial impact are remarkable. For the first time, the UN answers foremost to itself. But this also means it has no one to blame but itself if things go wrong.

This is not to suggest that the UN is absolved of balancing contesting domestic interests in favour of doing whatever it deems suitable. It does add a margin of strength to its influence over political negotiations, however. The constitutional framework for governing Kosovo was established in 2001 with considerable controversy. Albanians

¹⁰³ Primarily, these were from the legislation adopted by the FRY in 1991 following the revocation of Kosovo’s autonomy in 1989.

¹⁰⁴ Yannis, Alexandros, *Kosovo Under International Administration*, in «Survival», vol. 43, no. 2, Summer 2001, p. 34.

¹⁰⁵ UNMIK Regulation 1999/9 on the Importation, Transport, Distribution and Sale of Petroleum Products (Petroleum, Oil and Lubricants) for and in Kosovo, 20 September 1999.

¹⁰⁶ UNMIK Regulation 1999/4 on the Currency Permitted to be Used in Kosovo, 2 September 1999.

¹⁰⁷ UNMIK Regulation 2000/5 on the Establishment of a Hotel, Food and Beverage Service Tax, 1 February 2000.

¹⁰⁸ UNMIK Regulation 2003/37 on the Promulgation of the Law on Postal Services Adopted by the Assembly of Kosovo, 17 December 2003.

¹⁰⁹ UNMIK Regulation 2002/4 on Personal Income Taxes in Kosovo, 20 February 2002.

¹¹⁰ UNMIK Official Website, <http://www.unmikonline.org/regulations/index.htm>.

¹¹¹ UN Security Council Resolution S/RES/1244 (1999), 10 June 1999, Art. 10

¹¹² Griffin, Michèle and Bruce Jones, p. 78.

wanted it to be termed a 'constitution', while UNMIK proposed 'legal framework' as a constitution is typically reserved for countries—which Kosovo is not. The compromise reached was "A Constitutional Framework for Provisional Self-Government in Kosovo". This allowed for the creation of the Provisional Institutions for Self-Government (PISG), including an Assembly, a President, a government, Courts and "other bodies and institutions set forth in this Constitutional Framework".¹¹³ These now act as quasi-independent bodies though most laws must still be promulgated by the SRSG. The Framework outlined the powers granted to the PISG and those that would remain in the hands of UNMIK. While the former controls ten ministries in fields such as education and trade, the latter maintains exclusive control over security, rule of law and property issues.¹¹⁴ A certain dependence on the UN has thereby been established—precariously, some would argue.

Kosovo remains in a state of limbo. The Security Council holds the power to determine its final status—part of Serbia, likely within some form of autonomous arrangement, or as an independent nation. In 2002 UNMIK stated that Kosovo's status could not be decided until certain 'standards' had been met by the PISG, marking progress in economic, political and security areas. These include: functioning democratic institutions; rule of law; freedom of movement; returns and reintegration; economy; property rights; dialogue with Belgrade; and the Kosovo Protection Corps.¹¹⁵ This continues to be the dominant issue in Kosovo today as frustration grows over the territories uncertain future.

2.4c The Scorecard in Kosovo

Despite the recent violence in March 2004, the province of Kosovo has been kept relatively free of conflict since the establishment of UNMIK. Much of this is attributable to the success with which the Kosovo Liberation Army willingly disarmed and became

¹¹³ Constitutional Framework for Provisional Self-Government in Kosovo, art. 1.5(a-e).

¹¹⁴ Ibidem. The ten ministries are Finance and Economy, Culture, Youth and Sport; Health; Transport and Communications; Trade and Industry; Agriculture Forestry and Rural Development; Education; Science and Technology; Labour and Social Welfare; Public Services; and Environment and Spatial Planning.

¹¹⁵ UN Security Council Press Release, SC/7999, 06/02/2004.

integrated into the Kosovo Protection Corps, a vital step in solidifying the rule of law.¹¹⁶ UNMIK has been quite efficient at conflict containment and mitigating negative consequences over the past five years, proving that when it is given the power to exercise its peacebuilding capacities more fully, the benefits are tangible.

On the other hand, the functioning of the Provisional Institutions for Self-Government has had mixed results. Some analysts point to the fluctuating relationship between UNMIK and the PISG, particularly during the period with Michael Steiner as SRSG (2002-2003), as the key factor which will determine the success of the Kosovo mission.¹¹⁷ However, during the past year this relationship seems to be on the mend. This points to the importance of improving the UN's capabilities with respect to the sustainability of results. The details and terms of handover will need to be refined in the future.

The most important failing of UNMIK is that its ultimate goal is still unknown; it has been operating for half a decade without a clear understanding of what it is working towards. Not that returning the rule of law and repatriating refugees are not important achievements in and of themselves, but until the question of Kosovo's final status is resolved, UNMIK risks reigniting rather than stifling the conflict. Brewing tensions are already becoming apparent with the Mitrovica clashes in March of 2004. Frustration over slow economic improvements and continued uncertainty about future status are not conducive to durable peace. The warmth that greeted the UN and its partners when they first arrived five years ago cannot be maintained indefinitely in stagnant waters.

2.4d Lessons from the Kosovo Experience

Having a reasonable idea of the desired outcome of a mission is clearly vital to its success. It orients activities, informs policy choices and begets motivation. While the "standards before status" policy in Kosovo had merit when it was first introduced, it now risks undermining the PISG with the local population while inciting hostility toward

¹¹⁶ *Kosovo Report Card*, in «ICG Balkans Report °100», Pristina/Brussels, International Crisis Group, 28 August 2000, p. 3.

¹¹⁷ See *Two to Tango: An Agenda for the New Kosovo SRSG* in «ICG Europe Report N°148», Pristina/Brussels, International Crisis Group, 03 September 2003.

UNMIK itself. The tactic was presumably used by the UN to avoid having to make the decision on status unilaterally which would no doubt lead to a violent backlash from the 'losing' side. However, that watershed will have to come someday, and postponing it indefinitely will only serve to exacerbate tensions. After five years the Kosovar people feel they deserve to have the shroud of mystery removed, and they do.

A second important lesson is that cooperation is indeed possible between different inter-governmental organizations and actually provides many advantages. In one small province, the UN, OSCE, EU and NATO are each playing significant roles relevant to their areas of competency. While there is certainly room for improvement in the framework of implementation arrangements, coordination of this type goes a long way to answer the challenges that have plagued previous missions—financial overstretch, lack of expertise, sustaining political interest, unnecessary duplication of activities, and to a lesser extent, competitiveness between organizations. Joint efforts also increase the legitimacy of international activities and helps inspire (or cajole) organizations to stay involved for long haul.

We have learned that the UN can in fact function as a government if necessary. This has serious implications for future missions conducted by the UN in failed states. The security situation in Kosovo, while not perfect, would not be nearly as solid if basic services and the national administration were ineffectual, or non-existent for that matter. For the first time the UN took over a territory's sovereignty in order to guide the peacebuilding process more directly rather than influence the process from outside. Now UNMIK just has to figure out how to surrender that control.

2.5 EAST TIMOR

(United Nations Transitional Authority in East Timor – 25 October 1999-20 May 2002)

2.5a Background

East Timor's introduction to the UN agenda came in 1960, when the Portuguese colony was added to the list of 'non-self-governing' territories. It held this status until 1974, when Portugal withdrew. During this time the Portuguese attempted a provisional government and organized popular consultations on the future status of the territory.¹¹⁸ But when civil war broke out in 1975 between those who advocated independence and those who sought union with Indonesia, Portugal was unable to control the situation and pulled out. Indonesia intervened militarily and annexed East Timor as its 27th province in 1976.¹¹⁹

The move was never recognized by the United Nations and both the Security Council and General Assembly called for Indonesia's immediate withdrawal.¹²⁰ Beginning in 1982, the General Assembly asked the UN Secretary-General to "initiate consultations with all parties directly concerned".¹²¹ In response, Javier de Perez de Cuellar initiated tripartite talks between the UN, Indonesia and Portugal two years later. The actors met annually with a stated goal of establishing a comprehensive settlement to the "question of East Timor".¹²²

Little headway was made until the fall of the Suharto regime in Indonesia presented opportunities for dialogue. This is a clear illustration of a discussion taken up in the previous chapter on how conflict can open, rather than close, channels for political change. At the tripartite talks in October 1998, the Personal Representative of the Secretary General put forth a proposal for autonomy for the East Timorese territory. Unexpectedly, the new Indonesian president Habibie suggested that a 'second option' be

¹¹⁸ Morphet, Sally, p. 141.

¹¹⁹ UN Documents, *United Nations Transitional Authority in Cambodia Backgrounder*, UN Department of Peacekeeping Operations, May 2002.

¹²⁰ Security Council resolutions 384 (1975) and 389 (1976); General Assembly Resolution 3485 (December 1975)

¹²¹ General Assembly Resolution, A/RES/37/30, para 1, 23 November 1982.

¹²² *Ibidem*, para 1 and 4.

included—that if the population of East Timor did not accept autonomy, Indonesia would grant them independence.¹²³ In light of this proposal, the talks made rapid progress and resulted in a set of agreements between all parties, signed on 5 May 1999. Indonesia and Portugal entrusted the Secretary General with organizing and conducting a "popular consultation" in order to ascertain whether the East Timorese people preferred a special sort of autonomy within the Indonesian polity or full independence. It was a notable brokering achievement for the UN.

To carry out this consultation, the Security Council established the United Nations Mission in East Timor (UNAMET)¹²⁴ on 11 June 1999. Despite the many challenges posed by organizing and holding an election in such a short timeframe, not to mention the mountainous terrain and poor communication facilities, UNAMET registered approximately half a million voters out of a population of 800,000.¹²⁵ On August the 30th the UN Mission in East Timor (UNAMET) announced that in spite of some threats of violence, 98 percent of the East Timorese voted in the referendum. 78.5 percent elected to break away from Indonesia and form an independent country.

Within hours of an announcement to that effect, the Indonesian military and pro-integration militias—at times with the support of elements of the Indonesian security forces—launched a campaign of violence, looting and arson throughout the territory. Despite obligations under the May 5 agreements, the Indonesian military failed to effectively halt the destruction which followed. The Security Council and the Secretary-General applied diplomatic pressure to end the violence with little effect. On 12 September 1999, Indonesia agreed to international assistance to quell the situation and the Security Council authorized the deployment of INTERFET¹²⁶, an Australian-led multinational force, to restore peace and security in the area. These measures aside, it is estimated that between 1400-2000 people died in the period leading to, and immediately following, the August 1999 referendum.

¹²³ Suhrke, Astri, p. 3.

¹²⁴ Security Council Resolution 1246 (1999). UNAMET ran from 11 June 1999-30 September 1999.

¹²⁵ UN Documents, *United Nations Transitional Authority in Cambodia Backgrounder*, UN Department of Peacekeeping Operations, May 2002.

¹²⁶ UN Sanctioned International Force In East Timor

The internal displacements and mass exodus behooved the international community to assume a role that went beyond the mandate of UNAMET. Thus, Security Council Resolution 1272 was approved in October 1999 to establish the United Nations Transitional Authority in East Timor (UNTAET), envisaged as an "integrated, multidimensional peacekeeping operation fully responsible for the administration of East Timor during its transition to independence."¹²⁷

2.5b UNTAET Mandate and Activities

The Transitional Authority was organized around three components, each under the authority of the SRSG to East Timor. The first was governance and public administration, which included a force 1640 civilian police officers. The second component revolved around humanitarian assistance and emergency rehabilitation. The third was a military contingent of 9000 troops, roughly equal to the size of INTERFET, which replaced the Australian-led force and came under the direct control of the UNTAET structure.

Like its Balkan cousin, however, the East Timor mission presented a host of challenges that the UN had never faced. Using a UN administration to bring a new state into being was uncharted territory to be sure, and correspondingly, there was a lack of knowledge to draw on. Further, there were several legal questions concerning the validity of the UN's authority to assume what can be only called sovereignty over East Timor. Article 81 of the UN Charter could have given the United Nations appropriate authority if it had cast the territory as a trusteeship, as it would rightly have been viewed under Article 77 (c). However, instead of wading further into the unknown to respond to its critics, the UN chose to ignore the trusteeship model and instead adopted a near-reproduction of the UNMIK structure, which had been launched just three months earlier.¹²⁸

¹²⁷ Ibidem.

¹²⁸ Suhrke, Astri, p. 7.



As with UNMIK in Kosovo, UNTAET had overall responsibility for the administration of the East Timorese territory. This included being empowered to exercise all legislative and executive authorities, such as administering justice; providing security and maintaining law and order; assisting in the development of civil and social services; building capacities among the local population for impending self-governance; and ensuring the coordination of humanitarian and development assistance.¹²⁹

Unlike Kosovo, where the final status of the territory is still unknown, structuring the activities of UNTAET was theoretically much easier because independence was the clear and uncontested goal. Primary among the objectives was the creation of structures that resembled future government bodies, and would contribute to the inclusion of indigenous voices in the decision making process. In early 2000, the Transitional Administrator established the National Consultative Council (NCC), a political body consisting of 11 East Timorese and four UNTAET members, to oversee the decision-making process during the transition period leading to independence. The NCC was consulted on and consented to a series of urgent regulations that were seen as vital to achieving effective administration in the Territory. These included: setting up a legal system, re-establishing a judiciary, setting an official currency, creating border controls, establishing taxation frameworks, and creating the first consolidated budget for East Timor.¹³⁰

This was the first of several steps that were taken by UNTAET officials to enhance the consultative nature of the relationship between itself and the East Timorese. As stability increased, so did calls for an indigenous role that went beyond a purely advisory one. Later that year, the SRSG appointed Timorese deputy district administrators in each of the thirteen districts, as well as advisory councils under them.¹³¹ However, complaints grew louder in Dili and the surrounding districts that the local

¹²⁹ Griffin, Michèle and Bruce Jones, p. 79.

¹³⁰ UN Documents, *United Nations Transitional Authority in Cambodia Background*, UN Department of Peacekeeping Operations, May 2002

¹³¹ Chersterman, Simon, p. 65.

administrators were excluded from substantive policy decisions and were in fact mere figureheads. In a letter to the UNTAET brass pushing for meaningful reform in the decision-making process, plaintiffs wrote:

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 broader integration strategy it is likely to be perceived as tokenism.¹³²

In response, the National Council (NC) was established in July 2000, as was the 'Cabinet of the Transitional Government in East Timor'.¹³³ Combined, the two were a means for the Timorese people to share in the responsibility of governing. Domestic authorities would hold several key cabinet posts; out of a total of eight posts, four went to Timorese and four to international staff.¹³⁴ Conversely, the former of the two bodies was made up exclusively of East Timorese (though the Transitional Administrator appointed these) drawn from various political parties, religious and social organizations, NGO's and labour groups. Soon after these developments, it was announced that the East Timorese Transitional Authority (ETTA) would replace UNTAET's Governance and Public Administration component¹³⁵. Gradually, UNMAET began to resemble the future government.¹³⁶ Unfortunately, this 'co-government' approach eventually resulted in more confusion than consultation. The promised increase in powers for the Timorese failed to materialize in a meaningful way. Further, initial plans for 'Timorization' of the civil service had not transpired nor had the accompanying assurances of indigenous capacity building and preparation for self-rule.

On 30 August 2001, two years after the Popular Consultation, the East Timorese electorate went to the polls again to elect an 88-member Constituent Assembly tasked with writing and adopting a new Constitution and establishing a framework for future

¹³² Dodd, Mark. *UN Peace Mission at War with Itself*, in «Sydney Morning Herald», 13 May 2000.

¹³³ UNTAET Regulation 2000/23 on the Creation of the Cabinet of the Transitional Government in East Timor, 14 July 2000; ¹³⁴ UNTAET Regulation 2000/24 on the Creation of a National Council, 14 July 2000

¹³⁴ Chesterman, Simon, 2002, p. 66.

¹³⁵ UNTAET Daily Press Briefing, 08 August 2000.

¹³⁶ Morphet, Sally, p. 143.

elections. This would mark the transition to full independence. Shortly thereafter, 24 members of the Council of Ministers of the Second Transitional Government were sworn into office, replacing the Transitional Cabinet created in 2000. The Constituent Assembly and a new East Timorese Government were to govern East Timor together during the Territory's final transition to independence as a democratic and sovereign State.

East Timor's Constituent Assembly brought into force the Territory's first Constitution on 22 March 2002 and, following presidential elections on 14 April, Xanana Gusmao was appointed president of the new country. These preconditions having been met, East Timor gained independence on 20 May 2002 and the Constituent Assembly transformed itself into the country's parliament. A successor mission, United Nations Mission of Support in East Timor (UNMISET), was given a two year mandate to ensure a smooth devolution of administrative functions to the new state body.

2.5c Why UNTAET was—and wasn't—a Success

On the positive side, the transition period in East Timor was generally smooth and free of violence. The deployment of INTERFET resulted in a rapid withdrawal of Indonesian troops and pro-Indonesia militias from the territory, halting the violence where diplomacy had failed. East Timor progressed from being Indonesia's 27th province to an independent nation in only two and a half years. Considering the lack of physical infrastructure (the retreating militants pursued a 'scorched earth' policy) and the deficiency of administrative capital (most civil servants had already fled into Indonesia), this timeframe is surprisingly short. That it happened peacefully and without major setbacks is equally remarkable.

Unlike most of its previous missions, the UN didn't pack up and leave East Timor immediately following the 'end' of the mission—i.e., by handing over power to an elected East Timorese government wholesale. Following the completion of UNTAET mission and the independence of East Timor in May 2002, the UN launched a 'follow-up' mission of considerable length—a full two years-- to ensure that the handover of

administrative and executive functions would be carried off smoothly. In this manner, the UN signaled its willingness to stay the course. Its commitment was only confirmed when UNMISSET extended its presence for another year through May 2005.¹³⁷ A three year follow-up to a two and a half year mission is a progressive step for the UN. It not only demonstrates an understanding for the basic time requirements of transition, but illustrates that the attention span of international community itself is maturing.

Still, the speed with which the mission was organized and deployed could only lead to confusion and poor planning. A lack of adequate preparation had a political rationale—had the UN been concertedly and openly planning to accept transitional responsibility in East Timor prior the referendum, Indonesia could have made accusations of partisanship which might have sullied the outcome of the vote. When violence made the timely deployment of the mission seem urgent, strategists were inadequately prepared to design and negotiate a mission of such scale, let alone one that was suited to the Timorese context. Instead, planners were instructed to draw on the institutional experience in Kosovo and “re-jig” the Balkan plan to “make it fit”.¹³⁸ Accordingly, the first Transitional Administrator, Sergio de Mello, was transferred there from Kosovo where he held the same post, and a premium was placed on speed of achieving concrete results.

The institutional confusion that resulted went far beyond what the mission should look like right into who should actually control it. Before hostilities erupted around the election, the Department of Political Affairs (DPA) was the main body tasked with conducting negotiations for the popular consultation. With eight hundred international staff working in East Timor and a mission support team in New York, the DPA was essentially “the custodian of the Secretariat’s knowledge about East Timor”.¹³⁹ Despite this, the outbreak of violence and the deployment of INTERFET caused the Department of Peacekeeping Operations (DPKO) to petition that the mission come within its departmental jurisdiction. Initial estimates that there were over 8900 troops and 1200

¹³⁷ UNMISSET’s mandate was extended by Security Council Resolution 1543 on 14 May 2004.

¹³⁸ Chesterman, Simon, 2002, p. 62.

¹³⁹ Suhrke, Astri, p. 6.

civilian staff to be deployed convinced the Secretary General's office to put the DPKO in charge.¹⁴⁰ However, the militias and Indonesian Armed Forces withdrew en masse and in rapid fashion, quickly re-orienting the mission from its focus on security to one that demanded economic and political initiatives in preparation for independence. Suddenly the entire civilian mission was staffed by, and responsible to, a department that had little experience with 'governance' missions, virtually no knowledge of the country, and a standard operating procedure designed for short term military operations rather than long term oversight.¹⁴¹ The line between a peacekeeping and a peacebuilding approach was understandably blurred, and became fuzzier in the wake of bureaucratic infighting. The evolving theoretical understanding of peace operations, discussed in the previous chapter, was clearly not being matched at the operational level.

A final and glaring shortcoming of UNTAET was the lack of participation and consultation throughout much of the mission. The initial formula did not in any way preclude Timorese participation in political or administrative developments, however, UNTAET was exclusively staffed by UN officials and mechanisms for indigenous input were introduced slowly and grudgingly. Amnesty International complained that:

The UN's role is not to deliver a country and system to the East Timorese but to enable them to decide for themselves what kind of country they want.¹⁴²

The UN did not initially appreciate the importance of having local participation, a folly that is illustrated by the district administrator system. Clearly, the demands for 'involvement and participation' from the international community were different than the nature of involvement and participation wanted by local stakeholders.¹⁴³ This gap caused extended periods of discord between the two sides and threatened the legitimacy of UNMAET itself. Further, it missed an important opportunity for vital capacity building,

¹⁴⁰ Ibidem.

¹⁴¹ Ibidem, p. 7.

¹⁴² Amnesty International, *East Timor: UNTAET, justice and refugees one year after the ballot*, AI Index ASA 57/004/2000, 29 August 2000.

¹⁴³ Chesterman, Simon, 2002, p. 64.

where the focus should have been on developing local competencies while the technical support was still available.

2.5d Lessons from the East Timor Experience

One undeniable lesson learned from the UN's experience in East Timor is that it was irresponsible for the international community to leave Indonesia, an antagonist to East Timor for twenty five years, in charge of security during the popular consultation on East Timor's future. Clearly, knowledge of the local circumstances during the decision making process was insufficiently nuanced, illustrating the importance of appreciating the political dynamics on the ground in order to achieve an effective UN response. In this case, preventing vested local interests from becoming explosive demanded a neutral security force. The potential for violence in East Timor was ignored either because the UN would have preferred not to have intervened militarily, or because it was unwilling to take the politically charged step of publicly doubting the professionalism of Indonesia's military. In the future, it is vital that local context be considered more seriously when making security decisions, even if this compromises certain aspects of diplomacy between the UN and its member states. The litmus test of any action should be the welfare of the people rather than face saving.

Understanding context is also fundamental to the design of other aspects of the mission. 'Re-jigging' another operation to 'make it fit', despite its budgetary and time saving advantages, can't be the main design method. For example, UNMIK is operating in a situation where the mission is administering a portion of a sovereign state, and where the final status is unknown. Therefore, it makes sense that the development of 'self-governing' institutions be designed and implemented slowly. The reluctance of UN officials in East Timor to incorporate the local population and political elite into the policy and administrative structures early on reflects this experience in Kosovo. However, given that East Timor was on an uncontested path to full independence, there is no other viable explanation for why UNTAET was so reluctant to let the future rulers help in the current administration. Citing a lack of local expertise as justification is

counter-intuitive; given the mandate of the mission, it is precisely this factor that should have prompted a robust policy of Timor-izing the civil service. Getting wrapped up in the experience of UNMIK hindered policy makers' ability to adjust the mission to local circumstances, particularly when there existed ambiguity about the supervisory role of the DPKO and the DPA. Approaching East Timor from a peacekeeping point of view meant that:

The guiding principles were impartiality rather than local participation. Into this structure, the governance functions of the mission were fitted. It was a poor fit".¹⁴⁴

This points to a final but key lesson that can be gleaned from the East Timorese experience: that there was a clear need for a more flexible mandate given the enormity of the task faced in East Timor. While traditional peacekeeping missions have had straightforward and clear standard operating procedures, missions such as UNMIK and UNTAET are so much more complex that they require greater flexibility. When the fundamental purpose of UNTAET switched from peacekeeping to peacebuilding (following the withdrawal of the militias and the Indonesia Armed Forces), the mission's composition was very slow to adjust and adapt effectively to the new circumstances. While it is not possible for a mission to enjoy *carte blanche*, the tasks they are given necessitate an enhanced ability to reorient the mission on the ground. Without allowing ground personnel greater leeway to adapt the operation to changing circumstances negates the advantage of the Transitional Authority Model itself—being present and able to direct the peacebuilding initiatives from the inside.

¹⁴⁴ Suhkre, Astri, p. 17.

3. FUTURE DIRECTIONS FOR UN TRANSITIONAL AUTHORITY MISSIONS

In tandem with the evolution that occurred in the discourse of conflict resolution, the nature of the UN's involvement in post-conflict settings has also changed dramatically since the end of the Cold War. This section will look at the lessons that both the field missions and the evolving scholarship of the past fifteen years have to offer for the United Nations peacebuilding project in the future. We have seen peace operations progress from limited engagement to achieve a given task (typically the holding of elections) to the assumption of complete sovereignty for a limited time in order to (re) create a functioning and stable nation. The UN began the 1990's with ambitious peace operations in places such as Namibia and Cambodia, but following such high profile failures as Somalia, Rwanda and the massacre at Srebrenica, later entered a period of retrenchment. In the case of the latter two, the shortcomings of the UN were certainly more a result of commitment than of capability—they failed because they were not given the resources and mandate that they needed. They failed because the UN didn't step up to the bat.

The impotence that characterized the UN in the mid-nineties demanded a significant shift in policy, a change that finally occurred with the aerial bombardment of Serbia in 1999. Reluctant, perhaps, to be further relegated to the sidelines after NATO had intervened without UN approval, the Security Council responded by authorizing its most comprehensive peace operation to date. The aim was to restore peace in Kosovo, which demanded UN control of the entire civilian administrative apparatus. Indeed, the UN Interim Administration Mission in Kosovo was unprecedented in the scope of responsibility and authority given to a UN mission. The notion of a transitional authority was truly realized here for the first time—the UN assumed quasi-sovereignty over the territory in order to engineer the rebuilding process from the inside.

Three months later the UN deployed another mission of similar magnitude to facilitate East Timor's transition to independence. Here the aim was to create an administrative and political system from the ground up. This was the first time that the

UN had been called upon to bring an entirely new state into existence, to negotiate international treaties on its behalf and develop institutions where there had previously been none. In both Kosovo and East Timor, the UN stepped in and assumed functions typically reserved for governments, challenging the very foundations—theoretical and otherwise—of state-centred sovereignty.

The purpose of this paper was never to analyze various benchmarks and indicators to determine the 'success' of a given peacebuilding mission. If it was, neither of the aforementioned missions would get perfect marks. However, while both had potential for improvement, they also showed encouraging signs. Each boasts a wealth of experiences—failures and achievements—in previously uncharted territory. They are significant because they signal the UN's emergence from the turtle shell it had withdrawn to following its crisis in mid-nineties. It was proactive and engaged rather than standing by in the face of horrors such as Rwanda and Srebrenica, a complicitous role that is unforgivably contrary to the spirit of the United Nations Charter. An opportunity was seized by the UN to retake its role as a defender of the world's peoples.

That being said, vesting sovereignty in a UN transitional authority poses many risks and challenges that should not be treated lightly. In order to appropriately address the criticisms of its detractors, the world body must be very responsive to the lessons that it has learned in earlier endeavours. The recent though belated admission of the US that it will indeed need the UN's assistance and expertise in trying to administer Iraq, highlights the fact that the UN may be called upon to assume this role with increasing frequency. It is widely considered to be the premier organization for these jobs, and as discussed in the first chapter, the reasons for that—its unique positioning vis-à-vis track one and track two stakeholders, its perceived neutrality, its access to funders at the multilateral level—are manifold. If unilateralism which marked the beginning of the Iraq war impacted negatively on the credibility of the United Nations, then the reversal of this position by the UN's loudest critic serves to restore its role as a vital vehicle for global peacebuilding and security.

In order to meet this expectation, however, it is imperative that the UN take seriously the counsel of previous missions. It is a given that administrators and policy planners must always approach missions as unique, but this does not preclude that broad lessons can be taken from the past.

3.1 AT THE MISSION LEVEL

3.1a The Need for Goal and Vision

Any manner of policy should be guided by a clear objective; administering a country or territory is certainly no exception. Accordingly, Namibia, Cambodia and East Timor all had clearly identifiable goals to inform the trajectory of mission activities. In Namibia and Cambodia the UN's key purpose was to organize and conduct free elections, to usher Namibia into independence and to facilitate the end of the civil war in Cambodia. While neither of these missions was appropriately comprehensive to achieve other goals, they were focused and could more effectively tailor their activities to suit their desired outcome. East Timor, though a much more ambitious endeavour, was equally clear in its aim: the transfer of political sovereignty to the Timorese people. Objectives such as developing a viable political system or strengthening civil society are policy steps towards achieving the real goal.

Kosovo illustrates the danger of a mission without cause. Achieving a free media, improved inter-ethnic cooperation, maintaining law and order and the peaceful return of refugees are all necessary and desirable. However, the mission is massively handicapped by its lack of a clearly defined outcome, and UNMIK's current troubles show that even massive amounts of resources are no substitute for a coherent strategy. This warns us of the ambiguity inherent to the notion peacekeeping itself. When one is pursuing immeasurable goals, consensus will never be achieved on whether those goals have been met. The 'standards before status' rule had merit, but the continuing obfuscation of Kosovo's future status is both dangerous and counterproductive. It hinders the development of a mature political elite and deters any kind of needed foreign investment,

save aid funding.¹⁴⁵ Any decision by the Security Council, whether it be for independence or autonomy, is going to be met by rigorous opposition and therefore risks renewed sectarian violence in the short run. Yet that bridge will have to be crossed at some point. Doing so sooner rather than later would at least allow the people in Kosovo to move out of the dark regarding their future, and start the task of rebuilding on their own. Otherwise, the frustration at living in a quasi-state with no end in sight could encourage fanaticism and backlash—evidence of which was seen in the outbreak of violence in March 2004. The International Crisis Group observed that:

Within hours, virtually all the domestic institutions built up for over five years with international tutelage and money to act as bulwarks of “democratization” gave way and joined the baying pack.¹⁴⁶

Peacekeeping is neutral by definition; but missions involving governance components are inherently political as the (re)creation of a state’s institutions has the potential to produce winners and losers. Peacebuilding “is nothing less than the reallocation of political power; it is not a neutral act”.¹⁴⁷ Attempting the widespread reconstruction and/or reformation of society’s basic structures (institution-building) and societal relations (reconciliation) after a destructive conflict will involve making sensitive decisions that will profoundly impact the lasting political arrangement. Thus, it is crucial that the desired final arrangement be clearly identified so that it can engender appropriate decisions along the way. A vague mandate will produce a dysfunctional mission.

3.1b Long Term Commitment

Most peace operations can be seen to have followed a fairly similar path: obtain a minimum level of peace; restore basic infrastructure; quickly hold parliamentary

¹⁴⁵ Chesterman, Simon. *You, the People: The United Nations, Transitional Administration and State-building*, Oxford, Oxford University Press, 2004., p. 240.

¹⁴⁶ *Violence in Kosovo*, in «ICG Europe Report 155», Pristina/Belgrade/Brussels, International Crisis Group, 22 April 2004, p. 24.

¹⁴⁷ Bertram, Eva, p. 394.

elections; rapidly hand over powers to the newly elected officials; and depart.¹⁴⁸ Elections are valued because they are an observable event with which one can seemingly evaluate progress in measurable terms. Ends are valued over process as the latter is too woolly a concept for most Western donors. The long term commitment that a comprehensive peacebuilding mission demands, especially where elusive terms like "capacity-building" are central to the mandate, conflicts with a desire of Western governments to see *results*.¹⁴⁹

Social, economic and political development, particularly in poor and war ravaged societies, is a formidable challenge that requires a substantial investment of time and money. The roving eye of the media will have to be tamed if sufficient interest in rebuilding efforts is to be sustained. Steady funding needs to extend beyond the time when the conflict falls off the radar screen.¹⁵⁰ As Reilly notes, trying to support the various processes which would transform a traumatized and weary nation into a well functioning democracy demands "more than the presence of a few hundred UN officials for eighteen months with an election at the end".¹⁵¹ The question then becomes: how can we make peace, rather than war, sensational enough to attract the more fixed public, and thereby the political, eye? Clearly, the UN needs to form new and more creative partnerships with the global media in order to maintain its support base, to counteract the 'attention deficit disorder' afflicting the foreign policy of most donor nations¹⁵². Drumming up domestic political pressure in donor nations may be key to securing desperately needed funds.

The extra costs of extended missions are not nearly as high as the costs of mission failure. Humanitarian and economic consequences, not to mention the credibility of the larger peacebuilding project, are all at stake. Every actor—not just Western donors or

¹⁴⁸ Reilly, Benjamin, *Post-conflict Elections: Constraints and Dangers*, in «International Peacekeeping», vol. 9, no. 2, Summer 2002, p. 121.

¹⁴⁹ For a more extended discussion of this conflict, see Ledarch, John Paul, *Building Peace: Sustainable Reconciliation in Divided Societies*, Washington D.C., United States Institute of Peace Press, 1997.

¹⁵⁰ *Intervention: Then What?*, Conference Report, Carleton University, Ottawa, Canada, October 3-5, 2003, p. 2.

¹⁵¹ Reilly, Benjamin, p. 123.

¹⁵² Chesterman, Simon, 2004, p. 253.

UN official but also all the stakeholders to a given conflict—must be prepared for the long haul. Preventing renewed violence and constructing peace enhancing structures is not a short-term endeavour for anyone involved.¹⁵³ The key factors on all sides are endurance and commitment. One solution could be to change the UN contribution structure from voluntary funding for relief and reconstruction, to assessed contributions which fund peacekeeping missions. While it often makes sense to separate the funds supporting a peacekeeping missions from those going to a recipient government for governance objectives, that logic is lost in cases where the government has failed and the UN is filling its role.¹⁵⁴

Countries are understandably reluctant to become embroiled in a mission for an undetermined length of time, and thus demand a clear and unwavering exit strategy. This helps to avoid open ended commitments or the dreaded 'mission-creep'. Promising to have troops home for Christmas has significant political value. However, fixing a timetable in advance may send out a dangerous message to key belligerents—that they only have to wait out the international presence. Rather, a mission should be guided by the idea that "victory, rather than an exit strategy, should be the operative term".¹⁵⁵ Precisely what standards constitute a 'victory' however, demands a more rigorous investigation and quantification of peacebuilding indicators, covering a wide range of achievements in all sectors of society, top and bottom. A lengthy international presence may not guarantee success but a hasty departure will almost certainly guarantee failure.

3.1c Elections should not be Deified

Although the argument against premature elections has been made by many analysts, they are still widely considered to be the most tangible proof of democratization. But the proclivity to make them a central tenet of peace operations underestimates the divisive effect they can have in post-conflict societies. War-shattered

¹⁵³ Schnabel, Albrecht, p. 19.

¹⁵⁴ Chesterman, Simon, 2004, p. 245.

¹⁵⁵ Smillie, Ian, *Relief and Development: The Struggle for Synergy*, Occasional Paper 33, Thoms J. Watson Jr. Institute for International Studies, 1998, p. 33.



nations are, by their nature, ill-equipped to manage societal competition in a constructive way. Their recent history of conflict, their lack of institutional experience in peaceful dispute resolution and the absence of cross-cutting spheres of interaction between former combatants are all factors that combine to make elections a return ticket to violence.¹⁵⁶ Because transitional democracies have a lower threshold for the inflammatory rhetoric of adversarial politics, elections can take on significance of galactic proportions if minorities view permanent discrimination as a consequence of defeat. This is an awfully high a risk to take in a fragile, post-crisis environment.¹⁵⁷ Premature elections

neither solve conflicts nor provide easy exit points for the international community; rather, they tend to either legitimate perpetrators of war crimes or precipitate another round of violence¹⁵⁸

There are several recent examples to prove this. Early elections in Angola directly contributed to the failure of the peace process as both sides were unwilling to accept the results, and the system was not suitable to ensure that there were sufficient safeguards against one side feeling marginalized.¹⁵⁹ Administrative inefficiencies during elections in Haiti served to undermine the credibility of the entire process.¹⁶⁰ The Bosnian elections of 1996-1998 were more of an ethnic census than meaningful exercise in democracy. In Burundi in 1993, elections arguably inflamed existing Tutsi-Hutu tensions and served to fuel "retribalization" of party political in the country.¹⁶¹ Elections, in and of themselves, are not bad or wholly unsuited to countries that have experienced conflict. However, the UN and its sponsors would do well to re-re-examine the nature and timing of the transitional strategies they support. This may require yet another evolution in the peacebuilding agenda; one that considers timeliness and sequencing in a more concerted way.

¹⁵⁶ Paris, Roland, p. 78.

¹⁵⁷ Reilley, Benjamin, p. 30.

¹⁵⁸ Griffin, Michèle and Bruce Jones, p. 81.

¹⁵⁹ Bertram, Eva, p. 38.

¹⁶⁰ Reilley, Benjamin, 118.

¹⁶¹ Ibidem.

Boutros Boutros-Ghali once said, quite correctly, that the social stability needed for productive growth "is nurtured by conditions in which people can readily express their will".¹⁶² But having people voting right after a lengthy conflict may not be the best way for them to express that will. Consultative assemblies or coalitions of social, political, religious and labour groups are mechanisms for dialogue that is less antagonistic in the initial stages, at least until passions have cooled somewhat and a meaningful policy of disarmament is in place.¹⁶³ Both East Timor and Kosovo experimented with national consultative bodies, which were introduced without an electoral process. In the interim, means for encouraging cross fertilization between groups is the best policy to follow. This raises the consequences of violence to a point where it no longer seems such an easy option.¹⁶⁴ The UN might consider keeping non-electoral consultative measures in place for a longer period in the post-crisis phase, allowing for further maturation of political parties and processes.

3.1d Participation and Capacity Building

A peacebuilding mission which envisages a substantial governance component but doesn't promote participation in a proactive manner is a contradiction in terms. Local involvement in the processes promotes responsibility for the outcome. Early involvement of local players also serves to enhance national capacity as well as ensuring that it is the people who choose the shape of their country—they are the ones who ultimately have to live with the outcome. UNTAET resisted inclusion of Timorese in policy debates and the civil services for far too long, both inspiring resentment and missing the opportunity for training and knowledge transfer. Further, strong local input gives the entire mission greater credibility both with domestic population and regional stakeholders.¹⁶⁵

Participation is not synonymous with control however; indeed, the very notion of the transitional authority model precludes actual local control. This again points to the

¹⁶² Boutros-Ghali, Boutros, para. 81.

¹⁶³ Paris, Roland, p. 82.

¹⁶⁴ Bermeo, Nancy, *What the Democratization Literature Says—or Doesn't Say* 'about Post-war Democracy', in «Global Governance», vol. 9, no. 2, April-June 2003, p. 165.

¹⁶⁵ Chesterman, Simon, 2002, p. 59.

necessity of a clear goal for the mission, as it clarifies the relationship between international and local actors and, more importantly, how that relationship will change over time as the mission progresses. Capacity building is vital for the sustainability of the effort and should be pursued from the start. But paying insincere lip service to the idea of 'local ownership', without delivering ownership, will lead to frustration and distrust on the part of local stakeholders.¹⁶⁶

3.2 AT THE HEADQUARTERS LEVEL

3.2a *Muscular yet Flexible Mandates*

Though some would argue that peace operations like Kosovo and East Timor are exceptional, there is significant reason to believe otherwise. Increasingly, there is greater awareness about the necessity for multi-faceted approaches to supporting a country's transition to peace. Having people put down their guns is not enough; there must be a change in the very organization of society.

The model of the UN as transitional authority in a post-crisis society offers more advantages than disadvantages, particularly in cases of failed or failing states. It might also be relevant in other circumstances where government authority is either absent, corrupt or defunct. Bertram notes the following about the institutional situation facing peace operations:

They reflect and manifest the political interests of those in power; far from transcending politics, they are products of and arenas for politics. As such, they may be underdeveloped, deeply biased, rife with internal conflicts and competing interests, or simply corrupt.¹⁶⁷

Faced with an ambitious mandate and a typically constrained timeline, peacebuilders can find their mission failing due to a lack of institutional capacity or insurmountable corruption. While building a political system from scratch is surely a daunting task, it

¹⁶⁶ Chesterman, Simon, 2004, p. 239.

¹⁶⁷ Bertram, Eva, p. 412.

may be more efficacious and sustainable in the long run than trying to rehabilitate a completely ineffectual and tattered local structure.

The complexity of large scale governance missions, however, makes them more unpredictable as operating arenas. UNTAET suffered for a long time due to the poor design of the operation which was geared to be a peacekeeping mission, but had to quickly shift gears from a security focus to political and economic development. However, the mission was initially inflexible and unable to reorient itself to adjust to the new reality on the ground. Although this was due in part to poor decision making by the Transitional Administrator about the appropriate degree of local participation, greater freedom would serve to ensure that the field staff are able to work in whatever situation they find themselves in. Wider latitude should be afforded to practitioners on the ground so that they might make more appropriate decisions 'on the fly'. This need not diminish the accountability of the mission to the international community; rather, it affords greater accountability to local stakeholders and increases the ability of the mission to adapt to their changing needs. The clarity needed for the mission objective should not preclude room for nuance in the implementation stage.

3.2b Packaged Peacebuilding?

Both Cambodia and Namibia illustrate the impact of having sufficient time to plan a mission on the ease with which it is executed. In Namibia, the UN was able to devote years getting to know the players involved, gain credibility locally and to lay the political groundwork to achieve UNTAG's mandate efficiently because of South Africa's initial refusal to allow the UN to exercise its mandate. Due to its extended role in the evolving peace process in Cambodia, the UN gained similar benefits which contributed to the relative success of UNTAC. Ideally, all peacebuilding missions would have sufficient time to plan out its strategy, recruit and hire qualified people, and establish partnerships and credibility at the local level before full scale deployment occurred.

Undoubtedly, it is unrealistic to assume that all missions will have several years or even months to plan before going into action. In reality, "such operations are likely to be established in situations of urgency, with limited time and resources, and in the absence of political certainty."¹⁶⁸ Kosovo and East Timor are a case in point—both missions were mobilised and deployed in just over a month, nowhere near enough time considering their unprecedented mandates.

Accordingly, there is need for greater research into policies aimed at UN preparedness for muscular peacebuilding operations in the future. To not would be irresponsible—planning any intervention requires, from an operational and an ethical prospective, a strategy for the post-intervention activities. With UNTAET and UNMIK, the UN became involved in projects of overwhelming magnitude without any institutional mandate or political consensus. It has done well, considering. However, the many shortcomings of both missions demonstrate the need for a set of guiding principles, or standard operating procedures that are more appropriate to these governance missions than those which worked for peacekeeping missions. The Brahimi Report pointed out many possible changes that need to be carried out for the UN to be able to meet today's new challenges. The idea of a 'guidebook' was mentioned but not explored; this is an area that more research should be dedicated to. Looking at possible standards should not be done in a way that diminishes the uniqueness of each situation, though there are certainly aspects of mission planning that can be done in a general way which will save time and resources when the need arises.

3.2c Departmental Cooperation

Related to this is the need to clarify the bureaucratic positioning and roles of the DPKO and the DPA in relation to governance and peacebuilding missions. In the initial structure of the UN, there was quite a clear distinction between the arenas for development issues (ECOSOC and the General Assembly) and those for peace and security (the Security Council). The development and conflict resolution structures thus

¹⁶⁸ Chesterman, Simon, 2002, p. 72.

developed quite independently, with distinct procedures, financial arrangements and decision-making forums.¹⁶⁹ Recognition of the linkages between these two areas has grown significantly over the past fifteen years and demanded institutional adaptation.

Realistically, it is not always easy for development workers and military to work together. UNDP is constitutionally bound to negotiate its programme, typically five years long, with the host government, and doesn't necessarily want to be associated with soldiers.¹⁷⁰ Likewise, peacekeepers typically have a much shorter timeframe in mind and see UNDP as too close with the government which is usually a party to the dispute, which interferes with its neutrality.

However, with Kosovo and East Timor, the DPKO was tasked with creating a transitional authority with a wide array of functions, including establishing the rule of law, choosing a currency, and reintroducing school curriculum—tasks which are far outside its area of competence or expertise. The DPKO had trouble finding the expertise it suddenly required internally or through its usual channels.¹⁷¹ While UNDP has rosters of experts and its own institutional capacity, there was no effective way of communicating that between the departments.

One way to look at this is, as Brahimi suggests, is to enhance integrative planning and support between groups.¹⁷² However, as no one seems to want to work together, and problems arise when they do, perhaps separation is truly the key. Success in a military intervention is often defined narrowly, such as “regime change” or “opening up corridors for humanitarian assistance”.¹⁷³ Not only does this make ‘success’ more obtainable, but it allows for an exit strategy and avoids mission creep. However, these are not viable goals or determinants in today's more comprehensive missions.

¹⁶⁹ Griffin, Michèle, *The Helmet and the Hoe: Linkages between UN Development Assistance and Conflict Management*, in «Global Governance», vol. 9, no. 2, April-June 2003, p. 199.

¹⁷⁰ Ibidem, p. 209.

¹⁷¹ Ibidem, p. 210.

¹⁷² Report of the Panel on United Nations Peace Operations, UN Document A/55/305 - S/2000/809, paras. 198 and 202.

¹⁷³ Siegle, Joseph, *Changing the Definition of Success in Military Interventions*, Conference Report for “Intervention: Then What”, Clareton University, Ottawa, Canada, 3-5 October 2003, p. 7.

Given the desirable characteristics of 'nation-building' or 'governance' missions—long term, messy, bottom-up and democratic—the most logical solution appears to be split up the mission, with one structure for peacekeeping and another for governance. The fact that the Department of Peacekeeping Operations continue to manage these expansive missions is indicative of the ad hoc nature with which they have been organized. The peacekeeping and governance objectives are too pieces of the same puzzle, as peace cannot last without development, and there can be no development without peace. To split them is to make them more flexible and able to respond to the evolving reality on the ground. So if, for example, the security situation improves very quickly like it did in East Timor, the military component of the mission could be scaled down and moved to another area where it is more needed while the governance activities could be continued at full strength.

Kosovo provides an interesting example of this, as KFOR works with the UN missions but is an entirely discrete operation. However, this is unlikely to be a meaningful model as neither NATO nor other regional bodies can be counted on to fulfill these roles in the future, particularly if the crises occur outside their areas of concern. Further, the compartmentalized nature of UNMIK, whereby each pillar is the responsibility of a different international organization, is progressive in its broad-based participation of the wider world community but rather choked by issues of poor coordination. While the involvement of various stakeholders is positive it may not be a tenable model for future missions—cooperation can be achieved through other means.

4. CONCLUSION

The UN was undoubtedly tinged with failure after the tragedies in Rwanda, Somalia and Srebrenica, but the Transitional Authority Model is proof that the organization can not only recover, but improve with the experience of such setbacks. This adaptive paradigm for the international administration of states in transition was developed as a practical expression of a profound evolution in our understanding of peace and how to achieve it. At its heart it is a robust and comprehensive answer to a world where violence is structural, war is intra-national, and states are failing.

If the results of TAMs on the ground have sometimes been mixed, on balance they have succeeded in allowing the UN to retain, and even enhance, its relevance in the contemporary geo-political world. Calls for UN retrenchment are easily nullified by its record with the transitional administrations in Namibia, Cambodia, Kosovo and East Timor. In these geographically and contextually disparate arenas, the UN has exercised its unique capacities for engendering peace. It has managed this process by supporting progressively more ambitious peacebuilding activities in each mission, beginning with the facilitation of conciliatory relations between former adversaries; the disarmament of combatants; the orchestration and supervision of elections; the development of more effective and equitable justice systems; the promotion of human rights; the creation of more transparent governance structures; the coordination of international aid organizations; and more. No other organization is as qualified, as internationally influential or sufficiently versatile to accomplish the same.

Still, a close examination of the scorecard in each case study reveals several areas in need of improvement. In the field, the areas of greatest concern relate to maintaining long-term commitment; outlining clear objectives; and encouraging meaningful local participation. In the policy circles of New York, we see the need for developing more flexible mandates to accommodate shifting realities on the ground; enhancing

departmental cooperation; and creating basic peacebuilding templates for rapid execution in times of crisis. The question that would provide the appropriate follow-up to this thesis is how exactly to accomplish these improvements. A preliminary hypothesis might be that the UN should continue adapting as it has always done-- albeit at a more accelerated rate.

4.1 WHERE TO FROM HERE?

The introductory chapter of this thesis chronicled the evolution of academic thought on the nature and scope of peace operations and linked it to that of UN policy. A trajectory can be traced that spans from a very narrow understanding of the UN's role in waging peace—a neutral, short-lived policy based on physical separation of adversaries called 'peacekeeping'—toward a more comprehensive understanding of what is truly required to resolve conflict—a more engaged, long term commitment based on the reconstruction of state and social relations, called 'nation-building'. This is a considerable evolution in just over fifty years, and one wonders where the UN might be headed from here.

In the opinion of this author, the prospects for peace would be greatly enhanced if the UN would incorporate the latest insights of peace theorists more concertedly in its practice. Such a convergence of thought and action has yet to be realized. Instead, the UN has been forced to play a perpetual round of catch-up as unpredictable events demand new types of missions and theory runs well ahead of practice. Because the demand for complex peace operations is unlikely to vanish, the UN needs to model its activities in a way which incorporates the academic linkages between human security, development and sustainable peace in a more systematic way. The Transitional Authority Model offers an opportunity to bring these elements together through a coherent strategy, which both academia and practical experience prove is desperately needed. The challenge will be to convince fickle and frugal member states to provide sufficient support for 'soft' objectives, such as social reconciliation. Ironically, the 'War on Terror' may provide a window of opportunity for fundraisers thanks to a growing public recognition of the

connection between underdevelopment, marginalization and security. Within this context, the TAM is highly attractive as it serves not only humanitarian objectives, but also those of self-interest.

The second chapter of this thesis chronicled the UN's experiences in accommodating the aforementioned 'academic evolution' through its peace operations on the ground. Frequent mission adaptations demonstrate that the organization is willing and capable of responding to changing conditions. Indeed, given a degree of operational leeway, the UN approach to peace operations proved to advance more in the nineties than it had during the previous forty-five years. 'First-generation' or classical peacekeeping gave way to 'second-generation' or 'multi-dimensional' operations such as those in Namibia, Cambodia and El Salvador in the early nineties, and then to 'Third-generation' or 'peace enforcement' missions such as that in Somalia shortly after. The model of transitional authority that followed, while not new, evolved substantially from the modest efforts in Namibia and Cambodia in order to assume the colossal responsibilities of Kosovo and East Timor. While the question of mission 'success' is not the focus of this thesis, we have learned through the case studies that the UN had a sizeable and constructive impact as transitional administrator. Such comprehensive endeavors are undoubtedly costly and taxing. Nevertheless, the lesson that Rwanda and Srebrenica provide is that inaction is often the costliest of options.

In conclusion, we are left with several lessons that can and should be drawn from the UN's experiences as a Transitional Authority. Chief among them is the need to maintain long-term commitment to the peacebuilding process. Most member states are afflicted with a near aversion to binding commitments, but the costs in both monetary and humanitarian terms are incalculably higher if missions are terminated prematurely. Cambodia almost returned to conflict following the hasty withdrawal of UNTAC, for example. Moving from voluntary to assessed contributions for complex peace missions could help ensure that the mission outlasts unpredictable media interest.

Secondly, the mission must have a clear objective in order to develop coherent strategies for its realization. A mission with no goal will probably achieve just that, and be plagued with confusion throughout. Kosovo will continue to be a black hole for funds and troops, with little real progress being made until the destination is made clear. Clarity at the policy level, however, should not preclude providing flexibility in its implementation on the ground level. Field administrators must be responsive to the nuanced and shifting realities they face on the ground.

Thirdly, while meaningful local participation is both desirable and necessary, elections are not the best way to achieve this in all cases. In especially fragile post-conflict environments, methods such as the formation of grand councils or advisory committees can provide local input while being less likely to reignite hostilities. Local 'ownership' of transition is indeed the desired end, but not necessarily the desired means. There must be honest and realistic expectations about what degree, and on what timeline, people can expect to participate and 'own' the process. Raising expectations about local ownership and control, if not delivered, engenders suspicion and frustration among the local population.

Fourthly, the UN command structure itself should more closely mirror the new and broader understanding of peace operations. Namely, the Department of Peacekeeping Operations is not the appropriate body to oversee complex peacebuilding missions with substantial governance functions; the goals of peacekeeping and nation-building are markedly different and, in some cases, contradictory. A separation of functions would be most appropriate here. Ideally, the peacekeeping wing of the mission would be under the control of the transitional administrator in charge of the overall mission. This, however, will remain unlikely for some time given the reluctance of member states, notably the US, to place its troops under UN command. Therefore, keeping the functions technically separated may be the best solution at present. Certainly, it is more appropriate than unifying command for the entire peacebuilding mission under the command of the DPKO.

Finally, further research and policy development needs to be undertaken with the aim of creating standing operational resources that can be quickly brought to bear in situations requiring a bold UN mission. Certain elements of such a move have already been discussed, such as Brahimi's suggestion for a standing criminal code that could be temporarily implemented in transitional situations where none currently exists (as in East Timor, or in Kosovo where there was objection to using the existing Serbian laws). Chesterman and others have suggested the possibility of a rapidly deployable *civilian* police force, which could excuse peacekeepers from being involved in day-to-day policing activities, which they are neither trained nor meant for. Currently, there would at very least be benefit in creating some form of a standard operating procedure for the civilian administration functions of the UN. This would make the "lessons learned" aspect of post-mission appraisal even more scientific and useful to future generations of researchers and practitioners.

The post Cold War period has been tumultuous for the international community generally and the United Nations in particular. Indeed, the UN has been forced to face much criticism and challenges to its continuing relevance, particularly following such failures as Somalia, Rwanda and Srebrenica. However, while these debacles ushered in a brief period of retrenchment, they forced a degree of introspection that allowed the UN respond with ferocity in Kosovo and East Timor. These muscular missions offer optimism to those who desire to see the United Nations actively asserting its role as global peace-monger, stepping with gusto into the role it was created for.

Bibliography

United Nations/Legal Documents

Agreement on a Comprehensive Political Settlement of the Cambodia Conflict, ("Paris Agreement"), 23 October 1991.

Annan, Kofi, *Prevention of Armed Conflict: Report of the Secretary-General*, United Nations Document A/55/985-S/2001/574, 7 June 2001.

Boutros-Ghali. Boutros, *An Agenda for Peace: Preventative diplomacy, peacemaking and peacekeeping*, United Nations Document, A/47/277-S/24111, 17 June 1992.

Boutros-Ghali. Boutros, *A Supplement to An Agenda for Peace*, United Nations Document A/50/60 - S/1995/1, 03 January 1995.

Report of the Panel on United Nations Peace Operations, UN Document A/55/305 - S/2000/809.

Report of the Secretary General, UN SG S/15776, 19 May 1983.

Report of the Secretary General, UN SG S/18767, 31 March 1987.

UN General Assembly Resolution A/RES/3485 (December 1975).

UN General Assembly Resolution, A/RES/37/30, (November 1982).

UN Security Council Resolution S/RES/16 (1947).

UN Security Council Resolution S/RES/384 (1975).

UN Security Council Resolution S/RES/ 389 (1976).

UN Security Council Resolution S/RES/1244 (1999).

UN Security Council Resolution S/RES/1246 (1999).

UN Security Council Press Release, SC/7999, 06/02/2004.

UNAMIR Mission Backgrounder, UN Department of Political Affairs.

UNOSOM II Mission Backgrounder, UN Department of Political Affairs.

UNTAC Backgrounder, UN Department of Peacekeeping Operations, Undated Publication.

UNTAET Backgrounder, UN Department of Peacekeeping Operations, Undated Publication.

UNTAG Backgrounder, UN Department of Peacekeeping Operations, Undated Publication.

UN Cable Communication, UNAMIR: 100, 11 January 1994.

Accessed: <http://www.pbs.org/wgbh/pages/frontline/shows/evil/warning/unresponse.html>

UNMIK Regulation 1999/9 on the Importation, Transport, Distribution and Sale of Petroleum Products (Petroleum, Oil and Lubricants) for and in Kosovo, 20 September 1999.

UNMIK Regulation 1999/4 on the Currency Permitted to be Used in Kosovo, 2 September 1999.

UNMIK Regulation 2000/5 on the Establishment of a Hotel, Food and Beverage Service Tax, 1 February 2000.

UNMIK Regulation 2001/9, on the Constitutional Framework for Provisional Self-Government in Kosovo, 15 May 2001.

UNMIK Regulation 2002/4 on Personal Income Taxes in Kosovo, 20 February 2002.

UNMIK Regulation 2003/37 on the Promulgation of the Law on Postal Services Adopted by the Assembly of Kosovo, 17 December 2003.

UNTAET Regulation 2000/23 on the Creation of the Cabinet of the Transitional Government in East Timor, 14 July 2000.

UNTAET Regulation 2000/24 on the Creation of a National Council, 14 July 2000

UNTAET Daily Press Briefing, 08 August 2000.

ARTICLES

Adejumobi, Said, *Citizenship, Rights and Problem of Conflicts and Civil War in Africa*, in «Human Rights Quarterly», vol. 23, no. 1, 2001, pp. 148-170.

Annan, Kofi, *Two Concepts of Sovereignty*, in «The Economist», 18 September 1999, online version, <http://www.un.org/News/oss/sg/stories/kaecon.html>

Bermeo, Nancy, *What the Democratization Literature Says—or Doesn't Say* 'about Post-war Democracy', in «Global Governance», vol. 9, no. 2, April-June 2003, pp. 159-178.

Bertram, Eva, *Reinventing Governments: The Promise and Perils of UN Peacebuilding*, in «Journal of Conflict Resolution», vol. 39, no. 3, September 1995, pp. 387-418..

Call, Charles T. and Susan E. Cook, *On Democratization and Peacebuilding*, in «Global Governance», vol. 9, no. 2, April-June 2003, pp. 135-139.

Chesterman, Simon, *East Timor in Transition: Self-Determination, State-building and the United Nations*, in «International Peacekeeping», vol. 9, no. 1, Spring 2002, pp. 45-76.

Chopra, Jarat, *The UN's Kingdom of East Timor*, in «Survival», vol. 42, no. 3, 2000, pp. 27-39.

Chopra, Jarat, *United Nations in Authority in Cambodia*, Occasional Paper #15, Thomas J. Watson Jr. Institute for International Studies, 2004, pp. 87.

Doyle, Michael, *Peacebuilding in Cambodia* in «IPA Policy Briefing Series», New York, International Peace Academy, December 1996, online version:
<http://www.ipacademy.org/Publications/Reports/Research/PublRepoReseCambPrint.htm>

Doyle, Michael and Nicholas Sambanis, *International Peacebuilding: A Theoretical and Quantitative Analysis*, in «American Political Science Review», vol. 94, no. 4, December 2000, pp. 787-791.

Griffin, Michèle, *The Helmet and the Hoe: Linkages between UN Development Assistance and Conflict Management*, in «Global Governance», vol. 9, no. 2, April-June 2003, pp. 199-217.

Griffin, Michèle and Bruce Jones, *Building Peace through Transitional Authority: New Directions, Major Challenges*, in «International Peacekeeping», vol. 7, no. 3, Summer 2000, pp. 75-90.

Lumsden, Malvern, *Breaking the Cycle of Violence*, in «Journal of Peace Research», vol. 34, no. 4, November, 1997, pp. 377-383.

Lund, Michael, *What Kind of Peace is Being Built?: Taking stock of Post-conflict Peacebuilding and Charting Future Directions*, International Development Research Centre, Ottawa, Canada, January 2003, pp. 24-33.

Matheson, Michael J., *United Nations Governance of Postconflict Societies*, in «The American Journal of International Law», vol. 95, no. 1., January 2001, pp. 76-85.

Morphet, Sally, *Current International Civil Administration: The Need for Legitimacy*, in Newman, Edward and Albrecht Schnabel (Eds.), *Recovering from Civil Conflict: Reconciliation, Peace, and Development*, London, Frank Cass, 2002, pp. 140-162..

Paris, Roland, *Peacebuilding and the Limitations of Liberal Internationalism*, in «International Security», vol. 22, no. 2, Fall 1997, pp. 54-89.

Patrick, Stewart. "The Check is in the Mail: Improving the Delivery and Coordination of Post Conflict Assistance". *Global Governance* Vol. 6, No. 1 (June-March 2000). pp. 61-93.

Reilly, Benjamin, *Post Conflict Elections: Constraints and Dangers*, in «International Peacekeeping», vol. 9, no. 2, Summer 2002, pp. 118-139.

Reychler, Luc and Arnim Langer. "The Software of Peacebuilding" in *Cahiers Internationales*, Vol. 65, No. 2, 2002. pp. 1-22

Schnabel, Albrecht, *Post-conflict Peacebuilding and Second Generation Preventative Action*, in «International Peacekeeping», vol. 9, no. 2, Summer 2002, pp. 7-30.

Smillie, Ian, *Relief and Development: The Struggle for Synergy*, Occasional Paper 33, Thomas J. Watson Jr. Institute for International Studies, 1998, pp. 102.

Strohmeyer, Hansjorg, *Collapse and Reconstruction of a Judicial System: The United Nations Missions in Kosovo and East Timor*, in «The American Journal of International Law», vol. 95, no. 1. January 2001, pp. 46-63.

Suhrke, Astri, *Peacekeepers as Nation-builders: Dilemmas of the United Nations in East Timor*, in «International Peacekeeping», vol. 8, no. 4, Winter 2001, pp. 1-20.

Thakur, Ramesh, *From Peacekeeping to Peace Enforcement: The UN Operation in Somalia*, in «The Journal of Modern African Studies», Vol. 32, No. 3, September 1994, pp. 387-410.

Um, Khatharya, *Cambodia in 1994: The Year of Transtition*, in «Asian Survey», vol. 35, no. 1, January 1995, pp. 76-83.

Walter, Barbara. *The Critical Barrier to Civil War Settlements*, in «International Organizations», vol. 51, no. 3, Summer 1997, pp. 335-364.

Wilde, Ralph, *From Danzig to Eat Timor: The Role of International Territorial Administration*, in «American Journal of International Law», vol. 95, no. 3, July 2001, pp. 583-606.

Yannis, Alexandros, *Kosovo under International Administration*, in «Survival», vol. 43, no. 2, Summer 2001, pp. 31-48.

Zartman, William, *Putting Things Back Together*, in I. William Zatrman, (Ed.), *Collapsed States: The Disintegration and Restoration of Legitimate Authority*, Boulder: Lynne Rienner, 1995.

BOOKS

Anderson, Mary, *Do No Harm: How aid can support peace—or war*, Boulder, Lynne Rienner Publishers, 1999.

Chesterman, Simon, *You, The People: The United Nations, Transitional Administration, and State-Building*, Oxford, Oxford University Press, 2004.

Harris, Peter and Ben Reilly, eds. *Democracy and Deep-Rooted Conflict: Options for Negotiators*, IDEA, Ljubljana, 1998.

Kymlicka, Will, *Multicultural Citizenship*, Oxford, Clarendon Press, 1995.

Ledarch, John Paul, *Building Peace: Sustainable Reconciliation in Divided Societies*, Washington D.C., United States Institute of Peace Press, 1997.

Lund, Michael, *Preventing Violent Conflicts: A strategy for preventive diplomacy*, Washington, DC, US Institute of Peace Press, 1996.

Potter, David, *Democratization*, Cambridge, Polity Press, 1997

Ratner, Steven R., *The New UN Peacekeeping: Building peace in the lands of conflict after the Cold War*, New York: St. Martin's Press, 1996.

Reychler, Luc, *Democratic Peace-building and Conflict Prevention: The devil is in the transition*, Leuven, Leuven University Press, 1999.

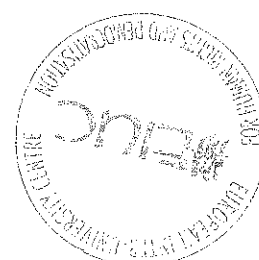
Rummel, Russell, *Death by Government: Genocide and Mass Murder in the Twentieth Century*, New Jersey: Transaction Publishers, 1994.

Siegle, Joseph, *Changing the Definition of Success in Military Interventions*, Conference Report for "Intervention: Then What", Carleton University, Ottawa, Canada, 3-5 October 2003.

Snyder, Jack, *From Voting to Violence: Democratization and Nationalist Conflict*, New York, Norton, 2000.

Sorensen, George, *Democracy and Democratization: Process and Prospects in a Changing World*, Boulder, Westview Press, 1993.

Vanhenen, Tatu, *Democratization: A comparative analysis of 170 countries*, London, Routledge, 2003.



REPORTS

Amnesty International, *East Timor: UNTAET, justice and refugees one year after the ballot*, AI Index ASA 57/004/2000, 29 August 2000.

Amnesty International, *Special Khmer Rouge tribunals in Cambodia -- Justice is not served by diluting international standards*, AI Index ASA 23/012/2002, 7 December 2002.

Cambodia: The Elusive Peace Dividend, in «ICG Asia Report °8», Phnom Penh/Brussels, International Crisis Group, 11 August 2000.

Collier, Paul and Anke Hoeffler, *Greed and Grievance in Civil War*, World Bank, 01 March 2001.

Intervention: Then What?, Conference Report, Carleton University, Ottawa, Canada, October 3-5, 2003.

Kosovo Report Card, in «ICG Balkans Report °100», Pristina/Brussels, International Crisis Group, 28 August 2000.

The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty, Ottawa, IDRC, 2001.

Two to Tango: An Agenda for the New Kosovo SRS in «ICG Europe Report N°148», Pristina/Brussels, International Crisis Group, 03 September 2003.

Violence in Kosovo, in «ICG Europe Report °155», Pristina/Belgrade/Brussels, International Crisis Group, 22 April 2004.

Online Sources

UNMIK Official Webpage,
<http://www.unmikonline.org/intro.htm>

UNTAET Official Webpage
www.un.org/peace/etimor/etimor.htm

UNTAC Official Webpage http://www.un.org/Depts/dpko/dpko/co_mission/untac.htm

UNTAG Official Website
http://www.un.org/Depts/dpko/dpko/co_mission/untag.htm

United Nations; Department of Political Affairs Website.
www.un.org/Dept/dpa/prev_dip/fst_prev_dip.htm

United Nations Department of Peacekeeping Operations
www.un.org/Depts/dpko

Freedom House: Freedom in the World survey, 2004.
<http://www.freedomhouse.org/research/survey2004.htm>

United States Institute of Peace Library: Peace Agreements Digital Collection.
www.usip.org/library/pa/cambodia/agree_comppol_10231991.html

Kosovo: An Account of the Crisis, UK Ministry of Defense.
<http://www.kosovo.mod.uk/account/index.html>.

Kosovo Background, Global Security.
http://www.globalsecurity.org/military/ops/kosovo_back.htm.

NEWSPAPER ARTICLES

Dodd, Mark. *UN Peace Mission at War with Itself*, in «Sydney Morning Herald», 13 May 2000.

Sipress, Alan, *Khmer Rouge Trials Stalled by Political Deadlock*, Washington Post, 4 May 2004,