
THE LIMITS OF LIBERAL PEACEBUILDING
AND PITFALLS OF LOCAL INVOLVEMENT

CAMBODIA, KOSOVO, AND TIMOR-LESTE IN RETROSPECT

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DECLARATION

I hereby declare that this thesis is solely my work and, to the best of my knowledge, contains no materials previously published or written by another person unless otherwise referenced or acknowledged. I also declare that this thesis has not been submitted for qualification at any other academic institution. Parts of this thesis have been published online first in *Peacebuilding* journal on 4 January 2017 with the title, “The Pitfalls of Local Involvement: Justice and Reconciliation in Cambodia, Kosovo, and Timor-Leste.”

Dahlia Simangan

9 February 2017

For the people of Cambodia, Kosovo, and Timor-Leste

ABSTRACT

Scholars continue to debate how to best rebuild post-conflict societies. Some argue that the liberal peacebuilding framework is incompatible with local contexts and therefore recommend more substantial involvement of local actors. Others suggest that the problem is not the liberal peacebuilding framework itself, but its poor implementation and therefore recommend increased emphasis on strong institutions and capacity-building. Given the ongoing liberal rhetoric of the United Nations (UN) in rebuilding post-conflict societies, this thesis contributes to this debate by asking the question, does liberal peacebuilding really work? To find out the answer, the thesis assesses the UN transitional administrations in Cambodia, Kosovo, and Timor-Leste using a comparative case-study approach. This assessment includes an evaluation of how these transitional administrations implemented their mandates and how local involvement factored into the conduct of their peacebuilding activities. It also includes an examination of the outcomes of international and local encounters and top-down and bottom-up approaches in rebuilding security, pursuing justice and reconciliation, and promoting development by obtaining personal insights from the international and local actors who were involved during the transition. This thesis thus interrogates both the liberal assumption that the liberal peacebuilding framework can promote and sustain peace and the recommendation of liberal peacebuilding critics that local actors and agencies should be better incorporated into the peacebuilding process.

This thesis finds that shallow liberal peacebuilding with fragile institutions and co-opted local involvement failed to build long-lasting peace. It reveals instances when the UN transitional administrations in Cambodia, Kosovo, and Timor-Leste departed from their liberal peacebuilding objectives. They were not consistently liberal because they failed to live up to their liberal mandates and they were also not entirely peace-building because they failed to espouse the original and holistic conceptualization of peacebuilding, which

includes both negative and positive peace. When confronted with threats of instability, the UN transitional administrations analysed in this thesis leaned too far towards the local even at the cost of liberal values. They also demonstrated a tendency to limit local involvement to actors who they feared might incite instability. The case studies show that local involvement that is exclusive, superficial, non-representative, and politicized does not contribute to a long-lasting peace. Considering the strengths and weaknesses of both liberal peacebuilding and local involvement, this thesis proposes a middle-ground alternative or a locally-moderated liberal peacebuilding approach that integrates the local in liberal peacebuilding while consistently anchoring local involvement in liberal values. The analyses of the case studies and the recommendations drawn from them aim to contribute to informing the debates about liberal peacebuilding and to advising future international post-conflict peacebuilding missions.

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ABBREVIATIONS

| | |
|-----------|---|
| AC75 | Association of Ex-Combatants 1975 |
| ADB | Asian Development Bank |
| AFTA | ASEAN Free Trade Area |
| ANKI | National Army of Independent Cambodia; <i>Armée Nationale pour un Kampuchea Independent</i> (in French) |
| ANTI | Timor-Leste National Alliance for an International Tribunal |
| Apodeti | Timorese Popular Democratic Association; <i>Associação Popular Democrática Timorense</i> (in Portuguese) |
| ASEAN | Association of Southeast Asian Nations |
| ASEANAPOL | ASEAN Police |
| CAVR | Commission for Reception, Truth and Reconciliation; <i>Comissão de Acolhimento, Verdade e Reconciliação de Timor Leste</i> (in Portuguese) |
| CCHR | Cambodian Center for Human Rights |
| CFA | Central Fiscal Authority |
| CFSP | Common Foreign and Security Policy |
| CIA | Central Intelligence Agency |
| CivPol | Civilian Police |
| CMAC | Cambodian Mine Action Center |
| CMATS | Certain Maritime Arrangements in the Timor Sea |
| CNRM | National Council of Maubere Resistance; <i>Conselho Nacional da Resistência Maubere</i> (in Portuguese) |
| CNRT | National Congress for Timorese Reconstruction; <i>Conselho Nacional de Reconstrução de Timor</i> (in Portuguese) |
| CoE | Council of Europe |
| CPAF | Cambodian People's Armed Forces |
| CPP | Cambodian People's Party |
| CPPF | Cambodian People's Police Force |
| CRP | Community Reconciliation Process |
| CTF | Commission of Truth and Friendship |
| DAC | Development Assistance Committee |
| DC-Cam | Documentation Centre of Cambodia |
| DDR | Disarmament, Demobilization, and Reintegration |
| ECCC | Establishment of the Extraordinary Chambers in the Courts of Cambodia |

| | |
|-----------|---|
| ECMI | European Center for Minority Issues Kosovo |
| EITI | Extractive Industries Transparency Initiative |
| ESI | Estimated Sustainable Income |
| ETTA | East Timor Transitional Administration |
| EU | European Union |
| EULEX | European Rule of Law Mission in Kosovo |
| EVI | Economic Vulnerability Index |
| F-FDTL | East Timor Defence Force; <i>Falintil-Forças de Defesa de Timor Leste</i> (in Portuguese) |
| Falintil | Armed Forces for the National Liberation of East Timor; <i>Forças Armadas de Libertação Nacional de Timor-Leste</i> (in Portuguese) |
| FAO | Food and Agriculture Organization of the United Nations |
| FCS | Fragile and Conflict Affected Situations |
| FDI | Foreign Direct Investment |
| FRAP | Falintil Reinsertion Assistance Program |
| Fretilin | Revolutionary Front for an Independent East Timor; <i>Frente Revolucionária de Timor-Leste Independente</i> (in Portuguese) |
| FRY | Federal Republic of Yugoslavia |
| FUNCINPEC | National United Front for an Independent, Neutral, Peaceful and Cooperative Cambodia; <i>Front Uni National pour un Cambodge Indépendant, Neutre, Pacifique, et Coopératif</i> (in French) |
| GDP | Gross Domestic Product |
| GNI | Gross National Income |
| HAI | Human Assets Index |
| HDI | Human Development Index |
| HRW | Human Rights Watch |
| IBL | Institutionalization Before Liberalization |
| ICC | International Criminal Court |
| ICISS | International Commission on Intervention and State Sovereignty |
| ICJ | International Court of Justice |
| ICMM | Independent Commission for Mines and Minerals |
| ICORC | International Committee on the Reconstruction of Cambodia |
| ICRC | International Committee of the Red Cross |
| ICTJ | International Center for Transitional Justice |
| ICTY | International Criminal Tribunal for the former Yugoslavia |
| IICK | Independent International Commission on Kosovo |
| ILO | International Labour Organization |
| IMF | International Monetary Fund |
| INTERFET | International Force for Timor-Leste |

| | |
|---------|--|
| IOM | International Organization for Migration |
| IR | International Relations |
| ISF | International Stabilisation Force |
| JIAS | Joint Interim Administrative Structure |
| JPDA | Joint Petroleum Development Area |
| KCB | Kosovo Consolidated Budget |
| KCSS | Kosovar Center for Security Studies |
| KFOR | Kosovo Force |
| KLA | Kosovo Liberal Army |
| KPC | Kosovo Protection Corps |
| KPNLAF | Khmer People's National Liberation Armed Forces |
| KPNLF | Khmer People's National Liberation Front |
| KPS | Kosovo Police Service |
| KSF | Kosovo Security Forces |
| KTA | Kosovo Trust Agency |
| LCU | Local Currency Unit |
| LDC | Least Developed Countries |
| LDK | Democratic League of Kosovo; <i>Lidhja Demokratike e Kosovës</i> (in Albanian) |
| LICADHO | Cambodian League for the Promotion and Defense of Human Rights |
| MDGs | Millennium Development Goals |
| NADK | National Army of Democratic Kampuchea |
| NATO | North Atlantic Treaty Organization |
| NC | National Council |
| NCC | National Consultative Council |
| NGO | Non-Governmental Organization |
| ODA | Official Development Assistance |
| OECD | Organisation for Economic Co-operation and Development |
| OSCE | Organisation for Security and Co-operation in Europe |
| PDK | Party of Democratic Kampuchea |
| PFCC | Petroleum Fund Consultative Council |
| PISG | Provisional Institutions of Self-Government |
| PKF | Peacekeeping Force |
| PNTL | East Timor Police Force; <i>Polícia Nacional de Timor-Leste</i> (in Portuguese) |
| POLRI | Indonesian National Police; <i>Kepolisian Negara Republik Indonesia</i> (in Bahasa) |
| PPA | Paris Peace Agreements |
| PPP | Purchasing Power Parity |

| | |
|----------|--|
| PRK | People's Republic of Kampuchea |
| PSGs | Peacebuilding and Statebuilding Goals |
| R2P | Responsibility to Protect |
| R2Rb | Responsibility to Rebuild |
| RECOM | Regional Commission for Establishing Facts about War Crimes and Other Gross Violations of Human Rights Committed on the Territory of the Former Yugoslavia |
| SDGs | Sustainable Development Goals |
| SEESAC | South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons |
| SITF | Special Investigative Task Force |
| SNC | Supreme National Council |
| SOC | State of Cambodia |
| SOE | State-Owned Enterprise |
| SRSG | Special Representative of the Secretary-General |
| SSR | Security Sector Reform |
| TNI | Indonesian National Armed Forces; <i>Tentara Nasional Indonesia</i> (in Bahasa) |
| UDT | Timorese Democratic Union; <i>União Democrática Timorense</i> (in Portuguese) |
| UK | United Kingdom |
| UN | United Nations |
| UN DPI | UN Department of Public Information |
| UN DPKO | UN Department of Peacekeeping Operations |
| UN GA | UN General Assembly |
| UN OCHA | UN Office for the Coordination of Humanitarian Affairs |
| UN OHCHR | UN Office of the United Nations High Commissioner for Human Rights |
| UN PBC | UN Peacebuilding Commission |
| UN PBF | UN Peacebuilding Fund |
| UN PBSO | UN Peacebuilding Support Office |
| UNAIDS | Joint UN Programme on HIV/AIDS |
| UNAMET | UN Mission in East Timor |
| UNAMIC | UN Advance Mission in Cambodia |
| UNAMID | UN–African Union Mission in Darfur |
| UNCLOS | UN Convention on the Law of the Sea |
| UNDESA | UN Department of Economic and Social Affairs |
| UNDP | UN Development Programme |
| UNEP | UN Environment Programme |
| UNHCR | UN High Commissioner for Refugees |

| | |
|------------|--|
| UNMIK | UN Interim Mission in Kosovo |
| UNMISET | UN Mission in Support of East Timor |
| UNMIT | UN Integrated Mission in Timor-Leste |
| UNOTIL | UN Office in Timor-Leste |
| UNRISD | UN Research Institute for Social Development |
| UNSC | UN Security Council |
| UNTAC | UN Transitional Authority in Cambodia |
| UNTAET | UN Transitional Administration in East Timor |
| UNTAET GPA | UNTAET Governance and Public Administration |
| US | United States of America |
| VSS | Victim Support Section |
| WEO | World Economic Outlook |
| WHO | World Health Organization |
| WPS | Women, Peace and Security |
| WTO | World Trade Organization |

CHAPTER 1 INTRODUCTION

RESEARCH QUESTION

The United Nations (UN) deployed transitional administrations in Cambodia (1992-1993), Kosovo (1999-present), and Timor-Leste¹ (1999-2012) to assist them in their transition from conflict to peace. These transitional administrations adopted a liberal peacebuilding framework that purportedly aimed to build durable peace by promoting the liberal elements of democracy, the rule of law, the free market, and human rights. They were the firsts of their kind with comprehensive mandates and far-reaching administrative authority over security, justice and reconciliation, and development. The UN hailed these transitional administrations as successful in rebuilding the countries' disrupted systems and damaged infrastructures (S/2007/256, 2007; S/RES/880, 1993; S/RES/1338, 2001). In Cambodia, the UN² successfully administered the first national elections peacefully and democratically. In Kosovo, the UN successfully removed the former Yugoslav forces to provide a safe and secure environment for the country to organize and administer itself. In Timor-Leste, the UN successfully established institutions of self-governance. However, the instability that occurred a few years after, and even during the mission, raised doubts about the durability of the kind of peace being promoted and the sustainability of institutions being built by the UN in post-conflict societies. Cambodia was subjected to a violent military coup d'état in 1997, four years after the UN left. Kosovo witnessed a series of ethnically motivated riots in 2004, five years after the UN arrived. Timor-Leste experienced a security crisis in 2006, one year after the UN declared its mission a success. Given these cases and the continuing

¹ Timor-Leste is the Portuguese translation of East Timor. It is also called *Timor Lorosa'e* in Tetum, which is the local *lingua franca* of the country. However, this thesis prefers to use Timor-Leste since the official name of the country is the Democratic Republic of Timor-Leste. This thesis also refers to the citizens of Timor-Leste as Timorese.

² For the sake of brevity, when referring to the UN as undertaking certain activities or adopting a particular view, it only refers to the UN member states, staff, and agencies that have taken a particular lead or are directly involved in the relevant peacebuilding efforts. Similarly, when referring to the 'international community', this means members of the international community that are involved in the particular issues discussed.

liberal approach of UN missions,³ this thesis answers the question: Does liberal peacebuilding really work? It does so by examining the processes and outcomes of re/building security, justice and reconciliation, and development in Cambodia, Kosovo, and Timor-Leste.

RESEARCH BACKGROUND

The UN claims a high success rate for its past peacekeeping missions (UN DPKO, 2010a).⁴ These missions conducted free and fair elections, the return of displaced people, and the disarmament of ex-combatants, among other achievements. With the increasing frequency of civil wars since the 1990s, the mandates of these missions have expanded to include the strengthening of state capacities for sustainable peace and development.⁵ To support international efforts on post-conflict peacebuilding, the UN created the Peacebuilding Commission (UN PBC) in 2006. Its main objective is to ensure that post-conflict societies do not revert to conflict and violence. However, in July 2014 the Chair of the Commission expressed his concern about the sufficiency of existing tools for preventing countries from relapsing into conflict ("Recent Crises," 2014). He cited the worsening situations in the Central African Republic and South Sudan as painful reminders of the tragic consequences of unsustainable peace.

In June 2015 an Advisory Group of Experts reviewed the UN peacebuilding architecture⁶ (hereinafter referred to as the 2015 UN Peacebuilding Review) and made an

³ Of the current 16 UN peacekeeping missions, the language of the mandates of nine of them emphasizes the importance of all or at least one of the liberal peace ideals of elections and human rights through the establishment of institutions of security and the rule of law, justice and reconciliation, and development in restoring peace and stability. These missions are: MINUSTAH in Haiti; MINUSMA in Mali; UNMIL in Liberia; UNOCI in Côte d'Ivoire; MINUSCA in the Central African Republic; MONUSCO in Congo; UNAMID in Darfur, Sudan; UNISFA in Abyei, Sudan and MINURSO in the Western Sahara. The mandates of the other seven current peacekeeping missions are focused on overseeing ceasefire agreements and providing humanitarian assistance.

⁴ Since the first peacekeeping mission for the Middle East in 1948, the UN has conducted 71 peacekeeping missions. For updated information on peacekeeping operations, visit <http://www.un.org/en/peacekeeping/resources/statistics/factsheet.shtml> (UN DPKO, 2016c).

⁵ For the history of UN peacekeeping operations, visit <http://www.un.org/en/peacekeeping/operations/history.shtml> (UN DPKO, 2016b).

⁶ The UN Peacebuilding Architecture consists of the UN Peacebuilding Commission (UN PBC), the UN Peacebuilding Support Office (UN PBSO), and the UN Peacebuilding Fund (UN PBF). The UN PBC brings together all relevant actors, marshals resources, and serves as an advisor for peacebuilding activities (UN PBC). The PBF funds peacebuilding

observation that, within the UN, “peacebuilding is left as an afterthought: under prioritized, under resourced and undertaken only after the guns fall silent” despite the recent rise in major civil conflicts (A/69/968-S/2015/490, 2015, p. 3). Peacebuilding has been practically sidelined in the international agenda despite the UN rhetoric that peacebuilding is as important as conflict response and prevention. For instance, when the UN General Assembly (UN GA) endorsed the *Responsibility to Protect* (R2P) in 2005 (A/RES/60/1, 2005, paras. 138-40), post-intervention responsibility or the *Responsibility to Rebuild* (R2Rb) was not included, even though it was part of the original 2001 International Commission on Intervention and State Sovereignty (ICISS) R2P document.⁷ The higher commitment that post-intervention responsibility requires compared to intervention and prevention makes states hesitant to support its endorsement (Schnabel, 2012). Despite the backsliding over the R2Rb, a number of scholars are seeking to return it to the peace agenda in light of the risk of post-intervention violence, such as that seen in Libya after the 2011 North Atlantic Treaty Organization (NATO)’s intervention during the civil war (for example, Gheciu & Welsh, 2009; Keranen, 2016; Schnabel, 2012). Bachman (2015) describes post-intervention Libya as having rampant lawlessness and human rights violations perpetrated by the rebels (p. 63). This incident demonstrates the importance of rebuilding after an intervention to ensure long-lasting peace.

It is an international security concern if a post-conflict country slips back into conflict. Not only does this mean that previous international peacebuilding efforts and resources were wasted but the conflict may morph into a more severe or intractable one (Collier & Sambanis, 2002). Furthermore, conflicts in fragile, failed, and dangerous states (hereinafter referred to as disrupted states) often produce spill-over transnational security threats, such as transnational crime, terrorism, illicit arms, and drug and human trafficking

activities and is under the management of PBSO (UN PBF, 2011). The UN PBSO also assists the PBC and supports the Secretary-General in coordinating various peacebuilding efforts by the UN system (UN PBSO, 2016).

⁷ Although the Outcome Document from the 2005 World Summit does include a section on peacebuilding (A/RES/60/1, 2005, paras. 97-105), which decided the establishment of the PBC, it did not specify the responsibility of the international community to rebuild societies that have experienced genocide, war crimes, ethnic cleansing, and crimes against humanity.

(Fukuyama, 2004; Helman & Ratner, 1992). The liberal peacebuilding framework promises long-lasting peace by providing guidelines on how to rebuild a society that has just come out of the ashes of conflict. UN-led peacebuilding missions aim to promote and plant liberal principles in disrupted states, as evidenced in the language of the mandates authorized by the UN Security Council (UNSC).

Liberal peacebuilding is peacebuilding guided by liberal principles. It involves the implementation of the elements of liberal peace in rebuilding post-conflict societies.⁸ It is conducted by Western states purportedly motivated by liberal objectives and their international responsibility to protect (Zaum, 2012, p. 121).⁹ Liberal peacebuilding gained prominence and legitimacy, especially in the 1990s after the Cold War, when communist and authoritarian states transitioned to liberal democracy (see Diamond, Linz, & Lipset, 1995). According to scholars (for example, Chandler, 2010a; Duffield, 2001; Mac Ginty, 2006; Paris, 2004; Pugh, Cooper, & Turner, 2008; Richmond, 2005, 2011), liberal peace is the “discourse, framework, and structure” (Richmond, 2005, p. 206) behind the concept and practice of international peacebuilding. However, intervening actors often indiscriminately use liberal peace as a universal blueprint for rebuilding post-conflict societies (Richmond & Franks, 2009). In reality, though, post-conflict societies do not work in a political vacuum and, in some cases, they are far from homogenous with existing social, political, and economic structures. The universal application of liberal peace and the incidents of re/lapses into conflict have raised doubts about the confident claims of liberal peacebuilding, and scholars have started dissecting its dilemmas and shortcomings.

In a seminal article published in 2010, Paris defends liberal peacebuilding from its critics. He acknowledges that the discussion about the shortcomings of liberal

⁸ The 2015 UN Peacebuilding Review recommends that peacebuilding needs to be liberated from its strict limitation to post-conflict context and to reflect the all-encompassing approach of preventing lapsing or relapsing into conflict (A/69/968-S/2015/490, 2015, p. 14). While this thesis agrees with the view that the priorities and tools for conflict prevention and sustaining peace are overlapping, and understands the need to ensure the continuity of these activities during the peace operation, having a specific timeline is necessary for a focused analysis in this thesis.

⁹ While this thesis recognizes the complexity of motivation, and that an altruistic motive is not always genuine and liberal, it bases its assumptions on the official pronouncements of intervening actors, such as those stated in the UNSC resolutions.

peacebuilding is warranted but states that the bases of these critiques are flawed and misinformed (Paris, 2010). It is because critics of liberal peacebuilding have failed to recognize the inherent contradictions within liberalism that they have misleadingly equated such contradictions with elements of liberal peace (p. 350).¹⁰ For Paris, such critics have not yet provided clear, plausible, and less problematic alternatives to liberal peacebuilding (p. 357). Although Paris' view is helpful in tweaking the practical flaws of liberal peacebuilding, David Roberts believes that it also leans towards an orthodox solution of doing more of the same thing (2012, p. 368).

Scholars continue to debate these issues in their attempts to find the best principle for rebuilding post-conflict societies, as reviewed in the following chapter. Although there is no clear consensus yet, there are two prominent scholarly views that steer the discussions on peacebuilding. The first view is related to the crisis of the liberal peace project (Cooper, 2007). Critics argue that liberal assumptions are sometimes incompatible with the history and context of a post-conflict society (for example, Mac Ginty, 2010b; Richmond, 2009a). There are also scholars who believe that failure to produce long-lasting peace in post-conflict societies is not because of the liberal peacebuilding framework but the way it is implemented (for example, Lidén, 2009; Paris, 1997). They generally argue that top-down and locally-insensitive implementation of liberal principles has produced tensions failing to address the root causes of conflict. This thesis draws from this argument that the problem with liberal peacebuilding is not the liberal peace concept but the practice of re/building liberal peace.

The second view is the local turn in peacebuilding (for example, Hughes, Öjendal, & Schierenbeck, 2015; Leonardsson & Rudd, 2015; Mac Ginty & Richmond, 2013; Paffenholz, 2014). This emphasizes the values of subnational agencies and everyday¹¹

¹⁰ For example, liberalism promotes universalist formulas, such as political and economic liberalization, as well as the ethic of individual and collective choice or self-government, which may contradict the former (Paris, 2010, p. 350).

¹¹ In this context, 'everyday' means those that are a "culturally appropriate form of individual or community life and care" (Richmond, 2009a, p. 559).

elements coming from ordinary people and highlights the interplay of the local with the non-local during the peacebuilding process (see Autesserre, 2014; Brinkerhoff, 2005; Donais, 2015; Pickering, 2007; Richmond, 2009a). At the forefront of the local turn in peacebuilding is the use of the concept of hybridity (Bhabha, 1994). In the context of peacebuilding, hybridity recognizes the outcomes of the various interactions of a vast range of actors and agencies (Belloni, 2012; Boege, Brown, & Clements, 2009; Mac Ginty, 2010a; Richmond & Mitchell, 2012; Wallis, 2012). However, hybrid peace has been criticized for reproducing the binary logic of liberal peace—that between liberal and non-liberal, international and local, and exclusion and inclusion, among others (Nadarajah & Rampton, 2015). Furthermore, other forms of hybrid peace governance may create illiberal forms of governance utilized and supported by illiberal actors, both international and local, that reinforce oppressive and violent social and political systems (Höglund & Orjuela, 2012; Jarstad & Belloni, 2012). This thesis also makes a contribution to this argument that local involvement can sometimes exacerbate rather than mitigate conflict and violence.

Without discounting the limits of liberal peacebuilding and the pitfalls of local involvement, this thesis proposes a middle-ground approach designed to anchor liberal peacebuilding in the local, and local involvement in the liberal. It is a locally-moderated liberal peacebuilding approach which utilizes the advantages of liberal values and local involvement. This approach brings back the liberal in peacebuilding by combining the establishment of effective institutions and the involvement of local actors and agencies without straying away from liberal values. It recognizes the merits of liberal peace in rebuilding post-conflict societies, especially in establishing democratic institutions of security, justice and reconciliation, and development. This approach also traces the local turn by allowing local actors and agencies to get involved in the peacebuilding process. However, leaning too far towards the local at the cost of liberal values creates opportunities for exclusive, fragmented, non-representative, and politicized local actors to exploit the legitimacy of the elements of liberal peace in reproducing new forms of conflict and

oppression. The locally-moderated liberal peacebuilding approach brings back the liberal in local involvement by ensuring that the incorporation of local actors and agencies is inclusive, substantive, representative, and transformative.

This thesis ties together in one study the liberal peacebuilding assumption that liberal institutions can promote and sustain peace, and the recommendation of liberal peacebuilding critics that local actors and agencies should be better incorporated into the peacebuilding process. It contributes to the existing literature by examining the questions related to liberal peacebuilding and local involvement in a new light using more recent debates and events. It has the benefit of a retrospective view gained by obtaining personal insights from the people who were involved in past peacebuilding missions in Cambodia, Kosovo, and Timor-Leste. It provides a renewed analysis of what has happened since the deployment and exit of these missions that is useful in contemporary international peacebuilding efforts, given that peacebuilding processes are not linear and peacebuilding outcomes are not static. The thesis results in an argument for reviving the original conceptualization of peacebuilding and maximizing the potential benefits of the liberal framework through a locally-moderated liberal peacebuilding approach.

RESEARCH METHODOLOGY

CONCEPTUAL FRAMEWORK

The UN transitional administrations in Cambodia, Kosovo, and Timor-Leste employed a liberal peacebuilding framework, as demonstrated in the language of the UNSC resolutions from which their mandates were authorized, albeit in varying degrees (see Tables 1 to 3). The mission in Cambodia was the first large-scale UN-led liberal peacebuilding project, as the UN oversaw the administration of a member state and conducted, rather than merely observing or supervising democratic, multiparty elections (Selby, 2013). The mission in Kosovo was more expansive as it included capacity-building for governance and security sector reform, among other things, while overseeing the development of provisional

democratic self-governing institutions. The mission in Timor-Leste also administered the development of local democratic institutions with an extensive scope and depth of activities on the ground as it involved more local actors while achieving unprecedented sovereign status in the administration of the country (Chopra, 2000).

Table 1. Security mandates of UN transitional administrations in Cambodia, Kosovo, and Timor-Leste

| | Protection for all | Disarmament, Demobilization, and Reintegration (DDR) | Rebuilding of local armed forces | Rebuilding of local police forces |
|--------------------------------------|--|---|---|---|
| Cambodia (S/RES/745, 1992) | Mine clearance | Supervision of the ceasefire and DDR of armed factions | No specific mandate | No specific mandate but training of local police forces was conducted |
| Kosovo (S/RES/1244, 1999) | Protection of ethnic minorities | Demilitarization of the Kosovo Liberal Army (KLA) and other armed groups | Establishment of the Kosovo Protection Corps (KPC), which was later transformed into the Kosovo Security Forces (KSF) | Establishment of the Kosovo Police Service (KPS) |
| Timor-Leste (S/RES/1272, 1999) | Responding to militia threats; protection of refugees in the West Timor border | No specific mandate but the International Organization for Migration (IOM) initiated the Falintil Reinsertion Assistance Program (FRAP) in 2000 | Establishment of the East Timor Defence Force (F-FDTL) | Establishment of the East Timor Police Force (PNTL) |

Only the mandates relevant to the focus of this thesis are included.

Table 2. *Justice and reconciliation mandates of UN transitional administrations in Cambodia, Kosovo, and Timor-Leste*

| | Retributive justice | Restorative justice and community-level reconciliation |
|--------------------------------------|--|---|
| Cambodia (S/RES/745, 1992) | No specific mandate; establishment of the Extraordinary Chambers in the Courts of Cambodia (ECCC) in 2003 | No specific mandate; local NGOS are initiating community-level dialogue after the establishment of the ECCC |
| Kosovo (S/RES/1244, 1999) | Full cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY); establishment of a hybrid justice system; deployment of the European Rule of Law Mission in Kosovo (EULEX) in 2008 | No specific mandate; regional initiatives |
| Timor-Leste (S/RES/1272, 1999) | Bringing to justice those responsible for the violence committed during the Indonesian occupation; attracting sufficient resources to build the judicial system; establishment of the Special Panels in Dili | Establishment of the Commission for Reception, Truth and Reconciliation (CAVR) and Commission on Truth and Friendship (CTF) in 2005 |

Note: Only the mandates relevant to the focus of this thesis are included.

Table 3. *Development mandates of UN transitional administrations in Cambodia, Kosovo, and Timor-Leste*

| | Economic development | Human development | Sustainable development (environment) |
|--------------------------------------|---|--------------------------|---|
| Cambodia (S/RES/745, 1992) | Rehabilitation and reconstruction of essential infrastructure; promotion of entrepreneurship; advancement of self-sustaining economic growth | Not applicable | Moratorium on the exporting of logs, minerals, and gems |
| Kosovo (S/RES/1244, 1999) | Comprehensive approach to economic development; reconstruction of essential infrastructure; development of private sector economy; establishment of basic market institutions | Provision of healthcare | Not applicable |
| Timor-Leste (S/RES/1272, 1999) | Establishment of conditions for sustainable development; rehabilitation of essential infrastructure; advancement of local economy | Not applicable | Not applicable |

Note: Only the mandates relevant to the focus of this thesis are included.

Since this thesis is interested in the processes and outcomes of liberal peacebuilding and local involvement, top-down and bottom-up approaches employed by international and local actors in implementing the mandates of UN transitional administrations were analysed. Top-down approaches include state-centric and institutional approaches, such as high-level political dialogues and regional or bilateral agreements that promote liberal values. Bottom-up approaches are community- and grassroots-level initiatives, such as community dialogues, civil society recommendations, and other avenues involving local actors and agencies. International actors, such as UN officials/decision makers, international organizations, international donors, regional bodies, and other foreign states, can assist a post-conflict society in rebuilding or reforming state institutions. Local actors can be political elites, local security groups, non-governmental organizations (NGOs), community leaders, and community-level organizations involved during the transition. These actors, however, are fluid in terms of spaces, territories, values, and approaches, and must be understood based on their contexts and representations.¹²

This categorization neither means that this thesis unknowingly falls into the trap of binary logic nor that these categories are always clear-cut. For example, an international approach may be non-liberal while a locally-initiated approach may not be representative of local aspirations. This categorization between international/liberal/top-down and local/non-liberal/bottom-up is mainly for the purpose of data gathering, management, and comparative analysis. It is helpful in identifying the activities of international and local actors and agencies, differentiating the liberal from the non-liberal, and analysing top-down and bottom-up approaches. Moreover, this thesis does not assume that the mandates are a panacea for peace and stability. However, in order to focus on the effectiveness of the liberal peacebuilding activities of the UN transitional administrations, this thesis used these mandates as bases for analysis.

¹² This is derived from Mac Ginty's (2015) and Hirblinger & Simon's (2015) examination of the local in peacebuilding and better explained in 'The Local Turn in Peacebuilding' section of Chapter 2 of this thesis.

There are interconnected issues that need to be addressed to rebuild a post-conflict society. For the purpose of this thesis, the focus of analysis is security, justice and reconciliation, and development. These are the three components that require immediate attention during the rebuilding process (ICISS, 2001, pp. 39-43). In addition, security, justice and reconciliation, and development are elements of liberal peace and therefore are fitting categories for analysing liberal peacebuilding in action. What kind of peace, security, justice, reconciliation, and development was achieved and for whom? Was the implementation of a specific mandate related to these components of peacebuilding a success or a failure?

Qualifying the success and failure of a complex and evolving process like peacebuilding is obviously open to interpretation and contestation.¹³ If the criteria are an absence of conflict and the presence of liberal institutions, then peacebuilding in Cambodia, Kosovo, and Timor-Leste could be considered a success since there has been no outbreak of conflict comparable to what the country experienced before the UN arrived and liberal institutions were established during the transition. If, though, the criteria are an absence of other forms of structural violence in the social, economic, and political spheres, and faithful compliance with liberal values, then liberal peacebuilding in the three case studies failed. This is because although it achieved short-term stability and prompted economic growth, it failed to transplant liberal values, preserved structural violence and injustices, and, most importantly, did not encourage the empowerment and emancipation of the local population.

Previous assessments and reports do not have a consensus on the outcomes of the UN transitional administrations in Cambodia, Kosovo, and Timor-Leste because what constitutes success and failure may differ across fields and organizations. Some scholars even contest that using the terms ‘success’ and ‘failure’ ignores the complexity of conflict and peacebuilding and is therefore a nonsensical, and sometimes self-defeating, process (for

¹³ It is significant to note that most of the internationals I interviewed assessed the missions they worked in as generally successful. On the other hand, some of the locals were straightforward in describing the missions as complete failures.

example, Ricigliano, 2015). This thesis understands that qualifying the success and failure of a peacebuilding mission is not definitive but doing so, at least for specific mandates, provides a potentially useful means of reflection. It could also foster a sense of accountability so that mistakes and failures will not be promoted as mere ‘lessons learned’ but rather serious consequences that need reparation. This is not to say that what happened during the transitions are the sole determinants of contemporary issues in Cambodia, Kosovo, and Timor-Leste but the suggestion is that events during these times significantly influenced the current political, economic, and social contexts of these countries.

CASE STUDIES

A transitional administration is a tool employed by the UN to assist post-conflict societies in transitioning to a self-governing state.¹⁴ What is unique about transitional administrations compared to other UN peace missions is the assumption of sovereign authority by the UN in government administration, and peacekeeping and peacebuilding duties (Chesterman, 2004). Transitional administrations are mandated, in various degrees, to establish legitimate and effective government, sustainable economies, civil society, and justice and reconciliation, among others (Bellamy, 2009). The employment of a transitional administration is a more comprehensive project compared to other types of peacekeeping operations because it includes areas and activities that have traditionally been under the ambit of government functions, such as civil and social services, reconstruction of infrastructure, and the training of a police force and judiciary (Griffin & Jones, 2000). The participation of international agencies also makes this tool more civilian compared to militarily heavy peace operations. A Special Representative of the Secretary-General (SRSG) or a transitional administrator heads a transitional administration. International

¹⁴ Employing transitional administrations, however, is not a novel practice and not always UN-mandated (for example, the British administration of Palestine in 1920 and the US-led Coalition Provisional Authority in Iraq from 2003 to 2004). Transitional administration is also called trusteeship, which arguably has a long history rooted in classical colonialism, particularly British rule in India and European rule in Africa. The League of Nations and the UN adopted a revised concept of trusteeship applying to disrupted states after the two world wars. For the historical evolution of the concept, see Wilde, 2008.

donors, such as the UN member states and international financial institutions, finance and provide resources for its operations.

Transitional administrations have been far from perfect. Their mandates have often been inconsistent, inadequate, and out of touch with the realities of peacebuilding and local aspirations for peace (Chesterman, 2004). These contradictions have sometimes led to issues related to the handover of administrative tasks from international to local actors. There are suggestions that these issues can be avoided by focusing more on assistance than on governance (Zaum, 2009). On the other hand, since the deployment of the transitional administrations Cambodia, Kosovo, and Timor-Leste have not experienced another major conflict that is comparable to what they have experienced in the past. With comprehensive plans for political, social, and economic reforms, these transitional administrations assisted in clearing the path towards self-governance. Considering the strengths and weaknesses of a transitional administration, “[its employment remains] an exceptional activity, performed on an ad hoc basis in a climate of institutional and political uncertainty”, and the lessons derived from the UN’s past experiences will help once it is again called for (Chesterman, 2004, pp. 256-257).

The UN transitional administrations in Cambodia, Kosovo, and Timor-Leste were selected as case studies because of their unprecedented governing mandates, which have set an enduring standard for international peacebuilding. Their mandates mirrored the assumptions of liberal peacebuilding, and the implementation of their mandates epitomised the complex dynamics between international and local actors. The UN Transitional Authority in Cambodia (UNTAC) operated from February 1992 to September 1993 to restore civil rule after years of civil war and foreign intervention. The UN Interim Administration in Kosovo (UNMIK) started in June 1999 and was authorized to administer the return to peaceful and normal life for the Kosovar¹⁵ population after NATO’s intervention against the former Federal Republic of Yugoslavia (FRY; hereinafter referred

¹⁵ Kosovar or Kosovan refers to the citizens of Kosovo.

to as the former Yugoslavia). It remains operational but with modifications to its mandates following Kosovo's unilateral declaration of independence in 2008. The United Nations Transitional Administration in East Timor (UNTAET) was mandated from October 1999 to May 2002 to administer Timor-Leste while preparing it for independence. The introduction part of each case study chapter provides a contextual background to these transitional administrations.

These case studies have been studied in the past, providing a rich source of secondary data for analysis. Although these transitional administrations have been previously assessed, this thesis has the advantage of retrospection. Since peacebuilding is a continuously developing process, the data for analysis includes more recent progresses and regresses in these countries, which is helpful in better understanding and explaining peacebuilding outcomes. In Cambodia, a violent coup occurred four years after UNTAC's exit. The political faction that staged the coup remains in power today. In Kosovo, ethnically motivated riots engulfed the country five years after the start of UNMIK's mission. In 2008, Kosovo declared independence despite the UN's neutrality over its status. In Timor-Leste, security institutions collapsed and riots ensued four years after UNTAET's exit. Timor-Leste hosted three more UN missions following UNTAET. An updated assessment of these missions is needed to include incidents and developments following the exit of the internationals. This thesis provides a fresh outlook by obtaining recent perspectives from the actors who were involved during the transition and who are currently involved in security, justice and reconciliation, and the development sectors of these countries.

The thesis also takes an updated perspective by applying recent debates in the literature to interrogating liberal peacebuilding and local involvement. It is a common view in academic scholarship that liberal peace is in crisis (for example, Cooper, 2007; Mac Ginty, 2010b; Richmond, 2009a) and that liberal peacebuilding does more harm than good (for example, Diehl & Druckman, 2010; Jarstad & Sisk, 2008; Zürcher et al., 2013).

Attempts to save or justify liberal peace (for example, Paris, 2010) are met with outright criticism (for example, Cooper, Turner, & Pugh, 2011) or dismissed as a neo-imperialist disposition (for example, Bellamy & Williams, 2004). On the other hand, the hybridity framework, which is at the forefront of the local turn in peacebuilding, has become an overstretched concept that includes almost everything, resulting in its dilution and elusiveness in actually influencing policy-making.¹⁶ With this current sense of stalemate, not only in the literature but also in practice, these perspectives on peacebuilding are worth re-examining in a new light based on recent debates surrounding liberal peacebuilding and insights from those who have been involved in UN peacebuilding missions.

To assess these debates using an empirical and multifaceted analysis, this thesis adopts a comparative approach using three case studies that have noteworthy similarities and differences. Cambodia, Kosovo, and Timor-Leste all experienced massive human rights violations in the past. The conflicts destroyed their physical infrastructures and administrative systems, thereby disrupting the provision of basic services for the people. They became unfortunate arenas for battles between the political interests of the major powers. They received foreign military intervention before the deployment of massive international assistance. Finally, the UN served as the de facto government during their transition from conflict to peace.

Cambodia, Kosovo, and Timor-Leste also have differences. The intervention in Cambodia happened in 1991 when Cold War had just ended, while the missions in Kosovo and Timor-Leste were deployed in 1999 after the international community's failure to intervene in the humanitarian crises in Rwanda and Bosnia. The guilt from these failures roused a renewed enthusiasm to respond to humanitarian crises caused by conflict. When the UN responded in Cambodia, it was just starting to expand its peacekeeping role outside

¹⁶ In addition, Nadarajah and Rampton (2015) present an excellent critique of the hybridity framework by arguing that it is neither a critical response to liberal peace nor an emancipatory approach. The concept of hybrid peace is discussed in 'The Local Turn in Peacebuilding' section of Chapter 2 of this thesis.

its traditional observation tasks. However, when the UN responded in Kosovo and Timor-Leste it had reformed its tasks to include more complex mandates of administration.

The nature of the conflicts in these countries and the geopolitical dynamics in which they are situated also differ. Although all three can be considered civil wars, Cambodia's conflict was rooted in a domestic political crisis and Kosovo was a case of secessionism. Timor-Leste was a case of independence from foreign occupation since the UNSC never recognized Indonesia's annexation of Timor-Leste and used to acknowledge the latter as a non-self-governing territory under Portuguese administration. These differences had implications for implementing the mandates of the transitional administrations, such as the disarmament, demobilization, and reintegration (DDR) process. Former combatants within the territories were more willing to surrender their weapons after the removal of foreign forces. They also have implications for the degree of assistance received from other countries and international organizations. For example, despite Kosovo declaring independence and obtaining recognition from 113 states,¹⁷ major countries such as Russia, China, India, and five European Union (EU) member states (Cyprus, Greece, Romania, Slovakia, and Spain) do not recognize its independence, making its UN and EU memberships contentious.

The relationships of Cambodia, Kosovo, and Timor-Leste with their neighbouring countries or the region to which they belong also influenced how the transitional administrations implemented their mandates. In Cambodia, the cooperation of its neighbours was crucial in removing foreign military forces and in enforcing the moratorium on timber. In Kosovo, the non-recognition of its neighbours and their allies proved to be an obstacle on its path towards statehood, which prolonged the UN presence in the country. In Timor-Leste, the UN and Timorese leadership preferred not to pursue justice from the Indonesian military officers guilty of war crimes and human rights violations to avoid hurting Timor-Leste's bilateral relationship with Indonesia.

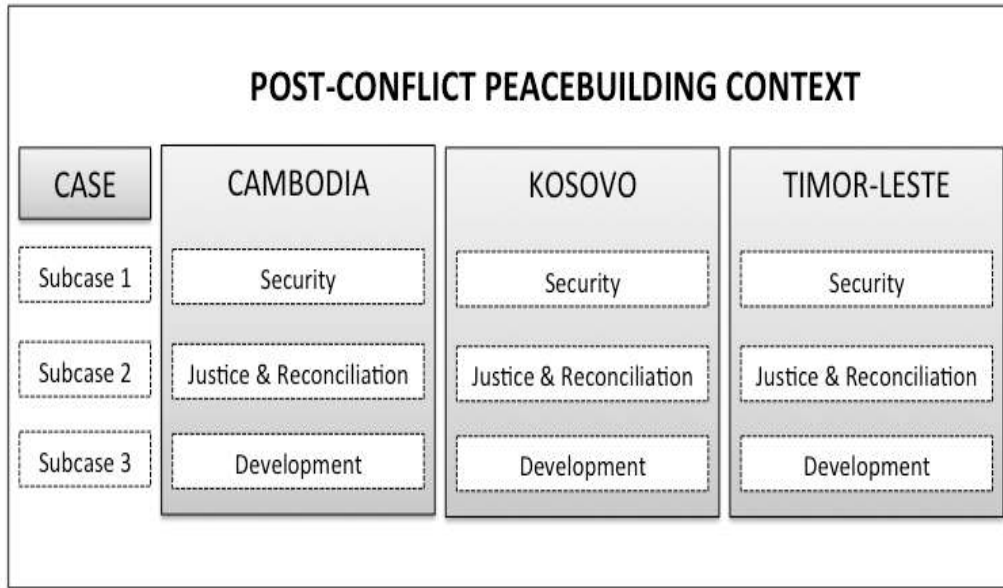
¹⁷ Visit www.kosovothanksyou.com for an updated list of states that recognize Kosovo's independence.

The case studies also differ in terms of culture. Cambodia is a predominantly Buddhist country whose majority speaks the same language. Kosovo has majority of Muslim Albanians with ethnic minority groups, such as Orthodox Serbs, who speak their own languages and practice different traditions. Timor-Leste is a predominantly Catholic country with Tetum as a common language in addition to Portuguese, Bahasa, and English as national languages, as well as local indigenous languages. Finally, Cambodia and Timor-Leste have a history of colonialism from France and Portugal, respectively, while Kosovo was a province of Serbia under the former Yugoslavia. The characteristics of these case studies influenced the designs of the transitional administrations and the processes and results of their peacebuilding initiatives. The significance of these characteristics is demonstrated in the case study chapters. Despite these differences, the case studies used to be under UN transitional administrations that employed a liberal framework, which is the most important common denominator for the purpose of this thesis. In addition, during their transitions, these case studies aimed to re/build security, justice and reconciliation, and development, which are the peacebuilding components that this thesis focuses on.

METHODS

The method of inquiry for this thesis is a comparative case study analysis with embedded subcases (Yin, 2012) (see Figure 1). The cases are the UN transitional administrations in Cambodia, Kosovo, and Timor-Leste, and the embedded subcases are security, justice and reconciliation, and development. Qualitative data was drawn from desk research and field research. Scholarly assessments, reports from the UN and relevant organizations and institutions, and data from 73 interviews (21 from Cambodia, 23 from Kosovo, and 29 from Timor-Leste) (see Appendix) were triangulated for patterns to provide evidence for interpretations and analyses.

Figure 1. Comparative case study design



Two phases of data gathering from primary and secondary sources were conducted. The first phase was the reviewing of documents related to the mandates, programmes, and regulations of the transitional administrations in order to clarify the original and official intentions of their founders. This phase also included a review of academic literature that had previously assessed these transitional administrations to assist in highlighting what were generally seen to be their strengths and weaknesses.

The second phase was field research. To provide a more in-depth analysis and to complement the data from the first phase, I spent a month in each country during 2014: January in Cambodia, mid-February to mid-March in Timor-Leste, and May in Kosovo. Primary data was obtained from semi-structured interviews with UN officials, local leaders, and members of civil society organizations who were involved in the various components of peacebuilding.¹⁸ Interviews via Skype before and after the fieldwork were also conducted. The questions revolved around their participation and experiences, perceptions of UN programmes, aspirations, and recommendations. The objective of this method was to elucidate which peacebuilding approaches were seen to be effective by both international and local actors. Their voices are crucial in better understanding the processes and outcomes

¹⁸ Names of some of the interview participants are withheld by mutual agreement.

of peacebuilding because of their either direct or indirect involvement in the activities of the UN and other organizations. Obtaining the perceptions of international actors is important for examining their understanding and implementation of the liberal values embedded in the mandates of the UN transitional administrations they were involved in. Likewise, obtaining the perceptions of local actors uncovers the extent to which these liberal values managed to permeate at the local level. Including the perceptions of these actors provides in-depth and unfiltered information surrounding the peacebuilding activities of the UN that may not have been reflected in formal proclamations and official publications. Human Ethics Clearance was approved for the entire duration of the data collection.

RESEARCH CONSIDERATIONS

This research has several considerations within which the outcomes of assessments and conclusion from the discussions need to be interpreted carefully. First, while the qualitative interviewing method has high external validity, this thesis recognizes that each post-conflict society is contextually unique. This caution over generalization arises from to the unique properties and realities of the case studies and not the qualitative research method employed. The analysis of the case studies is designed to increase understanding of the factors that led to the outcomes of a peacebuilding process and not to suggest a blanket recommendation for all peacebuilding missions.

Second, statistical data is used for descriptive purposes and not for inferring causality, especially from possibly spurious relationships. For example, socio-economic indicators may have improved not exclusively because of the successful implementation of the mandates of transitional administrations but mainly because the conflict has been resolved and the post-conflict society has been experiencing peace or transitioning to peace.

Third, while the interviews provide in-depth information useful for exploring and confirming previous assessments of peacebuilding missions, this research acknowledges the bias that may come from the participants' affiliations and experiences. Moreover, the

selection of interview participants generated a sample that is not representative of the population. Nevertheless, this research treats the data from the interviews with high regard because of the participants' actual involvement in the peacebuilding process but with awareness that their insights may favour or oppose certain ideas and practices.

Despite the aforementioned considerations, the use of qualitative case studies is a sound method when analysing complex subjects such as the UN transitional administrations in post-conflict societies. It allows identification of new variables, examination of details, and the construction of a historical explanation of the peacebuilding process (Kacowicz, 2004, p. 107). Conducting interviews in a multiple case-study design is an effective tool for underscoring the otherwise latent details crucial for in-depth analysis and interrogating the theoretical assumptions surrounding liberal peacebuilding.

THESIS OUTLINE

This thesis has seven chapters including this introductory chapter. Chapter 2 is a review of the literature on liberal peacebuilding. It first sets out the conceptual boundaries of liberal peacebuilding in relation to peacebuilding and statebuilding. It then reviews the critiques of liberal peacebuilding and demonstrates how the practice of liberal peacebuilding has been simplified into institution-building and has strayed away from the liberal underpinnings of the original conceptualization of peacebuilding. It also reviews the local turn in peacebuilding as an alternative to liberal peacebuilding, and highlights the concept of hybridity as a useful analytical lens for understanding and explaining the international-local, liberal-non-liberal, and top-down-bottom-up dynamics in a peacebuilding process.

Considering the strengths and weaknesses of liberal peacebuilding and the local turn, a middle-ground alternative or a locally-moderated liberal peacebuilding approach is proposed. Chapter 2 also discusses security, justice and reconciliation, and development as the three components of peacebuilding used in examining the case studies. As the most

immediate and crucial tasks in rebuilding a post-conflict society, Chapter 2 defines these interconnected components and describes the factors relevant to each of them.

Chapter 3 is dedicated to the case of UNTAC and the legacy of its mandates on Cambodia's political, social, and economic milieus. The chapter sets the context by providing a historical background covering the rise and fall of political personalities and political systems in Cambodia. The assessment of UNTAC's mandates related to security and development and the lack of these in terms of justice and reconciliation shows that, despite the authorization of liberal peace mandates in UNSC resolutions, the assumptions of liberal peacebuilding failed to fully materialize. UNTAC's illiberal action, which was interfering with the outcome of the democratic elections to cajole the losing party not to incite violence, did not contribute to successful liberal peacebuilding in Cambodia. UNTAC's local involvement was limited to the local factions they considered to have possibly incited political instability. The military coup in 1997 was a manifestation of a shallow implementation of liberal peacebuilding when international actors acted illiberally to produce short-term stability instead of long-lasting peace.

Chapter 4 focuses on UNMIK in Kosovo. It starts off with a historical background that explains the ethnic divide that persists in the country today. UNMIK, together with the EU, deployed a comprehensive military protection and civilian administration to assist Kosovo in its transition from conflict to peace. The situation in Kosovo was tense but stable until ethnically motivated riots erupted in 2004. The incident moved the UN to hasten its resolution over Kosovo's status but Russia's veto stagnated the process. Without an agreement within the UNSC regarding the future of Kosovo's status, the Kosovar-Albanian lawmakers unilaterally declared independence in 2008. The assessment of the administration's mandates shows that, despite the establishment of liberal institutions, UNMIK's neutrality over Kosovo's status and its illiberal decision to co-opt the former armed movement instead of representing the aspirations of the wider population resulted in institutions lacking long-term direction and a negative, fragile peace without the political,

social, and economic elements of liberal peace. Instead of alleviating the shortcomings of liberal institutions, local involvement that was exclusive to the former members of the Kosovar-Albanian armed movement and disenfranchised ethnic minorities exacerbated them.

Chapter 5 looks at the experience of UNTAET in Timor-Leste and, to some extent, the missions that followed it. The chapter starts with a brief historical background from the end of Portuguese colonization until the deployment of UNTAET. The international community commended the peacebuilding process in Timor-Leste until a security crisis erupted in 2006 between the local defence and police forces. Institutions of security, justice and reconciliation, and development were established but they failed to deliver on their responsibilities. This failure is attributed not only to UNTAET's shortcomings in providing more robust and inclusive capacity-building mechanisms but also because of exclusive local involvement during the rebuilding process. Even though there was more active local involvement in Timor-Leste compared to Cambodia and Kosovo, it was exclusive to the political elite, which was fragmented from within in terms of approaches and priorities. The result was a fragile and politicized peace that outplayed the positive outcomes from the establishment of liberal institutions.

Chapter 6 compares the processes and outcomes of providing security, pursuing justice and reconciliation, and promoting development in Cambodia, Kosovo, and Timor-Leste with consideration to their unique factors and respective contexts. Two main findings emerge in comparing these case studies. First, liberal peacebuilding in these cases was neither consistently liberal nor entirely peace-building. This resulted in shallow liberal peacebuilding in Cambodia, co-opted local involvement in Kosovo, and fragile liberal institutions in Timor-Leste. Second, local involvement did not alleviate the shortcomings of liberal peacebuilding because the involvement of local actors and agencies was not inclusive, substantive, representative, and transformative.

Chapter 7 concludes the discussion of this thesis by summarizing the limits of liberal peacebuilding, the importance of local involvement, and the potential pitfalls of local involvement. It reiterates the main arguments of this thesis based on the findings from the case studies. Chapter 7 closes with recommendations for future research on and practice of post-conflict peacebuilding, including a regularly updated analysis of past UN missions and finding a balance between the liberal and the local in future peacebuilding missions.

BASIC FINDINGS

Liberal peacebuilding fails to build long-lasting peace if the implementation of its objectives is not consistently liberal and does not involve local actors and agencies in an inclusive, substantive, representative, and transformative manner. In analysing the case studies, this thesis presents several major arguments. First, while UN transitional administrations did not produce long-lasting peace, the existing critical literature has been too quick to attribute the incidents of violence and conflict following and during the transitions to flaws in the liberal peacebuilding framework. This critical perspective does not sufficiently explain instances when the UN transitional administrations departed from their liberal mandates. This highlights the gap between the liberal rhetoric and the non-liberal praxis of the UN transitional administrations. To fill this gap, this thesis argues that the failure of the UN missions to implement their liberal mandates and uphold their liberal values also contributes to the fragility of peace in post-conflict societies, and not solely because of flaws in the liberal peacebuilding framework. Second, liberal peacebuilding fails to deliver its goals of liberal transformation and long-lasting peace when it becomes fixated on the technical establishment of institutions instead of applying a holistic kind of peacebuilding, which encompasses both negative and positive types of peace. This is more problematic when the institutions being built are incompatible with local contexts or sometimes ineffective or incompetent to deliver their responsibilities. This finding contributes to previous assessments of the case studies by analysing both institution-building and peacebuilding. Third, local involvement exacerbates the potential for violence

when it is characterized by illiberal values of exclusiveness, superficiality, non-representativeness, and politicization.¹⁹ These types of local involvement do not address the shortcomings of liberal peacebuilding but rather reproduce or even exacerbate them. Local involvement, therefore, is not a panacea for the failures of liberal peacebuilding especially if it is not consistently anchored in liberal values. With these findings and recommendations, this thesis departs from previous claims that the shortcomings of liberal peacebuilding missions are due to a lack of local involvement. It also further substantiates recent studies that raise caution over the potential pitfalls of local involvement or peacebuilding from below by identifying the types of local involvement that aggravate rather than address the shortcomings of liberal peacebuilding.

¹⁹ This thesis acknowledges that these values can also be considered as flaws of the liberal peacebuilding framework. However, as argued in the 'Locally-Moderated Liberal Peacebuilding Approach' section of Chapter 2 of this thesis, the essential principles of liberalism are inherently good in theory but sometimes misused in practice.

CHAPTER 2

SITUATING THE MIDDLE-GROUND BETWEEN LIBERAL PEACEBUILDING AND THE LOCAL TURN

INTRODUCTION

This chapter reviews the literature that deals with liberal peace and peacebuilding in order to set up the key debates surrounding liberal peacebuilding and the local turn in peacebuilding. This review also positions the argument of this thesis for a locally-moderated liberal peacebuilding approach in relation to these key debates. First, I present the conceptualization of liberal peacebuilding and the problems related to it. Second, I evaluate the critiques of liberal peace and peacebuilding, specifically those on the conceptualization of liberal peace and the application of its elements in rebuilding post-conflict societies. Third, I assess the alternative approaches recommended by liberal peacebuilding critics, particularly their recommendations for a local turn in peacebuilding. The debates surrounding these frameworks and approaches are helpful in identifying the limits of liberal peacebuilding and the pitfalls of local involvement in Cambodia, Kosovo, and Timor-Leste.

In this chapter I aim to demonstrate how the literature on peacebuilding tends to focus on ideal outcomes and is therefore prone to ignoring the existing social and political contexts of local dynamics. Previous negative assessments of UN peacebuilding missions also tend to blame liberal peace and romanticize the local, paving the way for extreme trajectories that favour one side over the other. These tendencies create static binaries between liberal and non-liberal, local and international, and/or top-down and bottom-up that are not helpful in understanding and explaining why, despite the successful establishment of institutions and local involvement, the fruits of peacebuilding missions are fragile and short-term. To contribute to the existing literature on peacebuilding I argue for a middle-ground alternative that combines the positive aspects of both liberalism and localism in

peacebuilding. This locally-moderated liberal peacebuilding approach gives merit to the strengths of liberal peacebuilding and at the same time recommends local involvement that does not depart from the liberal underpinnings of peacebuilding.

DEFINING AND PROBLEMATIZING LIBERAL PEACEBUILDING

The liberal assumption in peacebuilding is that liberal democratic institutions and globally integrated market-oriented policies can successfully sustain peace and development (for example, Doyle, 1983; Keohane & Nye, 2001; Rasler & Thompson, 2005; Russett, 1996). UN peacebuilding operations rest on these assumptions by conducting elections, supporting judicial mechanisms, strengthening the rule of law, and promoting economic development. These operations are designed to re/build states that encourage civil society participation, respect human rights, and complement the agenda of international institutions. They prepare post-conflict societies for their integration into international politics and economy. The ideal setting is one in which domestic policies uphold the freedom of individuals, comply with international agreements, and respect the freedom and sovereignty of other states, while international actors and agencies coordinate their efforts towards promoting and strengthening these norms. As conflict and violence continue to disrupt and challenge international peace and security, ensuring that liberal principles are not violated remains a priority for liberal advocates.

International actors, such as the UN, regional organizations, and powerful states, can play a major role in rebuilding post-conflict societies. Liberal internationalism claims to encourage liberal states to adopt a foreign interventionist policy for the purpose of advancing liberal objectives. It explains that such policies are ways of expanding the 'zone of peace' wherein international relations are organized under a liberal international order that embraces "open markets, international institutions, cooperative security, democratic community, progressive change, collective problem solving, shared sovereignty, and the

rule of law” (Ikenberry, 2009, p. 71). For example, the economic policies and sanctions promoted by international actors, specifically the US, the UK, and the UN, and supported by the local leadership in Liberia contributed to the strengthening of Liberia’s economic governance (Atkinson, 2008). Liberal internationalism has a solidarist potential because it engages a complex network of humanitarian agents (O’Hagan, 2013). In the past, liberal internationalism fought alongside the struggle for human rights and defeated colonialism, fascism, and communism (Dunne & McDonald, 2013). Some scholars believe that liberal internationalism is still the best option for international order but requires revision to resolve its contradictions, bolster the accountability of institutions and enhance the benefits from them, and close the gap between theory and practice (for example, Bishai, 2012; Hoffman, 1995; Leveringhaus, 2014; Paris, 1997).

The issue of military intervention for humanitarian objectives during the 1990s reinvented liberal internationalism to become what is now called humanitarian intervention. In this case liberal internationalism is characterized as liberal interventionism because of its aggressive policies towards liberalisation of non-liberal states. For critics, liberal internationalism is a neo-imperialist agenda veiled by the promises of liberal peace and altruism of humanitarianism (Biancardi, 2003; Chomsky, 1999; Wai, 2014). It has become a misused justification to use force for goals other than humanitarian ones, such as economic and geopolitical interests. Furthermore, unauthorized interventions, such as in Iraq in 2003 and Kosovo in 1999, and lack of timely responses in humanitarian crises, such as in Rwanda in 1994 and Bosnia in 1995, question the motives and the legal and moral faithfulness of liberal states to liberal values. These events and their link to neo-conservatism²⁰ have also dented the normative role of liberal internationalism in upholding international legal norms and human rights.

²⁰ For a discussion about the historical roots and rise of neo-conservatism in a global order influenced by the US and its link with liberal internationalism, see Gardner, 2005 and Kiely, 2004.

While unilateral and unauthorized actions shed light on the possible exploitation of the legitimacy of liberal interventions, they cannot be considered liberal peacebuilding. The US action in Iraq in 2003, for example, misconstrued the real meaning of humanitarian intervention (Nardin, 2005). It cannot be considered liberal peacebuilding because it was not a multilateral intervention in a pre-existing conflict but rather an instance of regime change justified on strategic instead of humanitarian grounds. Furthermore, this thesis gives importance to requests by and consent from local parties as a feature of liberal peacebuilding. This is in line with Paris' differentiation between liberal peacebuilding and post-conquest peacebuilding or invasions followed by peacebuilding (Paris, 2010). The latter does not have the consent of the local parties and therefore has less legitimacy with a questionable humanitarian intent, making local support for peacebuilding operations difficult to obtain. With this differentiation, NATO's action in Kosovo may be categorized as post-conquest peacebuilding because the Yugoslav government did not request for it and there was no UNSC resolution to legally authorize it. However, even though the initial NATO operation was not strongly consensual, the UN mission that followed NATO's intervention did not involve forcible entry, Paris argues (2010, p. 348).²¹

IMPLEMENTING THE LIBERAL PEACE

In practice, the implementation of liberal peace elements involves their institutionalization, especially in political and economic spheres. The conduct of UN peace missions, for example, is guided by policies that promote the democratization of politics and economy (Paris, 1997, p. 59). The 1992 UN Agenda for Peace calls for the strengthening of democratic practices and acknowledges the link between strong democratic institutions and stable peace and security (A/47/277, 1992). In 2001 the UNSC decided that capacity-building in the security sector, democratic political mechanisms, and economic and social institutions are prerequisites for successful and comprehensive peacebuilding (S/2001/394,

²¹ For the purpose of disentangling from the debate about the real motivations behind interventions, which is outside the scope of this thesis, I follow Paris' differentiation while acknowledging that it may be open to contestation. For further reading about interests, motivations, and intentions behind military interventions, see, among others, Glanville, 2014; Pugh, 2004; Tesón, 2005; Walzer, 1978; Weiss, 2007.

2001). In 2007, the UN Secretary-General's Policy Committee outlined the characteristics of peacebuilding as consisting of "a range of measures targeted to reduce the risk of lapsing or relapsing into conflict by strengthening national capacities at all levels for conflict management, and to lay the foundations for sustainable peace and development" (UN PBSO, 2016). In 2009, UN Secretary-General Ban Ki Moon released a report outlining his post-conflict peacebuilding vision, which ties peace to institutions and capacity-building (A/63/881-S/2009/304, 2009).²²

The institutionalization of liberal peace elements is attributed to international security concerns posed by state failure or state collapse. According to Zartman (1995), a state collapses when "basic functions of the state are no longer performed, as analysed in various theories of the state" (p. 5), caused by a "breakdown of good governance, law, and order" (p. 6). When a state collapses, the likelihood of internal conflict and violence or civil war increases (von Eisedel, 2005, p. 15). The proliferation of disrupted states in the 1990s, their susceptibility to lapsing or relapsing into conflict, and the transnationality of their security issues paved the way for recommendations to build stable, legitimate, and functioning institutions as a solution to incidents of internal violence and conflict. With a focus on strengthening government capacity, international organizations placed statebuilding as the objective of peacebuilding (Paris & Sisk, 2007, p. 3) because building state institutions had become an embedded strategy in international peacebuilding missions (A/RES/60/180, 2005; Brahimi, 2007; S/RES/1645, 2005). The 'good governance' agenda became the focus of building and strengthening state capacities and institutions in conflict-affected societies.

However, after failures of peace missions during the 1990s to build long-lasting peace through the liberal framework, intervening actors started shifting their approach from ideological promotion of the liberal peace thesis towards practical strengthening of

²² The report and its subsequent progress reports also highlight the need for national ownership and development of national capacity, stronger UN leadership, international support, and the role of women in peacebuilding missions (A/64/866*-S/2010/386*, 2010; A/65/354-S/2010/466, 2010; A/67/499*-S/2012/746*, 2012).

institutions but still hinging on the elements of liberal peace (Call, 2008a; Dodge, 2013). This emphasis on institution-building rather than the promotion of liberal values is evident in the 2011 World Development Report, which states that “strengthening legitimate institutions and governance to provide citizen security, justice, and jobs is crucial to break cycles of violence” (p. 2). The report also concludes that violent conflict increases in the absence of effective and legitimate institutions. With this shift, the UN and other international organizations now pursue a less ambitious objective of achieving ‘good enough’ outcomes that allow flexibility and innovation, especially through incremental building of institutions (World Bank, 2011).²³ More recently, the 2015 UN Peacebuilding Review reflects a more practical approach to building and strengthening the capacity of institutions that promote conflict prevention and long-term peace (A/69/968-S/2015/490, 2015). It recommends that external actors take a step back and act as facilitators through an inclusive and people-centred approach that allows space for inclusion and ownership, instead of imposing peace (para. 127).

By focusing on state capacities, liberal peacebuilding has essentially been simplified into the technical establishment of liberal institutions (Donais, 2012; Paris, 2002; Zaum, 2007). For example, instead of promoting reconciliation among local communities, peacebuilding missions tend to focus on establishing judicial institutions that may even be considered irrelevant by the locals. The contemporary practice of peacebuilding veers away from the previous and broader conceptualization of peacebuilding. This is not to say that there is a consensus among scholars and practitioners on the definition and components of peacebuilding (see M. Barnett, Kim, O'Donnell, & Sitea, 2007; Chetail, 2009) and the other terminologies related to it, such as nationbuilding and statebuilding (see D' Costa & Ford, 2008). However, this thesis corresponds to a holistic understanding of peacebuilding that encompasses political, social, economic, and institutional transformation or rehabilitation

²³ International donors are also re-focusing their strategy towards building and strengthening state institutions in disrupted states in a way that is aligned with local contexts to promote local ownership. Most notable in this trajectory are the Peacebuilding and Statebuilding Goals (PSGs) of the New Deal for Engagement in Fragile States (2011).

(Bercovitch & Jackson, 2009, p. 175; Bertram, 1995, p. 388; Diehl & Druckman, 2010, p. 111; Pugh, 1995, p. 328). It also traces back to Galtung's (1976) coinage of the term *peacebuilding* as the pursuit of sustainable peace that can be achieved by addressing the root causes of conflict and incorporating local capacities.²⁴ Later on, Lederach (1997) defined peacebuilding as a comprehensive concept covering various processes, approaches, and stages of conflict resolution. In 2000, the *Brahimi Report on Peacekeeping Reform* conceived of peacebuilding as “activities undertaken on the far side of the conflict to reassemble the foundations of peace and provide the tools for building on those foundations something that is more than just the absence of war” (p. 3).

The above conceptualizations echo Galtung's holistic definition of peace, which is the absence not only of war and direct violence or negative peace but also other forms of structural and indirect violence (1964). However, since peacebuilding is a convoluted and massive undertaking that requires a long-term commitment, and considering that the transformation of institutions is a slow progress that takes at least a generation (World Bank, 2011), post-conflict rebuilding after the 1990s started to focus more on incrementally building state capacities in a way that could be achieved within the usually short duration of one or two years of UN missions. With the narrowing of peacebuilding strategies to building and strengthening state institutions, some scholars may be right in their claim that peacebuilding is synonymous with statebuilding (M. Barnett & Zürcher, 2009; Goetze & Guzina, 2008), if statebuilding is understood as mere institution-building. Statebuilding is more than the establishment of institutions, though, as the following section discusses.

PEACEBUILDING AS STATEBUILDING?

Statebuilding is the “creation of new governmental institutions and the strengthening of existing ones” (Fukuyama, 2004, p. 17). It is a peacebuilding approach that emphasizes the need for capable, autonomous, and legitimate governmental institutions in order to achieve

²⁴ Galtung's formulation does not require liberal actions or justifications but emphasizes self-supporting, non-violent conflict resolution for society to eliminate reasons for conflict and violence.

security and development (Paris & Sisk, 2009, pp. 1-2). Statebuilding and peacebuilding can be considered to overlap since statebuilding may be a requirement for peacebuilding but their relationship is “complicated, contingent, and context-dependent” (Call, 2008b, p. 3). Some cases of peacebuilding operations constitute aspects of statebuilding (Newman, 2009, p. 30). A UN transitional administration, for example, can be considered as statebuilding because it is directed at establishing institutions of good governance. On the other hand, it can also continue towards the path of peacebuilding by considering the needs and rights of individuals, sustainable communities, and a sustainable polity of equitable representation. In a post-conflict reconstruction phase, peace operations may shift from the conservative version of liberal peace, which is characterised by a top-down approach to peacebuilding shaped by coercion, domination, and hegemony, towards the orthodox version of liberal peace, which focuses on building liberal institutions that are more sensitive to local realities and aspirations to peace (Richmond & Franks, 2009, pp. 7-8, 10).

According to Hameiri (2014), statebuilding has evolved separately from liberal peace and peacebuilding, especially in the contexts of regulatory statehood and risk management. He also argues that statebuilding becomes a problematic practice when the conceptualization of state capacity is limited to technical and objective terms that mask the complex political and social dynamics present in a statebuilding context (Hameiri, 2007, 2009). In his closer examination of international statebuilding intervention in the Solomon Islands, Hameiri proposes a framework that acknowledges and explains the relationship between statebuilding interventions and the power and interests present in disrupted states. In the same vein, Lemay-Hébert (2009a) stresses the importance of the legitimacy of external actors and statebuilding processes. He also advocates for the need to better understand how statebuilding processes influence local social and political structures. These observations on statebuilding are also applicable to peacebuilding because liberal-local encounters must be understood based on the contexts and power structures they are situated

in. These are helpful in better explaining the processes and outcomes of local involvement in liberal peacebuilding.

Peacebuilding and statebuilding, whether separate, synonymous or overlapping under the ambit of the liberal peacebuilding framework, have similar shortcomings. Both are criticized as being distant from the local context and perceived to be externally-driven endeavours absent of local inputs and without much regard to the existing political and social dynamics of the post-conflict society (for example, M. Barnett & Zürcher, 2009; Berdal, 2008; Chesterman, 2004; Hirschmann, 2012). However, while there is a concern that statebuilding has become fixated on technical and objective goals, peacebuilding, in contrast, has started to focus more on institution-building and ‘good enough’ outcomes than on a comprehensive undertaking of promoting and ensuring holistic and long-lasting peace. Based on the trajectory of the rhetoric and practices of the UN related to peacebuilding, liberal peacebuilding has indeed become an uncomfortable compromise between a peacebuilding framework that focuses on the needs and rights of individuals and statebuilding approaches that aim to build the political, economic, and security structures of the state (Richmond & Franks, 2009, p. 182).

Based on the above observation, three inferences can be made. First, the definition of liberal peacebuilding can be expounded as the pursuit of long-lasting peace by re/building liberal institutions and involving local actors and agencies in eliminating the root causes of conflict and violence. Second, the practice of liberal peacebuilding does not fully satisfy the desirable goals of peacebuilding or statebuilding because of the concessions both sides have to make in order to reach a compromise. Third, the unintended consequences of this compromise may not be failures of liberal peacebuilding per se but failures to realize the original intention of statebuilding to politically and socially transform state apparatuses, and of peacebuilding to involve local actors and agencies in a holistic undertaking of building peace. If these inferences are warranted, the failures of liberal peacebuilding, therefore, may not be failures of the elements of liberal peace but the

consequences of the technical and objective focus of statebuilding and the simplification of peacebuilding as institution-building. It is important to keep these points in mind while examining the critiques of liberal peacebuilding summarized in the following section.

THE 'DARK SIDE' OF LIBERAL PEACEBUILDING

Due to the international support for and legitimacy of liberal norms (see, for example, Bukovansky, 2007, pp. 175-176), UN-led post-conflict rebuilding, especially during the 1990s, has applied a liberal framework. Mac Ginty (2010a) describes the liberal peacebuilding framework as the software that drives the hardware of intervening actors because it is the dominant framework for peace operations championed by international actors. However, the relapses into conflict and reversal to authoritarianism of some countries have challenged the effectiveness and legitimacy of the liberal peacebuilding framework.²⁵ Past UN peacebuilding operations have been negatively evaluated for producing a kind of peace that is unsustainable, unrealistic, and insensitive to the context of post-conflict societies. Since the UN's rhetoric rests on the tenets of liberal peace, its failure to realize its grand liberal goals and the inappropriateness of these goals for local realities and aspirations have raised doubts on the effectiveness of the liberal peacebuilding framework for building long-lasting peace.

Criticism of liberal peacebuilding consists of two major arguments: the biased conceptualization of liberal peace, and the flawed implementation of liberal peacebuilding (Chandler, 2010b). First, critics emphasize that the problem of liberal peacebuilding is the parameters and conceptualization of liberal peace. According to Richmond (2009a), liberal peace is limited to security, institutions, and markets. It is also biased in favour of the Western experience because it is only advantageous to Western liberal states and their liberal policies (Richmond, 2006). Richmond further argues that this bias results in a virtual peace in post-conflict societies, which have become mere 'shells of liberal state,' lacking

²⁵ This is also connected to the reversal to authoritarianism of then newly democratized states in the former Soviet Union and parts of sub-Saharan Africa, thereby questioning the high ground that liberal democracy occupies in the international arena (Carothers, 2004).

the potential for emancipation, and perceived as successful only by Western standards. The implication of this is that liberal peace may be different from the kind of peace aspired to by the local population (Mac Ginty, 2010b). Duffield (2001) also claims that liberal peace is geared towards a logic of exclusion and selective incorporation because it tends to disqualify non-cooperating actors from development aid and global networks.

The second argument asserts that the conduct of liberal peacebuilding is fundamentally destructive and illegitimate. Some scholars reject the liberal peacebuilding axiom that democratization and market-oriented economic policies produce peace (for example, Cooper, Turner, & Pugh, 2011; Mansfield & Snyder, 1995). They argue that the promotion of democracy has become a justification to go to war and that capitalism has stirred conflicts caused by economic inequalities. For example, marketization may exacerbate existing economic inequalities and rekindle past inequalities that caused the initial conflict (Bellamy, 2009; Paris, 1997). Rapid democratisation may also recall violence if it becomes a tool of political legitimacy for those who caused the conflict or state collapse in the first place (Bellamy, 2009; Paris, 1997). This is related to the exploitation of elections by 'illiberal democracies' to consolidate and exploit power and restrict individual freedom instead of adhering to the traditional principle of constitutional liberalism, which protects the rights of individuals (Zakaria, 1997). Furthermore, the promotion of democracy and a market economy requires conditionality and coercion, which violates the society's right to self-governance and overlooks local norms and traditions (Lidén, 2009).

To preserve the key principles of liberal peacebuilding, Paris (1997, 2004, 2010) proposes an 'institutionalization before liberalization' (IBL) framework. He endorses the rebuilding of institutions first before the adoption and promotion of liberal values and systems to address liberal assumptions about 'the magic of the market and the ballot box', implemented as one of the 'quick and dirty' approaches in post-conflict societies. Since this proposal means that the problem is 'doing less' and 'not doing it right,' it requires a longer and more robust peacebuilder presence. It is thus unsurprising that this proposal has

received several criticisms. Chandler (1999a, 1999b, 2001), for one, warns that this approach may result in a 'culture of dependency' in which a prolonged international peacebuilding presence may hinder the capacities of the local population for self-government. Cooper, Turner, and Pugh (2011) also denounce Paris' assumption that there is no alternative to liberal peacebuilding. Instead of a universal framework, they argue for a peacebuilding approach that recognizes various forms of peace and concepts where local notions coincide with liberal norms.

Some scholars observe that the lack of local agency in the way liberal peacebuilding achieves peace creates a society that is alienated from the process and without ownership of the peace that was created for them (for example, Andrieu, 2010; Mitchell, 2010). In this case, it seems appropriate for the international community to be a facilitator rather than a central driving force in peacebuilding (King & Matthews, 2012). A more extreme recommendation is Spears' argument that it is better to do less than more in peacebuilding (2012). He asserts that external interventions in peacebuilding may hinder post-conflict societies' own coping skills, and that allowing them to evolve into a stable state independent of external intervention is more effective. A more moderate critique is Walton's (2009) suggestion that liberal peacebuilding should be conducted by Western or willing states only in accordance with their national interests, and not for the purpose of spreading liberal democracy. He reasons that international involvement should be limited and realistically calculated because strategic intentions can sustain lengthy and costly peacebuilding efforts better than liberal intentions. Therefore, in order to avoid frustrations and embarrassments after the withdrawal of peacebuilding operations in societies where stable peace has not yet been established, liberal peacebuilding should be done only in low-risk and low-cost cases, he adds. The 'fix everything' goal of liberal peacebuilding is a precarious proposition given the modest resources and short timeframe devoted to it (Walton, 2009, p. 722).

Given the marred record of past peacebuilding missions, and the critiques that international actors and approaches were doing more harm than good, the UN employed a 'light footprint' approach in Afghanistan to reduce the influence of the international presence and to realistically and locally orient international efforts (Chesterman, 2002b). However, there are analyses which suggest that while this approach is suitable for other sectors, such as development, it is not apt for the security sector, especially in the case of Afghanistan, which requires a strong physical commitment and political will (for example, Ishizuka, 2008). It is also possible for this approach to be susceptible to perpetuating a culture of impunity by potentially legitimizing spoilers or the perpetrators of the conflict (Bellamy, 2009). Moreover, it may only result in modest gains, as some studies prove that low input from international assistance also produces low output in terms of security, democratic transformation, and economic development (Dobbins et al., 2003 cited in Bellamy, 2009, p. 180).

THE LOCAL TURN IN PEACEBUILDING

There is now a perception that liberal peacebuilding is either at the point of uncertainty or in ideological decline (see Campbell, Chandler, & Sabaratnam, 2011; Cooper, 2007; Mitchell, 2010; Richmond, 2011). The post-Cold War liberal internationalist euphoria has waned with the realization that the UN, together with other international organizations, is not always well-equipped to handle complex and multidimensional peace operations. More recently, the 2015 UN Peacebuilding Review admits that the UN is not in the best position to lead the process for sustaining peace but can only assist and facilitate national stakeholders (A/69/968-S/2015/490, 2015, p. 5). The local turn in peacebuilding aims to address the failures of liberal assumptions about building durable peace in post-conflict societies by emphasizing the role of local actors and agencies (Hughes, Öjendal, & Schierenbeck, 2015). This turn highlights and acknowledges the importance of bottom-up approaches to peacebuilding, the everyday elements of peace, and the hybridity of peace processes.

THE LOCAL AS A TOOL OR DRIVER OF PEACEBUILDING?

The literature on the local turn in peacebuilding branches out into two distinct dimensions (Leonardsson & Rudd, 2015; Paffenholz, 2015). The first dimension is situated in a sub-national arena where the local is an agent for effective peacebuilding and statebuilding, and therefore emphasizes local ownership and capacity-building (Leonardsson & Rudd, 2015, p. 826). In this case, the local is seen as having the biggest potential for building effective peace but in a collaborative relationship with the international, which is not automatically considered as a “bad liberal” but rather a “misguided one” that lacks local sensitivities (Paffenholz, 2015, p. 860). The second dimension is rooted in a post-structuralist agenda that is critical of the international and the liberal peacebuilding project, and therefore emphasizes the everyday elements of peace and the emancipation of the local (Paffenholz, 2015, pp. 857, 861). With these distinctions, the local is either a tool for liberal peacebuilding or a driver to contest the liberal approach to peacebuilding. Both dimensions, nonetheless, question the dominant conceptualizations of peace and approaches to peacebuilding in order to better understand and explain the agency of international and local actors, as well as their power relations and the outcomes of their encounters. The local turn in peacebuilding illuminates the limitations of existing epistemologies and methodologies of peace (for example, Mac Ginty & Richmond, 2013; Schierenbeck, 2015), and locates the local in the complex, multidimensional, and dynamic processes of peace (for example, Hirblinger & Simons, 2015; Kappler, 2015; Mac Ginty, 2015). It does so by emphasizing the role of local agencies and the value of everyday elements coming from ordinary people, and highlighting the outcomes of the interactions between the liberal and the local during the peacebuilding process (see Autesserre, 2014; Brinkerhoff, 2005; Donais, 2015; Pickering, 2007; Richmond, 2009a).

What and who is the ‘local’ and what distinguishes it from the external or the international? It may be difficult to fully capture the essence of the local but this difficulty implies that the local is complex and cannot be assigned rigid definitions. As Hughes,

Öjendal, and Schierenbeck (2015) explain, the local, such as relationships, practices, and sites, is flexible and relational, and being local means “combining political representation of the voice of the people with cultural appropriateness” (p. 818). Furthermore, the local is fluid not only in terms of levels but also through time, circumstances, and spaces (Mac Ginty, 2015). It may be bound by territorial characteristics but critically adopting the local means seeing it beyond spaces and territories, according to Mac Ginty. While acknowledging that the international-versus-local binary is a “gross simplification”, Mac Ginty (2016) finds value in it in terms of making sense of the social world around us (p. 200). At this point it is worth invoking Hirblinger and Simons’ (2015) proposal to understand the local based on what they represent and how they are being represented because these representations, which are negotiated, evolving, and sometimes conflicting, impact the peacebuilding process. Therefore, this thesis utilizes the term ‘local’ to refer to actors, agencies, and processes that are rooted in social, political, and cultural contexts in the post-conflict society and that are representative of particular sectors of society. It was for this reason that I sought the perceptions of local actors both from the government and non-governmental organizations that were involved during the transitions and provided a contextual background for each case study.

HYBRID PEACE

Some scholars have previously proposed a combination of international/liberal/top-down and local/non-liberal/bottom-up approaches in peacebuilding (for example, Donais, 2009; Funk, 2012; Lederach, 1995; Mac Ginty, 2010a; Richmond, 2009a) but the hybridity concept is at the forefront of the recent scholarship debate. It is a useful lens for this thesis because it examines both the liberal approach and the local turn in peacebuilding and the encounters between international and local actors. The concept of hybrid peace is an attempt to explain the results of the interactions between top-down and bottom-up approaches, international and local actors and agencies, and liberal and formalized institutional processes with the everyday elements of peace. It also highlights the gap

between the kind of peace being built in post-conflict societies and the kind of peace aspired to by the local population. This gap between the realities and aspirations of the local population and the kind of peace generated for them creates local resistance (Mac Ginty, 2010a; Mitchell, 2010; Richmond, 2010). This resistance, and other kinds of interaction between internationals and locals, consequently produces hybrid peace. Hybrid peace, therefore, is a product of processes of accommodation, cooperation, compromise, and encounters between agents, networks, and structures of peace and peacemaking (Mac Ginty, 2010a). The concept of hybrid peace, as an alternative to the “traditional, top-down, state-centred, technocratic, and unsustainable” approach to peacebuilding, highlights the “locally rooted, everyday needs, behaviours, and aspirations” of a post-conflict society (Belloni, 2012, pp. 33-34). By reassessing the impacts of actors, networks, and structures on the achievement of peace, hybrid peace interrogates the blind preference for anything that is local. It also encourages the development of existing local resources instead of filling the gaps in peacebuilding with more liberal attributes that have proved ineffective (Belloni, 2012). Recognizing the hybridity of peace produced from post-conflict peacebuilding processes raises to the surface the underlying structural factors that cause violence and conflict, which liberal peace tends to ignore or, sometimes unintentionally, intensify (Mac Ginty, 2010b). It also allows an examination of how the everyday forms of peace—those that are a “culturally appropriate form of individual or community life and care”—impact the effectiveness of peacebuilding (Richmond, 2009a, p. 558).

UN peace operations have started adopting hybrid missions based on lessons learned from past missions. This new generation of missions involves new sets of civilian, post-conflict responsibilities, and partnership with new actors (Jones & Cherif, 2003). To some extent, the less prominent presence of the UN allows for hybrid mechanisms and interactions to emerge and develop. In Somaliland and Bougainville, the hybrid political order incorporates elements of customary governance and enjoys legitimacy without the use of violence (Boege, Brown, Clements, & Nolan, 2009). In Guyana, Bolivia, Ghana, and

Kenya, the incorporation of internal mechanisms for externally supported conflict management has been inclusive, participatory, and ultimately cost-effective (Chetan & De la Haya, 2012).

Hybrid forms of peacebuilding, however, do not always generate positive outcomes. The encounters between international and local actors and norms are not always equal and their asymmetrical relationships may re/produce forms of power. Björkdahl and Höglund (2013, p. 297) identify six possible responses to these frictional encounters. First is compliance or forced adherence or submission to international norms and practices. Second is the adoption of international norms and practices at the local level. Third is the adaptation and contextualisation of international norms and practices to local characteristics. Fourth is co-option or strategic adoption of international norms into the local as a means of averting pressure. Fifth is resistance or the dominance of local characteristics alongside limited adoption of international norms and practices. Sixth is rejection or exclusion of international norms and practices from the local. These categories are helpful in understanding and explaining how power was re/produced in Cambodia, Kosovo, and Timor-Leste after the liberal peacebuilding project, and how this power influenced the outcomes of rebuilding security, justice and reconciliation, and development.

It is possible for the interaction between international peacebuilders and the government or local elite to reproduce elements of the status quo instead of a liberal transformation, thereby resulting in a compromised peace (M. Barnett, Fang, & Zürcher, 2014). In hybrid institutions where hybrid processes encounter resistance the result is sometimes negative or even conflict-promoting, and exclusionary (Millar, 2014; Nadarajah & Rampton, 2015). In Sierra Leone, a unified peacebuilding agenda in which the national government, civil society, and donors were integrated into the process resulted in the government's and civil society's subversion to international aid dependence (Philipsen, 2014). In Congo, hybrid governance arrangements economically sustained the ability of non-state armed actors to control and direct violence in the country's borderlands

(Raeymaekers, 2013). In Afghanistan, the complex form of hybrid peace in which international actors have become intertwined in almost all aspects of Afghan life risks the emergence of new issues and forms of violence once the internationals leave (Jarstad & Olsson, 2012).

Mac Ginty and Richmond (Mac Ginty & Richmond, 2015) categorize hybrid peace as either positive or negative (see also Mac Ginty, 2010a; Richmond, 2015). According to Richmond (2015), a positive hybrid peace reflects contextually rooted processes in which social and political injustices are addressed across international and local levels (p. 51). It strikes a balance between international preferences and localized power structures but remains located in the everyday (p. 62). Most importantly, it is empathetic and emancipatory because it adopts approaches that are ultimately defined by its subjects rather than external actors (pp. 62-63). In contrast, a negative hybrid peace has oppressive social, political or military structures in which elite interests and the status quo are preserved (pp. 54, 63). It is born out of a failure to address tensions from international-local encounters and, as a result, international and local actors, norms, and interests remain opposed (p. 51). Negative hybrid peace rests on hybrid politics in which structural violence is maintained and liberal norms are undermined (p. 62). It is instrumentalized, artificial, hegemonic, and one-sided, being either too internationalized or too localized (Mac Ginty & Richmond, 2015, p. 230). Instead of local empowerment and emancipation, a negative hybrid peace process simply outsources power and norms from the international to the local (Richmond, 2015, p. 51).

LOCALLY-MODERATED LIBERAL PEACEBUILDING: SITUATING THE MIDDLE-GROUND

There is a palpable sense of impasse to the hybridity framework because it seems to be a conceptually stretched neologism that describes everything but means nothing.²⁶ Even Richmond (2015) acknowledges that “hybridity might be seen as somewhat overloaded as a

²⁶ Conceptual stretching produces vague and amorphous conceptualizations that are not helpful in confronting problems based on empirical evidence (Sartori, 1970).

conceptual framework, being ‘all things to all people’” because of the complexity of the peace processes that it represents (p. 52). This thesis is an attempt to go around this conceptual stalemate by adding substance to the liberal-local lens or hybrid framework using empirical evidence. It recommends a middle-ground alternative that brings the liberal back into liberal peacebuilding by incorporating the local in liberal peacebuilding while consistently anchoring local involvement in liberal values and peacebuilding practice to its original and holistic conceptualization. Liberal peacebuilding and the local turn both have strengths and weaknesses, as demonstrated in the previous sections. The former endorses the liberal values of democracy, justice and human rights, rule of law, and an open economy, while the latter prioritizes the role of the local and the importance of the local context in upholding these liberal values. However, liberal peacebuilding is criticized as being heavily reliant on Western-centric peace designs, dependent on international assistance, and insensitive to local elements of peace. It has also become so focused on institution-building and ‘good enough’ outcomes that it has forgotten its comprehensive and liberal underpinnings. As Wallis (2016b) recommends, the focus on ‘good enough’ outcomes “should not be interpreted as sanctioning the abandonment of liberal democracy” just to satisfy the modest goal of international peacebuilders but should be designed based on the needs of the recipients of peacebuilding activities (p. 15).

BRINGING THE LIBERAL BACK INTO PEACEBUILDING

The essential principles of liberalism are inherently good, although they may inevitably contradict each other, especially if they are incompatible with local contexts.²⁷ For example, liberal principles of individualism and self-interest may not sit well with the diverse, connected, communal ways of post-conflict societies (Wallis, 2014, p. 34). However, liberalism also believes that cooperation among individuals and states is possible in order to protect self-interest without conflicting with the interests of the other (Locke, 1993). This is one way of reconciling the contradictions within liberalism and bringing out the inherently

²⁷ On the inherent contradictions within liberalism and how to reconcile them, see Doyle, 1983, 2005.

good principles it espouses. Moreover, liberalism is not supposed to advance a single moral conception but rather aims to be neutral and equally respectful of various views of the good life (Dworkin, 1978; Larmore, 1990, 1999; Lund, 1996; Rawls, 1971).²⁸ Most importantly, liberalism does not contradict the comprehensiveness of peacebuilding or emphasis on the local or the everyday but can complement them. As David Roberts (2012) puts forward, “a revised expression of liberalism fostering genuinely participatory and inclusive legitimacy, democracy, and human rights for political development could be directed towards the more pressing concerns and priorities of the ‘everyday’” (p. 370). Instead of abandoning these liberal values, this thesis recognizes their contradictions and proposes the incorporation of local actors and agencies in upholding these values to make them compatible and relevant to local contexts. This is the essence of the locally-moderated liberal peacebuilding approach that this thesis advances.

Begby and Burgess (2009) observe that “the current practice of liberal peacebuilding does not adequately reflect the principles and ideals of liberal peacebuilding, not that there is something intrinsically wrong about [its] principles and ideals” (p. 97). Democracy or the free market should not be abandoned, especially if this is the solution arrived at, Lidén (2009) suggests. He states that the real problem is the coercive transplantation of these liberal values into post-conflict societies where the cultural underpinnings of the causes of conflicts and the local aspirations for peace are sidelined. In the case of Cambodia, however, peace negotiations and agreements did not reflect liberal values but instead were designed according to the political context, strategic considerations of power, and legitimacy of both international and local actors—factors that did not echo liberal ideals (Selby, 2013). It cannot be denied that past failures of hasty democratization and marketization in hopes of sustaining peace or, at the very least, keeping short-term stability, have undermined the ambitious goals of liberal peacebuilding. Nevertheless, the liberal values of peace and security, justice and human rights, and development are still

²⁸ The principles of liberalism are not without contestations, especially surrounding the concepts of a good life, neutrality, equality, and morality, but these are outside the scope of this thesis.

considered indispensable components of a comprehensive approach to sustaining peace (A/69/968-S/2015/490, 2015, p. 4).

The tradition of liberal thinking is rooted in advocacy of the rights and freedom of individuals, in addition to the freedom of the state and its right to be free from foreign intervention. Moreover, liberalism in political theory seeks to resolve the questions and dilemmas around the power of the government and the rights of its citizens through the social contract model. It postulates that individuals surrender some of their freedoms to an authority, such as the state, in exchange for their remaining rights. For example, individuals can be held accountable under a rule of law in exchange for the state's protection of their right to democratic participation or representation. With regard to the power of the government, liberal thinkers believe that this power is based on the government's ability to recognize and promote the common good of its citizens. Political theorists of the 17th and 18th centuries addressed the dilemmas in the relationship between political authority and freedom in several ways (for example, Gough, 1936; Morris, 1999; Waldron, 1987, pp. 134-140). Locke (1993), in his *Second Treatise of Government*, incorporated the role of civil society in balancing the power of the government. Kant (1939), in *Perpetual Peace*, expanded this liberal thinking by pointing out that the freedom of individuals and the sovereignty of states are elements in achieving peace.

The argument of this thesis is that the failures of liberal peacebuilding are not necessarily the failures of liberalism. Besides, liberalism, in its original form, requires local involvement. For example, the liberal principle of popular sovereignty means that the consent of the people is the source of political authority (Charvet, p. 205; Rousseau, 1997).²⁹ However, liberal rhetoric does not always correspond to liberal praxis, as international actors parade their liberal values but sometimes resort to illiberal actions when

²⁹ For example, in her examination of the role of constitution-making during statebuilding, Wallis (2014, 2016a) confirms that extensive public participation during constitution-making not only produces legitimate and effective state institutions but also generates a unifying sense of national identity and establishes sustainable peace. She posits that inviting the voices of the people to be heard is a reflection of the liberal principle of popular sovereignty.

confronted with challenges on the ground. Instead of delivering on their promise of a post-conflict political and social transformation, they embellish ‘good enough’ outcomes with the trappings of institution- or capacity-building projects. Institution-building that does not uphold liberal values and peacebuilding that is lacking its original notion of respecting the needs and rights of individuals are falsely presented as parts of the liberal peacebuilding agenda. This misrepresentation points to the failure of liberal peacebuilding instead of a critique of the technicality of institution-building and the simplification of peacebuilding.

Traced back to its origins, liberalism does not contradict the peacebuilding goal of addressing the rights and needs of individuals. In fact, the first essential principle of liberalism is the freedom of the individual. To ensure the freedom of the individual, ideal liberalism is committed to upholding the essential rights of each individual and to generating institutions that protect the individual’s social, political, and economic rights (Doyle, 1983, pp. 206-207; 2012, pp. 5-6). In Doyle’s presentation of these sets of rights and essential institutions, it is recognizable that the freedom and rights of the individual are at the forefront of liberalism. The local turn in peacebuilding returns to this essential principle of liberalism by placing locals or individuals back as priorities in the peacebuilding agenda. It rescues the values of equality, personal autonomy, and individual rights, which are the building blocks of liberalism. However, this does not mean that anything local is better than the non-local since there is always the possibility of the local using liberal means for illiberal ends. The local turn does not have to automatically exclude external involvement (Funk, 2012, p. 401), especially if international actors and agencies can encourage local approaches and assist in refining them (Lederach, 1995). Instead of assuming that either the local or the international knows better, a sustained partnership between the two is a better approach to overcoming the obstacles of peacebuilding (Donais, 2009, p. 22).

ANCHORING LOCAL INVOLVEMENT IN LIBERAL VALUES

The local turn in peacebuilding also seeks to close the gap between the realities and aspirations of post-conflict societies and the kind of peace generated for them by incorporating local perspectives into the contextualization and application of liberal peace. This means that the local turn does not have to be against the liberal project or vice versa. David Roberts (2011) explains that “the everyday represents an opportunity to refocus orthodox peacebuilding in ways that address the existing lacuna in legitimacy, sustain the development of local peace and theoretically support the liberal peace more broadly” (p. 421). He argues that liberal institutions could still represent the everyday in order to maintain their relevance and legitimacy in the peacebuilding process. Consequently, the local turn reinforces the relevance and legitimacy of peacebuilding processes, and ideally their effectiveness, without abandoning the liberal values of security, human rights, justice and reconciliation, and development. The local turn, in essence, is a return to the original holistic conceptualization of peace and an affirmation of the comprehensiveness of peacebuilding.

However, the literature on the local turn in peacebuilding (Heathershaw, 2013), and even the consequences of the liberal peacebuilding praxis (Richmond, 2009b), tend to romanticize the local and forgive the illiberal motives and actions of local actors and agencies. It has become blind to the earlier achievements of the liberal agenda in conflict resolution, statebuilding, and peacebuilding. Hirblinger and Simons (2015) also observe that invocations of the local in peacebuilding are “characterized through an intricate mixing of fact and value claims, and the urge to tell the ‘good’ from the ‘bad’”(p. 423). Debiel and Rinck (2016) also note the risk of methodological reductionism of the local turn in peacebuilding because it often neglects the power structures and domestic politics in which the local is embedded, and treats the international as always liberal and the local as more authoritative and legitimate (p. 283). As a consequence, the local turn unintentionally creates static binaries between local and international actors, indigenous and exogenous

processes, top-down and bottom-up approaches, and liberal and non-liberal, that are not helpful in elucidating local dynamics and revealing the real requirements of a post-conflict society (for example, Chandler, 2015; Mitchell, 2011).

Instead of incorporating an inclusive, substantive, representative, and transformative local involvement, leaning too far towards the local creates opportunities for exclusive, fragmented, non-representative, and politicized local actors to exploit elements of liberal peace in manipulating the outcomes of the peacebuilding process. Moreover, leaning too far on either side means abandoning the strengths of the other. Being situated on the middle-ground between the liberal and the local, therefore, brings together the best of both dimensions while raising to the surface the causes of their flawed conceptualizations and implementations. It also raises awareness of the discrepancy between peacebuilding rhetoric and praxis. For example, international actors' strong commitment to liberal values and local ownership does not always faithfully translate into operationalization during the peacebuilding process (Donais, 2012; von Billerbeck, 2015). Situating the middle-ground between the liberal and the local means incorporating the local into liberal peacebuilding and bringing the liberal back into local involvement.

PEACEBUILDING COMPONENTS

Liberal peacebuilding is a comprehensive undertaking that encompasses political, social, and economic sectors. To generate an in-depth analysis of the case studies examined in this thesis, I focused on the peacebuilding components of security, justice and reconciliation, and development. These components were selected because they are essentially elements of liberal peace: security is the protection of human rights; justice and reconciliation signal democratization; and development covers an internationally integrated market economy. These components were also reflected in the mandates of the UN transitional administrations in Cambodia, Kosovo, and Timor-Leste, and in the language of the resolutions and regulations related to these transitional administrations. When the ICISS

published the R2P in 2001, it included security, justice and reconciliation, and development as the most crucial issues confronting a post-conflict society (pp. 40-43). More recently, in 2011, the World Bank considered effective and legitimate institutions of security, justice, and economy essential for reducing conflict and violence (World Bank, 2011).

PROVIDING SECURITY, PROVIDING PEACE

After the cessation of conflict, one of the immediate tasks of a peacebuilding mission is to provide security and re/build or reform security institutions. Without security, the delivery of basic services for the people, resumption of state functions, and long-term planning for development would not be possible, or at least would be disorderly and ineffective. Without security, a displaced population would not feel safe to return to its communities and resume everyday life. A safe and secure environment is a prerequisite for a functioning transitional administration and for other stages of rebuilding.

Security, for the purpose of this thesis, means the security of all members of a population from physical harm to their life, property, and livelihood by eliminating threats from arms and weapons and reforming security institutions. Before the 20th century, state sovereignty was already entailed with duties and responsibilities for the protection of the people (Glanville, 2013, p. 88). However, the consolidation of the study of international relations (IR) during the Cold War cemented the ‘traditional’ conceptualization of sovereignty and non-intervention (Glanville, 2013, p. 87), which reified the state- and military-centric status quo that security can only be provided and ascertained by the state (Sheehan, 2005; Wyn Jones, 1999). The events after the 1990s challenged this dominant view as the end of Cold War gave rise to intrastate conflicts in which newly independent states or previously authoritarian regimes could no longer provide security for the people. The 9/11 attacks also revealed new kinds of security threats and new security actors whose reach and capability are being enhanced by globalization.

The security challenges born from these events re-centred the security of individuals back to the primary duty of the sovereign state. In the landmark 1994 Human Development Report of the UN Development Programme (UNDP), the international community emphasized human security by drawing attention to the need to address the security concerns that an individual faces on a daily basis. The report defines human security as “safety from chronic threats [and] protection from sudden and hurtful disruptions in the patterns of daily life” (ul Haq, 1994, p. 23).³⁰ Since then, human security has frequented the language of peace within the UN (Annan, 2000; Ogata, 1999) and academic scholarship (for example, Newman, 2011; Thakur, 1997).

This thesis focuses on three components of security provision. First is physical security or basic security and protection of the lives and properties of all members of populations, regardless of their affiliations. In a post-conflict situation where revenge killing is likely, it is imperative that basic security and protection are provided (ICISS, 2001, p. 40). Second is the disarmament, demobilization, and reintegration (DDR) of former combatants (see UN DPKO, 2016a). To effectively disarm and demobilize a soldier, s/he should be reintegrated back into society by providing her/him with income-generating activities (ICISS, 2001, p. 41). Otherwise, the disarmed and demobilized soldier may revert to armed activities that may destabilize the peacebuilding process.

According to the UN Department of Peacekeeping Operations (UN DPKO, 2010b), the traditional DDR process focuses on combatants and includes a set of preconditions, such as peace agreements to serve as legal frameworks. With the increasing situations of unfulfilled preconditions where peacekeepers work in highly insecure environments, however, innovations in the DDR process are needed and are, in fact, being implemented on the ground. These innovations are called Second Generation DDR programmes and they

³⁰ The seven categories of human security are economic security, food security, health security, environmental security, personal security, community security, and political security (ul Haq, 1994).

focus not just on the combatants and their military structures but also on local communities (UN DPKO, 2010b).

The third component, which is often connected to the DDR process, is the rebuilding of local security forces under a larger agenda for security sector reconstruction/reform (SSR).³¹ This component provides an opportunity for competing forces to integrate into the rebuilding process and to reconcile their differences. The successful reintegration of former adversaries under a unified national security force signifies reconciliation and long-term protection of the state and the population (ICISS, 2001, p. 41). ICISS recommends that training and capacity-building be made available to enable security forces to maintain their functions even after the military component of a transitional administration leaves (p. 41). Therefore, a clear, gradual, and well-planned ‘exit strategy’ for international peacekeepers is indispensable in this case. If the newly built security forces are not prepared to protect the local population after the termination of external military operations, the exit could provoke destabilizing factors, thus preventing the achievement of mandates and discrediting previous achievements.

This thesis analyses these three security components in Cambodia, Kosovo, and Timor-Leste. These components were chosen because they were all present in the mandates of the UN transitional administrations, although with varying levels of prioritization. However, this choice does not reflect the comprehensiveness of security concerns in a post-conflict context. For example, the importance of the role of women in peacebuilding was not included because the mandates of the case studies were crafted before the landmark UNSC resolution on Women, Peace and Security (WPS) in 2000 (S/RES/1325, 2000). This is not to say that gender security was never included in the peacebuilding process; in fact, the Gender Unit in Timor-Leste was a remarkable achievement that contributed to the

³¹ Since the Cold War and 9/11, the scope of the security sector has broadened beyond a state-centric focus and is understood from various perspectives (for example, security or governance) and contexts (for example, development, post-authoritarian, post-conflict). Although the same key principles of “(re)-establishing security forces which are able to provide public security in an effective and efficient manner and in the framework of democratic, civilian control” are relevant, post-conflict security sector reconstruction gives great consideration to past conflict. (Hänggi, 2004, p. 14)

adoption of the WPS agenda.³² The inclusion of women's role in peacebuilding is an improvement in administering a transitional society considering that the WPS agenda was absent in both Cambodia and Kosovo.

Due to the variations in the mandates and the contexts of the conflict, each case study has a different focus, specifically in terms of the physical security component. In Cambodia, the focus is on demining because of the threat from landmines and unexploded ordnances, which prevented Cambodians from living freely and safely. In Kosovo, the focus is the protection of ethnic minorities as retaliatory attacks against minority ethnic groups were at a high level. In Timor-Leste, the focus is the militia attacks along the border with Indonesia because these posed the highest security threat for returning refugees and ultimately the return to normality of the Timorese.

PURSUING JUSTICE, PURSUING PEACE

There are several ways in which a society that has been divided by violent conflict and has suffered from massive human rights violations may deal with the past. The UN defines transitional justice as “the full range of processes and mechanisms associated with a society's attempt to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice, and achieve reconciliation” (S/2004/616, 2004, para. 8). The process of transitional justice could be either judicial or non-judicial, such as prosecution, truth-seeking and -telling, reparation, institutional reform, national consultation, or a combination thereof, as long as it adheres to international legal standards and obligations (S/2004/616, 2004, para. 8; UN, 2010, p. 2). Retributive forms of justice are centred on punishing perpetrators, while restorative forms of justice focus on the rehabilitation of perpetrators and the needs of victims. A post-conflict society may prioritize either political stability over justice or justice over reconciliation.

³² According to Sherrill Whittington, the Head of UNTAET's Gender Unit, even though there was no mention of the role of women in the original UNTAET resolution (S/RES/1272, 1999), the adoption of WPS (S/RES/1325, 2000) and the active participation of the Timorese women placed the role of women and the importance of gender issues into the discussion of security not only during the UNTAET mission but also in subsequent UN peace missions in other countries (personal communication, 28 October 2013).

Transitional justice poses an ethical-political quandary that has inspired a debate between peace defenders and justice advocates (Benomar, 1993). One side of the debate argues that pursuing justice may hurt the conditions for peace. The fragility of post-conflict societies or emerging democracies may incite instability, especially if the perpetrators remain influential. The other side of the debate believes that there is no peace without justice. Holding the perpetrators accountable will delegitimize them and their wrongdoings, prevent future human rights violations, and consequently, strengthen the rule of law. As Richard J. Goldstone (2005-2006) proves in his experience as former justice of the Constitutional Court of South Africa and former chief prosecutor of UN Criminal Tribunals for the former Yugoslavia and Rwanda, “the threat of prosecutions and the issue of indictments against senior political players have aided rather than retarded peace negotiations” (p. 421). The settlement of this debate is sometimes postponed to ‘peace now, justice later’.

One way out of this debate is to re-conceptualize the definition of peace and the implementation of justice. What kind of peace does justice undermine? What kind of justice does peace evade? Is it the kind of peace favourable only to the winning side of the conflict or an inclusive one that brings together perpetrators, victims, and their communities? Is it the kind of justice political elites favour or the kind that victims seek? The bottleneck for these questions is the limited definitions of peace and justice. Within the debate, peace is likened to stability and justice is equated to retribution. However, peace is not just short-term and it goes beyond the preservation of stability. Galtung (1964) has already taught us that peace is more than the absence of conflict. It is the absence of all forms of violence—social, economic or political—and the enrichment of a society’s total well-being.

Transitional justice is challenged by criticisms similar to liberal peacebuilding. Such criticisms claim that transitional justice, like democratisation and marketization, may be destabilising rather than peace-promoting. Sriram (2007, 2009), for one, argues that blindly equating justice to peace is problematic, especially as justice often focuses on legal

accountability and public reckoning instead of a string of activities to deal with the past and protect the future. It is especially difficult to pursue formal and legal justice if legal institutions and systems have collapsed due to the conflict or if they were previously absent or unimportant to the way of life of the people. Sriram maintains that the theoretical framework and practical foundation of transitional justice might also be externally imposed and can sometimes be further complicated by or culturally incompatible with the local contexts wherein they are applied. Integrating the approaches of transitional justice with liberal peacebuilding may also create tensions. For example, Sharp (2013) warns that transitional justice might discourage former combatants from participating in the DDR process, thereby hampering the reforming of the security sector.

Justice has been conceptualized within the parameters of criminal or retributive justice. This limitation is especially challenging when applied in risky and insecure situations and if institutions are not equipped or capable of conducting trials. Retributive justice has limitations on addressing community-level rebuilding and reconciliation since assigning guilt and punishment to individuals overlooks the totalizing experience of events, such as genocide and other massive and systematic human rights violations that require a totalizing response (Fletcher & Weinstein, 2002). Retribution fails to address the need of victims for information, truth-telling, empowerment, and restitution or vindication, and does not require perpetrators to acknowledge and correct their wrongdoings (Zehr, 2014).

Various scholars have identified the limitations of retributive justice and the need for it to be supplemented by other ways of responding to wrongdoings. They trust that restorative justice, such as truth and reconciliation mechanisms, can address these needs and limitations. Restorative justice is defined as “a process to involve, to the extent possible, those who have a stake in a specific offense to collectively identify and address harms, needs and obligations in order to heal and put things as right as possible” (Zehr, 2014, p. 37). It is argued that restorative justice fosters reconciliation better because, while retributive justice elevates the individual by assigning individual guilt, reconciliation aims

for a harmonious relationship between former disputing parties within the community (Daly & Sarkin, 2006). Lederach (1997) captures the complexity of structures, processes, resources, coordination, and reconciliation that are needed to transform conflict into peace in an integrative and dynamic process.

Truth is the longing for acknowledgement of wrong and the validation of painful loss and experience, but it is coupled with Mercy, which articulates the need for acceptance, letting go, and a new beginning. Justice represents the search for individual and group rights, for social restructuring, and for restitution, but is linked with Peace, which underscores the need for interdependence, well-being, and security. (p. 29)

Recommendations on transitional justice also take the path towards incorporating a local approach. The dominant top-down, ‘one-size-fits-all’ model of transitional justice needs to listen to voices from below through popular participation and local agency (Lundy & McGovern, 2008), recognize cultural peculiarities and integrate local forms of justice (Daly & Sarkin, 2006), and prioritize civil society (Andrieu, 2010). Instead of merely focusing on the rebuilding of judicial institutions, a bottom-up approach will, more importantly, mend social relationships and maintain dialogue between communities (Andrieu, 2010). Moreover, in a transitional context, localising international mechanisms and principles of justice may contribute to the capacity-building of domestic judicial mechanisms and the transferring of judicial knowledge and skills to locals, and help with adapting to international norms and standards on justice and human rights.

The UN supports accountability, justice, and reconciliation in all circumstances, including post-conflict contexts. The UN (2010) advances the peace-versus-justice debate by asking when and how instead of whether to pursue justice (p. 4). The question of when, however, unearths another principle open to debate: justice delayed is justice denied.³³ The

³³ For example, regarding the sequencing of truth, reconciliation, and justice, see Braithwaite & Nickson, 2012.

UN tried to disentangle from this yet another dilemma when it released the guiding principles and framework for its approach to transitional justice in 2010. This takes into consideration the national context and stakeholders with regard to the timing and type of justice as long as they are compliant with international legal standards and obligations. It also recognizes the limitations of pursuing justice in unstable situations but encourages the building of foundations for effective mechanisms and processes to strengthen the rule of law (UN, 2010, p. 4).

This thesis argues that, for justice to produce positive and long-lasting peace, reconciliation is required. Furthermore, the dilemmas attached to justice and reconciliation can be resolved if the conception of peace is not limited to the absence of conflict, and the implementation of justice is not confined to Western and retributive approaches. Lambourne (2009) advises that combining retributive and restorative forms of justice is essential for developing transformative justice and sustainable peacebuilding. Legal justice, although challenging, must be combined with social reconciliation to produce not only negative peace but also positive peace in the long run, she adds. To look at both the retributive and restorative forms of justice, this thesis analysed justice and reconciliation initiatives that were not included in the transitional administrations' mandates.³⁴

PROMOTING DEVELOPMENT, PROMOTING PEACE

The 1994 An Agenda for Development Report is a hallmark document that establishes a connection between development and peace. It states that development is the most secure basis for peace (A/48/935, 1994). Prior to that, the link between peace and development was also emphasized in 1992's An Agenda for Peace (A/47/277) and later reiterated in 1994's Supplement to An Agenda for Peace (A/50/60-S/1995/1, 1995). The prevalence of intra-state conflicts after the Cold War, and the subsequent shift in UN peacebuilding

³⁴ The cases of Cambodia and Kosovo did not include justice and reconciliation in the original UNSC resolutions that authorized the establishment of the UN transitional administrations.

operations from a militaristic character to a more holistic one, further cemented the importance of including a development agenda in post-conflict peacebuilding.

The nexus between peace and development has been magnified in many studies (for example, J. Barnett, 2008; Collier et al., 2003; Galtung, 1996; Smoljan, 2003; Sørensen, 1985; Weede, 1996). One of the goals of liberal peacebuilding is to promote a foundation for long-term development. Development issues, such as poverty, a development gap, and a lack of basic needs and public infrastructures, could be reasons for as well as outcomes of conflict. For a post-conflict society to sustain itself after the conclusion of a transitional administration, it is imperative to build its capacity to generate income, manage resources, and effectively utilize those resources to benefit the wider population. While security deals with the present challenges of ensuring the population's safety, and justice and reconciliation resolve the atrocities of the past, development looks forward to the prospects ahead and prepares a society for future challenges.

Development is an umbrella concept for ways of improving the lives of the people. It is, therefore, ambitious to cover all of these ways in this thesis. Since the focus of this research is post-conflict peacebuilding, this broad concept has been narrowed down to development issues related to a country coming out of conflict. Sumner and Tribe (2008) propose three ways of defining development. First is development as a process of change. This definition considers development as a long-term process of structural societal change, particularly socio-economic structural change. For example, industrialization and modernization are processes that naturally occur through time. Second is short- or medium-term development in relation to policies, and this can be measured through indicators. In contrast to the first definition, this second definition is value-laden and prescriptive. For example, the Millennium Development Goals (MDGs) and Sustainable Development Goals (SDGs) streamline specific targets and outcomes for countries. Third is a post-modernist view against the Western and ethnocentric notions imposed upon 'Third World' countries, whose definitions of development may be different from the dominant discourse. This view

criticizes the discriminating conceptualization of development and the unhelpful and detrimental perpetuation of ‘superior-inferior’, ‘first world-third world’, and ‘traditional-modern’ concepts.

Traditionally, development has been equated with economic growth, which is the “quantitative change or expansion in a country’s economy” measured by gross domestic product (GDP) or gross national product (GNP) (Soubotina, 2004, p. 96). “Economic growth not only has law and order implication, but it is vital for the overall recovery of the country concerned” (ICISS, 2001, p. 42). According to Soubotina and Sheraam (2000), however, this is a flawed gauge because economic wealth could be unevenly distributed among the population. While economic growth reduces poverty and other related social problems, some of its repercussions are inequity, unemployment, weakened democracy, loss of cultural identity, and unsustainable consumption of resources (Soubotina & Sheraam, 2000, p. 8). Todaro and Smith (2009) observe that while many developing countries achieve economic growth, the standards of living of the masses remain stagnant. Development, therefore, requires a conception that regards it as a “multidimensional process involving major changes in social structures, popular attitudes, and national institutions, as well as the acceleration of economic growth, the reduction of inequality, and the eradication of poverty” (Todaro & Smith, 2009, p. 16).

Development is no longer confined to economic development gauged by national wealth. The 1990 UNDP Human Development Report expands the definition of development by shifting the focus to human development while linking it with economic development. This perspective emphasizes that development is not just the richness of the economy but more importantly the richness of human life as shown by providing people with wide-ranging choices on how to live a humane life (ul Haq, 1990).³⁵ Development, therefore, is more than economic growth as it includes the expansion and enrichment of human freedoms, as Sen (1999) puts forward. He maintains that, although economic growth

³⁵ For the definition and dimensions of human development, see <http://hdr.undp.org/en/humandev> (UNDP, n.d.).

and accumulation of wealth are means of achieving development, they should not be the ends of it.

Development also needs to be sustainable. The World Commission on Environment and Development (1987) defines sustainable development in its 1987 report as “development that meets the needs of the present without compromising the ability of future generations to meet their own needs” (p. 41). Sachs (2015) advances the concept of sustainable development as a complex interaction between the world economy, global society, and the Earth’s physical environment. He acknowledges that not only is the output from economic growth distributed unequally, it is also threatening to the planet. To address this threat, a holistic solution is therefore required to achieve “economic prosperity; social inclusion and cohesion; environmental sustainability; and good governance of major social actors, including governments and business” (Sachs, 2015, p. 4).

Since the meaning of development is both expanding and context-based, it is mandatory to delineate its definition for the purpose of this thesis. The main consideration is that economic development in post-conflict societies is different from the processes of development in a non-conflict context, as del Castillo (2008) emphasizes. While confronting the normal challenges of socio-economic development, aggravated by conflict, post-conflict societies also have to settle for less optimal economic reform policies to promote reconstruction and peace consolidation. Policymakers for post-conflict societies often find themselves in a situation wherein the “imperative of peace consolidation competes with the conventional imperative of development” (del Castillo, 2008, p. 32). If the political agreement on peace consolidation and economic programmes are not integrated, the post-conflict society is likely to revert to conflict, del Castillo warns. This is why international financial institutions, such as the International Monetary Fund (IMF) and the World Bank, have started recognizing that post-conflict countries and those facing a high risk of conflict require a different set of development strategies that take into account a long-term outlook for peace consolidation, according to del Castillo. Taking off from the

broadening concept of development, and considering the unique context of post-conflict countries, the definition of post-conflict economic development used in this thesis is the encouragement of a sustainable economic growth that equally benefits the whole of a population by rehabilitating economic institutions through economic reform policies that promote long-lasting peace.

Rebuilding the economy after a conflict includes a wide gamut of tasks. ICISS (2001, pp. 42-43) recommends the lifting of coercive measures imposed on the country during the conflict as the first task. Second is the transferring of development responsibilities to the locals, which not only benefits long-term development but also enhances short-term security measures. For example, former combatants are more likely to cooperate with the DDR process if economic opportunities are presented to them. In addition to these recommendations, Gareth Evans (2008) suggests a rebuilding toolbox for stabilizing the economy of post-conflict societies and creating conditions for their sustained economic growth, including stabilizing the currency, balancing the national budget, and establishing a viable central banking system, among others (pp. 169-171).

Based on the above recommendations, this thesis evaluates three factors in post-conflict development: economic development, human development, and sustainable development. For sustainable development, the main focus is environmental sustainability since economic prosperity is already linked to economic development, and social inclusion and cohesion to human development. To organize the analysis of development, this thesis focuses on specific issues for each case study depending on the relevant mandates of the transitional administrations. Each case study chapter has a subsection for applicable macroeconomic components of economic growth. This is to give an overview of each country's record of economic growth. Following the overview is the main discussion of the applicable factors of post-conflict development. For Cambodia, the focus is sustainable development because of UNTAC's unique mandate to protect Cambodia's natural resources. For Kosovo, the focus is human development because of UNMIK's emphasis on

the provision of basic services, specifically healthcare, and also because of the ethnic minority issues that remain a concern for Kosovo even now. For Timor-Leste, the focus is economic development because of Timor-Leste's rich oil resources, which were the subject of negotiation by UNTAET during the mission. Relevant socio-economic indicators were used in the analysis but their timelines vary depending on the available data.

CONCLUSION

This chapter revisited the debates surrounding liberal peacebuilding and reviewed the literature on the local turn in peacebuilding to situate a middle-ground alternative that combines the positive aspects of both liberalism and localism in peacebuilding. First, I presented the conceptual boundaries of liberal peacebuilding in connection with institution-building, statebuilding, and peacebuilding. From this presentation, I assert that the practice of liberal peacebuilding has departed from the original and holistic conceptualization of peacebuilding that encourages local involvement and includes both positive and negative peace. Second, I evaluated the critiques of liberal peacebuilding and the alternative approaches recommended by the local turn. From this evaluation, I argue that the implementation of liberal peace has become too technical and fixated on capacity-building instead of a comprehensive approach that encompasses both institution-building and peacebuilding. Third, I assessed the alternative approaches recommended by liberal peacebuilding critics, particularly their recommendations for a local turn in peacebuilding. I specifically focused on the concept of hybridity because it is a useful lens for understanding and explaining the interactions or encounters between international and local actors and agencies. From this assessment, I posit that the local turn in peacebuilding has a tendency to stray too far away from the liberal underpinnings of peacebuilding, which sometimes results in precarious types of local involvement that do not contribute to long-lasting peace.

CHAPTER 3

CAMBODIA: SHALLOW LIBERAL PEACEBUILDING AND POLITICIZED LOCAL INVOLVEMENT

Image 1. The palace and the people



Note: Sprawling along the streets of Phnom Penh are *tuk-tuk* or motorized rickshaws, a typical mode of transportation in Cambodia. This photo is the entrance building to the Royal Palace in Phnom Penh where the current King Norodom Sihamoni resides. He succeeded his father, Sihanouk, and now reigns as Cambodia's king and head of state.

INTRODUCTION

As I stepped out into Phnom Penh's pleasant January weather, a *tuk-tuk* driver called out to me, "you want to go to the Killing Fields?" I ducked inside the colourfully decorated steel carriage and we began on our way to Choeung Ek—one of the mass graves of the victims of the Khmer Rouge. While I watched the passing scenes of Cambodians going on their daily lives, I grappled with the question "How can this man easily market the place where his fellow Cambodians were massacred?". I speculated that perhaps it had to do with time, the more pressing issues he was facing at that time, or his distant physical and emotional connection with the event. Or perhaps, hopefully, he had made peace with the past.

Cambodia was the first large-scale UN-led liberal peacebuilding project. For the first time in the history of UN peace operations, the UN oversaw the administration of a member state and conducted, rather than merely observing or supervising, a democratic, multiparty election (Selby, 2013). The Paris Peace Agreements (PPA) and UNSC Resolution 745, which authorized the deployment of UNTAC, embodied the idea of liberal peace—that a liberal democracy will promote long-lasting peace. “The [UNSC] was convinced that free and fair elections were essential to produce a just and durable settlement to the Cambodia conflict, thereby contributing to regional and international peace and security” (S/RES/745, 1992, para. 5). In addition to the elections, liberal peacebuilding in Cambodia also included the following: supervision, monitoring, and verification of the ceasefire agreement; facilitation of the voluntary return of refugees and displaced persons and ensuring conducive conditions for their return and integration back into Cambodian society; a rehabilitation and reconstruction programme benefitting all areas of the country and all levels of society; and respect for the human rights and fundamental freedoms of Cambodians (*1991 Paris Peace Agreements*, October 23, 1991). The PPA and UNTAC’s mandate clearly reflected a liberal plan which included the establishment of political, social, and economic institutions.

Despite this comprehensive liberal project of transforming the Cambodian conflict into a peaceful liberal democracy, UNTAC fell short of establishing sustainable liberal democratic institutions. UNTAC failed to completely fulfil its mandate and to deliver its promise of long-lasting peace. Instead the international liberal project has produced a virtual liberal peace that is detached from the local population (Richmond & Franks, 2007) and an illiberal democracy in which authoritarianism hides behind the façade of elections (Peou, 2000). UNTAC contradicted the liberal intention of its mandate by failing to uphold the results of the democratic elections. As Diamond (2016) describes, “the international community [in Cambodia claimed to promote democracy but it did not] have the stomach or resources for the fight” (p. 415). Hun Sen lost in the 1993 elections conducted by the UN

but was given co-premiership of the government, despite his party losing a majority of seats in the National Assembly, out of fear that he and his party would destabilize the country. Although the threat for a reversal to civil war restrained during UNTAC's mission, in 1997, four years after UNTAC's exit, a violent coup killed at least 41, injured at least 150, and forced an estimated 60,000 people to flee³⁶ (Ashley, 1998; HRW, 2007; "Victims of Cambodia's Coup," 1997). Hun Sen staged the coup, eradicated his opponents, took control of the military, consolidated his political authority through co-option and intimidation, and obtained legitimacy through the same liberal political system the UN helped to establish.

Likewise, local involvement did not mitigate these political issues but rather exacerbated, or at the very least legitimized, them. Aside from letting a small group of local actors steer the future of the country, the pitfalls of intensive but exclusive local involvement were also apparent in the areas of security, and justice and reconciliation. UNTAC limited the involvement of locals to the factions, and the perspectives incorporated into the rebuilding and provision of security were from the leaders of these factions. Moreover, the political elite UNTAC partnered with influenced the judicial process, specifically the selection of suspects. Due to the lack of a mandate on justice and reconciliation, UNTAC failed to address past human rights abuses early on, and lacked the foresight to establish a foundation for mechanisms of justice and reconciliation. In terms of economic development, Cambodia was able to reap the rewards of a liberal market economy by integrating into the global economy but it also became vulnerable to negative socio-economic ramifications, such as corruption, that come with market transition without strong economic institutions.

This chapter focuses on how Cambodia rebuilt its society after the genocide and the years of civil war that followed it. It starts with a brief historical background from the time of French colonial rule until the arrival of the UN. Throughout its history, Cambodian

³⁶ This thesis acknowledges that quantification of victims does not encompass the impact on lives of nearly every individual in these post-conflict societies. Charles Scheiner pointed this out in the case of the Indonesian occupation of Timor-Leste. He said that identifying a number of victims does not give justice to those who equally suffered during the conflict (personal communication, January 30, 2017).

society has evolved from a monarchic system to a 'modern' form of governance with some cultural elements that remain embedded in the current socio-political structures of the country. This chapter analyses how international and local actors conducted top-down and bottom-up approaches to liberal peacebuilding in terms of security, justice and reconciliation, and economic development. It closes with a conclusion that peacebuilding in Cambodia was motivated by liberal peace, as proven by its mandates, but political manoeuvrings for the sake of neutrality and short-term stability tainted the implementation of these mandates. The exclusive and politicized involvement of a few local actors defeated the liberal ideals of UNTAC's peacebuilding. This produced a negative peace controlled by the ruling political party and lacking the elements of liberal peace.

While UNTAC's mandate during the transition is the focus of this chapter, the analysis includes incidents following UNTAC's exit because the repercussions of the implementation of those mandates remained relevant even after the conclusion of the mission. In addition, there are elements of liberal peace that were not part of UNTAC's mandate but are still analysed because their lack profoundly influenced the rebuilding of Cambodia, specifically the absence of justice and reconciliation mandates. The rebuilding of a post-conflict society is a product of what happened in the past and is a factor in what will happen in the future. Therefore, the analysis of each liberal peacebuilding component starts with UNTAC's mandate, or the lack of it, its implementation, and its consequences for Cambodian society. Since the legacies of the UN's presence are still felt in some political, social, and economic aspects of a post-conflict society even after the internationals have left, this analytical approach is also applied in the cases of Kosovo and Timor-Leste.

HISTORICAL BACKGROUND³⁷

Cambodia's geographical location is both a blessing and a curse. Its low-lying plains cleaved by the Mekong River are abundant in natural resources. It was the land of the powerful and wealthy Khmer Empire from 802 until its fall in 1431. Several factors contributed to the fall of the empire: the clash of its long-held Hindu beliefs with the entry of Theravada Buddhism, ecological collapse, internal power struggles and a series of wars with its neighbours that reduced its territory significantly. The Angkor Wat in Siem Reap is the most famous remnant of the Khmer Empire's glorious past.

The ensuing centuries witnessed a game of survival for what remained of the empire. Its defeat in territorial wars with Thailand and Vietnam resulted in frequent displacement of the kingdom's capital and a significant reduction in its territory. With no better alternative, King Norodom Prohmbarirak signed a treaty with France in 1864 to officially make Cambodia a French protectorate in the hope of stopping Thailand and Vietnam from further occupying its territory. The French worked closely with the Cambodian monarchy to continue its influence in Indochina. However, during World War II Cambodia lost some of its territory to Thailand. This humiliating defeat and the failure to fend off the arrival of the Japanese forces exposed French military weakness and eventually ignited anti-colonial and anti-royalist sentiments among the Cambodian population.

³⁷ For the general history of Cambodia, see Chandler, 2008; Kamm, 1998; UNTAC, 2003. For the history during the Sihanouk years and the Khmer Rouge's rise to power, see Kiernan, 1995; Osborne, 1973, 1984. For more details about the genocide, see Hinton, 2005; Kiljunen, 1984. For more details about the peace process, see Jennar, 1998; Raszelenberg, Schier, & Wong, 1995

Map 1. Political map of Cambodia



Source: UN, Cambodia, no. 3860 Rev. 4, January 2004.

After the Japanese victory over the French, King Norodom Sihanouk declared independence from French rule, invalidated Franco-Cambodian agreements, and pledged cooperation with Japan. For the first time, Cambodians had the freedom to form political groups that often interposed between the monarchy and the colonists. However, this was cut short when Sihanouk renegotiated with the French after the Allied Forces defeated Japan. In 1946, an agreement was signed between Cambodia and France promising the former some political rights, such as their own constitution and political parties, while the latter remained in charge of Cambodia's finance, defence, and foreign affairs. Distressed by the political developments that might challenge his power, Sihanouk fought for independence. After a series of negotiations, France granted Cambodia, alongside Vietnam and Laos, independence in 1953.

Sihanouk's political dominance allowed the growth of left-wing communists and right-wing conservatives. Although Sihanouk perceived both sides as challengers to his

political dominance, he placed a heavier hand on the communists, whom he labelled as the Red Khmer or the Khmer Rouge (Ross, 1983, p. 31). As an outcome, the 1966 elections gave birth to a highly conservative government led by General Lon Nol. In 1970, the National Assembly voted for Sihanouk's deposition and Lon Nol assumed premiership and governed Cambodia with emergency state powers.

The Cambodia that the Lon Nol government took from Sihanouk was one of economic chaos and political turmoil. Lon Nol's government was able to hold on to power only because of US economic and military assistance during the Vietnam War (Kiljunen, 1984, pp. 5-7). Meanwhile, the Khmer Rouge was gaining public support by blaming socio-economic problems on Lon Nol's government and by feigning support for Sihanouk, to whom the people still pledged allegiance. On April 17, 1975 the Khmer Rouge took over Phnom Penh and became Cambodia's ruling party until 1979. To create a peasant farming society inspired by the Chinese communist agricultural model, Pol Pot, the leader of the Khmer Rouge, and his followers purged the educated individuals, public servants, foreigners, and all others they deemed unfit to work in the rice fields. In less than four years, the Khmer Rouge committed genocide on a quarter of its own people. An estimated four out of seven to eight million Cambodians lost their lives due to malnutrition, forced labour, and other conflict-related causes (Rummel, 1997). In 1979, the regime was deposed when a Vietnamese-backed military force occupied the country and installed a puppet government—the People's Republic of Kampuchea (PRK), later renamed the State of Cambodia (SOC).

Cambodia was one of the unfortunate arenas of Cold War power plays, and this influenced its domestic politics. The US and China supported the Khmer Rouge while the Soviet Union financed the Vietnamese and the SOC. The UN “continued to recognize the Khmer Rouge government in exile as the legitimate representative of the Cambodian people” and condemned the installation of the SOC as an act of Vietnamese intrusion (A/RES/34/PV.3, 1979; A/RES/34/PV.4, 1979, cited in Widyono, 2012, p. 51). The years

that followed were characterized by political instability, civil war, and international isolation. In 1982, high-level negotiations started when major powers' interest weakened alongside the winding down of the Cold War and the region's growing concern about threats spilling over from the Cambodian conflict (Alagappa, 1993; Solarz, 1990; Widyono, 2008).

In 1991 the Cambodian factions³⁸ agreed to a ceasefire and signed the PPA. One of the agreements was the Comprehensive Political Settlement of the Cambodian Conflict, which authorized the formation of the Supreme National Council (SNC)—the coalition government headed by Sihanouk.³⁹ It also authorized the deployment of the UN Advance Mission in Cambodia (UNAMIC) in October 1991. UNAMIC was mandated to assist the Cambodian factions in abiding by the ceasefire agreement, and to conduct mine clearance programmes including the training of the local population in mine clearance and mine awareness programmes (S/RES/717, 1991; S/RES/728, 1992; UNTAC, 2003). In March 1992 UNTAC was established and absorbed the functions of UNAMIC. UNTAC's main task was to conduct the elections, in addition to civil administration, military functions, and human rights protection (*1991 Paris Peace Agreements*, October 23, 1991).⁴⁰

In May 1993 the Cambodians participated in a democratic election for the first time, voting for the members of a Constituent Assembly that would draft and approve a new constitution. The two main competing factions were the royalist FUNCINPEC formed by Sihanouk, and Hun Sen's CPP. The CPP was the ruling party of the SOC and it was confident that it would win the elections. However, the people decided to give majority of

³⁸ There were four competing factions in the Cambodian conflict with each one having their own military component. First was the Cambodian People's Party (CPP) controlling the SOC, which was the de facto government in Cambodia from 1979 until the first national elections held by UNTAC in 1993 with the Cambodian People's Armed Forces (CPAF) as its armed wing. Second was the Khmer Rouge's Party of Democratic Kampuchea (PDK) with the National Army of Democratic Kampuchea (NADK) as its armed wing. Third was the Khmer People's National Liberation Front (KPNLF) with its armed force called the Khmer People's National Liberation Armed Forces (KPNLAF). Fourth was the royalist party called the National United Front for an Independent, Neutral, Peaceful and Cooperative Cambodia (FUNCINPEC) with the National Army of Independent Kampuchea (ANKI) as its armed wing.

³⁹ The SNC was composed of representatives from the factions and chaired by Prince Sihanouk. Despite the UN's support and recognition, it was merely a ceremonial government and control of administration in the government remained in the hands of the SOC.

⁴⁰ UNAMIC was also deployed to provide assistance to UNTAC in the maintenance of the ceasefire agreement (UNAMIC, 2003; UNTAC, 2003).

the seats to FUNCINPEC, with Prince Norodom Ranariddh as its leader. FUNCINPEC won 45.47% of the votes and CPP came second with 38.23%.

The result of the election drew varying responses from the competing factions. It is important to note that, surrounding the elections, the factions had shifted strategies based on their own political priorities. Sihanouk wanted patriarchal authority, FUNCINPEC maintained its opposition to the CPP, and the CPP wanted to form a coalition with FUNCINPEC to disenfranchise its most powerful enemy, the Khmer Rouge (Rowley, 1996). While Sihanouk led the negotiations between the factions, UNTAC was practically sidelined during the process. UNTAC resorted to endorsing the post-election arrangement agreed upon by the factions in order to prevent the country from regressing back to another civil war, even though this meant undermining the people's vote. The new Constituent Assembly declared Sihanouk head of state and, once again, the king of Cambodia. Sihanouk then appointed Ranariddh and Hun Sen as co-prime ministers. On September 24, 1993 UNTAC concluded its mandate and transferred authority to the new government, the Kingdom of Cambodia, a constitutional monarchy in which the monarchy is a state symbol without political power. After UNTAC's exit, various UN agencies continued conducting activities around rehabilitation, mine clearance, human rights protection, and the reintegration of refugees and displaced persons to assist Cambodia's new government (Amer, 1995, p. 42).

Cambodia's history has witnessed the rise and fall of political personalities and political systems. It has experienced a wealthy empire, a foreign protector, a consenting monarchy, a conservative right-wing government, an extreme communist regime, and an authoritarian prime minister hiding behind the façade of institutional democracy. The amalgamation of these historical episodes is reflected in Cambodia's current official form of government—a unitary parliamentary constitutional monarchy. Hun Sen and the CPP have such a monopoly of power in Cambodia that “elections have become little more than a sideshow, helping to bolster the electoral-authoritarian regime that Hun Sen has built”

(McCargo, 2005, p. 98). Cambodia, therefore, embodies a hybrid democracy in which relatively free and fair elections are held regularly but civil and political liberties are limited (K. Un, 2005, p. 228).

Throughout these changes in the political landscape, an informal socio-political system has remained embedded in Cambodian society—that of a vertically hierarchical patron-client relationship, or the patronage system (R. Chan & Vannarith, 2008, p. 4). *Khsae*, which means ‘string’ or ‘connection’, links people together through familial, institutional or political associations (Jacobsen & Stuart-Fox, 2013, p. 16). Theravada Buddhism has influenced this system, which has persisted through different regimes. According to Thion (1986, p. 129), the most recurrent tendency in this system is factionalism; it is the modernized version of the old patronage system. He also adds favouritism, nepotism, and graft as implications of this system. The manifestations of the traditional patronage system continue to be issues for governance in Cambodia today. In the context of Cambodia’s democratic system, local discourses of patron-client relationships affect political representation by giving more importance to political personalities than to liberal ideas (Baaz & Lilja, 2014, p. 7). In the 1993 and 1998 elections this patronage system carried over into the way Cambodians voted for a leader who would reward them for their loyalty (D. W. Roberts, 2001, pp. 32-38, 204 in Baaz & Lilja, 2014, p. 13). The persistence of this tradition was not carefully considered in the planning for transforming Cambodia into a liberal democracy, as David Roberts (2001) elucidates in the following.

The organisers of the PPA missed several crucial issues in their attempts to democratise Cambodia. One of the most important was that they attempted to implant equality and individual choice in a society governed, and financed, through hierarchical inequality and group loyalties. Free choice would be desirable if the consequences of making that choice did not have negative economic ramifications. That is, it could not be meaningful to vote

altruistically for a personality if that leader could not return the favour in the traditional manner. (p. 34)

The aforementioned issues make it difficult for Cambodia to achieve political integration and to fully embrace the ideals of liberal democracy. The by-product is a government ruled by personalities, rather than ideas, which utilizes the liberal democratic system to obtain legitimacy and maintain power. This chapter highlights how the politics of personalities defeated the ideals of liberal peacebuilding in Cambodia and how the internationals acquiesced with these personalities instead of living up to their liberal peacebuilding mandates. Based on more recent insights and assessments by international and local actors who were involved during the transition, the following section sets the stage for an in-depth analysis of how UNTAC implemented its mandates and employed local involvement in administering Cambodia's transition from conflict to peace. Actors' reflections on their tasks during the transition and the mission in general serve as an overview of how UNTAC provided security, pursued justice and reconciliation, and promoted economic development and the outcomes of its mandates, or the lack thereof, that continue to influence Cambodia's politics and society even now.

INTERNATIONAL AND LOCAL ENCOUNTERS: UNTAC IN CAMBODIA

The UN system was not designed for quick action. Back then it was an organization that did nothing for a long time. And in Cambodia, it was expected to do a great deal in a short time. (Michael Maley, UNTAC Senior Deputy Chief Electoral Officer, personal communication, December 9, 2013)

The Cambodians supported UNTAC so much that they were even looking for the UN logo during the elections. They wanted the UN to run the country.

(Youk Chhang, Director of the Documentation Centre of Cambodia, personal communication, January 20, 2014)

I honestly felt most safe by being part of the community. I had a flak jacket but I do not think I ever used it. Wearing a flak jacket separates you from the people. (Therese Pearce-Laanela, UNTAC District Electoral Officer, personal communication, November 14, 2013)

SUBVERTING DEMOCRACY

The peaceful conduct of elections in Cambodia was UNTAC's greatest achievement, and the international community deemed the mission a success (S/RES/880, 1993). However, the failure of UNTAC to uphold the result of the elections, together with the unsuccessful DDR of the armed factions, especially the Khmer Rouge, shaped the politico-military situation in Cambodia after UNTAC's exit. For four years following the conclusion of UNTAC's mission, the co-premiership of Ranariddh and Hun Sen was plagued with political rivalries and armed clashes, mainly over trying to incorporate the divided members of the Khmer Rouge into their own parties. In July 1997 Hun Sen successfully staged a violent coup and ousted Ranariddh, while FUNCINPEC sank into division with its army almost destroyed. Despite its rhetoric of commitment to a free and fair election, the CPP obtained victory in the 1998 polls without free and fair measures because of its politico-military domination (Peou, 1998).

The following statements by Michael Maley, a member of the Electoral Commission during the transition, capture how UNTAC was confronted with the political manoeuvrings of the factions, and specifically the CPP.

On one level, the parties were professing to the process and on the other level, they were trying to undermine it. Politicians are like that. Hun Sen is a killer and a lot of his people too. They were the toughest people I dealt with within

an international environment. They are professional and organized so they wanted an election that would be taken by the international community to be free and fair but, to the greatest extent possible, manipulate it for their own advantage. They did this through their approach in the campaigns. There were a lot of intimidation and fear within the community. The notion of getting the parties to talk together is not realistic because it was not in their mindset. With the benefit of hindsight, I do not think [UNTAC should have negotiated with] thugs like that. (Personal communication, December 9, 2013)

According to Reilly (2004), democratization in post-conflict societies is a long domestic game, and the role of international actors within it is limited to the design and establishment of physical institutions that will help in building a moderate and sustainable political culture (p. 132). UNTAC successfully conducted a free and fair election but it failed to establish institutions for sustained democratization and, more importantly, to espouse the liberal democratic values it promoted. UNTAC applied a top-down approach to implementing the liberal elements of peacebuilding, especially in fulfilling its main objective of holding a free, fair, and peaceful election. William Maley (personal communication, November 13, 2013), an Electoral Officer for UNTAC, argues that an election generally has a limited scope for bottom-up approaches because it is a logistically complicated undertaking and requires years of experience. This was especially true in the case of Cambodia because of the short time frame of the mission, which did not allow for bottom-up democracy promotion that would have strengthened civil society, developed local capacity, and sustained democratic processes (Newman, 2004, p. 190).

Prior to UNTAC, Cambodia had no electoral history and professional expertise and, because of the conflict, the election required a high level of security, according to William Maley (personal communication, November 13, 2013). He recalled that, during the preparation for the election, the Electoral Component could not be seen as too close to any political actor or party or else the people would have developed the impression that the

election was not going to be free and fair. It was therefore crucial for UNTAC, or at least for the Electoral Component, to espouse credibility and neutrality by maintaining a distance from the factions. “There is always a fine line to tread between engaging with the local population on one hand and creating inadvertently the impression that UNTAC was the puppet of one of the local factions,” William Maley said.

The fine line between local engagement and favouring one faction over the other also ran through the security components, and often placed UNTAC in an uncomfortable position of having to decide whether to confront security challenges or maintain neutrality. When the Khmer Rouge withdrew from the DDR process, UNTAC knew the importance of reinstating their consent for successfully implementing the DDR process and decided to maintain neutrality by negotiating with the Khmer Rouge leadership. While UNTAC’s diplomacy with the Khmer Rouge prevented violence, at least in the short-run, the decision to not enforce the DDR mandate created a sense of doubt among the local population about whether UNTAC was there to provide security or was a pawn in a political game played by the factions.

THE LOCAL AS A TOKEN

The Electoral Component tried to build local capacity despite the time constraints. For example, the registration officers were locals and were the backbone of the polling operation. While internationals were deployed for monitoring and reporting tasks, the presiding officers, data entry operators, and other polling staff were locals who were trained before the election (Michael Maley, personal communication, December 9, 2013). Even though the electoral procedures were very top-down in the sense that they were written and directed from Phnom Penh and New York, how they were implemented was very local according to Therese Pearce-Laanela, an UNTAC Electoral District Officer, who described the following:

For us in the district, it did not feel top-down; it felt very local. We had no telephone; we had a walkie-talkie so we could speak to our provincial capital but we could not speak to Phnom Penh. We would get equipment or instructions every now and then but otherwise, we were very free. We slept in the villages and were very close to the people. It did not feel like there was a big distance between us. It felt like we were part of a common enterprise.
(Personal communication, November 14, 2013)

Local involvement does not end with the immersion of internationals in local communities, though, however fundamental this is in forging trust and transferring skills and knowledge from internationals to locals and vice versa. A meaningful international-local encounter can take the form of discussion, consultation, feedback, and other avenues wherein local actors can freely express issues and international actors can sincerely address those issues. The following recollection from a Cambodian who served as one of the local counterparts of UNTAC's Human Rights Component exemplifies the façade of local involvement that lacks meaningful consultation.

I did not read the reports of our officers. We just analysed the case and it was the officers who wrote the report and sent to their superiors. I did not know what was going on inside [UNTAC]. The officers just asked for opinions about what was happening on the ground and the attitudes of the local people. But the outcome and analysis, I really did not know. (C8, personal communication, January 14, 2014)

UNTAC's top-down approach and its short time frame did not open up avenues for local involvement other than those reserved for local factions. The culture of patronage and the non-confrontational attitude of the Cambodians also limited local involvement to the top leaders of the factions and hindered voices from civil society. Thida Khus, a leading human rights activist in Cambodia, criticizes UNTAC for working only with the government and

not with civil society (personal communication, January 29, 2014).⁴¹ UNTAC tried cooperating with the local organizations but its attempt was not comprehensive and it therefore failed to invest in Cambodian citizens. Even though the capacity of civil society was weak at that time, or even lacking, the current problems of governance in Cambodia would have been prevented or mitigated if UNTAC had increased the capacity of civil society first by incorporating their perspectives at the early stage of the peace process, Khus added. What UNTAC did, however, was carry out token consultation without meaningful local involvement. “UNTAC did not actually consult with the civil society. UNTAC just listened and we did not even know the outcome of the consultations. UNTAC did it as a token and they did not take it seriously,” Khus conveyed.

UNTAC may not have meaningfully and extensively consulted with civil society during its mission but it was successful in promoting human rights and planting the seeds of civil society activism. Most of the interview participants commended UNTAC for educating the civil society, especially about human rights. This was the first step towards empowering a population that was previously suppressed. The Cambodian civil society is now active in putting pressure on the government to implement the ideals of liberal peace that UNTAC brought into the country during the transition, said a Cambodian scholar on peacebuilding (C5, personal communication, January 12, 2014).

A FOREIGN MINDSET IN A LOCAL REALITY

UNTAC entered Cambodia carrying an expectation and mindset that differed from local realities. According to Sophoan Livan, who worked as an interpreter for the UN Civilian Police (CivPol), the Western concept of power did not complement well with the Cambodian culture of patronage and seniority (personal communication, January 29, 2014). As one UNTAC Human Rights Officer critiqued, the UN programmes were good on paper but they were foreign to the Cambodians (C16, personal communication, January 30, 2014).

⁴¹ Khus used to work in Washington, D.C. during the UNTAC period to pool human resources for volunteer positions in various rebuilding sectors.

Involving locals in a foreign framework is problematic and this is why the old patronage system has persisted even after UNTAC. For example, UNTAC's attempt to demilitarize the military wings of the competing factions and integrate them into a single national army failed because the members of the factions were loyal to their patrons or leaders, who in turn provided them with security and protection, and this loyalty was above any UN resolution that was seen to be externally imposed and internationally managed.

On the other hand, internationals expected that the concept of human rights and democracy would be too foreign for Cambodians, Youk Chhang, a former electoral officer and currently the executive director of Documentation Centre of Cambodia (DC-Cam), said. It might not be exactly similar to the Western concept but for a country that had experienced an authoritarian and genocidal regime, it was natural for the Cambodian people to seek freedom and rights (personal communication, January 20, 2014). This need for freedom and rights was what made the Cambodians go out in the summer of 1993, in their best Sunday dress, to vote for the first time. Despite security threats by some of the factions, whom UNTAC failed to disarm and demobilize, 89.56% of registered voters turned out.

There was a gap between the international mandate and local expectations. The Cambodian people had very high expectations of UNTAC and viewed it as a symbol of hope, solutions, peace, and a bright future. They expected that UNTAC would be able to control the political situation as soon as it was established (Azimi, 1994). However, UNTAC prioritized the conduct of elections as a requirement for negative peace, while the people expected that positive peace would come after the elections.

LIBERAL PEACEBUILDING COMPROMISED

UNTAC undermined the people's vote and departed from its liberal mandates for the sake of neutrality and short-term stability. UNTAC wanted to leave the country immediately and peacefully, and hence compromised the result of the election. The will of the people, despite the outstanding success of the election, did not prevail and power politics was

prioritized. As William Maley put it, “[UNTAC]’s meddling after the election meant that the people were denied of, in the post-election washout, the fruits of their courage” (personal communication, November 13, 2013). Since UNTAC was mandated to hold a free and fair election, which they successfully did, the UN considers the mission a resounding success despite its failure to fulfil its other mandates on security and development. Whether or not UNTAC successfully obtained peace through liberal democracy, though, the case of Cambodia was a failure and even a denial of the very tenets of liberal peacebuilding.

Due to its short-sighted and inflexible mandates, UNTAC also failed to establish effective institutions. “There was nothing *prima facie* agreed beforehand on the future structure of the government and even if there was, it would have been difficult to implement because of the distrust among the competing factions,” Michael Maley said (personal communication, December 9, 2013). The internationals and locals I interviewed agreed that there was insufficient capacity-building and no proper hand-over of expertise and material, meaning that when the country conducted the next elections on its own it had to start from scratch. To quote Simon Hermes, an international officer for UNTAC’s Border Control Unit, “UNTAC exited too soon in fear of another civil war” (personal communication, September 20, 2013).

The opportunities UNTAC missed during its mission continue to this day. Since Hun Sen staged a coup in 1997 he has remained in authoritarian control of the government. It is a government plagued with corruption, lacking self-monitoring, and that does not engage in meaningful consultation with civil society, according to Chak Sopheap, a human rights activist and executive director of the Cambodian Center for Human Rights (CCHR) (personal communication, January 16, 2014). The institutions remain fragile because the government is incapable of maintaining them. The elite groups enjoy the fruits of economic improvement but the majority of the people still face economic difficulties, especially in terms of accessing basic services (C3, personal communication, January 24, 2014).

PROVIDING SECURITY IN CAMBODIA

CONTEXTUAL BACKGROUND

When UNTAC arrived, the Vietnamese-backed SOC had its own military and police forces: the Cambodian People's Armed Forces (CPAF) and the Cambodian People's Police Force (CPPF). The other factions also had armed wings and police components but their troop strength was minimal compared to that of the SOC (Lee Kim & Metrikas, 1997). The function of the SOC's military and police forces was to maintain political stability and prevent the return of the Khmer Rouge, which continued to control several strongholds along the western border. Like the SOC, the military and police forces were trained and supported by Hanoi and consisted of Hanoi loyalists. Recruitment was based more on personal connection and anti-Khmer Rouge sentiment than merit (ASEANAPOL, 2013). Following the withdrawal of the Vietnamese forces from Cambodia in 1989, the CPAF and CPPF inherited the main structure of their predecessors despite the shedding off their communist affiliation with Vietnam.

UNTAC deployed a total of 15,991 military personnel and 3,359 police officers (UNTAC, 2003). The military, the civilian police, and the human rights components were responsible for delivering the security mandate. The military component was the face of UNTAC and the base support for all the other components (Azimi, 1994). Its main objectives were to provide security and build confidence among the competing factions. Its main functions were the verification of the withdrawal of foreign forces, weapons, and military assistance, supervision of the DDR process, and demining, including training and mine awareness programs (UNTAC, 2003). However, despite a comprehensive list of security objectives and the robust presence of international forces, continued arming of the competing local factions threatened the population's physical security during the transition.

UNTAC was successful in implementing the demining programme but it failed to complete the DDR process and to unify the local security forces because of its lack of a

mandate. The following subsections explain how the establishment of a centre for mine clearance supported by international and local actors led to successful demining in Cambodia, how the withdrawal of local consent derailed the DDR process, and how the absence of a mandate to rebuild a unified national army and police force failed to provide complete security for the population.

EXPLODING LANDS, CLEARING MINES

Demining was one of the immediate security tasks of UNTAC in order to provide basic physical protection for the lives and livelihoods of the people. Demining is connected to community development because it allows the local population to have lands they can safely work on (CMAC, 2012). During the conflict the factions used landmines around their controlled territories to deter attacks from the other factions. It was stipulated in the PPA that, after the completion of the DDR process, the factions would form mine-clearing teams to remove, disarm, or deactivate unexploded ordnances (Art. IX.2). Despite the suspension of the DDR process, UNTAC's Mine Clearance Training Unit was able to continue demining activities. It also trained the Cambodians to identify, locate and destroy landmines, and eventually transferred its responsibilities to the Cambodian Mine Action Centre (CMAC), which the SNC created in June 1992 (UNAMIC, 2003). Since then, CMAC has cleared a total land area of 467.5 square kilometres and destroyed 2.3 million landmines and unexploded ordnances. Cleared lands have been handed over to 1.8 million beneficiaries. In 2001 a Royal Decree pronounced and "...clarified CMAC's role as a National Institution to provide mine action services for humanitarian and development projects (Royal Government of Cambodia, August 7, 2001)." CMAC, as Cambodia's leading demining organization, has contributed 50% of the total 940 square kilometres of cleared lands in the country.⁴² CMAC remains operational and actively engages in mine risk education, surveying, training, and community development.

⁴² Data as of 2012 (CMAC, 2012).

There were initial shortcomings in fulfilling the task of demining due to access restrictions in Khmer Rouge-controlled territories and the slow process of consolidating the demining activities (Brown & Zasloff, 1998; Jennar, 1994). A specific demining mandate was not included at the outset and CMAC was created only eight months after UNTAC's deployment. However, it should be noted that UNAMIC had started mine awareness training and mine-clearance programmes and passed on its tasks to UNTAC.⁴³ It is also worth noting that when CMAC faced a lack of funding the UN quickly responded by placing an oversight mechanism for two years (S. Roberts & Williams, 1995).

Cooperation from the factions and the involvement of the local population were vital to the fulfilment of the demining programme. The PPA required each faction to provide information about caches of weapons and military supplies throughout Cambodia. Alan Beaver, a military engineer for UNTAC who was involved in the planning for CMAC's programmes, remarked that the factions were very cooperative at that time (personal communication, January 13, 2014). He also mentioned that since the major issue was the locating of mines because the factions did not record where they placed them, reports from the local communities were a crucial source of information for identifying areas for demining.

The involvement of local communities did not end at the collection of information but expanded to more proactive participation. UNTAC's positive legacy in mine clearance in Cambodia continues with CMAC's long-term vision and the deep involvement of local communities in its activities. CMAC is committed to linking its activities with development, sustainability, and peacebuilding by managing livelihood assistance to victims and assisting with development projects for affected communities (CMAC, 2012). Through various government agencies, Cambodia effectively runs a decentralized bottom-up approach by setting up demining and land distribution priorities through consultation

⁴³ In addition to the mandate of maintaining the ceasefire agreement, UNAMIC was established to conduct mine awareness training programs for the local population (S/RES/717, 1991). This mandate was expanded to include mine training and mine clearance (S/RES/728, 1992; UNAMIC, 2003).

with affected local communities and stakeholders. Since the factions were more concerned with the election and DDR during the transition, demining in Cambodia was free of political interests. Without the interference from the factions, CMAC was able to concentrate on channelling its activities towards the needs of the victims of landmines and unexploded ordnances. The bottom-up approach in demining ensures that cleared lands benefit those who need them the most, prevents land grabbing, and contributes to community development (Shimoyachi, 2010). UNTAC's initiatives and CMAC's continuing community-based efforts prove that this specific mandate was successfully implemented. CMAC has reported that the number of casualties from landmines and unexploded ordnances has dramatically decreased since 2005 (2012, p. 12).

FAILURE TO DISARM THE KHMER ROUGE

The implementation of ceasefire and DDR agreements was a prerequisite for conducting safe, free, and fair elections and the rebuilding of a unified security force. Furthermore, demilitarization was needed “in order to stabilize the security situation, build confidence, and reduce arms and military supplies throughout Cambodia” (*1991 Paris Peace Agreements*, October 23, 1991, Art. VIII.1). UNTAC successfully cantoned and disarmed forces within the areas to which it had access (Brown & Zasloff, 1998).⁴⁴ Even though the Khmer Rouge continued to hold arms and control some territories, the DDR process contributed to its political isolation and member defections (Findlay, 1995). UNTAC initially cantoned 55,000 former combatants from the other factions but the second phase of the cantonment process was stalled when the Khmer Rouge withdrew from the DDR process (UNTAC, 2003). The Khmer Rouge's refusal to comply was based on its allegations that the Vietnamese forces were still in Cambodia and that UNTAC was failing to properly administer the country by allowing the CPP to remain in control of the government.

⁴⁴ It is important to note, however, that although the CPP agreed to the DDR process, it only handed over old weapons and allowed cantonment only of its ineffectual units (Rowley, 1996, p. 15).

Several of those I interviewed confirmed that UNTAC was not the government; it merely sat with the government while CPP remained in control, acted above UNTAC, and conducted business as usual without much international interference or monitoring. The CPP carried out acts of intimidation, coercion, and violence to get rid of its opponents in order to ensure victory in the 1993 election (Ledgerwood, 1996). As a result, some of the factions continued arming themselves for protection and out of fear, thereby prolonging the armed conflict, particularly between the military wings of CPP and the Khmer Rouge (Amer, 1995). This deteriorated the security situation from December 1992 until the run up to the elections.⁴⁵

The political will and consent of local factions are essential in a DDR process (G. Evans, 2008). UNTAC was faced with the challenging task of reinstating the consent of the Khmer Rouge. It negotiated with the Khmer Rouge's leadership but efforts to bring back them back into the process failed for several reasons, according to David Roberts (1998). First, the local/Khmer Rouge interpretation of 'foreign forces' differed from that of UNTAC, based on the PPA. UNTAC was removing foreign military elements but the Khmer Rouge demanded the removal of all foreign military and civilian elements, especially the Vietnamese. Second, despite the Khmer Rouge's commitment to reciprocity if UNTAC would address their concerns over the Vietnamese presence, UNTAC was handicapped when it came to taking action that was beyond the stipulations of the PPA. This shortcoming reflected the inflexibility of high-level negotiated outcomes in relation to dynamics on the ground, especially the evolving demands of local actors. Third, UNTAC used several international and local means of pressure but to no avail. Initiatives from other concerned states, such as China, Japan, and Thailand, the Paris Co-Chairs from France and Indonesia, and economic sanctions did not threaten to weaken the Khmer Rouge's stance of

⁴⁵ Violations of the ceasefire agreements by the CPP and Khmer Rouge occurred several times during the transition. Artillery duels between their armed wings caused 150,000 residents of Battambang province to flee their homes. The Khmer Rouge fired artillery shells near the location of UNTAC troops and temporarily detained some UNTAC personnel. Violent incidents happened in the offices of other political parties and against Vietnamese-speaking people. Firm in investigating and prosecuting these violations against human rights, the SRSR established the Office of the Special Prosecutor. (S/RES/728, 1992; UNAMIC, 2003)

withdrawing from the peace process and the election. International pressure did not work in a post-Cold War, post-ideological, and post-international patron-client dependency context, as the Khmer Rouge became more independent from external assistance and political associations.

The failure of the DDR process presented UNTAC with three options: to redefine its mission from peacekeeping to peace enforcement, to abandon the mission and admit failure, or to proceed without the Khmer Rouge's participation (Rowley, 1996). UNTAC's decision to employ a 'departing train' strategy⁴⁶ and conduct the elections despite Khmer Rouge non-participation and violent activities allowed the latter to maintain a military presence in its controlled territories (Jennar, 1994). Fear of the Khmer Rouge's return to power increased among the people, who started believing that UNTAC and the UN soldiers were only motivated by their personal gains and were not interested in completely ending the conflict (N. Thayer & Chanda, 1993, p. 156). UNTAC failed to ensure the compliance of all the factions with the ceasefire agreement and the DDR process. Although the number of casualties was comparatively low during the mission and the election was conducted peacefully, the failed DDR of the Khmer Rouge and the intense rivalry among the factions posed a threat to the population during the transition (Bratt, 1996, pp. 3-5). This failure would ripple on in the domestic political setting of Cambodia even after UNTAC left when Hun Sen staged a military coup in 1997 and took authoritarian control of the government.

FROM WARRING FACTIONS TO A UNIFIED FORCE?

The PPA and UNTAC's mandate did not clearly tackle the issue of a unified national army at the outset. The absence of a mechanism to consolidate the security sector implied UNTAC's short-term approach to peacebuilding.⁴⁷ Even though the PPA paid attention to the DDR process, "the future character of the coercive instrumentalities of the state was treated as a matter to be resolved later [by the anticipated new government after the

⁴⁶ Stedman (1997) uses the metaphor of a departing train, which means that the process will move forward at a certain deadline regardless of whether the spoiler joins it or not. In the case of Cambodia, the deadline was the election and the spoiler in the process was the Khmer Rouge (p. 14).

⁴⁷ SSR was an emerging issue only in the late 1990s (Hänggi, 2004).

elections],” according to William Maley (2006, pp. 299-300). The factions disingenuously pledged themselves to the creation of a unified national army but UNTAC understood the tension and steered away from the highly sensitive issue in order to prevent renewed conflict (Richardson & Sainsbury, 2006, pp. 286-287). The creation of a national army was mentioned in the PPA only in connection with the possible scenario that, if a complete DDR process did not take place, the remaining forces in cantonments should be considered for incorporation into a new national army of the newly elected government. Since the DDR was not completed, neither was the creation of a unified national security force.

This limitation in UNTAC’s mandate had lasting effects after its exit. The immediate consequence was the security threat from the factions’ armies, which remained intact during the period of UNTAC. Politically motivated killings and threats led to a deterioration in the security situation, especially before the elections. As Sam Oum, a former military officer of the SOC, recounted, UNTAC’s military component pulled out too soon without ensuring a proper re-organization of the armed forces down to the lower levels that could effectively provide security (personal communication, January 14, 2014). The missed opportunity to establish a unified national army under civilian control made it possible for Hun Sen’s CPP to militarily monopolize Cambodia’s government. The political structure remains unchanged since then and is likely to create security challenges if threatened with replacement (S. Roberts & Williams, 1995, p. 287).

Similarly, the PPA and UNTAC did not specify any mandate with regard to the creation of the local police, mainly because there was already an existing police force, the CPPF, which started recruiting and training local police officers when the SOC took over the government in 1979. Amidst the civil war, the CPPF acted as a semi-military institution to maintain political stability and social order, and to prevent Khmer Rouge’s return to power (ASEANAPOL, 2013). Despite the absence of a specific mandate to create or rebuild a police force, UNTAC’s inclusion of a separate UN CivPol component hinted the importance of strengthening the police sector and transferring policing capabilities to the

local police. While the CPPF maintained overall management of policing responsibilities, UNTAC deployed CivPol officers to maintain law and order and to protect human rights and fundamental freedoms of the Cambodian population through supervision and control, and training of the local police. The training of the local police included methods and operations in “traffic control, human rights observance, criminal law, criminal investigation, crime prevention, and demonstration and riot control” (UNTAC, 2003).

Brigadier-General Klaas C. Roos, UNTAC’s Police Commissioner, recalled that there were no police officers from factions other than the SOC when he arrived in Cambodia (1994). Police officers from the SOC were poorly trained and ill-equipped, making training of the local police even more necessary (p. 140). According to Peter Baldwin, a former CivPol officer who was involved in the training, training of the local police was done in consultation with the factions. He said that he and his team negotiated with the leaders of the factions, who were mostly cooperative, in terms of the selection of local police officers for training (personal communication, October 1, 2013). He also mentioned that the lack of a working judicial system made local engagement even more crucial in fulfilling this task.

According to Peter Baldwin (personal communication, October 1, 2013), the participants in the training were from the military wings of the factions who used to operate in their own respective camps along the Thai-Cambodian border. Since the participants were already familiar with and had accepted the set of rules and structures in the border camps they came from, his team incorporated those rules and structures into the training programme. This was an initiative on the part of the CivPol officers, in collaboration with the factions, despite the vagueness of UNTAC’s mandate in terms of training the local police. The CivPol officers developed the subjects for training, while logistical support was sourced from other UN agencies and even from CivPol officers’ family members. Roos (1994) confirmed these private initiatives, especially in the Thmar Pouk area where Peter

Baldwin was stationed. CivPol was able to train 10,000 local police in various aspects of police work despite the administrative constraints of UN bureaucracy (pp. 140-141).

CivPol was partially successful in integrating the local factions for training and for transferring policing skills to the local police. However, in an extensive study of crime and violence in Cambodia, statistics show that Cambodia experienced high criminal activities during UNTAC's mission, especially in 1993 when political violence accompanied the run up to the first election (Broadhurst, Bouhours, & Bouhours, 2015). The reason for this is that the CivPol's monitoring and training of local police diminished when their responsibilities were transferred to the monitoring of ballots (Lee Kim & Metrikas, 1997, p. 125).

OUTCOMES OF UNTAC'S SECURITY MANDATES

Table 4 below summarizes the outcomes of UNTAC's security mandates. Demining proved successful because of the institutions UNTAC built and the extent of local involvement it encouraged. These efforts were sustained even after UNTAC left. The mechanisms UNTAC provided and the continuously active local involvement allowed people to go back, live on, and cultivate their lands safely.

UNTAC failed to completely implement the DDR process after the Khmer Rouge's withdrawal. Consent is crucial in implementing sensitive tasks such as the DDR process, and it was a prerequisite that the Cambodian factions should feel confident about UNTAC's presence and the peacebuilding process as a whole. However, given views and allegations that UNTAC was working more closely with the CPP, it was not able to build confidence among all the factions. On the other hand, UNTAC's decision to remain neutral and negotiate with the Khmer Rouge resulted in a loss of public confidence and led to an overall atmosphere of insecurity during the transition.

The rebuilding of local armed forces in Cambodia was unsuccessful because there was no specific mandate to do so. Given the nature of the conflict and the competing

factions within Cambodia, the issue of integrating former combatants under a single defence force was a sensitive task. The mandate was vague from the start and the failed DDR process spilled over into any possibility of having one. As a result, no institutions were built and no avenues for local involvement were opened. UNTAC's hesitation to tackle this issue was not confined to the defence sector but also extended to the police force. There was no UNTAC mandate on creating a police force but the training of local police officers, although modest in scope, made up for this shortcoming. Despite the lack of clear guidelines from UNTAC, some CivPol officers conducted training through their own initiatives and in consultation with the factions. However, this task was only partially successful due to the lack of judicial and criminal legal institutions and flaws in the quality of some CivPol personnel. Most of the Cambodians I interviewed observed a lack appropriate qualifications among some CivPol officers, who did not have actual policing experience before arriving in Cambodia. They also relayed incidents of misdemeanour against the local population by some CivPol officers while on duty, such as reckless driving and engaging in the illegal sex trade. As Sorya Sim, a former interpreter for the Human Rights Component, noted, UNTAC failed to impose human rights standards on its own international officers (personal communication, January 18, 2014).

Table 4. Assessment of UNTAC's security mandates

| Security component | UNTAC's mandate | Institution-building | Local involvement | Result | General Assessment |
|---|---|-----------------------------|--------------------------|--|---------------------------|
| Protection for all | Mine clearance | Yes | Yes | Mines were cleared and land distributed to the people; demining continues | Successful |
| DDR | Supervision of the ceasefire and regrouping, cantonment, disarming and demobilization of armed factions | No | No | Suspension of the process due to Khmer Rouge's non-cooperation; factions continued arming, causing insecurity | Failed |
| SSR/Rebuilding of local security forces | No specific mandate on rebuilding of local armed forces | No | No | CPP controls the security forces | Failed |
| | No specific mandate on rebuilding of local police forces | No | Yes | Training of local police forces was successful in some provinces due to private initiatives and local engagement; no data from other provinces | Partially successful |

The rebuilding of security in Cambodia demonstrates that the establishment of effective institutions and local involvement are indispensable for a successful and sustainable provision of security. The holistic and inclusive approach of the demining programme had a successful outcome that continues to benefit the local population. In contrast, the withdrawal of local consent from the Khmer Rouge derailed the DDR process and contributed to security threats surrounding the 1993 election. Also, the absence of a clear mandate on how to rebuild the security institutions failed to create a unified army and police force to ensure the provision of security in the country.

PURSuing JUSTICE AND RECONCILIATION IN CAMBODIA

CONTEXTUAL BACKGROUND

The majority of Cambodians practice Theravada Buddhism, which influences the Cambodian way of life, including the concept and conduct of justice.⁴⁸ The Khmer word for justice is *yuttethor*, which implies fairness, honesty, and impartiality, as Sreang (2006) describes. *Yuttethor* was derived from the Khmer word *dharma*, which means duty or correct action. Fulfilment of or failure to live one's *dharma* is rewarded or punished in the afterlife and left in the hands of the *samsara*, the cycle of birth and rebirth, through which a person can advance to a stage of enlightenment or regress to lower forms of life, Jacobsen (2006) explains. Wrongdoers also receive punishment in this life through fines, beatings, and financial restitutions to the families of victims, or marks, such as tattoos or iron collars, to shame wrongdoers. Traditional justice in Cambodia usually does not involve incarceration as a form of punishment (Jacobsen, 2006). It also does not involve courts or judicial processes but rather is carried out by monks or elders in a Buddhist temple (Sreang, 2006). These traditional beliefs and practices remain relevant in Cambodia, especially amidst the corrupt and coercive nature of the government (Jacobsen, 2006).

⁴⁸ As of 2008, 96.93% of 13.94 million Cambodians practice Theravada Buddhism; the rest practice Islam, Christianity, and other religions (National Institute of Statistics-Government of Cambodia, 2014).

Image 2. Cambodian monks in Phnom Penh



Note: The Buddhist monks of Cambodia were not exempted from the genocidal acts of the Khmer Rouge regime, with its hostile policy towards religion, especially the Buddhist monkhood. The monks were disrobed and forced out of the temples to work in the rice fields like the rest of the country. It was estimated that almost 50,000 monks died during the Khmer Rouge regime. (Weinberg, 1997, p. 161)

For a country that had suffered from massive human rights violations, ensuring that the past would not happen again was integral to the PPA's objective but it was not an easy task for UNTAC. Duffy (1994) notes that since the Khmer Rouge killed the educated, including lawyers and judges, there were only ten law graduates left in the country by the end of the regime. There was no independent judiciary, no system of adjudication in many districts, and basic legal rights were almost non-existent (p. 227). After the SNC signed into international agreements and conventions related to human rights, UNTAC helped Cambodia fulfil its international human rights obligations, according to Duffy (p. 163). He commends the small number of human rights officers for doing an immense job of disseminating Cambodia's human rights obligations, training government officials in reporting the government's obligations, and training local NGOs in monitoring government compliance. This achievement allowed the emergence of local human rights NGOs that are now key actors in the pursuit of justice and reconciliation in Cambodia. However, their role

is limited to “information providers and victim support services, rather than political players in their own right” (Hughes, 2007, p. 841).

Public acquiescence is inherent in the Cambodian way of life in such a way that public participation in political matters is not the norm for ordinary Cambodians (Neou & Gallup, 1997). In her extensive study of the impact of UNTAC on the culture of human rights in Cambodia, Hughes (1996, 2007) describes how the international donors and human rights workers promoted “a culturally specific form of human rights, emphasizing moral behaviour in society rather than offering any radical critique of the political order” (p. 840). The result of this approach was convenient but limited participation by Cambodians in human rights struggles (p. 841). For example, local human rights workers are usually from the middle class, with a subordinate relationship to international organizations. While they extensively network internationally, submit reports to international donors, and attend forums, they have not yet sought active participation from ordinary villagers. Hughes has observed that the role of the local human rights workers is limited to professional human rights training instead of encouraging and espousing active political participation for human rights—something that satisfies international organizations but isolates ordinary citizens (p. 841). This limitation is also evident in the establishment of a tribunal to bring the Khmer Rouge to justice.

THE KHMER ROUGE TRIBUNAL

Before UNTAC’s arrival, the SOC created the People’s Revolutionary Tribunal in 1979, tried Pol Pot and Ieng Sary, the third-in-command of the Khmer Rouge, and charged them with genocide.⁴⁹ In a news article published in the Phnom Penh Post in 2007, McDermid described opinions on the significance of the trials. He said that they were seen to be mere ‘political show trial[s]’ orchestrated by the SOC, which was composed of former Khmer Rouge members who broke away from the party, seeking domestic legitimacy and international recognition. There was a consensus that the trials did not meet international

⁴⁹ For more details about the trials, see De Nike, Quigley, & Robinson, 2000.

standards of fairness and neutrality. The other Khmer Rouge leaders who were connected with Hanoi or were in government positions were not tried. Even witness statements were politically coloured with expressions of loyalty to the SOC. Nevertheless, the takeaway from this tribunal was public exposure of the horrors committed by the Khmer Rouge regime.

UNTAC did not have a mandate related to justice and reconciliation because the negotiating parties of the PPA assumed that the cooperation of the Khmer Rouge and its Chinese supporters, who would block an agreement containing punitive provisions against them, was crucial to the successful implementation of the agreement (Neou & Gallup, 1997). This gap delayed the delivery of justice for the victims of the Khmer Rouge and influenced the development of relevant justice mechanisms in the years that followed UNTAC's exit. The delay witnessed Hun Sen's consolidation of power, which permeated the country's judicial institutions. In June 1997 Ranariddh and Hun Sen wrote a letter to the UN requesting international aid in holding accountable the perpetrators of genocide and crimes against humanity committed during the Khmer Rouge regime (Luftglass, 2004, p. 906). Less than a month later, Hun Sen staged the coup that ousted Ranariddh. Whether it was a planned diversion from Hun Sen's plot to stage a coup (Broadhurst, Bouhours, & Bouhours, 2015, p. 907) or a mindless agreement based on his preoccupation with his intensifying rivalry with Ranariddh, Hun Sen was determined to sabotage the ECCC from the outset (Brinkley, 2013, p. 41).

Broadhurst, Bouhours, and Bouhours (2015) examined Hun Sen's opposition to a UN-sponsored international tribunal and his desire for the Cambodian courts to have sovereign jurisdiction over the trials. A UN Group of Experts proposed an ad hoc UN tribunal seated in another Asia-Pacific country, considering "that the Cambodian judiciary in its current state was unlikely to meet minimal international standards of justice, even with external assistance" (A/53/850, 1999, p. 3). After a long series of negotiations, a

compromise was reached.⁵⁰ The Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia (ECCC) for the Prosecution of Crimes Committed during the Period of Democratic Kampuchea took effect in June 2003 and the ECCC started operating in June 2007. It is a hybrid tribunal, which is an ad hoc Cambodian court with international participation, created jointly by the Cambodian government and the UN but remaining independent of them, and applies international and domestic law and standards (ECCC, 2006-2015c).

The ECCC brings to trial senior Khmer Rouge leaders and those most responsible for crimes committed during the Khmer Rouge regime. It concluded its first case, Case 001, in February 2012 with Kaing Guek Eav, alias Duch, convicted of crimes against humanity and genocide and now serving life imprisonment. Duch was one of the top Khmer Rouge leaders and was the overseer of the Toul Sleng Security Prison 21, one of the Khmer Rouge's execution centres. In November 2016 the ECCC affirmed its decision in Case 002 to impose life imprisonment on two former Khmer Rouge leaders, Nuon Chea and Khieu Samphan, after an appeal. The trials for the other two leaders, Ieng Sary and Ieng Thirith, are no longer part of Case 002 due to the former's death and the latter's deteriorating health. Cases 003 and 004 were submitted in September 2009 concerning five additional suspects and are still under investigation.⁵¹

A FAÇADE OF HYBRIDITY

The long period of disagreements and negotiations between the UN and the Cambodian government was a tumultuous path for the establishment of the ECCC. Scholars, practitioners, international stakeholders, and the Cambodian civil society voiced their disappointment early on. The criticisms mainly concerned the "ECCC's questionable impartiality, limited public involvement, and constrained personal jurisdiction" (Capeloto,

⁵⁰ The ten-year wait from the request until the start of ECCC's operation consisted of a series of negotiations between the UN and the Cambodian government regarding the venue for the trials and other elements of the court's structure. For details of these negotiations, see Chigas, 2000; Luftglass, 2004; Ratner, 1999. For the chronology of the establishment of the ECCC, see <https://www.eccc.gov.kh/en/about-eccc/chronologies>.

⁵¹ For more details about these cases, visit <https://www.eccc.gov.kh/en/about-eccc> (ECCC, 2006-2015a).

2008, p. 104). At its infancy, the ECCC suffered from severe political interference, lack of transparency, limited logistical resources, and weak competence among Cambodian counterparts.

The hybrid nature of the tribunal proved challenging in the Cambodian context. Previous assessments of the ECCC's hybrid criminal procedures highlighted both challenges and prospects surrounding the dilemma between judicial independence/international standards and local involvement/national ownership (for example, Bertelman, 2010; Cohen, 2007). The most common critique is the mismatch between international and local mechanisms. Barria and Roper (2005) argue that there is an inherent danger in creating hybrid institutions with mixed legal mechanisms in countries without or with weak rule of law and judicial independence. Cambodia does not have the necessary institutions and legal culture to complement an international tribunal founded on and promoting the rule of law because of the corrupt and coercive nature of its government. The Cambodian judiciary is weak, politicized, and highly susceptible to bribery and outside influence. The government is corrupt and scored low in the 2015 Corruption Perception Index, ranking 150th out of 167 countries (Transparency International, 2015). Although there are ongoing efforts to combat corruption, such as the passage of the Anti-Corruption Law, the creation of the Anti-Corruption Unit in 2010, and the establishment of the parliamentary Anti-Corruption Commission in 2014, these have yet to be translated into practice (E. Johnson, Hyde, Rosenfeld, Sokchan, & Pisal, 2014; Transparency International Cambodia, 2014).

As the tribunal is located in Phnom Penh, political interests inevitably influence the tribunal. For example, the government limited the scope of suspects because of the previous connections of some government officials, most prominently Hun Sen as a former member, with the Khmer Rouge (Barria & Roper, 2005, p. 24) and the political violence the SOC had committed in the past against CPP's political opponents (Ledgerwood, 1996). This undermines the credibility of the tribunal and reflects the political injustice that the

Cambodian government perpetuates (Dicklitch & Malik, 2010). The limited scope of who to prosecute serves the government's interest in enhancing its legitimacy by re-affirming its victory over the Khmer Rouge, Stensrud (2009, pp. 11-12) argues. The establishment of the ECCC serves as a trophy for the government in terms of winning its place in Cambodian history and society (p. 12). Behind a façade of hybridity, the government significantly controls the ECCC. Tainted by the government's weak record of judicial integrity and independence, the ECCC is plagued with an unnecessarily complex structure incapable of quick decision-making and strong implementation of its mandates to effectively pursue justice (Ciorciari & Heindel, 2014).

The delivery of justice as part of the liberal peacebuilding agenda has yet to prove itself successful in the case of Cambodia. While it is difficult to draw a definite conclusion about the effects of liberal justice on peace in Cambodia because the ECCC is still operational and outreach for bottom-up reconciliation efforts has just recently started, the discussion in this section demonstrates that the goal and practice of liberal peacebuilding can be derailed by non-liberal manipulations of the country's leadership or government. The illiberal motivation of the Cambodian government, which is to enjoy impunity and exploit legitimacy, takes advantage of liberal judicial mechanisms. Justice has not been fully served in Cambodia and, according to Dicklitch and Malik (2010), it is much more difficult to serve justice and reconcile with past abuses of the Khmer Rouge amidst the current political, economic, and social injustices being experienced by Cambodians on a daily basis (p. 72).

THE ECCC AND THE LIMITS OF JUDICIAL INSTITUTIONS

The predominantly top-down, retributive, and Western-style approach of the tribunal falls short of serving the expectations attached to the traditional Khmer concept of justice. The ECCC is viewed as incompatible with the cultural context of Cambodia and emotionally distant from the experiences of the Cambodian people. While the ECCC's rules provide enforcement for corrective action on those found guilty, it is not in line with the Theravada

Buddhist teaching that the action should be voluntary through an acknowledgement of one's mistakes and an intention to amend those mistakes (Gellman, 2008, p. 51). This results in a tension between the Western style of retributive justice and Cambodia's cultural outlook on justice and reconciliation, Gellman argues. Some scholars (for example, Doung & Ear, 2010; Harris, 2005; Lambourne, 2008) agree that Cambodia's religious perspective is more consistent with restorative justice but the ECCC pursues retributive justice without truth, and acknowledgement of victimization that is detached from the prospect of reconciliation.

Moreover, the ECCC's forms of reparation are not perceptive of Cambodia's social context. The financial and individualized reparation attached to retributive justice is incompatible with the development and communal type the Cambodians seek and the kind of reparation needed for the kind of harm they experienced (Ramji, 2005, pp. 369-370). The tribunal's retributive form of justice is insufficient to meet these local demands. As Lambourne (2014) remarks, "even though justice through the ECCC is an integral goal, retributive justice only for key individuals through a tribunal without truth and acknowledgement is partial justice" (p. 40).

Initially, the ECCC was also viewed as having a limited scope for, or questionable application of, public and victim participation (Mohan, 2009). The trials were focused on the perpetrators with little or no participation of the victims, and there were no avenues for victims to formally participate at any stage of the prosecution (Capeloto, 2008, pp. 118-120). Ciorciari and Heindel (2014, pp. 205-207) elucidate the following reasons for these constraints. First of all, the ECCC was not initially conceived of as providing support for victims mainly because the number of victims was too large and the mandate and resources of the ECCC were insufficient to attend to every victim. Second, the victim participation scheme was designed from scratch, making it susceptible to resource constraints. Although it looks good on paper, the scheme suffers from weak institutional support, the realities of budget constraints, understaffing, and a vague view of how it should be implemented. Records of expenditures show that programmes for victim participation receive a relatively

minimal share from the ECCC's overall budget. The Victim Support Section (VSS) is under-resourced and understaffed to handle its broad tasks. The ECCC's victim participation scheme was lauded when it was conceived but as soon as it started operating the aforementioned issues weakened its credibility. It received a reputation for being a mere processing unit instead of providing substantial support and outreach to victims.

POSITIVE OUTCOMES FROM THE ECCC

It is erroneous to give a concluding assessment of the ECCC since some of the trials are still ongoing. Moreover, justice and reconciliation take time, especially for a country in which lives, institutions, and physical structures were virtually destroyed. Nevertheless, it is useful to highlight the positive results the ECCC has produced, not only for Cambodian society but also for the development of related international law that may be useful for future planning and establishment of justice and reconciliation mechanisms.

First, the structure and processes of the ECCC contributed to the development of international criminal law and the improvement of international standards for criminal procedure (Form, 2009; Jasini & Phan, 2011; Poluda, Strasser, & Chhim, 2012). The ECCC is the first internationalized tribunal using the civil law system and allowing the participation of victims in the proceedings. Though imperfect, the model of civil party participation adopted by the ECCC may fill the gaps in international criminal justice and inform future international criminal proceedings (Bair, 2009, p. 552). After revising its victim participation scheme, victims can either be complainants or those with information about a committed crime, or civil parties or those who directly suffered from the crime and seek reparations (ECCC, 2014a).

Second, the hybrid structure of the tribunal has produced positive outcomes despite the issues discussed earlier. Compared to other tribunals, the ECCC is more successful with respect to outreach, Ciorciari and Heindel (2014) observe. With the support of NGOs, the proceedings are publicly accessible and widely covered by the media. In addition to online

resources, a Virtual Tribunal project has been launched to include multimedia interactive and educational features designed for capacity-building (p. 250). The locale of the ECCC has contributed to its positive and wider outreach to the local population. Notwithstanding the political interference from the government, the decision to conduct the trials in Phnom Penh made the ECCC closer to the people, thereby providing possible avenues for a greater degree of public participation and monitoring. For example, local civil society actors are actively advocating for better victim participation and community-level initiatives in order to address the shortcomings of the ECCC (Chhang, personal communication, January 20, 2014).

Third, the trials allow for truth and emotions from the genocide experience to emerge. The testimonies can be pieced together to paint a clearer picture and to dive into a deeper understanding of what happened during the Khmer Rouge regime (Form, 2009). The ECCC also serves as a venue for the victims to have their negative moral emotions be heard and acknowledged by formal or legal institutions of justice, according to Jeffery (2015). The option of forgiveness in the tribunal is neither expected nor mandated but by giving freedom to the victims over whether to forgive or not the ECCC was able to prevent further escalation of negative emotions (p. 49).

Lastly, after almost three decades, the first step to delivering justice had finally begun. Despite the delays and birth pains of the ECCC's establishment, the majority of the Cambodians surveyed and interviewed after the first trial still see the significance of the ECCC in enforcing accountability on those who were responsible for crimes during the Khmer Rouge regime (Pham, Vinck, Balthazard, & Hean, 2011; Tek, 2011). They want to know why the genocide happened and demand an acknowledgement from those who committed the crimes that what they did was wrong (Pham, Vinck, Balthazard, & Hean, 2011). The establishment of the ECCC is an implication for the Cambodians that these demands for justice might possibly be obtained. As Tek (2011) put it,

Justice is not only attainable, but has somewhat been felt in Cambodia. People tend to prefer a world with the ECCC no matter what the external and internal problems are than a world without the ECCC, which is a world that did not even try to punish the perpetrators (p. 436).

A survey conducted after the first trial showed a positive public opinion of the impact of establishing the ECCC on Cambodian society (Pham, Vinck, Balthazard, & Hean, 2011). There was an increase in awareness and knowledge about the ECCC and the majority of the respondents expressed high expectations of it (p. 3). Trust in the justice sector increased but the view that the judicial system was corrupt also increased (p. 30). Even though the retributive justice pursued by the ECCC lacks a more inclusive and restorative approach in delivering justice, the Cambodians see the utility of the ECCC in strengthening the local justice system and holding the top Khmer Rouge leaders accountable for their actions. The procedural flaws of the ECCC should not be ignored but its success in other areas should also be given attention. It makes a valuable contribution to positive and lasting social change in Cambodia through the process of creating and accepting a common history, ending impunity, and building faith in the local judicial system (Scully, 2011, p. 349).

RECONCILIATION IN CAMBODIA

Reconciliation generates high expectations and it is personal. I cannot tell someone to forgive or to apologize so I focus on education, especially on the process of justice. Using the term reconciliation is misleading because, personally, I cannot reconcile with what they did to my family. It does not give respect to those who suffered. The dominant concept and method of truth and reconciliation is a Christian concept wherein you confess and you move on with life. But in Buddhism, you have to pay back no matter what. (Chhang, personal communication, January 20, 2014)

The above quote reflects the complexity of reconciliation in Cambodia. Factors such as religion, culture, personal experience, psychological well-being, temporal distance, and sometimes the outcomes of the ECCC trials play a role in the extent of forgiveness and reconciliation (Pham, Vinck, Balthazard, Arévalo-Carpenter, & Hean, 2011, p. 460).

However, this complexity is not reflected in the legalities of the ECCC. The gaps and flaws of the ECCC, coupled with the Cambodian people's preference for truth-seeking mechanisms and community-level reparations, have paved the way for recommendations on establishing other forms of transitional justice in Cambodia (for example, Bockers, Stammel, & Knaevelsrud, 2011; Doung & Ear, 2010; Ip, 2013; McGrew, 2011). These recommendations do not discount the importance of putting the top leaders of the Khmer Rouge on trial but suggest that restorative justice should complement the ECCC's predominantly retributive approach.

The majority of the Cambodians do not want to forget what happened under the Khmer Rouge, painful as it may be. According to Linton (2004), Cambodians want the younger education to be aware of it not just as a historical fact but also as a moral lesson. "...It is about coming to terms with one's own experiences, memories and negative feelings; learning as individuals and a society to coexist with each other; and then working together towards a common future" (p. 227). This is why Cambodian support for truth-seeking remains strong alongside decreasing feelings of animosity and revenge; community-level reparations through ceremonies, memorials, or social services are also preferred (Pham, Vinck, Balthazard, & Hean, 2011, p. 35). As a response, NGOs are developing and conducting creative, artistic, educational, and therapeutic initiatives for victims to complement and supplement the formal and retributive form of justice pursued by the ECCC (Impunity Watch, 2015).

The preference for restorative reparation complements the Cambodian people's view on what should be prioritized. While they value justice, they also want their basic needs be addressed, such as food, health, education, jobs, and infrastructure (Pham, Vinck,

Balthazard, & Hean, 2011, p. 3). Given this local preference, and due to the advocacy of local NGOs, the VSS and the civil party lead co-lawyers of the ECCC requested donor support for various forms of reparation after Case 002/01. Some of the projects include public memorials, building monuments, therapies and self-help group rehabilitation, exhibitions, public education, and publication of relevant materials. The reparation projects “aim to provide formal acknowledgment to the victims of the Khmer Rouge regime in order to mitigate the harms and suffering they have experienced, to preserve collective memory and restore victims’ dignity” (ECCC, 2014b).

IMPROVING VICTIM PARTICIPATION

The ECCC learned from the shortcomings of the VSS and modified its Internal Rules. The VSS currently states that:

One of the major innovations of the [ECCC] is the enhanced recognition of Victims in its proceedings. Victims of crimes that fall under the jurisdiction of the Court are given a fundamental role in the ECCC. They can submit complaints to the Co-Prosecutors, who take the interests of Victims into account when considering whether to initiate prosecution. Victims may also participate as Civil Parties. In this capacity, they are recognised as parties to the proceedings and are allowed to seek collective and moral reparations. This reflects the commitment of the ECCC to its mandate of helping the Cambodian people in the pursuit of justice and national reconciliation. (ECCC, 2006-2015d)

To handle the large number of victims while maintaining their participation, stipulations for the civil party lead co-lawyers—one Cambodian and one international—were included in the 2010 revision of the Internal Rules (ECCC, February 9, 2010; Lavergne, 2012). The co-lawyers represent the consolidated interests of civil parties and are responsible for overall advocacy, strategy, in-court presentation, and the facilitation of

collective and moral reparation. The ECCC also opened avenues for external funding to support claims for reparations. One of the major changes reflected in the latest revision was the additional stipulation for the application of foreign lawyers to represent civil parties. A list of principles was listed for the compliance of national and foreign lawyers (ECCC, January 16, 2015). This change addresses the issue of legitimacy when victims expressed concern about being represented by someone they felt was incompetent and inexperienced, and not knowledgeable about and sympathetic to their experiences.

The ECCC refined its Internal Rules nine times in order to respond to the issues of victim participation. This is a principle unique to the ECCC and may contribute to international law as a reference for future hybrid tribunals. There are criticisms, however, that the new scheme for civil parties only weakens the intended granting of full rights to the victims by streamlining the interests of civil parties through co-lawyers (for example, Sokol, 2011; Stegmiller, 2014). The Internal Rules may yet again be revised but these revisions manifest the ECCC's openness to criticisms, flexibility in the face of evolving challenges, and responsiveness to the voices of the Cambodian people. The legal development of the ECCC is a product of experimentation as an extensive scheme for victim participation has never been implemented in past international tribunals.

THE ROLE OF CIVIL SOCIETY

The development of victim participation is not only attributable to the lessons learned by the ECCC but also to the enduring advocacy of local civil society. One of the positive effects of the ECCC is the emergence of civil society's active participation in the pursuit of justice and reconciliation. After seeing the shortcomings of the VSS, local NGOs have initiated programmes to assist victims in connecting with the ECCC's legal processes. These programmes compensate for the limitations of criminal justice and balance the macro- and micro-level policy reforms through additional restorative measures (Sperfeldt, 2012, pp. 444-445). They provide outreach, legal guidance and representation, monitoring

activities, and psychosocial support. Without the NGOs, the civil party mechanism would have neither been known nor fully utilized by victims (Stegmiller, 2014, p. 474).

The ECCC's individualized and retributive approach only reveals limited truth, which is further covered by the political interference of the government. Since 2008, though, the government has taken positive strides toward truth-telling through public education. The Ministry of Education has partnered with the Documentation Centre of Cambodia (DC-Cam), an independent Cambodian research institute documenting, researching, and sharing the history of the Khmer Rouge, in a nationwide project to include the Khmer Rouge history in school curricula (Ciorciari & Ramji-Nogales, 2013, pp. 213-214). DC-Cam also conducts community dialogues in order to bring victims and perpetrators together in a space outside the ECCC where they can explore ways to foster understanding and forgiveness, according to Ciorciari and Ramji-Nogales (2013). These are vital venues, especially for former Khmer Rouge members who live in constant fear of retribution (p. 214). The value of these community dialogues is that they solicit inputs from the people on how to address their needs, not just as a group but also as individuals (pp. 214-215). These dialogues bridge the gap between the rigidity of the ECCC's legal procedures and the unique sensibilities of community-level reconciliation and individual-focused reparations. The role of NGOs in forging these bridges is crucial given the absence of a nationwide effort to provide a formal truth-seeking and reconciliation mechanism.

POLITICS OVER JUSTICE AND RECONCILIATION

UNTAC's mandate did not include justice and reconciliation since the primary goal of the mission was to conduct elections peacefully. Its mandate required stability, which the serving of justice might have agitated. A Cambodian political analyst stated that UNTAC should have provided mechanisms to strengthen the judicial system from the start (C4, personal communication, January 19, 2014). He said that the Cambodian government at that time had weak bargaining power and would have accepted proposals by the international community through the UN. However, because UNTAC's mandate was short-term in

nature, plans for a fair judicial system were sidelined and this shortcoming shaped the current political and judicial dynamics of Cambodia. One of those ripples is political interference by the government in the structures and procedures of the ECCC—a common criticism regarding the hybridity of the tribunal.

Judicial institutions and local involvement in justice and reconciliation are present in post-Khmer Rouge Cambodia. The international criminal accountability in the case of Cambodia exhibits how “local actors adapted and transformed an international concept for local use” (Palmer, 2016, p. 124). On the other hand, and from a more sceptical perspective, it can also be inferred that local actors utilized the liberal institutions of justice for their own illiberal motives. Including national lawyers and judges, allowing the government to manage the court, and locating the tribunal in the country do not necessarily equate to legitimate local ownership (Abe, 2013; Stensrud, 2009). The political interference of the Cambodian government and the questionable credibility and skills of national lawyers and judges make the liberal institutions of justice prone to illiberal manipulations that derail and delegitimize the ideals of liberal peacebuilding. This is one of the pitfalls of local involvement in peacebuilding.

PROMOTING ECONOMIC DEVELOPMENT IN CAMBODIA

CONTEXTUAL BACKGROUND

Agricultural industry has been the backbone of Cambodian economy from the pinnacle of the Khmer Empire until the present day. Slocomb (2010) examined how Cambodia maintained a village-based, subsistence economy with an emphasis on rice and rubber cultivation when it was a French protectorate. The traditional patron-client labour relationship was left untouched as the French invested little in the industrialization of the local economy (p. 72). After independence in 1953 Cambodia started having a mixed economy when Sihanouk pushed for economic modernization by encouraging private

businesses in several industry, agriculture, and commerce sectors, while maintaining state control over key economic sectors such as energy, transportation, and mining (p. 78).

Image 3. Tonlé Sap



Note: *Tonlé Sap* is the largest freshwater lake in Southeast Asia, branching out into several provinces of Cambodia. It is the heart of Cambodia's fishing industry and contributes to the country's agricultural production.

When Lon Nol took over the government in 1969 his policy removed state control and involvement in most sectors of production and trade to fully liberalize the economy. However, according to Slocomb (2010), the civil war transformed the Cambodian economy into a 'war economy' that was mostly sustained by foreign assistance. The heavy reliance on foreign assistance disengaged the government from the traditional sources of production in the countryside, which became the stronghold of the Khmer Rouge-led revolution (p. 162). When the Khmer Rouge took control of the country in 1975 a closed economic policy was enforced that abolished all capitalist ideals and foreign involvement in the country (Chhair & Ung, 2013, p. 5). The regime forced the whole population to work in the fields in pursuit of a self-reliant and collectivized agricultural economy. It prohibited the use of money, which was the Cambodian riel introduced after independence, abolished banks, and banned barter trade (Rumbaugh, Ishi, Liang, & Masuda, 2000, p. 30). This extreme policy

left the Cambodian economy in ruins, meaning that when the SOC took over there was little or no industry left to restore (Chhair & Ung, 2013, p. 5).

The focus of the SOC was on feeding its population and re-establishing state-owned enterprises (Chhair & Ung, 2013, p. 6). According to Frost (1993), the SOC reintroduced the use of the Cambodian riel but high inflation limited its circulation among the population. When UNTAC arrived Cambodia was dealing with socio-economic problems, inadequate or lacking public infrastructures and basic services, and serious environmental concerns from unrestricted logging and mining after years of civil war (Frost, 1993). Frost added that these issues were exacerbated by a budgetary crisis and a weak, corrupt, and unskilled administration.

Rehabilitating Cambodia's economy was undoubtedly a massive task that required comprehensive mandates and sustained support. UNTAC incorporated a Rehabilitation Component into its mission created from the Declaration on the Rehabilitation and Reconstruction of Cambodia as part of the PPA. The development mandate of UNTAC was comprehensive in the sense that it touched not only on market liberalization but also economic sustainability. The tasks included the management and implementation of international aid, restoration of existing basic infrastructure and public utilities, provision of basic services, and the promotion of Cambodian entrepreneurship to advance self-sustaining economic growth. The Declaration also initiated an assessment of Cambodia's human, natural, and other economic assets in order to identify priorities and the availability of resources. It emphasized that the "primary objective of the reconstruction of Cambodia should be the advancement of the Cambodian nation and people" [and that] "economic aid should benefit all areas of Cambodia, especially the more disadvantaged, and reach all levels of society" (*1991 Paris Peace Agreements*, October 23, 1991, p. 70).

The mandate of UNTAC, including the UNSC resolutions passed within the period of its mission, encouraged sustainable use of Cambodia's natural resources. A moratorium

on the exporting of logs, minerals, and gems was adopted to protect Cambodia's natural resources. This served the purpose of restricting the Khmer Rouge's access to funding through illegal logging and mitigating the effects of natural disasters caused by environmental degradation on people's livelihoods (S/RES/792, 1992; Trade Environmental Database, April 30, 1996). A Technical Advisory Committee on Management and Sustainable Exploitation of Natural Resources was created to implement these measures (S/RES/792, 1992; S/RES/810, 1993). Moreover, after the elections, the UNSC continued to encourage financial support for rehabilitation in view of the financial crisis the Cambodian government was facing at that time. The Declaration stipulated that an International Committee on the Reconstruction of Cambodia (ICORC) be created once the new government was in place. The ICORC was tasked with coordinating and monitoring international financial aid for Cambodia's reconstruction (S/RES/880, 1993).

Following a discussion of Cambodia's economic development indicators, the mandate on environmental sustainability is given attention in this section to demonstrate the benefits, not only to economy but also to security, of converging international support and local interests. UNTAC supported the Cambodian government's initiatives on regulating the trade of logs and other natural resources because those initiatives overlapped with its security mandate by restricting the Khmer Rouge's sources of income and eventually contributed to suppressing the threats posed by its members. In this case, local involvement by policymakers proved crucial in highlighting economic priorities, and liberal institutions proved instrumental in addressing those economic priorities.

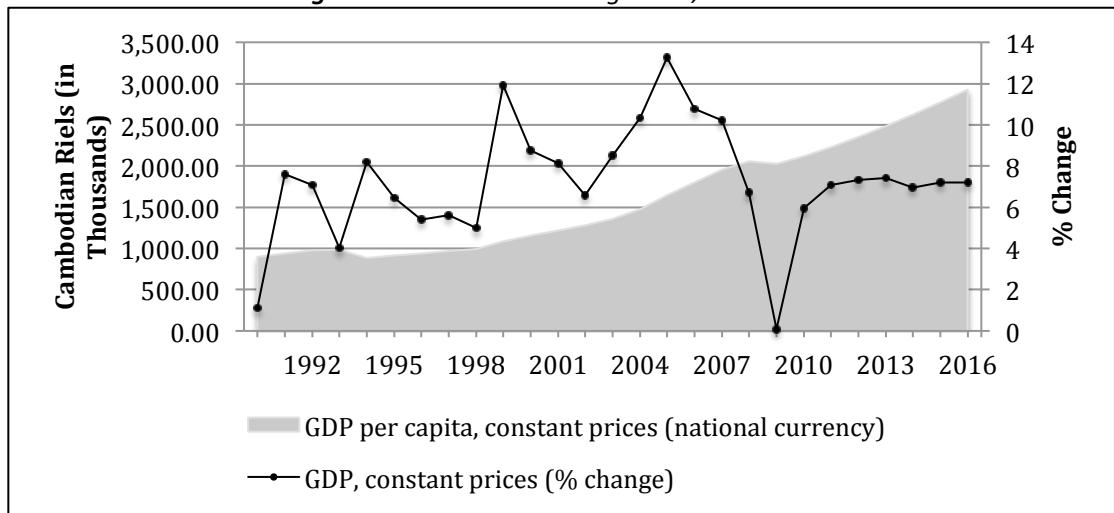
THE PROFITS AND PERILS OF LIBERALISING CAMBODIA

Cambodia's long history of war and isolation wrecked its economy. Even with the effort made to revive the economy after the Khmer Rouge regime through the re-establishment of state-owned enterprises, Cambodia's political isolation limited its access to much-needed resources and foreign assistance. The end of the civil war and UNTAC's arrival helped Cambodia to integrate back into regional and global economies and to accelerate

reconstruction efforts by mobilizing foreign assistance. Since then, Cambodia's economy has been growing rapidly with an average economic growth of seven percent annually and is projected to be stable for 2016, with minor fluctuations in output growth and a low inflation rate (Hill & Menon, 2014; World Bank, 2016a). For the past two decades Cambodia has exhibited an impressive economic growth. Garment exports, tourism, and real estate account for the country's growing economic activity (Ly & Aldaz-Carroll, 2015).

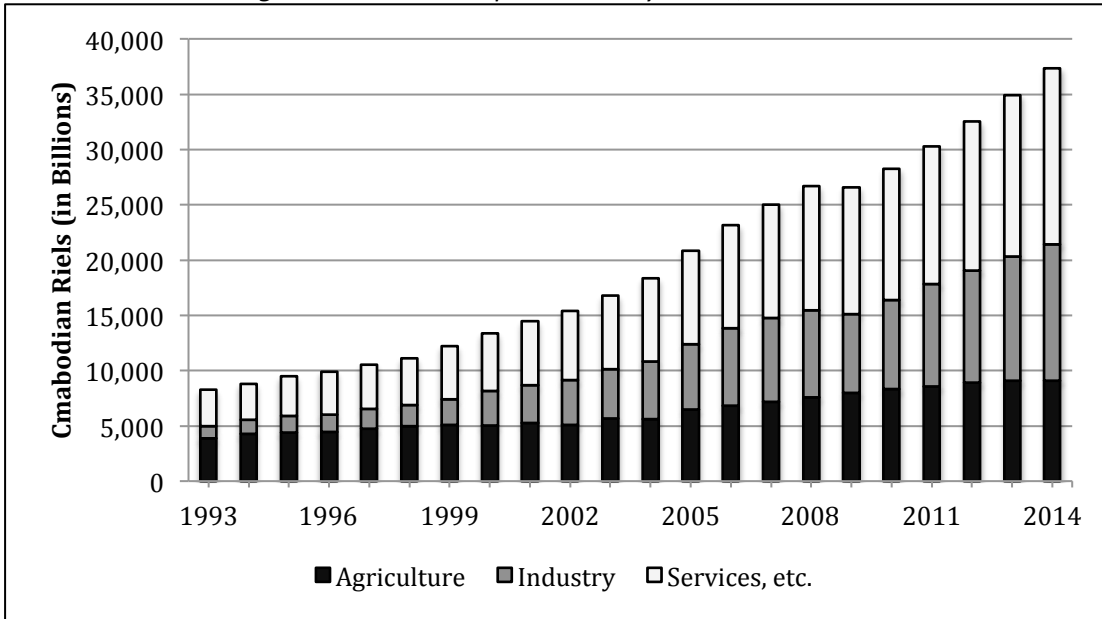
Figure 2 shows Cambodia's continued positive growth since the early 1990s. Cambodia's GDP has a positive growth except for interruptions caused by the 1997 coup, the 1997 Asian financial crisis, and the 2007-2008 global financial crisis. This is not a conclusion that Cambodia's economic growth is attributable to UNTAC's economic mandates but an observation that several economic indicators have improved since the transition. First, the end of the civil war and the restoration of peace, in general, provided opportunities for the local population and Cambodians returning from overseas to engage in economic activities. The improved overall security and political stability encouraged economic growth (Sok, Chea, & Sik, 2001, p. 7). The increased participation of Cambodians in the agricultural, industrial, and service sectors led to an increase in overall production and their share in total GDP (see Figure 3).

Figure 2. Cambodia's GDP growth, 1990-2016



Data from IMF, World Economic Outlook (WEO) Database, April 2016. GDP per capita in constant local currency unit or LCU (in this case, Cambodian riels) is sum of gross value by all resident producers plus product taxes and minus subsidies divided by total population; the GDP percentage change is the annual percentages of constant price GDP (IMF, 2016).

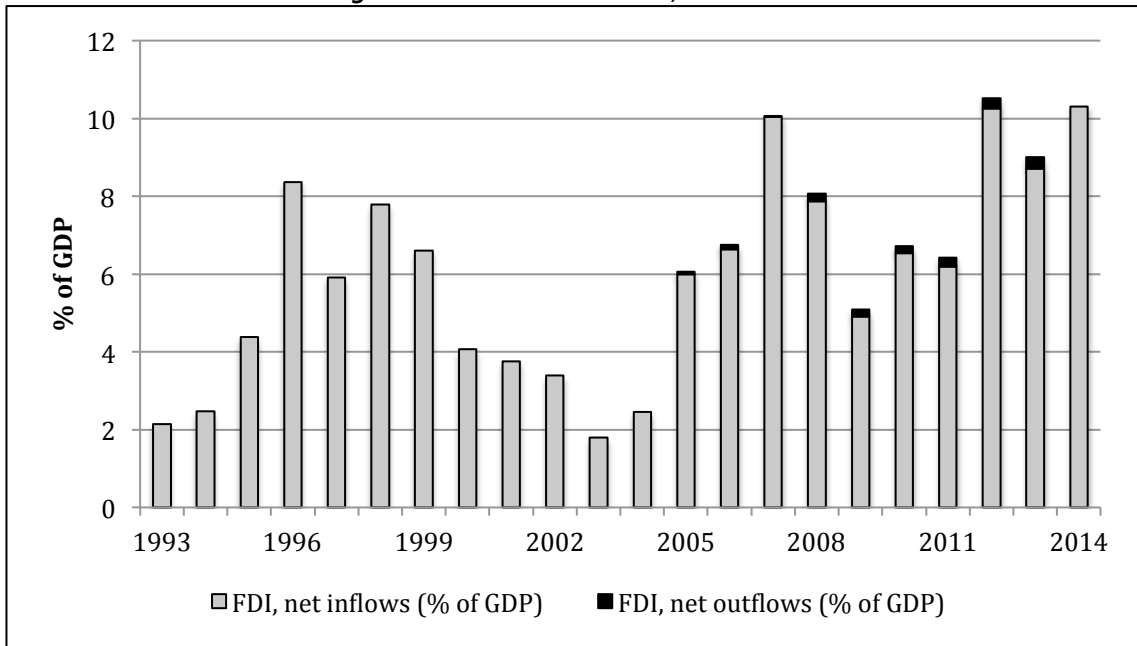
Figure 3. Cambodia's production by sector, 1993-2014



Data from World Bank, February 2016. Agriculture, industry, and services, etc. in constant Cambodian riels are value added to total production (IMF, 2016).

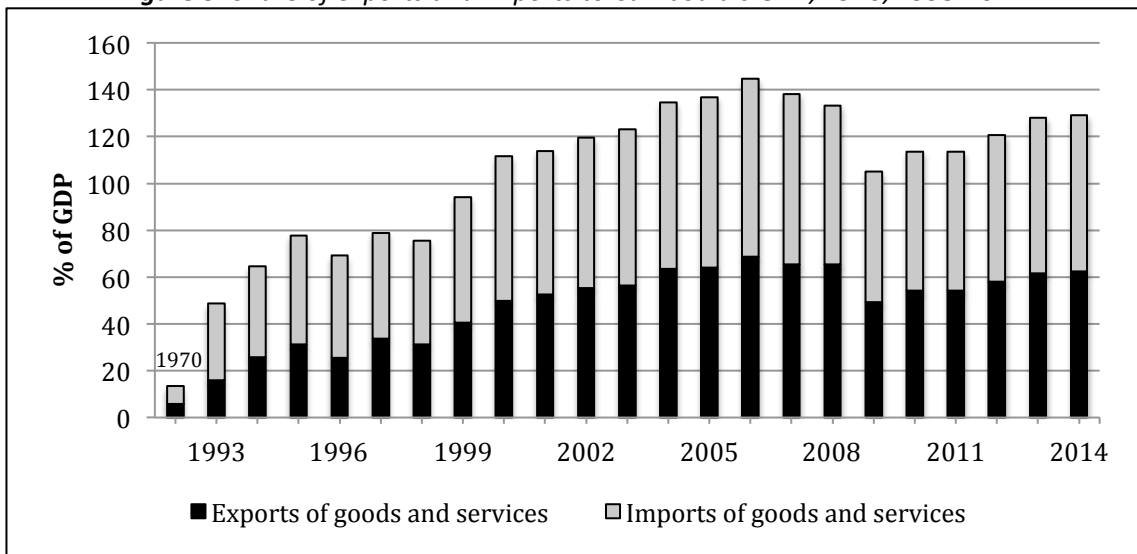
Second, the government policy of an open economy, which started in 1989, was supported and enhanced by UNTAC's facilitation of foreign trade and aid. Cambodia reintegrated into the global economy and experienced a spike in trade, and inflows of private capital and foreign direct investments (FDI). Figure 4 depicts the sustained increase in FDI from the early-1990s, and Figure 5 shows the dramatic increase in the share of trade in GDP from a modest 13.5% in 1970 to 48.7% in 1993.

Figure 4. Cambodia's net FDI, 1993-2014



Data from World Bank, June 2016. FDI is the sum of equity capital, reinvestment of earnings, and other capital. FDI net outflows are investment from reporting country to the rest of the world divided by GDP. FDI net inflows are investment in the reporting country from foreign investors divided by GDP (IMF, 2016). The estimated FDI in Cambodia totalled to US\$29.17 billion in 2014 (CIA, 2016).

Figure 5. Share of exports and imports to Cambodia's GDP, 1970, 1993-2014



Data from World Bank, June 2016. Exports represent the value of all goods and other market services provided to the rest of the world and imports are those received from the rest of the world (World Bank, 2016b). Cambodia's main export commodities are clothing, timber, rubber, rice, fish, tobacco, and footwear while the main import commodities are petroleum products, cigarettes, gold, construction materials, machinery, motor vehicles, and pharmaceutical products (CIA, 2016).

Outweighing the costs of free trade (see, for example, "Comment: Law of the Jungle," 2003; Subramanian & Wei, 2007), Cambodia's expansion of foreign trade and economic integration into the region and the world benefitted its economy through exports and helped it sustain economic growth. According to Naron (2012), Cambodia's economy

has profited from its membership in the Association of Southeast Asian Nations (ASEAN) and the ASEAN Free Trade Area (AFTA) from 1999, its accession to World Trade Organization (WTO) in 2004, and other bilateral trade agreements. Cambodia's participation in trade organizations has prompted the government to reshape its domestic laws on trade, finance, commerce, and investment in order to conform to international standards, thereby increasing the inflow of trade investments (Naron, 2012). However, the coup and Asian financial crisis in 1997 dipped Cambodia's GDP growth to 5.0%, the lowest in the five years since UNTAC's departure. Similarly, the 2007-2008 global financial crisis severely affected the long-running positive economic growth that Cambodia had seen since 1994, such that it recorded a negative 1.4% change in GDP per capita growth. Cambodia's large export-oriented garment industry, including textiles and footwear, which in 2008 contributed 15% to GDP and 70% to export income, significantly suffered and resulted in 50 factory closures and 63,000 job losses (S. Chan & Oum, 2011; UNDP Cambodia, 2009).⁵² The highly dollarized economy limited the fiscal policy options of the government to mitigate the negative impacts of the crises (Jalilian et al., 2009). According to the National Institute of Statistics-Cambodia (2014), the textile industry is the largest contributor to Cambodia's total exports.

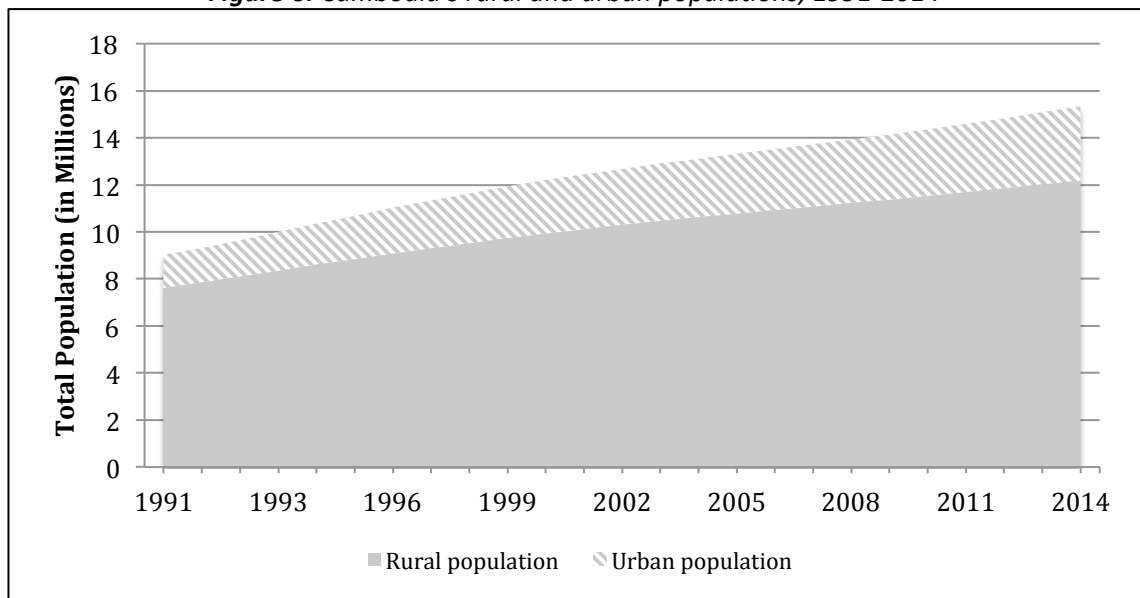
Dollarization was one of UNTAC's legacies for the Cambodian economy. Before UNTAC, the preference for US dollars was a consequence of market prohibitions during the Khmer Rouge regime and low public acceptance of the Cambodian riel after the regime's fall (Duma, 2011, p. 5). The large foreign exchange inflows related to UNTAC's operations and the return of Cambodian expatriates during the early-1990s gave a higher preference for the US dollar compared to the Cambodian riel. While dollarization promotes macroeconomic stability, reduces inflation, and allows financial and trade integration with the US, it also poses constraints on fiscal policies that may be used to address negative

⁵² In 2008, 301,000 workers were engaged in the garment industry, which accounted for approximately 2.1% of the population (ECCC, 2006-2015b). For consolidated data for garment and textile exports, see Garment Manufacturers Association in Cambodia, 2015.

economic shocks (Rumbaugh, Ishi, Liang, & Masuda, 2000, pp. 32-33). Cambodia uses both currencies to date.

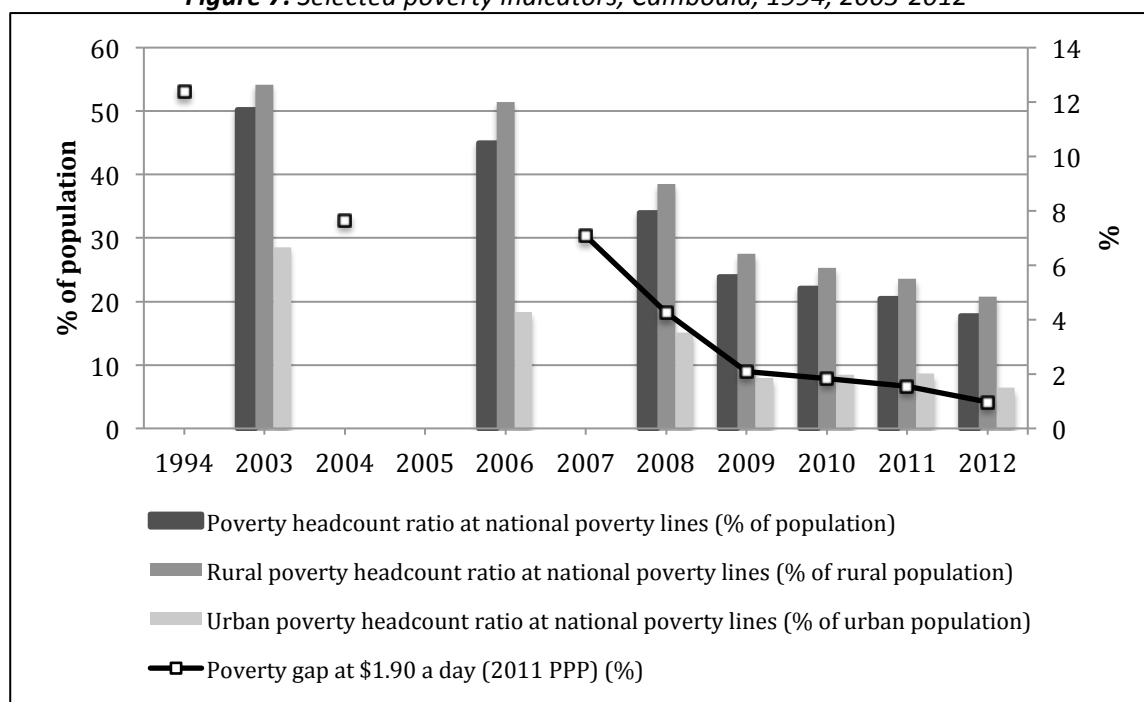
Market liberalization also produced economic inequalities and other negative social consequences. There has been uneven development between urban and rural communities, which is a major issue considering that an average of 81% of the population lived in rural areas from 1991 to 2014 (World Bank, 2016b) (see Figure 6). Although poverty incidence at the national level reduced from a 12.39% poverty gap in 1990 to 0.97% in 2012, poverty incidence has always been higher in the rural population compared to the urban population and national population (see Figure 8). The country is also characterized by income inequalities that have not improved significantly since the 1990s (see Table 5). Moreover, the garment and textile industry is plagued with human rights concerns, such as low standards for the health and safety of workers, child labour, insufficient wages, job insecurity, and a lack of representation in trade unions (Cambodian Center for Human Rights, 2014).

Figure 6. Cambodia's rural and urban populations, 1991-2014



Data from World Bank, June 2016. From 1991 to 2014, an average of 81% of the population lived in rural areas and 19% lived in urban areas. In 2014, the total rural population was 12.2 million and the total urban population was 3.1 million.

Figure 7. Selected poverty indicators, Cambodia, 1994, 2003-2012



Data from World Bank, June 2016. The national poverty headcount ratio is the percentage of the population living below the national poverty (country-specific) line. The rural/urban poverty headcount ratio is the percentage of the rural/urban population living below the national poverty line. Reflecting the depth and incidence of poverty, the poverty gap at \$1.90 a day (2011 Purchasing Power Parity or PPP) is the mean shortfall in income or consumption from the poverty line of \$1.90 a day (counting the nonpoor as having zero shortfall), expressed as a percentage of the poverty line. (World Bank, 2016b)

Table 5. Selected measurements of inequality, Cambodia, 1994-2012

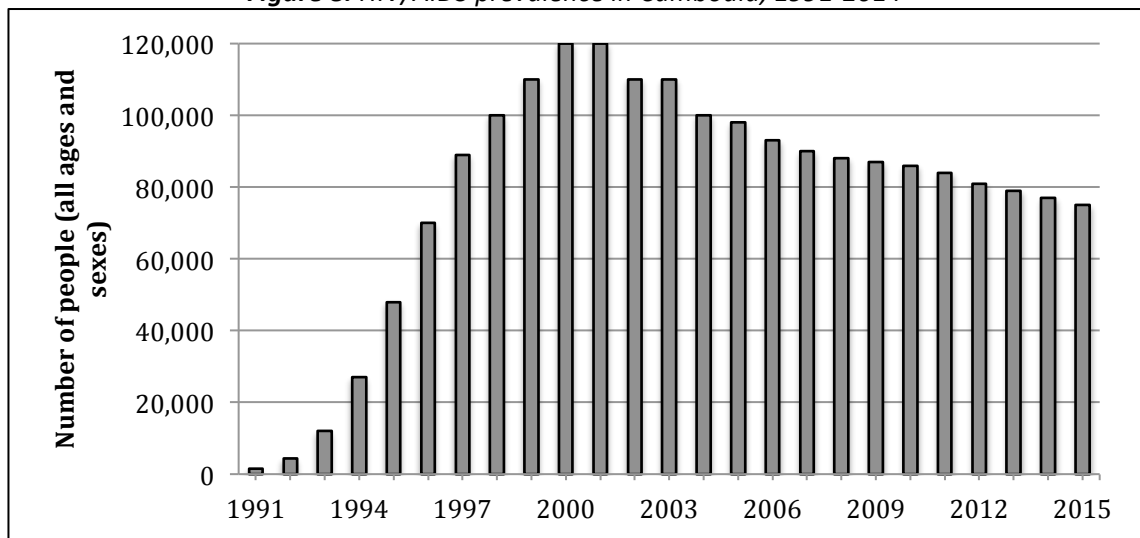
| Measurements of Inequality | 1994 | 2004 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 |
|----------------------------------|-------|-------|-------|-------|-------|-------|-------|-------|
| GINI index (World Bank estimate) | 38.15 | 35.46 | 41.14 | 35.1 | 34.65 | 33.44 | 31.7 | 30.76 |
| Income share held by lowest 10% | 3.45 | 3.38 | 2.87 | 3.29 | 3.39 | 3.57 | 3.81 | 3.93 |
| Income share held by highest 10% | 32.81 | 28.93 | 33.57 | 28.42 | 28.02 | 27.72 | 26.61 | 25.23 |

Data from World Bank, June 2016. The GINI index measures the distribution of income among individuals or households within an economy deviating from a perfectly equal distribution. A GINI index of 0 represents perfect equality while an index of 100 indicates perfect inequality. Cambodia's GINI index is a characteristic of many developing countries. The income share held by lowest 10% is the percentage share of income or consumption of the lowest 10% of the population. In 2012, the lowest 10% of the population in terms of income had a 3.93% share of income or consumption while the highest 10% had 25.23%. (World Bank, 2016b)

My interviews with the Cambodians who worked for UNTAC revealed their dissatisfaction with the fact that Phnom Penh benefitted more from international assistance compared to other districts, in addition to the way in which international staff received much higher incomes than local staff. Instead of paying attention to other productive sectors and other provinces and districts, UNTAC's investment was concentrated in the service sector in Phnom Penh, where most of the international staff were located and where they spent their high salaries and allowances on food, accommodation, and entertainment

(Curtis, 1993, p. 18). They also attributed the proliferation of HIV/AIDS and other sexually transmitted diseases to UNTAC's presence. According to the Joint UN Programme on HIV/AIDS (UNAIDS) data, Cambodia had only 1,500 individuals infected with HIV/AIDS in 1991. This number multiplied 18 times by 1993 with a record of 27,000 individuals, as shown in Figure 8 (UNAIDS, 2016). These economic and social ills associated with the international presence also apply to Timor-Leste and Kosovo.

Figure 8. HIV/AIDS prevalence in Cambodia, 1991-2014



Data from UNAIDS, 2016.

As the PPA mandated, UNTAC planned the rehabilitation and reconstruction phases for Cambodia. It was able to raise and consolidate funds for the new government's post-conflict reconstruction and economic expansion (UN, 1995, pp. 54-55). In June 1992 at the Ministerial Conference on the Rehabilitation and Reconstruction of Cambodia, held in Tokyo, donor countries pledged a total of nearly US\$880 million for reconstruction and development and another US\$120 million at the meeting of the ICORC in 1993. However, some scholars (for example, Doyle, 1995, pp. 49-50; Whalan, 2013, p. 121) confirm that this huge support did not benefit all levels of society, especially those who needed it most, as stated in UNTAC's mandate. Major projects were assisted but not small-scale, grassroots programmes that might have provided local economic opportunities. One of the reasons for this was the donor countries' preference for traditional large-scale projects even though UNTAC's Rehabilitation Component envisioned small-scale projects (van der Lijn, 2006).

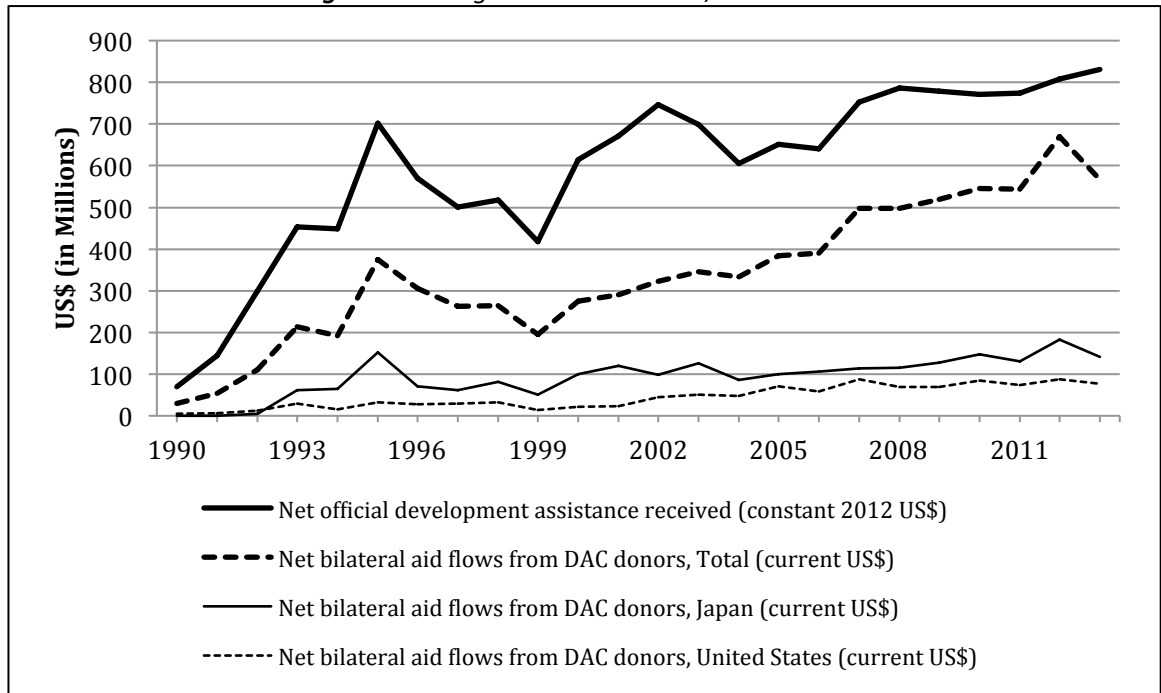
The understaffing of UNTAC's Rehabilitation Component and its lack of representation at the provincial level further exacerbated these shortcomings (Macrae, 2001, pp. 79-80).

In the case of Japan, which was one of the largest donor countries to Cambodia, while its assistance encouraged cooperation with NGOs most of its aid was focused on the urban areas of Phnom Penh (Takahashi, 2004, p. 94). In addition, the disbursement of international aid was slow due to the donor countries' bureaucratic procedures and reluctance to disburse given the unstable security and political conditions in Cambodia, thereby delaying actual reconstruction (Azimi, 1994, p. 35). By the end of UNTAC's mission, only US\$200 million had been disbursed (UNTAC, 2003). Nevertheless, the long-run positive impact of foreign aid to Cambodia cannot be discounted as it has prompted economic growth by providing capital that helps with decreasing poverty. Although the existing literature on the relationship between aid and development contains both positive and negative economic outcomes, Hokmen and Moolio (2015) confirm that, in the case of Cambodia, the injection of capital to relieve the country from poverty was effective (p. 22).⁵³ Figure 9 shows the increase in foreign aid received by Cambodia from 1992, including from member countries of the Organisation for Economic Co-operation and Development (OECD)'s Development Assistance Committee (DAC), such as Japan and the US.⁵⁴

⁵³ This validates Sachs' (2005) recommendation of injecting aid and capital to developing countries in order to get them out of the poverty trap.

⁵⁴ This covers the foreign aid for reconstruction projects and excludes humanitarian aid.

Figure 9. Foreign aid to Cambodia, 1990-2013



Data from World Bank, February 2016. Net bilateral aid flows from DAC donors are the net disbursements of official development assistance (ODA) or official aid from DAC members. ODA consists of loans made on concessional terms and grants made to promote economic development and welfare (OECD, 2016).

The presence of internationals provided an opportunity for Cambodians to engage in large businesses and small-scale enterprises. Locals started businesses, such as food and lodging, but mainly to meet the demands of internationals (Oum, personal communication, January 14, 2014). The immediate positive effect of UNTAC’s mission was the creation of employment for locals. This opportunity built local human resources’ capacity for their subsequent involvement in public administration and private enterprises. Even Cambodians who were overseas connected with those who were in the country to organize training for locals who wanted to be involved in UN activities and, consequently, to contribute to Cambodia’s reconstruction in various sectors (Khus, personal communication, January 29, 2014). However, the long-term effect of UNTAC’s operations in relation to entrepreneurial activities was not entirely positive. While local enterprises that supported UNTAC’s operations expanded, and access to international resources became easier, UNTAC’s exit reduced demand, causing problems for local developers and enterprises (Davies, 1993).

Overall, Cambodia’s development is moving forward. In recent years, poverty has continued to decline and there have been improvements in maternal health, early childcare,

and primary education. In a country study conducted by the World Bank in 2014, Cambodia had one of the best performers in poverty reduction. The country halved the poverty rate from 2004 to 2012 because of government policies aimed at increasing the minimum wage in the garment industry and at improving roads, communication, and rural irrigation to benefit agricultural production (World Bank, 2014a). The increase in agricultural output, specifically rice, plus an increase in rice prices and better access to market information, have contributed to poverty reduction (World Bank, 2014a). However, the World Bank warns that those who are near the poverty line remain vulnerable even to the slightest economic shocks. Cambodia has also been successful in preventing and treating HIV/AIDS considering that it has been one of the major social ramifications of the international military presence. In 2014, it had the highest coverage rate in the developing world, with 71% of those who were infected having access to antiretroviral treatment (World Bank, 2016b).

Notwithstanding its economic growth, Cambodia still needs to address other human development issues, however, such as child malnourishment, lack of access to toilets and sanitation, mismanagement of land and natural resources, and environmental sustainability (World Bank, 2016a). Cambodia's Human Development Index (HDI) for 2015 was 0.555 (1 being a perfect score), ranked 143rd out of 188 countries, and one of the ten countries in Asia with the lowest HDI scores (Jahan, 2015, p. 49).⁵⁵ Despite its drastic poverty rate decline, Cambodia remains one of the poorest countries in Asia, plagued with corruption, income inequality, a rural-urban development gap, and inadequate job prospects. It is also heavily dependent on international donor support; 30% of the government budget comes from donor assistance (CIA, 2016).

Cambodia is a young country with a median age of 24.5 years and a literacy rate of 77.2% for those who are 15 years old and over, based on 2015 data (CIA, 2016). This

⁵⁵ HDI measures the key dimensions that directly enhance human capabilities: a long and healthy life, being knowledgeable, and having a decent standard of living (UNDP, 2015).

young population lacks education and productive skills, however, particularly in the impoverished countryside, which lacks basic infrastructure, and policies for job creation are required to address this demographic imbalance (CIA, 2016). Moreover, Cambodia's integration into the global economy exposes it to domestic financial vulnerabilities and external risks of inflation, slowdown of garment exports, and declining FDIs (IMF, 2015). In addition to these economic issues, Cambodia also faces rapid deforestation caused by illegal logging, which people's livelihoods and the country's environmental sustainability.

UNSUSTAINABLE DEVELOPMENT: LOGGING AND DEFORESTATION

The rapid degradation of Cambodia's forests poses the highest threat to its environmental sustainability. The UN Environment Programme (UNEP) reported in 2009 that the estimated forest coverage⁵⁶ in Cambodia during the 1970s was 73% but was drastically reduced to 35% at most by 1995 due to slash-and-burn agriculture and unrestricted logging (Matthew, Brown, & Jensen, 2009, p. 13). According to the report, the Khmer Rouge exploited valuable resources and exported timber to finance their activities, and the other factions did the same to fund their military campaigns against the Khmer Rouge. This became a cycle that negatively affected the environment and the lives of the people who depended on it.

Sanctions on trade logs were therefore a sound policy to restrict the Khmer Rouge's access to resources and funding. This provided a strong incentive for the SNC to initiate a moratorium on timber, alongside issues of massive flooding and food shortages caused by deforestation (S/RES/792, 1992). UNTAC provided support by monitoring the movement of timber, and Cambodia's neighbouring countries announced a complete ban on imports of logs from Cambodia. The moratorium also extended to the extraction of mineral resources and included sawn timber (S/RES/810, 1993). According to UNEP, the moratorium weakened the earning capacity of the Khmer Rouge, contributing to its eventual disintegration (Matthew, Brown, & Jensen, 2009, p. 13), but some assessments

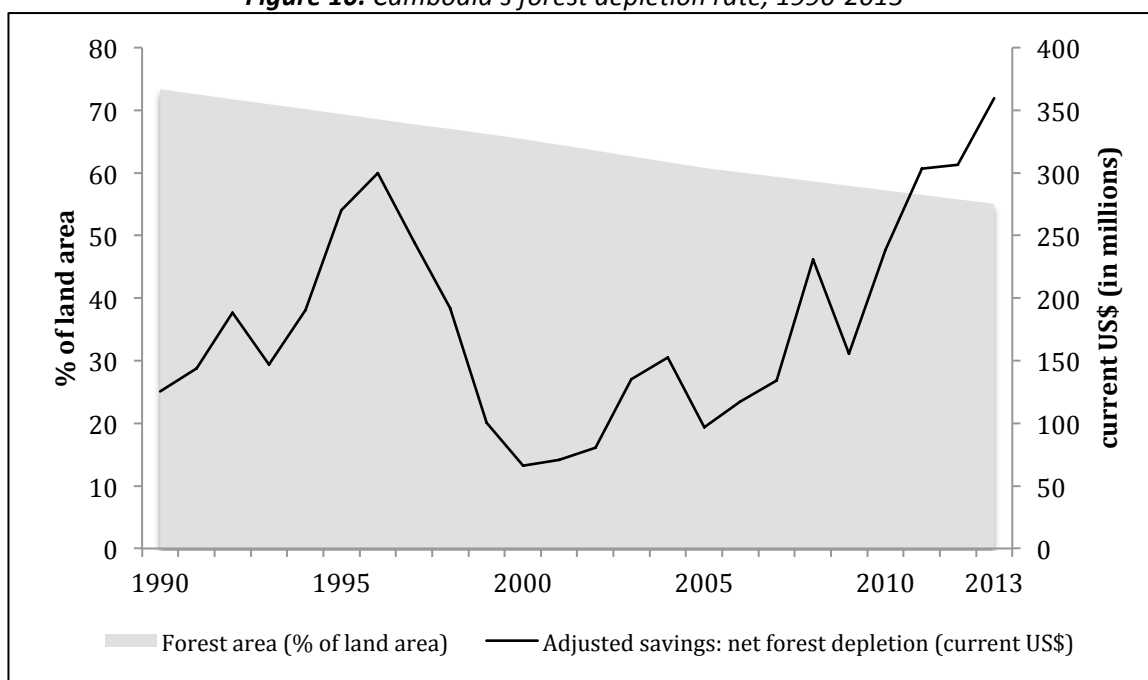
⁵⁶ Forest cover refers to lands measuring more than one hectare with more than ten per cent tree canopy density.

show that they were ineffective (see, for example, Chanthy & Schweithelm, 2015; Whalan, 2013). For example, before the moratorium took place, illegal logging intensified in anticipation of the restrictions, according to Bottomley (2000, p. 12). After it was implemented, enforcement proved to be difficult, especially following UNTAC's exit (p. 15). Regional demand and a low state budget created an environment conducive to continued illegal logging (p. 7). The government's mismanagement of natural resources and inability to enforce regulations, coupled with rapid development and high population growth, contributed to Cambodia's deforestation (p. 6).

The exploitation of natural resources, especially timber, played a pivotal role in the Cambodian conflict. The moratorium on logging was an initiative from a Cambodian government motivated to restrict Khmer Rouge's access to funding and prevent natural disasters caused by environmental degradation. It exemplifies a vertical relationship between internationals and locals in the sense that the government reached out to UNTAC to assist with implementing the moratorium. UNTAC supported and extended this initiative by recommending the inclusion of other mineral resources in the moratorium, which was subsequently adopted by the Cambodian government. This is a good example of international and local actors cooperating to develop a mandate that addresses issues put forward by local actors.

However, deforestation in Cambodia remains a problem that needs to be addressed by the current government given its impact on the national economy and people's livelihoods. Data from the World Bank reveal an alarming decline in forest areas from 1990 (see Figure 10). Global Forest Watch (2013) also reports that tree cover loss in Cambodia has been steadily increasing since 2001. This report complements statistics from the UN's Food and Agricultural Organization (FAO, 2010) showing increasing forest area loss. Notwithstanding the incomplete national assessment of Cambodia's forest area, and overestimation in some studies, it is certain that Cambodia has one of the worst deforestation rates in the world (FAO, 2007).

Figure 10. Cambodia's forest depletion rate, 1990-2013



Data from World Bank, December 2015. Forest area land consists of natural or planted stands of at least 5 metres, whether productive or not, and excludes tree stands in agricultural production systems and trees in urban parks and gardens. Net forest depletion is calculated as the product of unit resource rents and the excess of roundwood harvesting over natural growth. A positive net depletion figure for forest resources implies that the harvest rate exceeds the rate of natural growth; this is not the same as deforestation, which represents a change in land use. (FAO, 2010)

In April 2016 Cambodia's Anti-Logging Commission sent a report to Hun Sen claiming that illegal logging in the country has been successfully eliminated (Dara & Kossov, 2016). However, it is a common knowledge among communities and environmental groups that illegal timber keeps flowing out of the country. A connection between the government and illegal logging has been exposed in several incidents. In April 2012 Chut Wutty, a Cambodian environmental activist vocal about the negative effects of illegal logging, was killed by a Cambodian military officer after he refused to hand over photographs of forest destruction and illegal rosewood smuggling in a forest in Koh Kong province, southwest of Cambodia ("Cambodian Police," 2012; LICADHO, 2012).⁵⁷ In June 2016 the Natural Resources and Wildlife Preservation Organization raised accusations of personal involvement by a government soldier and military police officer in illegal timber smuggling in Kampong Speu, a province east of Koh Kong (Seangly, 2016).

⁵⁷ In April 2016 the Ministry of Culture of Fine Arts-Cambodia banned the screening of a documentary film about the life of Chut Wutty, citing that the venue for the screening violated the law by not subjecting the film to a content check and that it was filmed without permission from the ministry and other government authorities (Sassoon & Dara, 2016).

Illegal logging remains rampant in Cambodia because of the industry's connection with government agencies and officials. Some corrupt government officials turn a blind eye to the worsening situation of the Cambodian forests because of their involvement in illegal logging. Le Billon (2002) asserts that the initiative on environmental sustainability has not sustained as the political elite in Cambodia continues to manipulate public resources by circumventing the law. He also argues that the international community's discourse on sustainable and accountable forest management legitimizes only foreign transnational companies while disenfranchising the petty illegal loggers in rural societies whose main source of income comes from the forest (p. 582). To survive amidst these restrictions illegal loggers feed on the political elite's corrupt practices (p. 582). This implies that, instead of subduing the traditional patronage system in Cambodia, economic liberalization further encourages it (Springer, 2011). As a result, the legal institutionalization of the logging industry "barred Cambodians from their forests in order for the country to get on a false path of 'environmentally sustainable development'" (Le Billon, 2002, p. 583). Without the political will of Hun Sen and his ruling party to abide by the logging regulations they initiated in the first place during the transition, Cambodia's commitment to sustainable development will remain purely rhetorical. This undermines the benefits of liberal economy and the value of local involvement in economic empowerment.

CONCLUSION

Notwithstanding the successful demining and positive economic growth since the transition period, liberal peacebuilding in Cambodia has generally failed. Instead of alleviating the by-products of these failures, local involvement by the dominant political elite has hindered the DDR process, the rebuilding of the security forces, the pursuit of justice, and the promotion of sustainable development. The politics of personalities has defeated the ideals of liberal peacebuilding as Hun Sen and his party have dominated the process of rebuilding Cambodia. UNTAC betrayed its liberal mandates by undermining the vote of the people out of fear that the election losers would incite another civil war. It successfully held a

relatively free and fair election but it did not uphold the results of the democratic process it promoted. Instead of a long-lasting peace, this non-liberal decision created a short-term stability that lasted only until the 1997 violent coup.

UNTAC was the first comprehensive UN peacebuilding mission and inevitably had missteps due to inexperience. It was expected to quickly fulfil ambitious mandates in a short period of one year and seven months. From the outset the UN was not prepared to get involved in long-term planning and involvement in Cambodia because of local actors' lack of political will to achieve a real comprehensive peace settlement and the international community's weak commitment to sustaining its support (Doyle & Sambanis, 2006, p. 220). The signing of the PPA took the UN by surprise making the UN operations that followed it ill-designed and under-resourced (C. A. Thayer, 1998, p. 160). After the election UNTAC quickly wrapped up its mission out of fear that a civil war outbreak would taint its modest achievements. "As a Cambodian, we felt the UN was running away from us," Oum said (personal communication, January 14, 2014). As a result, UNTAC was not able to effectively institutionalize its liberal mandates and to extensively involve local actors. Its limited local involvement with the factions, specifically the CPP, legitimized a small political elite directing the future of the country, a country that is now under the authoritarian rule of Hun Sen, hiding behind the façade and exploiting the legitimacy of liberal democracy.

Liberal peacebuilding failed in terms of the DDR process and the rebuilding of local security forces because no institutions were built to consolidate them, in addition to the absence of a specific mandate. Furthermore, the factions were involved in terms of decision-making for the purpose of preserving stability and maintaining neutrality, instead of harmonizing international standards and local concerns in a way that would provide a clear direction for Cambodia after the transition. UNTAC's avoidance of the issue of uniting the warring factions in Cambodia exposed its weak commitment to its liberal rhetoric and its prioritization of short-term stability and neutrality over long-lasting peace.

In components where institutions were built, such as the establishment of the ECCC, liberal peacebuilding has also failed to deliver because these institutions are being influenced and manipulated by the political elite. The political interference of the government in selecting suspects to avoid exposing their connection with the Khmer Rouge and the political violence they have committed in the past hinders the effective delivery of justice and emasculates the protection and promotion of human rights espoused by the ECCC. Fortunately, this shortcoming is being mitigated by local civil society bringing communities together for dialogue to foster reconciliation.

In terms of economic development, Cambodia's adoption of a liberal market economy has produced both advantages and risks. The country has been able to sustain positive economic growth, boost its trade exports, and reduce incidents of poverty. However, it has also produced economic inequalities between the urban and rural populations, and economic vulnerabilities to regional and global financial shocks. The country has become susceptible to the negative socio-economic ramifications that come from market transition without strong economic institutions. In the case of Cambodia's timber resources, the international community's concern for sustainable development and the local concern to cut the Khmer Rouge off from its income source were able to coalesce and jointly shape policies to regulate logging. However, illegal logging remains rampant because of the government's lack of political will to abide by these regulations and some government officials' involvement in illegal trading.

UNTAC's top-down and shallow implementation of the liberal ideals of democracy, without substantive political transformation and lacking inclusive local involvement, did not contribute to the creation of a holistic and long-lasting peace in Cambodia. Local involvement was highly politicized and limited to the factions and their leaders. By limiting its interaction to the political elite through a vertical relationship between international and local policymakers, the UN failed to encourage a substantive bottom-up approach to peacebuilding that could have allowed a meaningful encounter between local policymakers

and civil society or local communities. Also, even after a process wherein the local population was able to make their voices count by bravely casting their ballots despite physical threats, UNTAC decided to give in to a political compromise. UNTAC did not fully commit to enshrining the liberal ideals it initially championed, so after its exit the political elite deceptively justified and protected their political interests based on these same liberal ideals. The current government dominated by the CPP exploits the liberal democratic system to consolidate legitimacy and maintain power by holding elections rife with electoral fraud and corruption (see, for example, HRW, 2013). Instead of fully committing to its liberal mandates, UNTAC acquiesced to these political personalities, who continue to dominate the political landscape of Cambodia. Despite its strong adherence to neutrality, UNTAC was seen to be more cooperative with the CPP. The result is a government dominated by illiberal political personalities rather than liberal ideals.

Likewise, local involvement did not mitigate these political issues but rather exacerbated or legitimized them. Aside from letting a small group of local actors steer the future of the country, the pitfalls of intensive yet exclusive local involvement are also apparent in the areas of security, and justice and reconciliation. UNTAC limited the involvement of locals to the factions, and the perspectives incorporated into the rebuilding and provision of security were from the leaders of these factions. The political elite UNTAC partnered with also influenced the judicial process, specifically the selection of suspects. Due to the lack of a mandate on justice and reconciliation, UNTAC failed to address past human rights abuses early on and lacked the foresight to establish a foundation for mechanisms of justice and reconciliation. The exclusive and politicized involvement of a few local actors defeated the liberal ideals of UNTAC's peacebuilding. This produced a negative peace controlled by the ruling political party and lacking the liberal elements of democracy, human rights, justice, and good governance.

CHAPTER 4

KOSOVO: CO-OPTED LIBERAL PEACEBUILDING AND SUPERFICIAL LOCAL INVOLVEMENT

Image 4. Sentiments on walls



Note: Political graffiti is a common feature of Kosovo's urban landscapes.

INTRODUCTION

The 20-minute walk from my rented apartment to Mother Theresa Boulevard, the centre of Pristina, was a journey through Kosovo's history filled with reminders of the war—abandoned houses, damaged roads, and other destroyed public facilities. At the same time, my walk was brightened with prospects for Kosovo's future—newly opened businesses, public constructions, and children's laughter from the nearby primary school. These are visible signs of Kosovo's transition from conflict to peace. However, there are also sooty bricked walls smeared with hateful graffiti against the government and the international presence. Examples of these 'sentiments on walls' are "Capitalism is organized crime," "I vote, you vote, we vote, they benefit," and "EULEXperiment". They display Kosovo's transformation from suffering under Serbian domination to discontent under international administration.

The strategic context for UN peacekeeping since Cambodia had significantly changed when the UN was deployed in Kosovo. Following the sudden surge in domestic security and humanitarian crises in the early 1990s, in which the Cambodian transitional context sat, the UN responded but with little experience outside its traditional observational tasks. The experiences of the 1990s, which included success in conducting elections (for example, in Cambodia, Mozambique, and Namibia) and failure to respond to humanitarian crises (for example, in Rwanda, Somalia, and Bosnia), prompted the UN to re-assess its role in international peace and security. Amidst these developments, the UN reformed its tasks to encompass more complex mandates such as capacity-building for good governance, human rights monitoring, and security sector reform.

With the expansion of UN peace missions, one element at least remains consistent within the UN rhetoric on international peace and security—the liberal ideals of democracy, market economy, human rights, rule of law, and regional or international cooperation are the conditions for peace. This liberal principle in peacebuilding is evident in the objectives and plans stipulated in UNSC Resolution 1244, which authorized the deployment of UNMIK: “establishing and overseeing the development of provisional democratic self-governing institutions to ensure conditions for a peaceful and normal life for all inhabitants of Kosovo” (S/RES/1244, 1999, para. 10). The resolution also called for the cooperation and coordination of international organizations in “[developing] a comprehensive approach to the economic development and stabilization of the region affected by the Kosovo crisis...in order to further the promotion of democracy, economic prosperity, stability and regional cooperation” (para. 17). These stipulations, alongside the mandates of the EU and the Organisation for Security and Co-operation in Europe (OSCE) with regard to security sector reform, rule of law, human rights, and market economy, show that the language behind UNMIK’s purpose was grounded on the tenets of liberal peacebuilding.

Despite the comprehensive liberal project of transforming Kosovo into a peaceful liberal democracy, liberal peacebuilding did not deliver its promise of long-lasting peace. In

2004, five years after the start of UNMIK's mission, ethnically motivated riots erupted with the participation of more than 50,000 people. The security institutions that had been built failed to protect the people, leaving eight Kosovar-Serbs (hereinafter referred to as K-Serbs) and 11 Kosovar-Albanians (hereinafter referred to as K-Albanians) dead and 954 wounded, including 65 international police officers and 58 KPS officers (HRW, 2004b; OSCE Mission in Kosovo, 2008, p. 4). Eight hundred buildings were destroyed or burned down, including houses belonging to K-Serbs, Romas, and Ashkalis, and Serbian Orthodox churches and monasteries (OSCE Mission in Kosovo, 2008, p. 4). The attacks mainly targeted the K-Serb population and, by the end of the riots, 4,012 K-Serbs had been driven from their homes ("11 Years Since," 2015; "Ten Years Since," 2014).

Some of my interview participants assessed UNMIK as an undemocratic administration which resulted in a kind of peace dominated by an ethnic majority while disenfranchising ethnic minorities. UNMIK limited its local involvement to former KLA members to the extent that it gave them support and protection during their indictments at the International Criminal Tribunal for the former Yugoslavia (ICTY). Not only do K-Albanians control the security institutions, they also dominate the development sector, leaving ethnic minorities feeling unsafe and with limited economic opportunities and access to basic services such as healthcare. Liberal peacebuilding failed in Kosovo and local involvement of the few exacerbated the shortcomings of liberal institutions.

This chapter focuses on how Kosovo was rebuilt after the 1998-1999 Kosovo War, which concluded the 10-year Serbian oppression. It starts with a brief historical background from the time Serbia abolished Kosovo's autonomy until the intervention of NATO and the arrival of the UN, EU, and OSCE. It then analyses how international and local actors conducted top-down and bottom-up approaches to liberal peacebuilding in terms of security, justice and reconciliation, and economic development. It closes with a conclusion that the conduct of post-conflict rebuilding in Kosovo did not completely reflect the ideals of liberal peacebuilding embedded in the mandate of the UN transitional administration for

the purpose of maintaining stability. This resulted in institutions short of well-defined and long-term direction and a fragile, negative peace absent of political, social, and economic elements of liberal peace. Moreover, the locals UNMIK partnered with fell short of reflecting the aspirations and interests of the people outside their own ethnic group. Without a common narrative to deal with the past that was acceptable to all ethnic groups, rebuilding security, justice and reconciliation, and development became venues for political and ethnic rivalry instead of a shared pursuit of peace. The political legitimacy UNMIK bestowed upon the ethnic majority encouraged the alienation of ethnic minorities from the peacebuilding process.

While most of the analyses in this chapter focus on UNMIK's mandates from 1999 to 2008 and the activities of organizations attached to UNMIK, the discussion on justice and reconciliation also covers initiatives prompted by other organizations outside the mandate or structure of UNMIK. Other means of reconciliation initiated by civil society imply the need for reconciliation among ethnic groups in Kosovo, especially between K-Albanians and K-Serbs. To compensate for UNMIK's shortcomings in fostering reconciliation between the perpetrators and victims of human rights abuses committed during the Kosovo War, this chapter explores possible avenues for reconciliation at regional, national, and community levels.

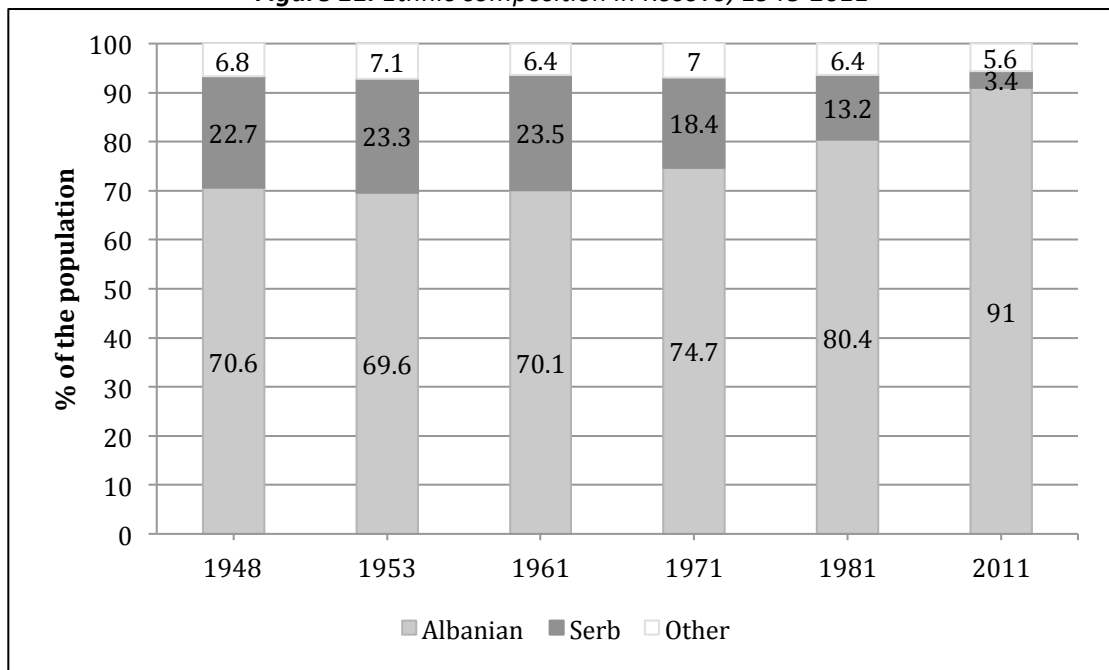
HISTORICAL BACKGROUND⁵⁸

Kosovo is a historical setting for tug-of-war contests among ethnic groups pulling on their own nationalist narratives. In the 2011 census 91% of the population was of Albanian ethnicity and they dominate every aspect of Kosovar society. The remaining 9% are of Serb, Bosniak, Turk, Romani, Ashkali, and Egyptian ethnicities. Figure 11 shows changes in ethnic composition in Kosovo. In addition to its higher fertility rate compared to other ethnic groups, the K-Albanian population grew significantly from the 1981 to 2011 census,

⁵⁸ For the general history of Kosovo, see Benson, 2001; Malcolm, 1998; Rezun, 2001.

especially after the Kosovo War when the Yugoslav forces withdrew and majority of the K-Serb population emigrated out of fear of revenge and discrimination. The K-Serbs have enclaves in some parts of Kosovo with the largest in North Mitrovica, which refused to recognize the Kosovar institutions and was supported by the Serbian government until the 2013 Brussels Agreement. The Agreement stipulates that Serb municipalities will be integrated into Kosovo’s legal institutions with certain guarantees of protection for K-Serbs.

Figure 11. Ethnic composition in Kosovo, 1948-2011



Data from Kosovo Agency of Statistics, 2016. The Albanian population is the largest ethnic group in Kosovo and continues to grow, while the population of other ethnic groups is shrinking.

The territory of Kosovo has passed from the hands of one empire to another, making its ethnic composition highly polarized. However, it was occupation by the Ottomans from 1455 to 1912 that had the most significant impact to the history of Kosovo. The Ottomans brought Islam, which was later adopted by most K-Albanians. In the 1870s Ottoman power over some of its territories in the Balkan region started to diminish after its defeats in several wars against the Slavic monarchies of Europe. Rebellion against the Ottoman rule climaxed during the 1912-1913 Balkan wars, which preceded World War I. The Balkan states jointly defeated the Ottomans and partitioned the latter’s previously occupied territories.

Map 2. Political map of Kosovo



Source: UN, Kosovo, no. 4069 Rev. 6, September 2011.

The demarcation of boundaries after the Balkan wars was not based on ethnic groups. Albania's boundaries did not include territories, such as Kosovo, where many Albanians had settled after several waves of migration. Yugoslavia was then born out of a merger between the kingdoms of Serbs, Croats, and Slovenes. It was officially the Kingdom of Yugoslavia from 1929 until the Axis Powers occupied and broke it into several independent countries in 1941. Kosovo was politically and administratively reunified with Albania through the Italian initiative of creating a Greater Albania. Germany continued to support this initiative after Italy's defeat. For the Albanians in Kosovo this was a step towards fulfilling their dream of being part of Albania (von Kohl & Libal, 1997). Kosovo's

reunification with Albania caused tens of thousands of Serbs living in Kosovo flee and move to Serb-administered territories.

The harsh occupation of the Axis Powers led to a strong anti-fascist movement in the region, and this sentiment resulted in the re-unification of Yugoslavia and the inclusion of Kosovo in the federation after the war (Calic, 2000). The communists in Serbia saw Albanians treating the German fascist occupants as friends and liberators and this provoked Serb hatred against Albanians (von Kohl & Libal, 1997). The defeat of Germany, with the help of the Soviet Union, instilled a strong communist ideology and Stalinism among those who had suffered the most during the war, especially the Serbs who fought alongside the Soviet Union (Bennett, 1995). The withdrawal of Germany also meant the restoration of the previous Serbian rule, which discriminated against non-Serbs. The events and effects of the wars further expanded the age-old gap between Albanians and Serbs. Moreover, the re-installation of Serb dominance created discrimination not only against Albanians in Kosovo but also among the populations of Slovenia, Croatia, and Bosnia, as evidenced in the breakup of Yugoslavia in the 1990s.⁵⁹

Yugoslavia's history is a vicious cycle of unification and disaggregation. The decades following the world wars saw the Communist Party of Yugoslavia, led by Josip Broz Tito, dominate the political arena. Tito transformed Yugoslavia from a disunited region composed of various ethnicities into a one-party state. Historically-based administrative units were organized into six socialist republics: Bosnia-Herzegovina, Montenegro, Slovenia, Macedonia, Croatia, and Serbia. Kosovo and Vojvodina became an autonomous region and province, respectively, under Serbia. The republics, especially the latter three, also contained ethnic groupings whose home republics were outside Yugoslavia and were called 'nationalities'. The ethnic Albanian population in Kosovo was considered a nationality and a minority.

⁵⁹ For the history of Kosovo in the context of Yugoslavia, see Bennett, 1995; Dyker & Vejvoda, 1996; Sell, 2002.

Serbia and Albania used to aim for the latter's integration with Yugoslavia, as Malcolm (1998, pp. 317-320) details in his book. Tito had good relations with the then communist leader of Albania, Enver Hoxha, who encouraged the Albanians in Kosovo to treat Yugoslavs as their brothers. The long-term goal of Tito and Hoxha was to incorporate Albania into Yugoslavia. Joseph Stalin interpreted this plan as Tito moving to become a regional communist leader who could rival him. As a consequence, Stalin expelled Yugoslavia from the forum of communist governments. To prove that Moscow's decision was wrong, Tito made his policies more Stalinist with a tighter communist system of control from Belgrade. The increased collectivization caused food shortages throughout the country. Hoxha criticized Tito's policies and Tito started to suspect him and the whole Albanian population, including those in Kosovo, of being saboteurs, traitors, and infiltrating agents loyal to the Soviet Union.

The K-Albanians received the hardest blow from these changes in political alliances. The increasing hostility and suspicion from Belgrade, including the strict restrictions on Islam, moved many of them to emigrate. In parallel with these security measures the Yugoslav government registered most of the Albanians in Kosovo and Macedonia as Turks, making it easier to encourage them to migrate to Turkey when Yugoslavia signed a treaty with both Turkey and Greece in 1953. Malcolm (1998) considers this a "long-prepared policy...aimed at the complete removal of large numbers of Albanians" (p. 322). This discriminating policy led to an ethnic imbalance not only among the local communities but also in the government and business sectors. Then, as a final blow, in 1963 a new Yugoslav constitution was adopted changing the status of Kosovo from autonomous region to autonomous province, transferring Kosovo's constitutional status solely into the hands of Serbia.

The tables turned in favour of Albanians when Serbian Minister of the Interior Aleksandar Ranković was dismissed from office. He was responsible for implementing anti-Albanian security policies and opposed Tito's tendency to abandon the creation of a

homogenous Yugoslavia for more nationally directed policies. Tito started making up to the Albanians by amending the Yugoslav constitution to allow the autonomous provinces of Serbia to carry out administrative responsibilities similar to the republics. In 1974 a new Yugoslav constitution was adopted to give the autonomous provinces the right to write and enforce their own constitutions. The 1974 Constitution prompted a cultural awakening among K-Albanians and produced a new sense of identity and growing demand for self-determination (Clark, 1999). However, the freedom Tito offered the Albanians in Kosovo incited fear of discrimination among non-Albanians, causing some Serbs and Montenegrins to migrate from Kosovo but this fear was silenced until Tito's death in 1980 (Malcolm, 1998).

Following Tito's death educated K-Albanians started demonstrations demanding that Kosovo be made a republic. The Serbian response was a series of arrests. In 1986 a group of Belgrade academics revived a memorandum criticizing the 1974 Yugoslav constitution and claimed that the constitution led to the victimization of K-Serbs, who had fled from Kosovo because of an impending genocide against them. During the time of Tito this document was condemned as nationalist and against Yugoslavia's 'Brotherhood and Unity' slogan. Under the new Yugoslav leader President Slobodan Milošević, however, the document served as a basis for his new anti-Albanian policies. This new direction prompted Serbs and Montenegrins to return to Kosovo, where they were given priority in housing and employment.

In 1989 Milošević abolished Kosovo's autonomy, dismissed K-Albanian public servants, removed K-Albanians from their lands, and expelled K-Albanian students from the education system. The province was placed under military occupation and all forms of political freedom previously enjoyed by K-Albanians were replaced with forms of discrimination. Kosovo protesters adopted nonviolence and civil disobedience under the

leadership of Ibrahim Rugova of the Democratic League of Kosovo (LDK).⁶⁰ A ‘parallel system’ thrived to maintain the everyday community life of K-Albanians while Serbia monopolized state structures. It was an effective and peaceful strategy for avoiding a war against a much more militarily powerful Serbia. However, it also proved to be the reason why Kosovo was sidelined during the peace negotiations in Dayton in 1995 between Serbia and other Yugoslav republics, as the international community thought that the situation in Kosovo was relatively stable compared to the war in Bosnia.

Judging Rugova’s strategy to be weak and ineffective, a militaristic pro-independence guerrilla movement emerged during the 1990s—the Kosovo Liberation Army (KLA).⁶¹ The international community considered it a terrorist organization and this label gave Serbia the justification to attack KLA forces during that period, which resulted in civilian casualties. In March 1998 the UN passed a resolution condemning Serbia’s use of force against the KLA and civilians, and urged negotiations regarding Kosovo’s autonomy and self-administration (S/RES/1160, 1998). With subsequent resolutions reiterating the same position, it became clear to the KLA that the international community was in favour of Kosovan autonomy rather than independence. Frustrated and unhappy, the KLA launched more attacks to provoke Serbia hoping it could change the international community’s position. True to KLA’s expectations, Milošević ordered more counter-insurgency operations. In September 1998 the UN demanded a ceasefire (S/RES/1199, 1998).

On January 15, 1999, Serbian forces massacred 45 ethnic Albanians in Račak village in Kosovo in retaliation to the earlier ambush and killing of five Serbian policemen. The Kosovo Verification Mission tasked to monitor the ceasefire agreement called the incident a crime against humanity. Even though there were suspicions that the massacre might have been staged by the KLA to solicit international attention, the incident in Račak

⁶⁰ For the emergence of the Albanian movement in Kosovo, see Maliqi, 1996.

⁶¹ For the emergence of civil resistance groups in Kosovo, see Clark, 2000; Perritt Jr., 2008.

pressed the international community to immediately address the conflict in Kosovo (Judah, 2000, p. 194). On January 19, the UNSC announced its condemnation of the massacre (SC/6628, 1999). NATO (1999) also issued a statement that it was ready to take necessary measures to halt the crisis unless Serbia withdrew its armed forces and heavy artilleries from Kosovo, which were affecting more civilians than KLA members.

The Račak massacre prompted another round of consultations and negotiations that culminated in a peace conference in Rambouillet, Paris in February 1999. As expected, there were disagreements on the contents of the draft peace agreement proposal. For the Kosovo delegation, their hopes for independence were overshadowed by the lack of a detailed plan on the future of Kosovo's status. Despite these qualms the delegation signed the agreement in fear of losing international sympathy and, more crucially, the opportunity to gain independence. The Serbian delegation refused to sign, claiming that NATO's involvement was premised on its plan to attack and occupy Yugoslavia, and that NATO had favoured the separatist and terrorist KLA. Despite attempts to convince Milošević to sign the Rambouillet Agreement, coercive diplomacy failed. On March 24, 1999, NATO's Operation Allied Force launched air strikes against Yugoslavia.⁶²

The bombing of strategic military infrastructure in Belgrade and Kosovo lasted for almost three months until Milošević accepted defeat and agreed to allow a UN interim administration to operate in Kosovo. By the end of the campaign an estimated 863,000 refugees had fled from Kosovo, 590,000 were internally displaced and 90% of the Albanian population had become refugees, according to the Independent International Commission on Kosovo (IICK) (2000, p. 90). There were different estimates of the casualties of ethnic cleansing in Kosovo but the IICK reported that the Yugoslav forces took around 10,000, mostly K-Albanian, lives, with 3,000 still missing. The International Committee of the Red

⁶² For details, see Bellamy, 2002, pp. 150-153. Despite its humanitarian intention, the operation sparked controversy about military intervention because of the absence of UNSC authorization. For NATO's intervention during the 1998-1999 Kosovo War, see Anastasijevic, 2000; Daalder & O'Hanlon, 2000; Henriksen, 2007; Ronayne, 2004.

Cross (ICRC) further estimated that 1,571 were in Serbian prisons by March 2000 (IICK, 2000, pp. 2, 120).

On June 10, 1999, the UNSC passed Resolution 1244 authorizing the establishment of UNMIK with a general mandate of

“[providing] an interim administration for Kosovo under which the people of Kosovo can enjoy substantial autonomy within the [FRY], and which will provide transitional administration while establishing and overseeing the development of provisional democratic self-governing institutions to ensure conditions for a peaceful and normal life for all inhabitants of Kosovo.”

(S/RES/1244, 1999, p. 3)

UNMIK had four pillars. Pillar I for Humanitarian Assistance under the UNHCR, which later became the Rule of Law under the OSCE. Pillar II for Civil Administration under the UN. Pillar III for Democratization and Institution Building under the OSCE. Pillar IV for Reconstruction and Economic Development under the EU. The SRSG had the “maximum civilian and executive powers envisaged and vested in him by the UNSC Resolution 1244 and the final authority in their interpretation” (S/1999/779, 1999, para. 44). As the executive, legislative, and judicial authority in Kosovo, he had the right to veto any decision taken by UNMIK as long as this was in accordance with applicable laws and regulations (UNMIK/REG/1999/1, 1999).

In May 2000 UNMIK established the Joint Interim Administrative Structure (JIAS) as its local counterpart. The JIAS was replaced by the Provisional Institutions of Self-Government (PISG) after the nationwide elections in May 2001 and the adoption of the Constitutional Framework. UNMIK passed Regulation 2001/9 which provided a Constitutional Framework for Provisional Self-Government in Kosovo and stipulated the local competencies of the PISG. Until 2008 the SRSG remained the final decision-making

authority in Kosovo despite the establishment of local institutions and the adoption of the Constitutional Framework (Reka, 2003).

In 2004 major unrest occurred in Kosovo that questioned the effectiveness of the international peacebuilding mission's five-year presence. The 2004 riots re-surfaced the ethnic tension between K-Albanians and K-Serbs that had been silenced since the arrival of internationals. It started with the shooting of a K-Serb teenager by K-Albanians on March 15 and the drowning of three K-Albanian children the following day in the Ibar River. The river separates the northern part of Mitrovica from the Albanian dominated part in the south. Despite the lack of evidence that K-Serbs were responsible for the deaths of the children, K-Albanians went out onto the streets the following day to protest against the incident. They tried to cross the bridge over the Ibar River but a large group of K-Serbs had organized themselves at the other end. International peacekeepers kept a blockade on the bridge but both sides opened fire on each other. The violence continued for three more days, leaving 19 K-Serbs and K-Albanians dead, 900 wounded, 4,000 non-Albanians displaced, and hundreds of Serb churches and homes destroyed ("The Audit of War," 2004)⁶³ Other than ethnic motivations, the 2004 riots were a manifestation of the K-Albanians' growing resentment against the indefinite tenure of the international administration without a deadline or clarity on Kosovo's future status. The K-Albanians I interviewed also cited the lack of improvement in their economic status as a source of this resentment.

⁶³ Other than the Serbs, Romas and Ashkalis were also targeted by Kosovar Albanians. See also reports by HRW, 2004a; International Crisis Group, 2004; OSCE Mission in Kosovo & UNMIK, 2005.

Image 5. The river that divides



Note: The Ibar River dissects the divided province of Mitrovica. North of the river is a predominantly Serbian population. In 2010, out of 29,640 inhabitants, 22,530 were K-Serbs, 4,900 K-Albanians, and the rest were Bosniaks, Gorani, Turks, Roma, and Ashkali (OSCE Mission in Kosovo, 2015).

In 2006 UN-facilitated talks between Kosovo and Serbia began, led by UN Special Envoy Martti Ahtisaari.⁶⁴ Despite irreconcilable differences between the two parties with regard to Kosovo's final status, with K-Albanians wanting independence and Serbia demanding continued sovereignty over Kosovo, Ahtisaari presented his recommendations to the UNSC in 2007. The Ahtisaari Plan proposed Kosovan independence subject to international supervision and fulfilment of Kosovo's obligations pertaining to human rights, local self-government and decentralization, religious and cultural heritage, economic and property issues, the security sector, the constitution and elections (S/2007/168/Add.1, 2007). Belgrade rejected the plan and the UNSC was unable to adopt it because of Russia's vetoing of any proposal that was unacceptable for Serbia. Russia also vetoed a new UNSC resolution to replace UNSC Resolution 1244, which established UNMIK. Instead, the UNSC called for another series of negotiations. In 2008 the EU, while maintaining its

⁶⁴ For details of events that led up to the Ahtisaari Plan and the negotiations that followed afterwards, see Perritt Jr., 2010.

neutrality over Kosovo's status, started deploying the European Rule of Law Mission in Kosovo (EULEX) to facilitate the strengthening of the rule of law in Kosovo. It hoped to contribute to the maintenance of stability in the country and to promote Kosovo's accession to the EU (Council Joint Action 2008/124/CFSP, 2008).

Amidst the disagreements over Kosovo's final status, Kosovo accepted the Ahtisaari Plan and unilaterally declared independence from Serbia on February 17, 2008.⁶⁵ The declaration proclaimed Kosovo to be a democratic, secular, and multi-ethnic republic. In 2010 the International Court of Justice (ICJ) ruled that the declaration of independence did not violate international law or the Constitutional Framework promulgated by UNMIK. UNMIK remains operational but with modifications to its mandates since the declaration. Kosovo is now a member of the IMF and World Bank and working towards EU membership. As of 2016 UNSC members have still not made a unified decision on the matter of Kosovo's independence.

The ethnic dimension of Kosovo's society played a central role in the development of peace and conflict processes in Kosovo's history. It also influenced how UNMIK maintained stability by co-opting the ethnic majority. UNMIK acted in contradiction to its liberal rhetoric and consequently sidelined the views of local civil society and ethnic minorities. Based on more recent insights and assessments by international and local actors who were involved during the transition in Kosovo, the following section sets the stage for an in-depth analysis of how UNMIK implemented its mandates and employed local involvement in administering Kosovo's transition. Their reflections on their tasks during the transition and the mission in general serve as an overview of how UNMIK provided security, pursued justice and reconciliation, and promoted economic development and the outcomes of its mandates, or the lack thereof, that continue to influence Kosovo's politics and society today.

⁶⁵ Access the text of Kosovo's declaration of independence from http://www.assembly-kosova.org/common/docs/Dek_Pav_e.pdf.

INTERNATIONAL AND LOCAL ENCOUNTERS: UNMIK IN KOSOVO

UNSC Resolution 1244 manifests how the highest in the world decided about us. The entire world came here and yet we got isolated from the world. That was the world consensus; it was neither the will of the people nor the freedom of the country. It was the lowest common denominator. (Albin Kurti, leader of the political party *Vetevendosje!*, personal communication, May 12, 2014)

It is only natural that those who live in the country play a bigger role. There should not be undue influence from the outside that is not in line with the history and culture of the place. (Alexander Borg-Olivier, former chief legal advisor to the SRSG of UNMIK, personal communication, May 23, 2014)

My hope is for a change in the political elite. UNMIK gave legitimacy to those politicians because they treated them as their counterparts and gave them visibility. But these are the elite who established networks of organized crimes. (Florina Duli, a Kosovar Albanian and former political advisor to Deputy SRSG of UNMIK, May 12, 2014)

AN AUTHORITARIAN UN MISSION?

UNMIK's post-conflict peacebuilding in Kosovo can hardly be characterized as liberal despite the liberal design of its mandates. UNMIK's strong top-down intervention was manifested in its interference in the way the local institutions it built delivered their responsibilities. Narten (2006) cites two examples revealing how UNMIK single-handedly manoeuvred the country's political dynamics. First was when the SRSG interfered in the work of Kosovo's General Assembly by placing massive political pressure on the main political parties to unite under a coalition after the 2001 elections (p. 150). Second was when UNMIK bent the Constitutional Framework by allowing the election of the President

of Kosovo through secret ballot voting instead of open voting (p. 151). By interfering with how the local institutions delivered their responsibilities, UNMIK consequently failed to support capacity-building in Kosovo (Ante, 2010, p. 204).

The most common theme in my interviews with both international and local actors was that UNMIK betrayed its liberal mandates for the sake of short-term stability instead of considering the long-term outlook for peace. UNMIK's approach was also authoritarian in the sense that it failed to engage with civil society and narrowed its consultation to its chosen local actors. Some of the K-Albanians I interviewed viewed UNMIK's presence as post-colonial with a very closed system of governance. A prominent UNMIK official who is still in the position and wished not to be identified confirmed instances when UNMIK was not consultative (personal communication, May 21, 2014). As an example, he cited a former SRSG who was dismissive of the views of civil society and chose not to extensively engage with local actors. The reason was that the SRSG was overly cautious in allowing the involvement of personalities he judged as incompetent in public service and civil society members he felt were not critically constructive. This approach was seen as heavy-handed by civil society, although he believes that the problem was not the SRSG's intention but rather the way his decision was conveyed to the public. However, UNMIK did not apply this caution to all local actors.

SUPERFICIAL LOCAL INVOLVEMENT

When UNMIK arrived in Kosovo it immediately incorporated local counterparts into planning Kosovo's transition, recalled Sabri Kiçmari, who used to be the minister for local governance under the PISG and political advisor for foreign policy (personal communication, December 2, 2013). Alexander Borg-Olivier, the chief legal advisor and director of UNMIK from 2001 to 2008, explained that the UN officials visited cities and towns to identify individuals who would serve as local counterparts (personal communication, May 23, 2014). He narrated how they went to several municipalities, gathered information from the communities, appointed an international to serve as mayor of

the town, and appointed a local counterpart who was respected and liked by the people. He said that it was a co-leadership arrangement between the international and the local until UNMIK was able to identify the real representatives of the people.

Borg-Olivier was also responsible for developing the legislative framework for the government of Kosovo. Proposals and ideas from the political parties, even from Serbs, who came to the first meeting but did not attend the subsequent ones, were invited to ensure that their interests were covered in a “balanced framework that gives full protection and safeguards all the communities,” he said. It cannot be denied that UNMIK was able to establish strong relationships between international and local actors in planning the government’s structure (Chillarón-Cortizo, personal communication, November 19, 2013). However, the question is, who were these local actors and was their involvement substantive? According to an UNMIK political affairs officer (personal communication, May 26, 2014), UNMIK decided to partner with those locals they deemed capable of keeping stability or stirring up instability.

UNMIK’s consultation with locals was politicized and limited to those who were affiliated with local political parties, especially former KLA members (five interview participants, personal communication, May 2014). According to an UNMIK political affairs officer (personal communication, May 26, 2014), the KLA obtained legitimacy because of their weapons and they are now prominent civilians in the political landscape even though they were combatants during the war. Five interview participants also said that UNMIK’s involvement of local actors was limited to those who were educated abroad and those with privileged social status. As a result, there was no inclusive and substantive bottom-up consultation or grassroots participation.

In cases when UNMIK consulted with civil society opinions that were not complementary to their plan were not taken into consideration, according to Ariana Qosaj-Mustafa, a senior researcher in a think-tank organization working for the promotion of

democracy and democratic values in Kosovo (personal communication, May 25, 2014).

Gëzim Visoka, a scholar of peace and conflict studies who served as senior political advisor to the Ministry of Foreign Affairs of Kosovo, concurred that UNMIK solicited grassroots perspectives by arranging consultations and roundtable discussions but these had no significant impact on UNMIK's decisions (personal communication, May 15, 2014). Similarly, Albin Kurti, founder of the radical nationalist political party *Vetevendosje!*, described the consultation and dialogues as superficial acts occurring only between international and local actors who were more concerned with fulfilling imposed international criteria than with asking what the people needed. He implied in the following statements that it was an intentional disqualification of the people, who were not internationally acknowledged as citizens of a sovereign state.

Once you ask someone what he wants, you turn him into a subject, a citizen.

We were considered inhabitants of Kosovo whose status was still unresolved.

We were dwellers in our country and not citizens of our republic. (Kurti, personal communication, May 12, 2014)

Alongside UNMIK's limited consultation with local actors was short-sighted implementation of its mandates. One example of this is manifested in the return of refugees through property restitution. An interview with David Chillaron-Cortizo, who used to be a lawyer at UNMIK's Housing and Property Directorate, revealed that while the goal of property restitution was achieved, with 99.8% of the claims implemented, the return of refugees did not happen. He said:

Carrying out an eviction is only the first step and the second step is the return [of the refugees]. Did return happen? No. It is like saying we are very good at surgery but saving the life of the patient is a different matter. (personal communication, November 19, 2013)

This limited, biased, and superficial local involvement eroded civil society's trust in the international and local authorities, according to Florina Duli, a former political advisor to UNMIK's deputy SRSG (personal communication, May 12, 2014). She aired her disappointment over UNMIK's failure to consult with civil society on major issues such as election legislation. The OSCE, which was tasked with strengthening and diversifying civil society in Kosovo, violated its own mandate, Duli added. In drafting electoral legislation, which is the basis of liberal democracy, the OSCE set up a system with only one constituency, which failed to give geographical representation in the composition of the parliament. Duli believes that this was done out of convenience instead of genuine local involvement. She was part of a civil society movement that voiced concerns regarding representation in the government. They recommended six electoral zones in order for the people to be properly represented but the OSCE ignored this local voice. "There was no dialogue, not even one meeting, to say at least that they were sorry and that they did not want to listen to us," Duli said. As a result, politicians from the same geographical area occupied the majority of government positions after the first nationwide democratic elections in 2001.

The Constitutional Framework stipulated permanent representation of ethnic minorities in Kosovo's General Assembly. Out of 120 seats, 20 are reserved for non-Albanian Kosovo communities: ten for K-Serbs, four for Roma/Ashkali/Egyptian representatives, two for Turkish, and one for a Gorani representative (UNMIK/REG/2001/9, 2001). While this quota ensured ethnic representation, it was also seen to be contributing to the further entrenchment of ethnic divisions in Kosovo's political landscape, given that the major differences among these political parties are not their political agendas but their ethnic compositions. This is where the establishment of electoral districts to replace a single Kosovo-wide constituency has been considered by some political actors, not only to improve geographical representation but also to democratise the elections by decentralizing the power within the political parties, improving the

accountability of representatives to their constituency voters, and increasing voter participation (ACE Electoral Knowledge Network, 2012, pp. 145-158).

Another key point raised by some K-Albanians who had a more positive, or at least understanding, assessment of UNMIK was local misperception of the nature of UNMIK's mission. UNMIK was limited to its mandate because of the political realities regarding Kosovo's status, while the Kosovars had high expectations of UNMIK. "[The Kosovars'] plan was to build an independent Kosovo but that was not the UN's plan, which was to manage the security situation and [to prevent a return] to war" (Kiqmari, personal communication, December 2, 2013). For example, UNMIK's role was not to create jobs but when the people found themselves without jobs they blamed internationals and expressed their discontent through violence (K4 and K5, personal communication, May 28, 2014). UNMIK failed to solve the deep-seated causes of conflict because it was not mandated to do so in the first place. One of these causes was the ethnic tension that re-surfaced during the 2004 riots.

LIBERAL PEACEBUILDING BARTERED

UNMIK bartered the ideals of liberal peacebuilding for short-term stability. As one UNMIK Political Affairs Officer said, "the Western world traded off democracy for the price of stability" (personal communication, May 26, 2014). UNMIK may have been successful in maintaining stability but its preoccupation with stability prevented it from adapting to the changing security situation of Kosovo, which had already moved beyond physical security to economic security. This stability proved to be fragile when riots broke out in 2004. Florian Qehaja, the executive director of the Kosovar Center for Security Studies (KCSS), a think-tank organization in Kosovo focusing on the security sector, explains below the changing security landscape of Kosovo and how UN failed to adapt to it.

The UN is only open to discussions about building up security institutions if it serves the interest of preserving 'exaggerated stability.' [While it is true that]

the primary mandate of UNMIK through UNSC Resolution 1244 is to preserve peace and security, the region has changed now. There is no more interest in conflict and war, at least from this point, and there is no indication of that.

Somehow, the tendency of keeping all the discourses about preserving peace and stability is outdated. You really cannot talk with the Kosovars now about preserving the overall stability in the region in the same way as back in 1999 because things have already drastically changed. (personal communication, May 22, 2014)

After Kosovo declared independence the dynamics between the international and local actors changed. The mechanisms of UNMIK are linked to UNSC Resolution 1244, which emphasizes neutrality over Kosovo's status. The international organizations involved in the transition took on this position of neutrality even after Kosovo declared independence. The OSCE, for example, does not have a mandate to give a position with regard to the declaration of independence (K4 and K5, personal communication, May 28, 2014). This cost UNMIK and OSCE influence and legitimacy over Kosovar society. According to Visoka, Kosovo does not want the UN to be involved anymore because UNMIK does not recognize Kosovo's independence (personal communication, May 15, 2014). He is adamant that there will be no successful international-local partnership towards achieving goals other than setting up institutions unless international organizations respect and recognize Kosovo's right to self-determination (see also Visoka & Bolton, 2011). On the other hand, an UNMIK official disclosed that, "under present circumstances, [UNMIK officials] are hostages of the UNSC and the Kosovar government's unwillingness to deal with [UNMIK] because [its] mere presence is a dent on their sense of sovereignty" (personal communication, May 21, 2014).

UNSC Resolution 1244 was able to provide the necessary guidelines and parameters for Kosovo's post-conflict reconstruction, Borg-Olivier believes. He agrees that it was an open-ended resolution because the exit strategy of UNMIK was dependent on the

resolution of Kosovo's political status. Kosovo now exercises autonomy in state administration but the UN's neutrality is holding Kosovo back from participating in the international arena. This is where Kosovar society expresses strong resistance to internationals. The following quote encapsulates Borg-Oliver's laments over the deterioration of UNMIK's role and legitimacy because of its virtue of neutrality.

The UN moved away from being the centre of everything—the giver of freedom, stability, peace, and security, and all the elements necessary for Kosovo to negotiate their status, which they were desperate for. Instead of being the centre of relevance and attention, it became a contradiction in terms of not knowing why it is still present. It is a shame. If we want this kind of intervention to succeed in the future, we have to be careful that they always enjoy the support and consensus of those whom the intervention was intended for. (personal communication, May 23, 2014)

Despite the liberal rhetoric and design for post-conflict peacebuilding in Kosovo, international actors traded democracy for stability, co-opted those who might incite instability at the cost of democratic values, and tolerated the abuse and corruption of those they co-opted. UNMIK tried incorporating the views of other groups but in doing so “it abandoned liberties and democratic processes and imposed something [with which] no one was completely happy but were only partially accommodating of different perspectives,” (Visoka, personal communication, May 15, 2014). UNMIK, therefore, was a successful conflict manager in maintaining stability and ensuring physical security but a poor example of what it preached about liberal democracy and long-lasting peace. The following sections on security, justice and reconciliation, and development detail instances when international actors subjugated the liberal mandates of the transitional administration, resulting in the disenfranchisement of some sectors of the Kosovar society in the peacebuilding process for the sake of short-term stability over long-lasting peace.

PROVIDING SECURITY IN KOSOVO

CONTEXTUAL BACKGROUND

Kosovo's security sector used to be under Yugoslav forces in terms of both military and policing functions. Serbs and Montenegrins dominated the administration and security forces of Kosovo (IICK, 2000, p. 35). After NATO's intervention, a Military Technical Agreement was signed on June 9, 1999 between the NATO-led Kosovo Force (KFOR) and the Yugoslav/Serbian governments. The Agreement defined an 11-day phased withdrawal of Yugoslav military, paramilitary, and security forces which was successfully conducted before the deployment of the international administration (NATO, June 9, 1999, paras. 2-3).

The international security presence in Kosovo was composed of KFOR and UN CivPol until EULEX took over in 2008. KFOR's mission was to establish a secure and stable environment for the population and to enable the transitional administration to implement its mandate. Its initial deployment was 50,000 and has been reduced as the security environment has improved, shifting the force to a deterrent position (NATO, 2016). In 2015 nearly 5,000 troops were deployed "to maintain a safe a secure environment and a freedom of movement for all citizens and communities in Kosovo" (Stoltenberg, 2015, p. 50). A Kosovo Protection Corps (KPC) was also established to provide civilian emergency services, such as disaster response, search and rescue, humanitarian assistance, demining, and rebuilding infrastructure (UNMIK/REG/1999/8, 1999). In 2009, after the declaration of independence, which resulted in structural changes in the international administration of Kosovo, and in accordance with the proposals of the Ahtisaari Plan, the KPC was replaced by the Kosovo Security Forces (KSF). The government's plan was to transform KSF into an army with a civilian oversight, and in 2013 NATO declared the KSF fully operationally capable of delivering its mandate (NATO, 2013). NATO maintains support for KSF's professional development through capacity-building and training.

CivPol handled the maintenance of law and order and assisted the OSCE with recruiting and training the local police. The Police School was opened in September 1999 and successfully trained the first batch of 176 candidates, who became the first members of the Kosovo Police Service (KPS) (Kosovo Police, 2015b). From 1999 to 2008, CivPol gradually transferred its policing tasks to the KPS. In 2009, after the declaration of independence, CivPol transferred all its policing tasks to the KPS. EULEX maintains support and training for local police officers and assists at management and strategic levels (EULEX, n.d.-c).

The security mandates considered in this section are the protection of the rights of ethnic minorities, which falls under the physical security factor, the DDR process, and the rebuilding of security forces. In fulfilling these mandates, internationals were able to create security institutions and encourage local involvement. However, the institutions that were created were fragile and lacked long-term goals because of the limited and delayed local involvement and the inability of internationals to adapt to Kosovo's changing security landscape

SHORT-LIVED SUCCESS

The humanitarian situation in Kosovo quickly improved during the transition, with the humanitarian assistance pillar successfully concluding as early as June 2000. The security situation also improved as the early years of the mission saw several major accomplishments. First of all, KFOR was able to successfully oversee the complete withdrawal of Yugoslav forces from Kosovo and prevent their return, as required by the Military Technical Agreement (Reinhardt, 2000). However, the withdrawal of Yugoslav forces left a security vacuum in the country, thereby requiring a speedy recruitment of local security forces and the rebuilding of security institutions. Former combatants were successfully demobilized and integrated into the new security institutions. Details of the DDR process and the rebuilding of armed forces and local police are discussed in the following subsection.

Second, as social and political conditions normalized, crimes consequently declined. Past organized crime in Kosovo was due to the war and economic collapse but with increasing stability and rule of law organized groups had fewer incentives and opportunities to commit crimes (Leggett, 2008). These developments led to an improved perception of overall security and encouraged the movement of ethnic minorities within Kosovo ("Digest," 2006). However, despite the general improvement in security during the years before the 2004 riots, ethnic minorities still experienced harassment and violence (UN OCHA, 2003).

To reflect the multi-ethnicity of Kosovo's demography in security institutions, the OSCE took charge of developing the KPS with the support of CivPol and KFOR in building and developing a multi-ethnic local police force. The recruitment process for the KPS had a target of 15% minority participation. Notwithstanding the need to address educational gaps among ethnic communities in ensuring long-term ethnic participation, this particular initiative is generally considered successful in incorporating ethnic minorities into the public service sector and, more importantly, in promoting political reconciliation of ethnic groups through their membership of security institutions (Dursun-Ozkanca & Crossley-Frolick, 2012). In 2008 the Constitution of Kosovo stipulated that the KPS should reflect the ethnic diversity of Kosovo (Art 28/2). As of 2015, 16.25% of 8,981 officers and civilian staff in KPS are from ethnic minority groups (Kosovo Police, 2015a, p. 17).

Similarly, UNMIK also promulgated that 10% of the KPC's composition should be reserved for ethnic minorities (UNMIK Reg 1999/8, Sec 2.2). The 2008 Constitution of Kosovo also stipulates that the composition of KSF should reflect the ethnic diversity of Kosovo (Art 126/2). However, representation of ethnic minorities in the KSF, especially of the Serb minority, is lower than in the KPS. According to a report published by the KCSS in 2014, several factors explain this lower ethnic representation in the KSF (Emini, 2014, p. 18). It is connected with the K-Serbs' negative attitude towards the KSF as it was seen to be a crucial element of Kosovo's statehood. The report also cited political pressure from

Belgrade and other radical groups in Kosovo on the Serb minority not to participate in the KSF. Furthermore, the K-Serbs consider the KSF to be a derivative of the KLA since most former KLA members were integrated into it. As of 2014, 8.47% of 2,267 civilian and military personnel in KSF are from ethnic minority groups, which is less than 2013's 9.01% (KSF, 2013, p. 16; 2014, p. 14).

The positive development in security during the first five years of UNMIK was undermined by the 2004 ethnically motivated riots. The incident exposed the international security forces' weaknesses in conducting policing tasks (Bernabéu, 2007). Report by the Human Rights Watch (2004a) cites the lack of coordination among CivPol, KFOR, and KPS and their overlapping responsibilities as factors in their failure to produce an immediate and clear response to the initial violence on March 17 (see also Heinemann-Grüder & Grebenschikov, 2006). During that time KFOR was still in the process of handing over some of its responsibilities to CivPol. The incident tested the ability of international and local security forces to deter hostilities and they failed to protect ethnic minorities. Human Rights Watch (2004a) collected eyewitness accounts detailing that the security forces were outnumbered and refused to assist K-Serbs who were under attack. Although the newly trained and under-equipped KPS officers quickly took on the role and worked professionally and courageously to protect or evacuate K-Serbs, there were also accounts of some KPS officers turning a blind eye towards the criminal acts committed by K-Albanians.

The incident magnified several issues regarding post-conflict rebuilding of security institutions. First, it raised questions about how much time is needed to establish effective institutions and whether they presuppose stable peace. There are no definite answers to these questions but they challenge the recommendation that a longer time frame is needed for institutions to effectively contribute to peace.⁶⁶ Even five years after the start of UNMIK's mission the security institutions established in Kosovo failed to provide security

⁶⁶ This is based on the most common recommendation of my interview participants that a longer time frame would have made the institutions more stable and sustainable.

during the riots. Second, the incident demonstrated that ethnic tensions were still prevailing despite international support to bring ethnic groups together under a unified security force. Although members of ethnic minorities were able to receive training and a recruitment quota was enacted these measures failed to ease ethnic tensions. Third, the incident revealed the institutional failure of the international security forces to adapt to the changing nature of security from military or physical security to socio-economic security.

Several members of the local communities I interviewed in Kosovo said that the riots were fuelled by growing discontent among K-Albanians over their future in terms of employment and income, in addition to the pending political status of Kosovo. They had not seen improvements in their economic welfare even years after the arrival of internationals. While the K-Serbs and other minorities remained worried about their physical security and saw the presence of KFOR as their protection from Albanian extremist aggression, most of the K-Albanian population felt insecure in terms of economic opportunities (Welch, 2006, p. 231). The riots in Kosovo validated the idea that members of the population who feel that their basic needs are not met are most likely to disrupt the peacebuilding process (Newman, 2011, p. 1752).

CO-OPTING THE MEN WITH GUNS

UNMIK was mandated to demilitarize the KLA and other armed groups in Kosovo. An agreement was signed between NATO and KLA outlining the steps to be taken towards the cessation of hostilities and phased demilitarization and transformation of the KLA (NATO, June 20, 1999). The goals of the agreement were to prevent the KLA from transforming into a 'Kosovo Taliban'—a concern for the UN, NATO, and the US, to address short-term security threats, and to reintegrate them into civilian life (Di Lellio, 2005). In September 1999 the newly established KPC absorbed 5,000 of the 20,000 KLA members (Nelson, Johnson, & McCloskey, 2003, p. 12). The majority of the rest were successfully reintegrated back to civilian life through the reintegration programme of the International Organization for Migration (IOM). UNMIK entrusted the selection, recruitment, and

training of the KPC to IOM and KFOR (Di Lellio, 2005). Some of the demilitarized KLA members also became members of the KPS.

The IOM successfully conducted training courses and implemented programmes to provide employment and livelihoods for former KLA members. However, Ozerdem (2003) points out that the lack of labour market information prevented some of those who had undergone the training from fully utilizing their new or existing competencies. Training without labour market information left some former KLA members with uncertainties about finding employment.⁶⁷ Moreover, while the quota for minorities for the recruitment of security forces was praiseworthy, good and competent K-Serb candidates who used to work in the former Yugoslavia were eliminated from the process because the atrocities and oppression against K-Albanians committed by the Serbian government were automatically associated with K-Serbs as a whole, according to Keith Carr, a former US CivPol officer (personal communication, November 13, 2013). He also said that some K-Serbs refused to cooperate with internationally supported institutions dominated by K-Albanians, such as the KPC. Nevertheless, the training and quick transformation of a military force into a civilian organization were considered achievements in terms of fulfilling UNMIK's security mandate (Reinhardt, 2000).

In order to maintain stability UNMIK and KFOR had to work with those who might cultivate instability, specifically former KLA members, over moderate politicians such as Rugova and his party (Ker-Lindsay, 2012). The West collaborated with the "men with guns" for the sake of a "crude stability" that hampered inclusive and long-lasting peace (Wolfgram, 2008). This led to narrow representation in and dented the demilitarization process. For example, despite the hand-over of a number of heavy weapons and small arms by the KLA, and efforts to curb the flow of arms into Kosovo, there were still at least 22,000-30,000 weapons unaccounted for in 2003 (Khakee & Florquin, 2003, p. 14). A

⁶⁷ This shows the need to have a human resource development approach in addition to a security perspective in implementing reintegration programs (Ozerdem, 2003).

survey in 2006 revealed that at least 317,000 firearms were in the illegal possession of individual citizens and groups in Kosovo (SEESAC, 2006b, p. 3). In recent years the government has continued to discover, confiscate and destroy small arms and rifles ("Kosovo Turns Thousands," 2014). Despite international efforts during the transitional period, and the national progress in passing the Law on Weapons in 2009 and developing plans and policies to control and collect illicit weapons,⁶⁸ the threat from illicit weapons remains a problem that endangers the security and life of Kosovars (A. Gashi & Musliu, 2012, p. 18).

Kosovo has a history of gun culture. "An Albanian with a gun never fears anyone," is one of the many Kosovo proverbs that elucidates the importance K-Albanians give to guns as source of power, pride, and protection (SEESAC, 2006a, p. 6; Valiñas & Arsovska, 2012, p. 220). The gun culture in Kosovo gained more legitimacy after the KLA obtained international attention through weapons. When the KPC was established and absorbed KLA members it became a re-branded version of KLA because it carried a similar structure and organization (Ker-Lindsay, 2012, p. 397). The incorporation of KLA members into the KPC gave them the authority and legitimacy to continue bearing arms. Wolfgram (2008) argues that co-opting former KLA members into the KPC was a strategy for avoiding serious security consequences. Sidelining the military leadership of the KLA, who were considered heroes by majority of the population, would create instability and incite hostility towards the international presence. This allowed the KLA to dominate the government and consequently hampered the democratization of Kosovo's security sector.

Despite the co-option of former KLA members, it was only after the 2004 riots that UNMIK started considering local ownership of the security sector. From UNMIK's point of view, the security sector was successfully transferred to local actors by allowing KLA leaders to assume security responsibilities with less international control and fewer

⁶⁸ In 2013 the government published a 3-year strategic action plan to control and collect illicit weapons (Republic of Kosovo, 2013).

limitations than before. The KLA dominated the security sector, with the blessing of UNMIK, while moderate non-KLA voices and perspectives had no influence on the process. The incorporation of other local perspectives into developing the security sector was merely done to tick boxes, remarked Abit Hoxha, a Kosovo security sector expert (personal communication, November 27, 2013). He said that the approach was based on the preferences or priorities of international actors and the local population was barely consulted when implementing the projects. The priority of internationals was to calm the KLA and they did this by co-opting them without consulting civil society. This exemplifies an exclusive type of local involvement.

While it seems that UNMIK successfully transferred ownership of the security sector to former KLA members, UNMIK did not easily and quickly let its guard down. For example, although the KPS gradually took over policing responsibilities from CivPol, it remained answerable to UNMIK and not to the PISG (Dursun-Ozkanca & Crossley-Frolick, 2012, p. 239). Later on, although the Ahtisaari Plan for the settlement of Kosovo's status discussed the future of Kosovo's institutions, the security sector was not negotiated about, said Qehaja (personal communication, May 22, 2014). This top-down approach prevented the establishment of state-based oversight mechanisms in the security sector, which led to underdeveloped and undemocratic security institutions. Qehaja added that, even after the declaration of independence, the SRSG remained in authority over the security sector instead of allowing the Assembly and Parliament to take responsibility for its oversight. This was done to avoid prompting statehood for Kosovo in a way that might incite negative reactions from Russia. The strategy satisfied both the local demand for ownership and the Russian and Serbian demand not to recognize Kosovo's independence. It was only in 2014 that security sector reviewing took an inclusive bottom-up approach by soliciting the views of civil society, Qehaja said.

UNMIK involved local actors and incorporated local perspectives into rebuilding the security sector in Kosovo. However, the locals they worked with were limited to former

KLA members, who they feared might incite another round of conflict. Former KLA members continue to have significant legitimacy as they are considered heroes by the K-Albanians, and influence as they continue to hold arms.

PROTECTION FOR ETHNIC MINORITIES

Co-opting the KLA may have led to short-term stability until the 2004 riots but it also cultivated an environment for human rights violations against ethnic minorities at an alarming rate (Lorenz, 2000). K-Albanians see K-Serbs as their enemies and KLA members were considered heroes by K-Albanians because they fought against the Serbian forces. With institutions staffed with former KLA members, hatred and revenge against K-Serbs persisted, and human rights violations against them and other ethnic minorities became institutionalized because of the dominance of the Albanian ethnic majority in government structures. In 2008 Human Rights Watch identified the protection of minorities from violence and their poor living conditions as the most pressing human rights issues in Kosovo (HRW, 2008). The Serbian state's prejudices towards K-Albanians backlashed against K-Serbs after NATO intervened (Beurmann, 2008). The low number of minority group returns was a serious concern, and the aftermath of the 2004 riots saw large-scale human rights deprivations against non-Albanians with regard to life, physical integrity, and property (Friedrich, 2005, p. 266). The low number of returnees to Kosovo was due not only to discrimination but also to extreme poverty, social deprivation, political instability, and lack of assistance for their sustainable return (Troszczynska-van Genderen, 2010). Hundreds of thousands of minority group members are still in protracted displacement situations within Kosovo and Serbia, with limited available processes and assistance for them to return and enjoy full human rights (Derks-Normandin, 2014, pp. 7-8).

Although the overall security situation has improved, it is important to note that the perception of security is different for K-Albanians and K-Serbs. A UNDP survey conducted in 2013 reported that 62% of K-Albanians are generally satisfied with Kosovo's security institutions and generally feel safe to travel throughout the country, even in Serb-majority

municipalities, except for Mitrovica. On the other hand, only 16% of K-Serbs reported satisfaction with the security institutions (Hetemi, Duri, & Haskuka, 2013). K-Serbs generally feel safe to travel throughout the country except in areas heavily affected by the 1999 conflict, and feel hesitant to use Kosovo's public transportation. The other ethnic minorities did not report serious security concerns except for some who are in Mitrovica because of the overall tense security situation there (ECMI Kosovo, 2013). There are still occasional incidents of violence, particularly in the divided region of Mitrovica, between K-Albanians and K-Serbs (Derks-Normandin, 2014, p. 6). As described by Gazmen Salijevec, a Roma who researches minority issues in Kosovo:

You can now see Serbs walking around and buying from Albanian markets and people speaking Serbian. They have crossed that area of trust but there are still some places in Kosovo, in small towns and villages, where you need to be careful. Here in Pristina, it is okay, but I will not speak Serbian in the Djakova and Drenica regions where our [former] prime minister [Thaçi] is from. The government needs to emphasize trust-building and reconciliation. (Personal communication, May 27, 2014)

“The human rights discourse in Kosovo is perfect on paper but it is horrible in practice,” Salijevec added. For example, there are still integration problems, as manifested in several ethnic enclaves throughout the country, despite having a strong human rights emphasis in the Constitution. Minority ethnic groups feel unsafe living in communities dominated by other ethnic groups, and prefer to live and work alongside people coming from the same ethnic group. The composition and direction of the central government spill over to the local government and down to the communities, where ethnic minorities are discriminated against and do not have the same rights as K-Albanians (Salijevec, personal communication, May 27, 2014).

In 2006 Minority Rights Group International released a report concluding that the authorities in Kosovo, both international and local, had failed to provide protection for ethnic minorities (C. Baldwin, 2006). In addition to institutional problems, the report cited a lack of engagement with civil society as one of the reasons for this failure. Although financial support was available to local NGOs, this was not enough to sustain substantive and independent initiatives that benefitted ethnic minorities, the report stated. An example of a missed opportunity early on to ensure the protection of minorities was during the drafting of the Constitutional Framework, which was done behind closed doors by UNMIK and KFOR decision makers, and other international experts. A handful of Serbs were consulted but they were chosen by Belgrade, whose main agenda was to object to Kosovo's independence rather than to provide valuable inputs for minority protection (C. Baldwin, 2006, p. 27). Moreover, the early uncertainties over Kosovo's status sidelined policies aimed at promoting extensive human rights protection.

My fieldwork in Kosovo allowed me to glimpse the animosity and prejudices towards ethnic groups. For example, some of the K-Albanians I met associated criminality with K-Serbs and a lack of discipline with Romas. On the positive side, when I was visiting Prizren, a city in the south of Kosovo with a long history of ethnic integration, Musa Vezgishi, the founder of the Peace and Human Rights Council, a local NGO established to support reconciliation and integration processes, pointed out to me the K-Serbs who were freely walking the streets (fieldwork, May 17, 2014). Although this observation is far from being a manifestation of wide-ranging ethnic integration, this is a noteworthy difference compared to the situation in Mitrovica, where car owners remove their Kosovar government-issued plate numbers before they drive across the border to the K-Serb side, and K-Serbs remain cautious when crossing the border to the K-Albanian side. In December 2016 K-Serb authorities in Mitrovica started building a two-metre high concrete wall beside the bridge over the Ibar River. K-Serb authorities claimed that the construction was "purely

rhetorical and implies no aggression” but enraged K-Albanian officials ordered an immediate ban on the construction (Morina, 2016).

The long history of ethnic diversity and harmony in Prizren challenges recent policy frameworks for decentralization, which include establishing autonomous municipalities dedicated to K-Serbs (Law Nr. 03/L-040). According to McKinna (2012), international organizations and the government of Kosovo should be aware that while the decentralisation policy echoes a determined aspiration towards multi-ethnicity, policies that prioritize stability and separation over multi-ethnicity will only result in greater isolation of ethnic groups from each other. Policies such as this must be carefully considered in the context of Kosovo since decentralisation, which is seen to be a bottom-up approach, is often peddled as a strategy for conflict resolution and peacebuilding (World Bank, 2011; see also, Brancati, 2006; Crawford & Hartmann, 2008; Kälin, 2004). Instead of being a multi-ethnic state, Kosovo is heading towards becoming a group of ethnically homogenous enclaves (McKinna, 2012). Even though there is still a lot to be done in the areas of education, health, and employment, Prizren is an outstanding example and inspiration for the rest of Kosovo about the possibility of having a multi-ethnic society that respects human rights for all.

OUTCOMES OF UNMIK’S SECURITY MANDATES

Table 6 summarizes the outcomes of UNMIK’s security mandates. Kosovo is an exemplar case of how exclusive local involvement despite the rebuilding of local security institutions cannot sustain long-term peace, as manifested in the 2004 riots. UNMIK failed to fulfil its mandate to provide security and protection for all despite its strong rhetoric and the institutionalization of this rhetoric into security institutions. The security situation improved after 1999 but not equally among communities. Keith Carr, a US CivPol who was deployed in northern Mitrovica, observed that the security situation there was unfair during the transitional period. Although security was improving for K-Albanians, security remained unstable for K-Serbs (personal communication, November 14, 2013). While K-Albanians

have shifted their security concerns to economic terms, the other ethnic minorities, specifically the K-Serbs, still feel physically insecure in areas dominated by K-Albanians. On the other hand, it must be noted that K-Albanians feel the same way in Serb-dominated areas. For example, K-Albanians avoid crossing the border to northern Mitrovica for fear of being assaulted. Therefore, the presence of international security forces remains essential for Kosovo as freedom of movement, especially of ethnic minorities, is still highly dependent on the security provided by internationals (McKinna, 2012, p. 19).

Table 6. Assessment of UNMIK's security mandates

| Security component | UNMIK's mandate | Institution-building | Local involvement | Result | General Assessment |
|---|-----------------------------------|-----------------------------|--------------------------|---|---------------------------|
| Protection for all | Protection for ethnic minorities | Yes | No | Although overall security has improved, ethnic minorities still feel insecure and marginalized | Failed |
| DDR | DDR of KLA | Yes | Yes | Most KLA members were demilitarized, demobilized and reintegrated either back to civilian life or to KPC or KPS | Successful |
| SSR/Rebuilding of local security forces | Rebuilding of local armed forces | Yes | Partial | KPC was established but unprepared to handle the 2004 riots | Partially successful |
| | Rebuilding of local police forces | Yes | Partial | KPS was established but unprepared to handle the 2004 riots | Partially successful |

For the DDR process of the KLA institutions were built and local actors were consulted and involved early in the process. The IOM's programme was inclusive and fully engaged the KLA, thereby avoiding "the creation of marginal and disgruntled groups" (Di Lellio, 2005, p. 11). Former KLA members were successfully reintegrated back into civilian life or to either KPC or KPS. The international responsibility to provide security and protection was later transferred smoothly to local institutions. However, the rebuilding of local security forces was only partially successful, as illustrated by the persistent threat of illicit arms and the unpreparedness of the newly built security institutions, in addition to the failures of international security forces, to address the 2004 riots and the causes that led to it. Moreover, the co-option of KLA members led to the dominance of K-Albanians in the security institutions and the disenfranchisement of K-Serbs, especially in the KSF. Although this approach produced stability, it also raised issues about the democratization of the security sector and sustained ethnic representation in the security institutions.

PURSUING JUSTICE AND RECONCILIATION IN KOSOVO

CONTEXTUAL BACKGROUND

[Serbs] are murderers! You can see it on their faces. (K-Albanian, personal communication, May 29, 2014)

I won't even try speaking Serbian in places dominated by Albanians. Because of the presence of the international organizations here in the capital, I feel safe. But in other parts of the country, I will be extra cautious. (K-Serb, personal communication, May 27, 2014)

The above sentiments paint a picture of a country far from being united. The divided province of Mitrovica and the animosity between K-Albanians and K-Serbs that still persists are glaring remnants of the past. Alleged war criminals hold important positions in the government and ethnic minority groups feel voiceless. Policies that promote ethnic

harmony are in place but mainly to fulfil the requirements set by international organizations. These policies are only on paper and there is little political willingness to effectively implement them (Beha, 2014). Moreover, politicians project themselves as defenders of their own ethnic group, thereby further increasing animosity and encouraging unfair treatment of other ethnic groups instead of promoting coexistence (Simonsen, 2005, p. 299).

This section demonstrates that justice and reconciliation are weakly pursued in Kosovo. Institutions were established to address war crimes but political interference, ethnic tensions, and conflicting approaches challenged the institutions' legitimacy and effectiveness. There is neither sufficient political willingness nor pressure from civil society to deal with the past. This section points out the limits of institutions of justice and the pitfalls of local involvement in those institutions. To compensate for UNMIK's shortcoming in fostering reconciliation, this section presents prospects for reconciliation that could be explored or strengthened by international, regional, and local actors.

CUSTOMARY LAW AND HYBRID COURTS

Some of the internationals I interviewed cited the *kanun* as the reason for Kosovo's violent history. The *Kanun of Lekë Dukagjini* is a body of traditional Albanian customary law that governs the social norms and conventions of Albanian life. Lekë Dukagjini was an Albanian prince who ruled northern Albania, including Kosovo, in 15th century (Tarifa, 2008). The traditional justice of K-Albanians is based on the *kanun*, which is largely interpreted as 'blood for blood' or blood feuds. During the time of communist rule in Albania, from 1944 to 1991, the *kanun* was outlawed and the number of revenge killings decreased (Sadiku, 2014, p. 89). With the decline of communism in Albania, and the weak rule of law in Kosovo during the war, blood feuds resurfaced and the *kanun* was often modified and re-interpreted in more violent and exaggerated ways (Arsovska & Craig, 2006, p. 236; Littlewood, 2002, p. 90). The *kanun* is a unique Albanian expression of morality based on justice, honour, and respect but what was stifled in the interpretation of

this customary law was the emphasis on mediation, pardoning, and reconciliation. The *kanun* specifies that a killing can be paid for either by blood or through mediation and pardoning (Valiñas & Arsovska, 2012, p. 190). The Serbs in Kosovo also used these informal mechanisms of mediation and reconciliation to resolve conflicts and avoid blood revenge (Nikolic-Ristanovic, 2012, p. 170).

UNSC Resolution 1244 made no mention of the words justice and reconciliation and there was no mandate specifically related to them. However, agencies were created under UNMIK to address crimes committed during the Kosovo War.⁶⁹ Pillar III of UNMIK, led by the OSCE, ensures the independence, impartiality, and accountability of Kosovo's justice system, particularly in cases involving ethnic, gender and community discrimination, through monitoring, reporting, and providing assistance in implementing legislation in accordance with rule of law standards (OSCE Mission in Kosovo).

The Kosovo War left behind a judicial system in ruins and a society without law and order. Most of the K-Serb lawyers who served in the former Yugoslavia had fled or refused to cooperate with UNMIK. Most of the K-Albanian lawyers had not yet returned or been identified at the start of UNMIK's mission, and some were inexperienced as Serbia had previously forced them out of the judicial institutions (KCSS, 2011, p. 6). UNMIK established a hybrid justice system comprised of international and national judges and prosecutors, with domestic courts applying municipal laws with respect to international human rights law, investigating violations of international law, prosecuting those responsible, providing reparations to victims, and restoring the rule of law (UNMIK/REG/2000/6, 2000; UNMIK/REG/2000/64, 2000; UNMIK/REG/2001/8, 2001). By prosecuting lower profile offenders the system complements the work of the ICTY. The ICTY was established in 1993 to deal with war crimes committed in the former Yugoslavia during the 1990s conflicts.

⁶⁹ For a historical outline of the re-establishment of Kosovo's judicial system since the arrival of UNMIK, see KCSS, 2011.

Following Kosovo's declaration of independence, UNMIK and OSCE handed the bulk of their functions to EULEX.⁷⁰ EULEX deals with ongoing cases related to war crimes, terrorism, organised crime and high-level corruption, and other serious crimes. It has executive powers to investigate and prosecute serious and sensitive crimes. EULEX judges and prosecutors are embedded in Kosovo institutions and serve in accordance with Kosovo law, and the panels consist of a majority of international judges. The mandate of EULEX was extended in 2010 (Council Decision 2010/322/CFSP, 2010) and again in 2012 (Council Decision 2012/291/CFSP, 2012) to reflect the downsizing of its staff and restructuring of its divisions. In 2014 the mandate was again extended until June 2016 with further reductions in staff and the re-composing of panels to obtain a majority of national judges (Council Decision 2014/349/CFSP, 2014). The plan is to gradually hand over competencies to the Kosovo judicial system.⁷¹

WAR CRIMINALS OR WAR HEROES?

The outcomes of addressing war crimes in Kosovo did not live up to the high rhetoric of the international community about justice and reconciliation and the substantial resources poured into it. Zaum (2013) has noted that out of 1,200 possible cases of war crimes, only 37 individuals have been tried under UNMIK. EULEX dismissed the 500 cases it inherited from UNMIK due to insufficient and improperly obtained evidence and has conducted 15 trials so far. Even in the ICTY, the number of cases related to Kosovo is very minimal.⁷²

The most controversial limitation of institutions related to justice in Kosovo, with a far-reaching impact, is the way in which the ICTY and UNMIK have implemented conflicting approaches. Similarly to Cambodia, the selection of suspects for trials in Kosovo is highly politicized. The difference is that the ICTY has actually conducted trials of high-level politicians in Kosovo, while the ECCC in Cambodia has not attempted to try suspected war criminals from the current ruling party. This can be considered as progress in

⁷⁰ UNMIK maintains the Rule of Law Liaison Office for functions EULEX and Kosovo institutions cannot exercise, for example, facilitating relations with states that do not recognize Kosovo's independence (Ozerdem, 2003).

⁷¹ For details on EULEX mandate, see EULEX, n.d.-a, n.d.-b.

⁷² For an updated list of cases, see <http://www.icty.org/en/action/cases/4>.

terms of transitional justice. However, UNMIK decided to support the politicians that the ICTY indicted and provided them with protection during the trials. ICTY's pursuit of criminal justice negatively affected UNMIK's goal of establishing stability, and vice versa (Lyck, 2007). This was exemplified in the case of the ICTY's indictment of former prime minister Ramush Haradinaj.

In 2005, at the height of talks about Kosovo's final status, the ICTY indicted Haradinaj for war crimes and crimes against humanity that he committed during the Kosovo War (ICTY, March 4, 2005). Haradinaj, a former KLA member and the prime minister of Kosovo at that time, stepped down and submitted himself to custody. Risks of violence and popular unrest in Kosovo then intensified as Haradinaj is considered a war hero by K-Albanians and his indictment could have delayed the status talks ("Talk of Haradinaj," 2005). Despite international intelligence reports that Haradinaj was responsible for war crimes, crimes against humanity, and organized crime, UNMIK protected and supported Haradinaj and emphasized his contribution to the rebuilding of Kosovo, specifically in fulfilling the conditions for Kosovo's final status ("UN Administrator Urges," 2005). In 2006, the ICTY reported to the UNSC that UNMIK's unsatisfactory cooperation with regard to the indictment of Haradinaj discouraged potential witnesses. It also reported that UNMIK's negligent handling of witnesses had led to a loss of confidence in the system's ability to protect them. The ICTY also expressed dissatisfaction with UNMIK's deliberate obstruction of access to relevant documents (S/2006/353, 2006).

In 2008 Haradinaj was acquitted but a retrial was passed and in May 2012 he was acquitted of all counts of indictment (ICTY, November 29, 2012). Haradinaj is only one of several former KLA members who have faced allegations of war crimes and been indicted by the ICTY. Included in his indictment were Idriz Balak (commander) and Lahi Brahimaj (deputy commander) who were both acquitted. In 2003, four former KLA members—Fatmir Limaj (commander), Haradin Bala (prison camp guard), Isak Musliu (prison camp commander), and Agim Murtezi—were indicted for war crimes and crimes against

humanity (ICTY, March 4, 2005). Murtezi's indictment was dropped after a case of mistaken identity (ICTY, 2003). Limaj and Musliu, both commanders, were acquitted of all charges, while Bala, a prison camp guard, was found guilty and sentenced to 13 years of imprisonment (ICTY, November 30, 2005). Whether Bala was a scapegoat in this series of ICTY cases while higher-ranking KLA officers and Kosovar politicians had more support and protection from UNMIK is a matter of speculation.

The ICTY repeatedly singled out UNMIK for its non-compliance and non-cooperation during the 2003 Limaj et al. and 2006 Haradinaj et al. indictments. However, since both UNMIK and ICTY are multinational administrations authorized by the UNSC, methods of bringing about compliance traditionally applied to member states were ineffective (Lamont, 2010, p. 161). UNMIK's priority was the maintenance of stability in Kosovo, especially after the 2004 riots and amidst the ongoing talks on Kosovo's future status. It successfully preserved stability in Kosovo by partnering with and protecting former KLA members. However, UNMIK also undermined its liberal mandates and the pillars of liberal peacebuilding by failing to comply with international law, uphold human rights, and promote democratic institutional processes. Instituting a judicial mechanism for the purpose of political leverage weakens not only the mechanism's credibility but also the confidence of the people on the rule of law that may continue after internationals leave.

Another prominent political figure associated with war crimes is Hashim Thaçi, the current president and former prime minister of Kosovo. He denied allegations by the Council of Europe (CoE) of his involvement in organised crime regarding trafficking organs, weapons, and drugs (Bytyci, 2010; Lewis, 2011; Marty, 2010). However, his election as president of Kosovo will not make him immune to prosecution, warns the chief prosecutor of the EU's Special Investigative Task Force (SITF) (Collaku, 2016). The SITF was established by EULEX, with the support of 27 EU Members, to investigate CoE allegations of war crime and organized crime in Kosovo (SITF, n.d.). In June 2016 the

mandate of EULEX was again extended until June 2018 to support this recent development (Council Decision 2016/947/CFSP, 2016).

COURTS AS VENUES FOR REVENGE

The most serious limitation to the involvement of local lawyers and judges in UNMIK courts was the issue of impartiality in pursuing justice. A legal system monitor observed that during the early years of UNMIK there were local lawyers and judges who were not intentionally biased but whose decisions were tainted by emotions (K9, personal communication, November 8, 2013). He also added that there was a simplification of proceedings, which was ‘Albanians versus Serbs.’ This became a pattern that greatly affected the collection and use of evidence. The personal and emotional biases of local lawyers and judges and their insufficient experience in using forensic evidence resulted in prejudiced decisions, as demonstrated in his following statements.

There were serious cases of misconduct like releasing a defendant who was charged with the murder of four or five Serbs. There were eyewitnesses and sufficient evidence against him. But he was released after a very hasty proceeding by a judge who was obviously acting biasedly and breaking the procedures. It was a decision made by two panel members instead of three. They were in such a hurry to release this person who was a senior KLA fighter. (K9, personal communication, November 8, 2013)

In one of his dealings with families of defendants, the legal system monitor recalled a striking incident mirroring the bias of the system:

It was from one of these groups of Serbs who was detained in the very last few days of the fighting when the [US soldiers] had already moved in to the country. Obviously, [these Serbs] had not been killing anyone. There were Albanians who were killed on the streets but it turned out that they were killed

by the [US soldiers]. But the [legal] machinery was prosecuting them because they were Serbs. (K9, personal communication, November 8, 2013)

UNMIK tried to address the issue by hiring more international lawyers and judges and changing the composition of the panel to contain a majority of internationals but their numbers still proved inadequate. There were improvements in the quality of the judicial system after the re-composition of the panels but it caused huge delays. The legal system monitor I interviewed added that this was a trial-and-error experience for UNMIK. It was good to learn from mistakes but the consequence was a delay in getting all these lessons into the system. He suggested that the UN should accept that this process takes time, and pushing for results simply because they want an achievement under their belt within a short time frame will just stunt the development of the judiciary (K9, personal communication, November 8, 2013).

UNMIK's incorporation of local lawyers and judges early in the process was commendable but it also exemplifies the pitfalls of local involvement. The locals were not technically or emotionally qualified to fulfil their duties without biases, specifically ethnic biases. As a result, the courts became venues for revenge. Betts, Carlson, and Gisvold (2001) point out that UNMIK should have first identified and trained local personnel, while competent internationals delivered judicial responsibilities, before integrating them into the courts (p. 384).

The ethnic composition of judicial courts was wholly K-Albanian as K-Serbs were either intimidated by threats and violence or refused to participate in UNMIK's activities (Hartmann, 2003, p. 5). In addition, UNMIK completely disenfranchised the K-Serb lawyers and judges who had worked in Kosovo under the former Yugoslavia, said Nora Ahmetaj, a K-Albanian who used to work in UNDP for the protection of human rights in Kosovo (personal communication, May 15, 2014). She argued that they may have served in a system under the former Yugoslavia but they were not necessarily against K-Albanians.

Further, since the conflict and Serbian oppression were still fresh in the minds of the people, the K-Albanian judges were always biased against K-Serbs. As a consequence, the outcomes of the court decisions were always discriminatory against K-Serbs and other ethnic minorities, and K-Albanian suspects were often released while K-Serbs committing similar offences were detained (Hartmann, 2003).

UNMIK also miscalculated the result of the security vacuum left by the Yugoslav forces. The challenges in Kosovo are rooted in its long history of ethnic competition over territory, and UNMIK failed to expect the extent of vengeance against Serbs. UNMIK falsely assumed that the violation of human rights would stop alongside the expulsion of the Yugoslav forces. “They failed to understand that many Albanians did not object to atrocities committed against ethnic Serbs in a historical culture of centuries of revenge,” Ahmetaj said (personal communication, May 15, 2014). This feeling of revenge was manifested in the re-establishment of Kosovo’s institutions, including the judicial system (Carolan, 2008, p. 26).

The hybrid nature of UNMIK courts proved challenging in practice. According to Perriello and Wierda (2006, p. 2), although UNMIK staffed the tribunals with local judges and lawyers there was no local involvement in designing programmes and implementing decisions. They also added that while the international presence filled the shortcomings of Kosovo’s judicial system and their local counterparts, it also hampered the development of long-term confidence in the domestic legal system. This was partly caused by the internationals’ failure to impart knowledge, particularly on human rights law, and to contribute to the development of domestic law (Cerone & C. Baldwin, 2004). As a result, the judgments of the courts were often “characterised by brevity (the average length of decisions is three to four pages), poor legal reasoning, absence of citations to legal authority, and lack of interpretation concerning the applicable law on war crimes and human rights issues” (OSCE Mission in Kosovo, 2002, p. 48).

JUSTICE OVERRULED

Another critical issue related to the lack of confidence in the judicial system is the ineffective witness protection programme. According to Ahmetaj, those who testify in the courts receive threats or are bribed (personal communication, May 15, 2014). She said that if a witness testifies against a former KLA member the community will say, “No, he is a commander; he would not have done that.” It is the community itself which rejects the values of justice, Ahmetaj added. Witnesses also feel vulnerable because there are no institutions to protect them since those who hold power in those institutions are the ones they are testifying against. Ahmetaj believes that this problem is a spillover from UNMIK’s decision to share power with the KLA.

The unstable security environment in Kosovo and UNMIK’s political considerations resulted in inconsistent policies that contradicted the values of human rights and the rule of law as expressed in UNMIK’s mandates (Chesterman, 2002a, p. 6). It was a slow experiment in what worked and what did not work, and repairing the damage and applying remedies as the mission went on. However, Hartmann (2003, p. 13) reasons that to establish a judicial system in a post-conflict society with issues of local competence and the possibility of acts of revenge, such as in Kosovo, it is better to have immediate and bold international participation instead of incremental and crisis-driven actions. Instead of showing commitment to the liberal ideals of justice and human rights, UNMIK ensured the stability of Kosovo by protecting alleged war criminals, who also emerged as politicians during the 1999-2008 transition.

The challenges that come with post-conflict peacebuilding predictably put international administrations like UNMIK into a dilemma: how can they establish peace and security and pursue justice in accordance with international standards and obligations while respecting local aspirations and ensuring their participation in the process? It is a balance that is difficult to strike but a balance that can be achieved nonetheless if justice is pursued for all ethnic groups and not just for a few influential political groups. Otherwise, political

manipulation will continue to impede reconciliation, and unresolved ethnic divisions will continue to sway the country's political direction at the cost of the rights of ethnic minorities.

The formal justice offered by the ICTY and the UNMIK courts has been mainly retributive, with a focus on the perpetrators and their punishment rather than on the victims and their compensation. Achieving restorative justice, however, is more challenging in the case of Kosovo compared to Cambodia because the conflict was ethnically motivated and the parties to the conflict do not live within the boundaries of Kosovo or even within the same communities (Stovel, 2006, p. 199). Reconciliation between K-Albanians and K-Serbs is hampered by their sense of victimhood and own versions of truth.⁷³ According to a UNDP survey carried out in 2007, though, respondents in Kosovo see the importance of non-material forms of reparation, such as rehabilitation and re-socialisation programmes and recognition of victims, in addition to material forms of reparation (UBO Consulting, 2007, pp. 152-153; UNDP, May 2007 in Zyberi & Černič, 2015). Unfortunately, there is no clear direction yet on how the Kosovo government will provide reparations to victims of war crimes that protect the rights of victims and at the same time promote inter-ethnic reconciliation (Zyberi & Černič, 2015, pp. 56-57).

PROSPECTS FOR RECONCILIATION IN KOSOVO

Since no specified mandates or activities were undertaken by the UN with regard to reconciliation, this section explores the prospects for reconciliation in Kosovo at several levels. The discussion in this section supports the argument that local initiatives or bottom-up approaches may supplement the shortcomings of liberal institutions or, in this case, a lack of top-down approaches to reconciliation.

At a regional level NGOs and civil society in post-Yugoslav countries started a campaign to establish a Regional Commission for Establishing Facts about War Crimes and

⁷³ This is true not only in Kosovo but also in the rest of the Balkan region since the countries in this region have their own understandings of reconciliation based on their cultural and religious backgrounds.

Other Gross Violations of Human Rights Committed on the Territory of the Former Yugoslavia (RECOM). The RECOM initiative was launched in 2006 and conducted several roundtable discussions, including a comprehensive social debate attended by 6,700 representatives. “[It] calls all post-Yugoslav countries to jointly establish [the RECOM] and determine the facts important for the history and for the future of the whole region of the former Yugoslavia, facts that will be equally acceptable to all former warring parties” (Initiative for RECOM, 2015b). This initiative received support from the political leaderships of Macedonia, Montenegro, Croatia, and the European Parliament, inviting other countries to follow suit.⁷⁴

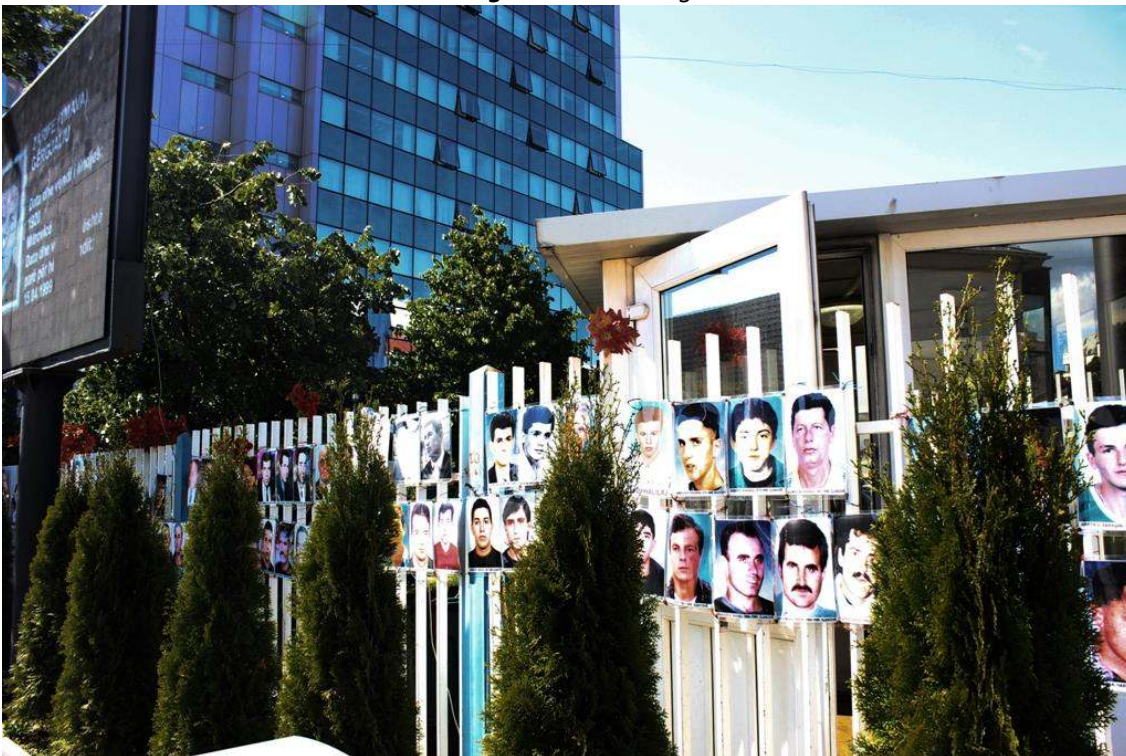
Kosovo is either noncommittal or outright opposed to RECOM—an irony considering that the Coalition for RECOM which conducted the comprehensive social debate was established during the Fourth Regional Forum for Transitional Justice held in Pristina. According Di Lellio and McCurn (2013), many K-Albanians perceive cooperation with a regional body such as RECOM as equivalent to cooperating with the perpetrator, Serbia. They also note that RECOM is neither a grassroots initiative nor a top-down project because of the divergent power structures and differing local ways of countries and communities when dealing with the past. Victims who have participated in the debates have proved to be “far from homogenous, highly opinionated, political, divisive, and unyielding” (Di Lellio & McCurn, 2013, p. 143). RECOM, therefore, is a form of hybrid initiative for reconciliation that requires a symmetrical relationship between regional and local actors.

Another regional-level initiative is the documentation of war crimes and human rights violations in the former Yugoslavia spearheaded by the Humanitarian Law Centre. The first volume of the Kosovo Memory Book was launched in September 2011 and contains a database of those who were killed or went missing in Kosovo from January 1998 to December 2000. The Centre stated that “for the first time in the history of the Balkans, figures are replaced with names. This will prevent manipulation, minimization or

⁷⁴ For more information and updates about RECOM, see <http://www.recom.link/>.

exaggeration. Each story in the book corresponds to the life of the person it refers to” (Humanitarian Law Centre and Humanitarian Law Centre Kosovo, n.d.). The Kosovo Memory Book is a form of nonmaterial reparation that recognizes and humanizes victimhood, and bequeaths identity and dignity to victims. Nonmaterial reparation of this kind should be further pursued, not only on a regional and national level but also within communities.

Image 6. The missing



Note: Photographs of people who went missing surrounding the Kosovo War are displayed in Pristina.

At the national level, reconciliation among ethnic groups appears dreary, at least in the near future. There is no strong grassroots-level support for transitional justice in Kosovo, Zupan (2006) observes. She argues that the international presence impedes genuine local processes from developing because NGOs working in the field of transitional justice are negatively perceived by some groups in the local population as mere pawns of the international community. Zupan adds that civil society is divided along ethnic lines and by their differing views on the means of reconciliation. This division can be traced back to the emergence of Kosovo’s civil society. Ethnic homogeneity and segregation were attached to the practices of civil society as a response to Serbia’s repression during the

1980s and 1990s, when K-Albanians arranged parallel structures while K-Serbs dominated state administration (Devic, 2006). Furthermore, the need to address war crimes was overshadowed by political and economic issues, leaving Kosovo without ‘agents of reconciliation’ (Edgar, 2010, p. 17).

At the level of communities and individuals there is still a lot of work to be done. To reconcile with the past it is necessary to establish the truth about what happened in the past (Loyle & Davenport, 2016; Truth and Reconciliation Commission of South Africa, 1998, p. 306).⁷⁵ According to an opinion poll conducted by the UNDP in 2012, though, there is no narrative that is acceptable to both K-Albanians and K-Serbs regarding who are the victims and who are the perpetrators. For K-Albanians, the Yugoslav Army, Serb police, and Serb paramilitary are accountable for war crimes; for K-Serbs, it is the NATO forces and the KLA (Dumnica, Neziri, & Rogova, 2012). Another opinion poll conducted the following year revealed that 72% of K-Albanians and 38% of K-Serbs believe that interethnic relations remain tense, without improvement, and more than half of the respondents expressed unwillingness to live and work with those from outside their own ethnic group (Hetemi, Duri, & Haskuka, 2013, pp. 18-19). Ethnic communities perceive the history of Kosovo’s conflict differently and, to echo Burema’s (2012) warning, “if the past remains divided there is little hope of building a shared future” (p. 17). The difference in narratives between K-Albanians and K-Serbs indicates the necessity for truth-seeking mechanisms in Kosovo because this difference is the largest obstacle to reconciliation.

Kosovo is essentially a multi-ethnic state facing issues overridden by ethnic tensions, and therefore requires institutions and approaches that address its multi-ethnicity. Here, the role of the international community becomes crucial in encouraging and supporting truth and reconciliation efforts (Sverrisson, 2006). However, K-Albanian elites and officials are considered the counterparts of the internationals and thus dominate the peacebuilding process, while K-Serbs and other ethnic minorities feel disenfranchised. It

⁷⁵ For an alternative view regarding the role of forgetting, see for example, Anderson, 1983/1991; Shaw, 2005.

may be unintentional but “the internationals have become complicit in building a majoritarian and ethnicized peace” (Franks & Richmond, 2008, pp. 98-99). The frameworks applied and institutions built in Kosovo by internationals have perpetuated ethnic tensions and, consequently, overshadowed the prospects for reconciliation.

The institutions of justice coupled with limited local involvement undermined the liberal rhetoric of the international community regarding respect for international law and the promotion of human rights. International and local actors weakly pursued justice and reconciliation in Kosovo. UNMIK incorporated locals into rebuilding the judicial system but this resulted in a flawed and biased delivery of justice and a homogenized society dominated by an ethnic majority in which other ethnic groups are marginalized. Moreover, while the long history of ethnic division hampers reconciliation, it is the reinforcement from internationals, specifically their politicization of justice and their narrow and outdated interpretation of Kosovo’s traditional forms of justice, that allow this division to persist until today. As a solution, some of my interview participants recommended education as the only key to long-term justice and reconciliation. One of them said:

[The altering of the justice system] is not a process to be performed in a short time; it is a matter of changing society and this has to be done from the inside. It may have to do with the education of the next generation and with the replacement of the older generation. (K23, personal communication, May 21, 2014)

PROMOTING DEVELOPMENT IN KOSOVO

CONTEXTUAL BACKGROUND

Before the start of the Yugoslav Wars in 1991 Kosovo underwent a series of economic reforms to give enterprises more independence from state control and to maximise the benefits of market mechanisms (Pejovich, 1966). The former Yugoslavia had a mixed socialist and market economy, which Pejovich (1966) extensively covered in his book on

Yugoslavia's market-planned economy. Basically, Yugoslavia's mixed economy meant that properties and enterprises were not state-owned but rather socially-owned, meaning that elected councils of workers had access to decision-making and workers could get a share of profits as an incentive to work harder and better. However, despite being a socialist country, unemployment was a major issue in the former Yugoslavia, which baffled political economists and for some was one of the underlying causes of its disintegration (for example, Woodward, 1995). The economy was also characterized by high foreign debt, a trade imbalance with high import dependence, high inflation, and declining real income (Primorac & Babic, 1989, p. 211).

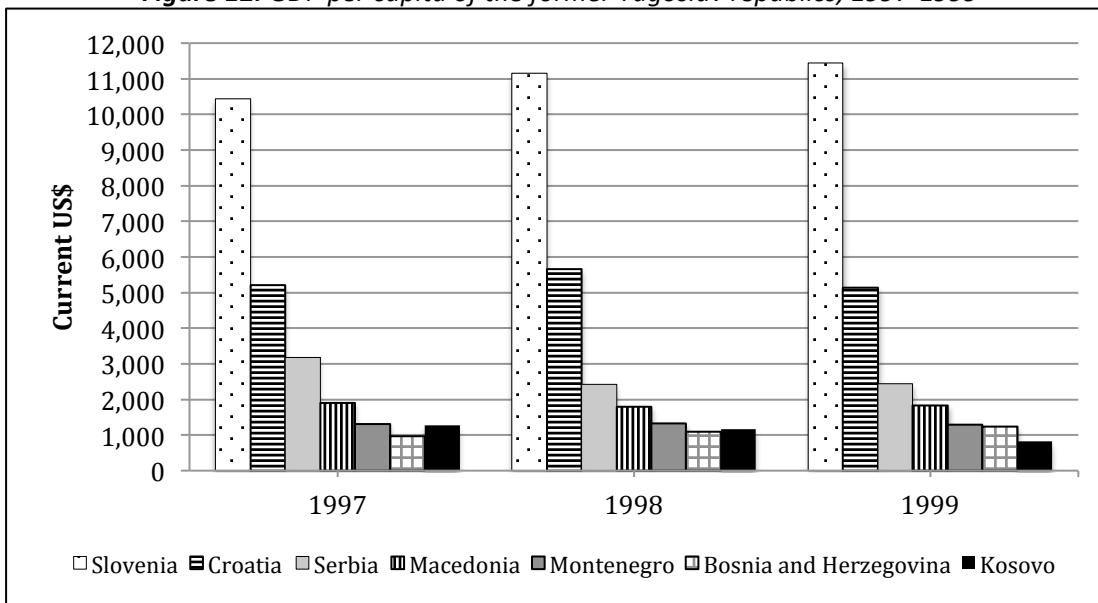
The Yugoslav republics had wide variations in levels of development, such that when the country collectively faced the issue of rising unemployment, smaller economies or provinces, such as Kosovo, bore the brunt of the consequences of this economic downturn. Of all the regions in Yugoslavia, Kosovo had the highest unemployment rate. In 1990 Kosovo's unemployment rate of 38.4% was more than twice the aggregated unemployment rate of Yugoslavia as a whole, which was 15.9% (see Table 7). It was one of the poorest regions and, because of the short but devastating Kosovo War, it remained poorer than the other former republics (see Figure 12). Economic surveys (for example, "Yugoslavia: Kosovo Economy," 1998) of available data before 1999 reveal that Kosovo's economy was generally isolated, with its trading output coming from the rest of Yugoslavia. Due to insufficient economic opportunities in the official economy and public sectors, the black market was as large as its official economy and supported to a large extent by financial inflows from abroad, mainly from migrant workers' remittances.

Table 7. Unemployment rate in the former Yugoslavia, 1960-1990

| | 1960 | 1965 | 1970 | 1975 | 1980 | 1985 | 1990 |
|-------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Yugoslavia | 5.5 | 6.6 | 8.5 | 11.6 | 13.8 | 16.3 | 15.9 |
| LESS-DEVELOPED REGIONS | | | | | | | |
| Bosnia-Herzegovina | 4.2 | 5.2 | 7.4 | 12.9 | 16.6 | 24.4 | 20.6 |
| Macedonia | 11.5 | 15.6 | 21.9 | 26.8 | 27.9 | 27.6 | 22.9 |
| Montenegro | 6.1 | 5.7 | 8.3 | 17.3 | 17.5 | 24.6 | 21.6 |
| Kosovo | 15.4 | 18.0 | 32.3 | 30.7 | 39.0 | 54.2 | 38.4 |
| DEVELOPED REGIONS | | | | | | | |
| Slovenia | 2.0 | 1.4 | 3.1 | 1.5 | 1.4 | 1.8 | 4.8 |
| Croatia | 5.6 | 5.6 | 4.9 | 6.0 | 5.7 | 7.9 | 8.6 |
| Serbia | 6.1 | 7.8 | 10.7 | 15.1 | 19.4 | 20.2 | 19.1 |
| Serbia proper | 6.2 | 8.4 | 9.9 | 14.6 | 18.9 | 17.4 | 16.4 |
| Vojvodina | 4.0 | 5.2 | 7.6 | 12.0 | 14.4 | 15.7 | 16.6 |

Data from Mencinger, 1989 in Woodward, 1995, pp. 383-384. Serbia proper or Central Serbia is the part of Serbia that did not include Kosovo and Vojvodina. Vojvodina has been an autonomous province of Serbia since the Yugoslav period and remains part of Serbia now. The unemployment rate is measured by the number of unemployed registered job seekers divided by the labour force (employed and unemployed).

Figure 12. GDP per capita of the former Yugoslav republics, 1997-1999



Data from World Bank, June 2016. GDP per capita is the sum of gross value by all resident producers plus product taxes and minus subsidies divided by midyear population (World Bank, 2016b).

Kosovo's landlocked area measures 10,910 square kilometres but this small land area relatively contains a wealth of natural resources. Mining and agriculture have been vital industries for Kosovo since ancient times. Fifty-three percent of Kosovo's area is agricultural land. Kosovo is also rich in mineral deposits of lignite, lead, zinc, silver, and copper, among others. Lignite, in particular, is highly valuable as it contributes to 97% of Kosovo's electricity (Independent Commission for Mines and Minerals, 2005; World Bank,

n.d.).⁷⁶ The Trepça Mines, located in the ethnically divided province of Mitrovica, was a socially-owned enterprise (SOE) that used to provide 70% of all Yugoslavia's mineral wealth and employed 20,000 workers. It was the most profitable corporation in Kosovo and one of the biggest companies in Yugoslavia. However, the mines did not benefit Kosovo as much as the other Yugoslav republics. This made the mines a subject of anti-Serbian and pro-Kosovan autonomy protests in the 1980s for the Albanian nationalist movement, which questioned Kosovo's economic lagging behind the rest of the country (Vukovic & Weinstein, 2002).

In general, this section covers the benefits of a market economy for tapping Kosovo's economic capital, as well as its perils as manifested in the economic inequalities among ethnic groups. Following a discussion of Kosovo's economic development indicators, the joint international and local efforts to provide healthcare, as an aspect of human development, is given attention in this section. The aim is to demonstrate how liberal peacebuilding with limited local involvement created inequalities in the provision of basic services, such as healthcare. The dominance of an ethnic group led to the disenfranchisement of ethnic minorities, not only in the rebuilding of the security sector and the pursuit of justice, as discussed in the previous sections, but also in the economic and human development of post-war Kosovo. While the ethnic majority benefits from the modest profits of liberal economy, security threats and ethnic discrimination still prevent some ethnic minorities from availing their share of these benefits.

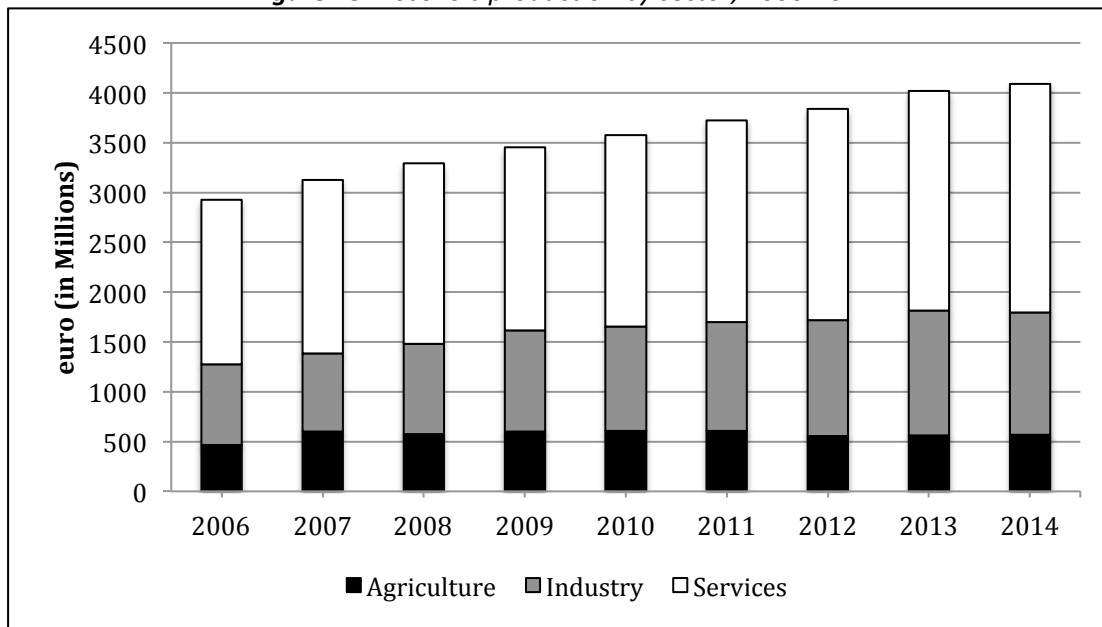
THE PROFITS AND PERILS OF LIBERAL ECONOMY

The war took a heavy toll on Kosovo's already weak and self-insufficient economy. There was severe damage to agriculture, industries, housing, and human capital (World Bank, 2015b). Agricultural land was left idle, and industrial and manufacturing sectors stopped production, so when UNMIK arrived economic activity was based on trading scarce goods

⁷⁶ International support for energy plants powered by lignite has been criticized because lignite "offers less energy and even more damaging to the environment than hard coal" (K. Johnson, 2016).

at high prices (S/1999/779, 1999). The impact of this continued in the following years as agricultural and industrial production declined or remained minimal despite Kosovo's potential for agricultural and industrial outputs (see Figure 13).

Figure 13. Kosovo's production by sector, 2006-2014



Data from World Bank, June 2016. Agriculture, industry, and services, etc. in constant LCU (in this case, euro) are value added to total production (IMF, 2016).

UNMIK's development mandate was aimed at stabilizing macroeconomic conditions, providing basic public utilities and services, and laying the foundations for private sector-led recovery and long-term growth (Mitra, 2001). UNMIK's Pillar IV- Reconstruction and Economic Development under the EU was responsible for fulfilling this mandate. The economic mandate of UNMIK was clearly rooted in liberal economy ideals as it promoted sustainable development of a market economy and regional integration through free trade agreements.

UNMIK's most significant achievement in terms of economic development was that it successfully provided foundations and capabilities enabling Kosovo to economically recover from the conflict through the establishment of economic institutions. According to Naegele (2010), UNMIK successfully transferred some economic competencies on formulating and implementing economic policies to the PISG (p. 202). A Central Fiscal Authority (CFA) was established to manage the Kosovo Consolidated Budget (KCB),

including tax collection and domestic revenue administration (p. 204). UNMIK also acted as the intermediary between Kosovo's institutions and other international and regional economic institutions to promote Kosovo's integration into economic arrangements and entry to free trade agreements, such as the free trade agreement with Albania and the Central European Free Trade Agreement. The KCB, foreign donations, and economic agreements helped fund and further the rehabilitation and reconstruction of Kosovo's public utilities and the provision of basic services (p. 205).

However, plans for economic reconstruction were stalled by uncertainties over Kosovo's future status. Perritt (2004) points out that because of this uncertainty restructuring of enterprises had no clear legal basis,⁷⁷ foreign investors were discouraged from investing in Kosovo, and Kosovo was excluded from regional initiatives and denied international representation (p. 261). He also adds that there was no sufficient legislation for economic development because the Kosovar politicians, and even UNMIK, were too distracted by negotiations about the future status of Kosovo (pp. 261-262).

One of UNMIK's mandates was to develop a private sector economy through the establishment of basic market institutions. To do that UNMIK's immediate priorities were the resolution of basic property rights issues, establishing banking and financial systems, creating regulations for monopolies and foreign trade, and setting up procedures for company registration. UNMIK privatized the SOEs that had been inherited from the socialist economy of Yugoslavia and were left lying idle because of the war. The SOEs were vital for augmenting declining foreign assistance and migrant remittances after the post-war reconstruction boom (Korovilas, 2006). To privatize and improve the economic activities of SOEs, the Kosovo Trust Agency (KTA) was established in 2002. KTA's privatisation peaked in 2005 and continued until 2007. The KTA reported that privatization of SOEs contributed to Kosovo's economic growth by "promoting the productive use of

⁷⁷ For more details about the legal conflicts surrounding the privatization of SOEs in Kosovo, see H. Gashi, 2011.

SOE assets and lands, promoting long-term investment in industry, creating new businesses and new real job opportunities, and promoting a growing private sector” (KTA, 2007).

The KTA successfully tendered 313 SOEs in the form of 551 new companies with accumulated sales reaching 11.5% of GDP in 2007 (Muhamet Mustafa et al., 2008, p. 5). The privatization of SOEs coincided with increased exports and GDP growth rates, since 44% of the companies were export-oriented (p. 6). However, despite positive reports, there were criticisms of the real impact and restructuring process of the SOEs. According to Korovilas (2006), SOEs are not economically viable for privatization as the cost of doing so is higher than the potential output, and those that have been privatized do not operate at full potential output. Another criticism is that the KTA did not involve the local civil society and Kosovar institutions that emerged from the first democratic elections in 2001 since the Constitutional Framework stipulated that ownership issues and ownership transformation should remain under the SRSG (RI Invest, 2002, p. 28; Wittkowsky, 2008, p. 4 in Naegele, 2010, p. 202). Most crucially, UNMIK’s privatization of the SOEs failed to take into account the ethnic divide in Kosovo. The process exposed ethnic minorities and returnees to further discrimination and exclusion from employment opportunities since the procedures and requirements for employment favoured the Albanian ethnic group (UNIJA-Federation of IDPs Associations, 2008, pp. 23-26).

Nevertheless, UNMIK’s presence provided avenues for Kosovars, at least for the ethnic majority, to engage in economic activities, according to Sanjeev Mishra, a UN Civil Affairs Officers previously in charge of finance, budgeting, and economic development in the province of Peja (personal communication, October 23, 2013). However, most of the population did not benefit from the modest improvement of Kosovo’s economy. Kurti explained that only those who already had an economic advantage were able to enjoy the benefits of the international presence in Kosovo (personal communication, May 12, 2014). For example, UNMIK employed locals, rented houses, and patronized businesses belonging to higher income households. Kurti also added that after UNMIK prioritized stability and

security during the first few years of its deployment the nature of the mission stagnated, instead of shifting its attention towards economic development as demanded by the people. As aforementioned, most of my interview participants believe that economic discontent fed the 2004 riots as the majority of the population had seen no economic improvement in their lives despite years of international administration.

From 1999 to 2008 Kosovo was fraught with poverty and unemployment despite international assistance. Economic reports published by international organizations within the period pictured dire economic situations. The World Bank reported in 2007 that there was an overall economic stagnation because of a lack of progress in improving living standards (Bellaa, Canoli, Deliu, Debalen, & Gueorguieva, 2007, p. i). Inequality between rich and poor and urban and rural populations was increasing (p. ii). Kosovo was also characterized by poor labour market conditions and inadequate social assistance (p. iii). In 2004, the year when the riots happened, 43.7% of the population lived below the national poverty line and unemployment was at 39.7%. In 2005 the poverty incidence in Mitrovica, the Serbian enclave in the north, was the highest of all the regions. From 2004 to 2005 poverty incidences for K-Serbs more than doubled and were higher than for K-Albanians. Other ethnic minority groups also experienced higher incidences of poverty than K-Albanians and the national rate. While it is easy to conclude that the liberal economy inevitably led to economic disparities, it is important to note that, because of the uncertainty of Kosovo's status, it was not able to reap the benefits of membership in international and regional economic cooperation. Moreover, the animosity between K-Albanians and K-Serbs contributed to this economic disparity as K-Albanians sought redress in the form of economic parity while K-Serbs perceived discrimination despite having more favourable returns (Bhaumik, Gang, & Yun, 2006, pp. 771-772).

Seventeen years after the start of UNMIK's mission, and eight years after Kosovo declared independence, Kosovo's economy is still dealing with the devastations of the war. It is considered one of the poorest countries in Europe, with 29.7% of the population living

below the national poverty line of €1.72 per day as of 2011⁷⁸ (see Table 8), and with a low economic growth rate of only 1.2% GDP per capita in 2014 (see Figure 14). There has been an increase in GDP growth since the start of the UNMIK mission but it has been accompanied by a volatile inflation rate and high levels of inequality (see Table 9).

Although the employment rate has modestly improved, unemployment remains high with more than a third of the population unemployed, pushing them to migrate to other European countries. Unemployment rates are also significantly higher for ethnic minority groups, specifically the Roma, Ashkali, and Egyptians (see Figure 15). Remittances from the diaspora serve as the backbone of Kosovo’s economy, in addition to foreign aid and domestic spending by international staff, which have helped to keep the economy afloat amidst recessions (World Bank, 2015b) (see Figure 16). From 2000 to 2003 foreign assistance amounted to €4.1 billion, more than double Kosovo’s 2003 GDP, and this did not include the salaries of internationals (Moalla-Fetini, Hatanpää, & Hussein, 2005). However, this dependency on foreign aid and remittances makes Kosovo’s economy volatile and unsustainable.

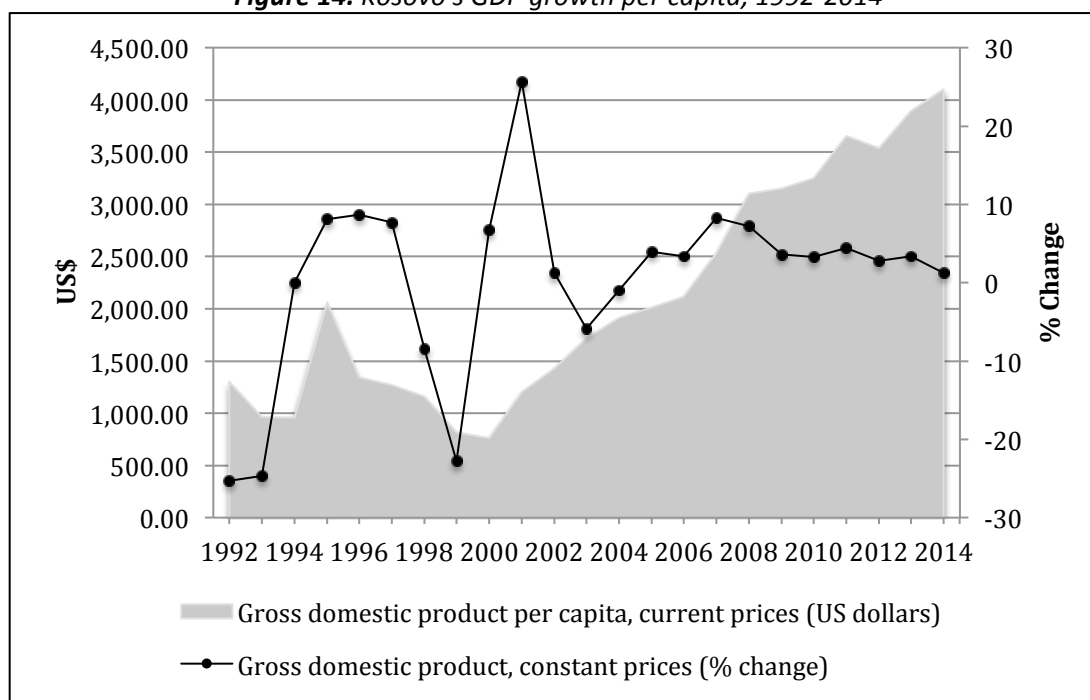
Table 8. Poverty headcount ratio at national poverty lines, Kosovo, selected years

| | 2003 | 2006 | 2009 | 2011 |
|----------|------|------|------|------|
| National | 37.7 | 45.1 | 34.5 | 29.7 |
| Rural | 34.4 | 49.2 | 35.3 | 31.5 |
| Urban | 46.6 | 37.4 | 33.1 | 26.7 |

Data from World Bank, June 2016. The poverty headcount ratio is the percentage of the population living below the national (country-specific) poverty lines (World Bank, 2016b).

⁷⁸ Based on the World Bank’s poverty threshold of \$5 per person per day (at purchasing power parities), 80% of Kosovo’s population lives in poverty.

Figure 14. Kosovo's GDP growth per capita, 1992-2014



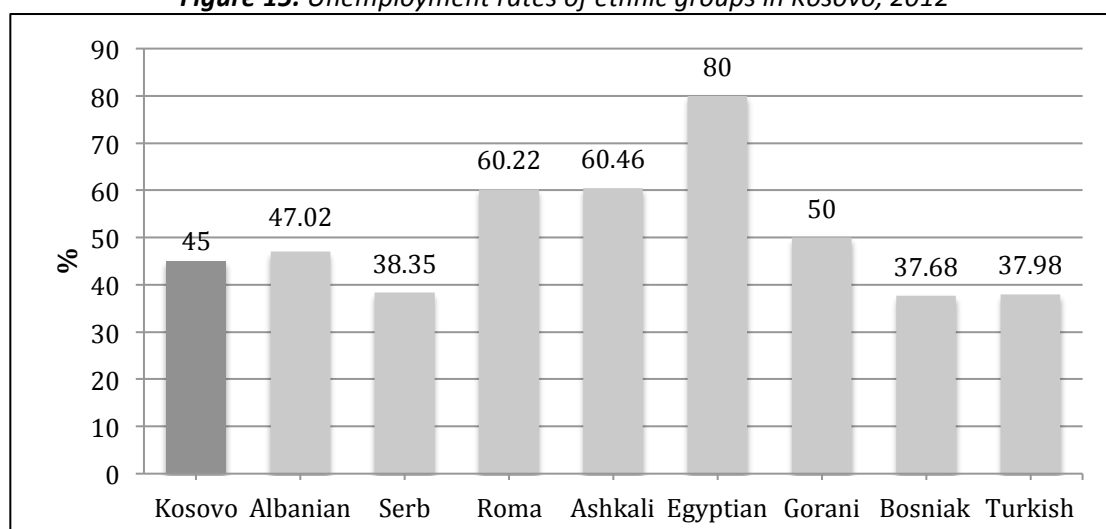
Data from World Macroeconomic Research, 1970-2014. GDP per capita (in current US\$) is gross domestic product (sum of gross value by all resident producers plus product taxes and minus subsidies) divided by midyear population. GDP percent change is the annual percentage growth rate of GDP at market prices based on constant local currency. (World Bank, 2016b)

Table 9. Kosovo's inflation rate and GINI index, selected years

| | 2003 | 2006 | 2009 | 2012 | 2013 |
|----------------|-------|-------|-------|-------|-------|
| Inflation Rate | 0.30 | 0.62 | -2.41 | 2.48 | 1.77 |
| GINI Index | 28.95 | 30.32 | 31.78 | 29.40 | 26.71 |

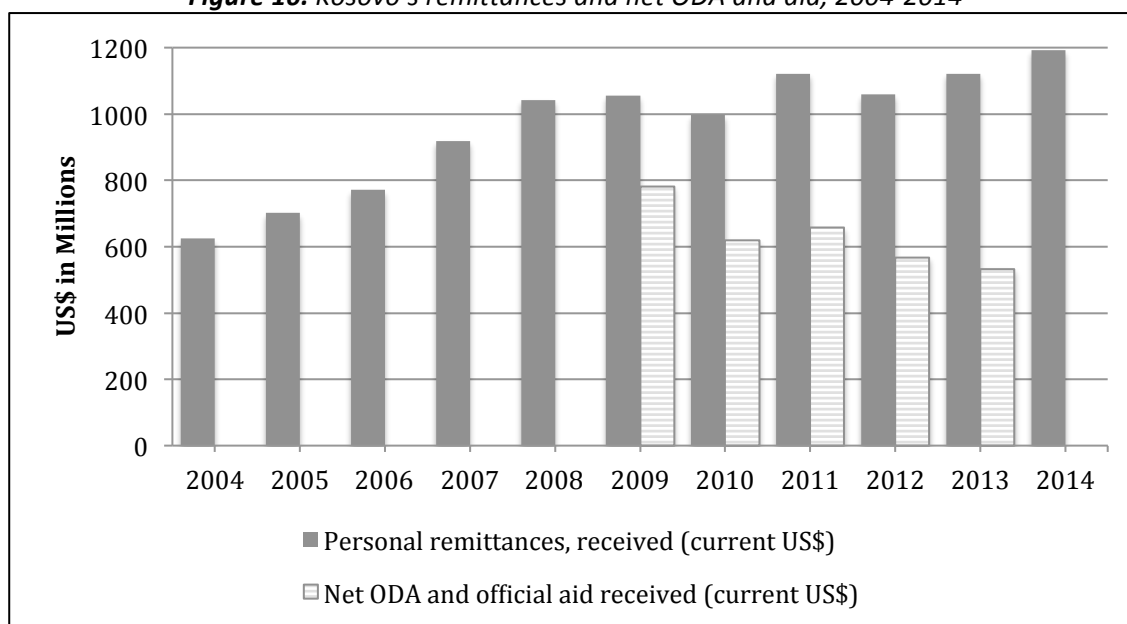
Data (inflation rate) from IMF WEO Database, April 2016 and (GINI Index) from World Bank, June 2016. The inflation rate of average consumer prices is the annual average percentage change to the average consumer of acquiring a basket of goods and services (IMF, 2016). The GINI index measures the distribution of income among individuals or households within an economy deviating from a perfectly equal distribution. A GINI index of 0 represents perfect equality while an index of 100 indicates perfect inequality. Kosovo's GINI index is a characteristic of many developing countries. (World Bank, 2016b)

Figure 15. Unemployment rates of ethnic groups in Kosovo, 2012



Data from UNDP, 2012. The unemployment rate is measured by the number of unemployed registered job seekers divided by the labour force (employed and unemployed).

Figure 16. Kosovo's remittances and net ODA and aid, 2004-2014



Data from World Bank, February 2016. Personal remittances received (in current US\$) comprise personal transfers (all current transfers in cash or in kind made or received by resident households to or from non-resident households) and compensation of employees (incomes of border, seasonal, and other short-term workers who are employed in an economy where they are not resident and of residents employed by non-resident entities). Net ODA (disbursement flows) and net official aid (aid inflows) from donors to countries included in the DAC list of aid recipients (in current US\$). (World Bank, 2016b)

LOPSIDED DEVELOPMENT: EXCLUSIVE HEALTHCARE PROVISION

During Kosovo's emergency humanitarian phase the World Health Organization (WHO), together with donors, coordinated with international and local actors to reform the health sector (Percival & Sondorp, 2010, p. 12; UN Kosovo Team, 2012). UN staff and a local counterpart jointly administered the Department of Health and Social Welfare, the predecessor to the current Ministry of Health. After the consolidation of the PISG, a local minister and a permanent secretary started managing the health sector with the monitoring and advice of a chief counsellor from UNMIK (Mybera Mustafa, Berisha, & Lenjani, 2014, p. 126). WHO then shifted back to its traditional role of advising local health authorities while continuing to address requests for emergency health interventions (UN Kosovo Team, 2012).

The health system became an arena for political rivalries, according to Percival and Sondorp (2010, p. 12). During the conflict Kosovo's health system deteriorated and only functioned under the informal parallel administration. This parallel administration, including the health sector, filled positions with former KLA members. When the moderate

LDK party won the municipal elections in 2001, however, political rivalry impeded the progress of reforms. According to Mustafa, Berisha, and Lenjani (2014), the reorganization of the healthcare system in Kosovo and the reforms pushed forward by the international community right after the conflict encouraged the establishment of health institutions and frameworks for healthcare provisions that are now integrated into the current structure of the government (p. 126). However, Ante (2010) argues that inefficient management and corruption resulted in low quality and inequitable delivery in healthcare services despite universal coverage. She explains that these problems, together with the decline in external financial assistance, have emasculated the sustainability of Kosovo's public healthcare and thereby affected the poorest of the population (pp. 262-263).

The transitional period exposed the lopsided provision of basic services due to bureaucratic gaps and the politicized atmosphere of development pursuits. The dominance of the K-Albanian political elites in state administration overlooked the ethnic dimension of the healthcare system. According to Bloom, Hoxha, Sambunjak, and Sondorp (2006), inter-ethnic problems in the healthcare system were not given enough attention because of the hasty hand-over of healthcare responsibilities from the international to local authorities, who were mostly K-Albanians (p. 434). Moreover, the politicians' preoccupation with the negotiations about the future status of Kosovo, as mentioned in the previous sections, stalled the development and implementation of policies to ensure healthcare for everyone. For example, they described how post-conflict inter-ethnic retaliatory violence discouraged K-Serbs from continuing their involvement in the reconstruction process, including in the health sector (Bloom, Hoxha, Sambunjak, & Sondorp, 2006, p. 431). When K-Albanians took over the administration, K-Serbs and other minority groups began to feel unsafe after reports of abuse and harassment in several healthcare institutions run by K-Albanians. Other ethnic minority groups, such as the Roma, Ashkali and Egyptians, prefer to seek service from Serbian controlled healthcare facilities. On the other hand, the Bosniaks, Croats, and Goranis have integrated into the post-conflict healthcare system.

In 2008 the Law On the Protection and Promotion of the Rights of Communities and their Members in Kosovo was passed, which comprises provisions for ethnic minorities to have equal political, economic, and social rights, including access to basic healthcare (Law No. 03/L-047, Art 10). The government also developed guidelines for health reform in order to achieve the MDGs. In 2014 the Law on Health Insurance was approved as the legal basis and framework for a mandatory health insurance scheme funded through general tax contributions and mandatory insurance premiums (Law No. 04/L-249). The implementation of these policies relies on sufficient funding but the health sector is under prioritized and underfunded. Reform and modernization of the health sector is slow and health sector indicators remain poor (World Bank, 2015a, p. 8).

UNMIK, together with other international agencies such as the WHO and the World Bank, was able to channel funds and put in place a policy framework for long-term reform and development of the health sector. However, issues of authority, mandate, and leadership hampered the advancement of these initiatives (Shuey, Qosaj, Schouten, & Zwi, 2003). The transfer of responsibilities from international to local authorities was overshadowed by inter-ethnic issues that should have been addressed earlier. While it is commendable to transfer responsibilities as soon as possible, insufficient and hasty preparation can also undermine the potential for reconstructing systems and institutions that can provide equal access to basic services. This shortcoming has resulted in lopsided development that benefits only those who are affiliated to the new local authorities while marginalizing those who are not.

CONCLUSION

UNMIK was as controversial as the NATO intervention that cleared the way for its establishment. The future political status of Kosovo influenced the structure and mandate of UNMIK as well as that of the other international organizations attached to it. Despite the comprehensiveness of UNMIK's mandate the mission's neutrality over the issue of

Kosovo's statehood hindered the pursuit of long-term goals and delayed responses to the needs of the local population other than those of the political elite. This virtue of neutrality cost internationals the influence, respect, and legitimacy they once enjoyed.

UNMIK's decision to co-opt the KLA led to the successful reintegration of former KLA members back into civilian life. Some were able to obtain enough legitimacy to hold positions in the government. UNMIK was also successful in rebuilding local security forces by creating relevant security institutions. However, while the overall security situation has improved, especially for K-Albanians, ethnic minorities still feel vulnerable and marginalized. Kosovo's economic situation was dire with high levels of poverty and unemployment. The K-Albanians' discontent over their unimproved economic situation despite international assistance, coupled with their impatience over the future status of the country, sparked the 2004 riots, which were expressed through ethnically motivated violence. This incident highlighted the shortcomings of security institutions. It demonstrated that security, as a component of peacebuilding, is interrelated with other components such as development, reconciliation, and, specifically in the case of Kosovo, a definite understanding of its political status.

Despite the liberal mandate of UNMIK, the institutions that were built to support liberal democracy and economy, and the high rhetoric that these were factors in long-lasting peace, the administration of UNMIK was not consistently liberal and only produced short-term stability. Also, instead of mitigating the shortcomings of liberal institutions, local involvement exacerbated them since internationals limited the involvement of local actors only to former KLA members. Although the voice of civil society was sometimes heard, it had no impact on the decision-making of UNMIK. In order to maintain stability and prevent a reoccurrence of conflict, the mission sometimes took illiberal decisions by favouring the demands of the political elite, especially former KLA members, over the aspirations of the other segments of the population. A lack of inclusive and substantive local involvement despite the establishment of institutions does not automatically create the conditions for

long-lasting peace.⁷⁹ UNMIK was successful in creating institutions of justice but these institutions leaned too far towards the ethnic majority and failed to encourage participation from the other ethnic minority groups. The focus on technical establishment of judicial mechanisms also sidelined equally needed venues for reconciliation among ethnic groups. Moreover, UNMIK created institutions for socio-economic development but failed to oversee the equal provision of development benefits among ethnic groups.

The conflict in Kosovo was ethnically motivated; unfortunately, ethnic segregation is still a prevailing feature in Kosovo's political, social, and economic spheres. The shortcomings in achieving security, justice and reconciliation, and development were partially caused by the inherent complexity of ethnic issues in Kosovo. Without mechanisms of inclusive justice and extensive reconciliation the benefits of peace will remain within the hands of the ethnic majority. Further, with continuous discord among ethnic groups Kosovo will remain as divided as it was before and the rewards of peace will remain unequally distributed among the population.

⁷⁹ This remains true for Kosovo today. For example, the government has established several legal and institutional frameworks to consult with minority groups but these frameworks are empty and ineffective (Visoka & Adem, 2011).

CHAPTER 5

TIMOR-LESTE: FRAGILE LIBERAL PEACEBUILDING AND FRAGMENTED LOCAL INVOLVEMENT

Image 7. Fishermen paddling away from Jaco Island



INTRODUCTION

It took me two hours to traverse the eight-kilometre unpaved road from Tutuala to Valu Beach located at Timor-Leste's easternmost district of Lautem. The unsuitable sneakers against the rocks hurt my feet and the sudden rain drenched my spirit. Halfway through, the mocking jays imitated my thoughtless humming as if reminding me that my destination was near. When I heard the faint sound of the ocean waves and saw the forest canopy reveal the bright sky, I knew the shores were near. After several minutes I found myself slumped on the sand while letting the warm water gently touch my tired feet; this was my reward. Not far from the beach and bathed in an ombré of sunset colours is Jaco Island, an uninhabited tropical forest and believed to be enchanted by spirits of nature. "This is paradise on earth," I thought to myself. This is the paradise only the Timorese people understand, the paradise they unwearingly protected after almost three centuries of Portuguese colonization, and the paradise they valiantly fought for during 24 years of Indonesian occupation. The land of

Timor-Leste is not a reward for the Timorese's long struggle for freedom and independence because they have never let it go; it has always been the paradise they own.

Timor-Leste, like Kosovo, was the recipient of a UN-led peacebuilding mission that expanded from traditional peacekeeping to a more complex international administration. Similarly to Cambodia and Kosovo, the UNSC resolution that mandated the deployment of UNTAET embodied the liberal principles of peacebuilding. UNSC Resolution 1272 stated “the need for UNTAET to consult and cooperate closely with the East Timorese people in order to carry out its mandate effectively with a view to the development of local democratic institutions, including an independent East Timorese human rights institution, and the transfer to these institutions of its administrative and public service functions” (S/RES/1272, 1999, para. 8). Without the uncertainties over future status that the UN confronted in Kosovo, Timor-Leste is the most comprehensive case of liberal peacebuilding among the three case studies of this thesis. For scholars of liberal peacebuilding (for example, Richmond & Franks, 2008; Suhrke, 2001) Timor-Leste is a milestone in the liberal peacebuilding agenda because of the unprecedented scope and depth of UN activities on the ground and the substantial engagement of local actors.

Despite the comprehensive liberal peacebuilding seen in Timor-Leste and achievements in institution-building and humanitarian response, however, UNTAET failed to realize the promises of liberal peacebuilding. When crisis engulfed Dili in 2006 the security institutions that UNTAET had built almost collapsed as local security forces fought against each other. The violence claimed 38 lives, injured 69 people, destroyed 1,650 houses, and displaced 150,000 persons (UN Independent Special Commission of Inquiry for Timor-Leste, 2006, p. 42). The incident questioned the sustainability of the kind of peace UN missions re/build in post-conflict societies. Moreover, despite the establishment of judicial institutions, Indonesian military officials who are guilty of human rights violations during the Indonesian occupation have yet to be held accountable.

Institutions of security, justice and reconciliation, and development were established in post-conflict Timor-Leste. However, these institutions failed to deliver on their responsibilities. This failure can be attributed not only to UNTAET's shortcomings in providing a more robust and inclusive capacity-building mechanisms but also because of the exclusive nature of local involvement during the rebuilding process. UNTAET limited the involvement of locals to the political elite, allowing a small group of people to politically manoeuvre the composition and direction of security institutions. This resulted in political rivalries since the Timorese leadership was fragmented from within by their own differing approaches and priorities, specifically in dealing with security and justice. This narrow approach to local involvement also spilled into the area of economic development as the political elite which UNTAET partnered with faced allegations of corruption. These political actors exploited the legitimacy they obtained during the transition to pursue their personal interests at the cost of the interests of the general population.

This chapter argues that the fragmentation of both international and local actors concerning the priorities for post-conflict peacebuilding trumped the positive results of liberal peacebuilding in Timor-Leste, specifically in the establishment of liberal institutions. This resulted in a short-lived and politicized peace which proved fragile when discontent fuelled the 2006 security crisis that undermined what the UN and the Timorese achieved during the transition. To support this argument, this chapter discusses how the Timorese reaped the rewards of freedom and independence and prepared their country and institutions for self-governance. It starts with a brief historical background from the end of Portuguese colonization until the deployment of UNTAET. It then focuses on the strengths and weaknesses of top-down and bottom-up approaches to rebuilding security, justice and reconciliation, and economic development during the transition and the outcomes of those approaches that continue to influence contemporary Timorese society. While the focus of this chapter is UNTAET's mandates from 1999 to 2002, the analysis includes initiatives and incidents following UNTAET's exit, including the UN missions that came after it, because

the outcomes of implementing those mandates remained relevant even after the conclusion of UNTAET's mission.

HISTORICAL BACKGROUND⁸⁰

Before Timor-Leste became a Portuguese colony in 1769 the country was divided into 40 autonomous kingdoms ruled by *liurais*/kings with village *datos*/chiefs under them.⁸¹ A kingdom was divided into villages/*suco*, which consisted of several *aldeias*/hamlets. The *liurais* and *datos* served as the Portuguese link with the local population. In the following statements, Ospina and Hohe (2002) describe how the traditional power structures in Timor-Leste remained intact amidst foreign occupation. The Portuguese divided the country into districts for a better system of administration, and in 1906 enforced a tax system per person to replace the payment of tributes (p. 39). The system compelled the Timorese to work for more than they needed and this created tensions between the Portuguese and the *liurais*, which escalated into the Manufahi War in 1911. The *liurais* entered into a blood oath to fight the Portuguese and were united under the *liurai* of Manufahi, Dom Boaventura. It took almost a year for the Portuguese to suppress the war.

⁸⁰ For the general history of Timor-Leste, see Fox & Babo Soares, 2003; Gunn, 2011; Mohar, 2010; Tanter, Selden, & Shalom, 2001; Taylor, 1999.

⁸¹ For details of the traditional power structure in Timor-Leste, see Ospina & Hohe, 2002, pp. 39-42.

Map 3. Political map of Timor-Leste



Source: UN, Timor-Leste, no. 4111 Rev. 11, November 2011.

After the Manufahi War the traditional kingdoms were replaced with a civilian administrative system (Ospina & Hohe, 2002, p. 41). The *administrador*/administrator, who had military, administrative, and judicial powers, was responsible for several *conselhos*/units, which were divided into several *postos*/subdistricts. The *postos* were further divided into *sucos*. The *liurais* who were loyal to the Portuguese were given positions, such as *chefe do posto*/subdistrict chief or *chefe do suco*/village chief, in the new system as long as they were literate and could speak Portuguese. This new system stripped the *liurais* of their previous absolute power but this did not happen at the informal level; they unofficially kept their power and the people still adhered to them (p.42). This customary governance system in which political legitimacy was drawn from family and community associations remained virtually intact during the Portuguese and Indonesian occupations (p. 66). This system continued to be relevant during the UN transitional administration and still is today, most importantly in conflict resolution and reconciliation efforts. In the current governance system the *liurais* and *datos* have at least symbolic power

and, in some cases, have been absorbed into the government with formal power (see Table 10).

Table 10. *Evolution of political authority in Timor-Leste*

| | Political Authority | |
|--------------------------------|--|--|
| | Informal | Formal |
| Traditional Timorese | <i>Liurai, dato</i> | - |
| Portuguese colonization | <i>Liurai</i> and <i>dato</i> were renamed <i>regulo</i> and <i>chefe do suco</i> | <i>Liurai</i> and <i>dato</i> were integrated into governmental work |
| Indonesian colonization | The assignment of <i>administradors</i> left some <i>liurais</i> and <i>datos</i> with informal powers | Some <i>liurais</i> and <i>datos</i> maintained formal powers as subdistrict or village chiefs |
| UN transitional administration | <i>Liurais</i> and <i>datos</i> maintained their informal political powers in symbolic positions | Some <i>liurais</i> and <i>datos</i> were integrated into the government and obtained formal political power |

Source: Revised version from Ospina & Hohe, 2002, p. 66.

On April 25, 1974, a military coup toppled the authoritarian regime in Portugal, leading to peaceful civil resistance and eventually the withdrawal of Portugal from its colonies, including Timor-Leste.⁸² After Portugal's policy change, the *União Democrática Timorese* (UDT), which advocated for continued association with Portugal, and the pro-independence *Frente Revolucionária de Timor-Leste Independente* (Fretilin) emerged as the major political parties in Timor-Leste. Another party was the *Associação Popular Democrática Timorese* (Apodeti), the least popular among the three. Apodeti advocated for reunification with Indonesia, justifying this with the statement that Timor-Leste "could not be economically viable unless supported by the ethnic brothers in Indonesia" (Gunn, 2011, p. 12).

Niner (2001) has described the formation, unification, and disintegration of political coalitions in Timor-Leste. UDT and Fretilin formed a coalition in January 1975 after UDT toned down its strong pro-Portuguese stance and Fretilin accepted a longer period of transition to independence. However, the coalition was shattered by disagreement and

⁸² This event is also called the 'Carnation Revolution', when Portugal celebrated the peaceful end of dictatorship and colonization by placing carnations into the muzzles of the rifles and on the uniforms of military personnel.

eventually broke up after only four months. During this situation the Portuguese Decolonization Commission organized the election of an executive council that would prepare for the coming general elections. Fretilin won most of the positions. UDT and the Indonesian-backed disgruntled groups staged a coup against Fretilin which was successfully countered by Fretilin's armed wing, the *Forças Armadas de Libertação Nacional de Timor-Leste* (Falintil). However, the situation escalated into a civil war that lasted for three weeks and claimed 1,500 to 3,000 lives. Weakened by its own political and economic difficulties, Portugal saw the incident as an opportunity to leave the territory and cease all its administrative responsibilities (Singh, 1996). Its withdrawal caused a power vacuum and left Fretilin in control of Timor-Leste after the other political parties retreated to West Timor, the easternmost province of Indonesia. Fretilin served as the de facto government and enjoyed a majority of public support because of its popular social and political programmes (Niner, 2001).

Indonesia had already launched a destabilization campaign called *Operasi Komodo* in October 1974 by raiding the border with Timor-Leste. Taking advantage of anti-communist sentiments during the Cold War, Indonesia exaggerated Fretilin's unsubstantiated communist elements and obtained US and Australian acquiescence to its plan to interfere in the self-determination process of Timor-Leste (Dunn, 1998).⁸³ In his meeting with then US President Gerald Ford and US State Secretary Henry Kissinger, Indonesian President Suharto misleadingly characterized Fretilin as 'almost Communist,' emphasized that Timor-Leste was too politically and economically small to be considered viable for self-determination, and that best way forward was for it to be integrated into Indonesia (Burr & Evans, 2001).⁸⁴ What really concerned Indonesia, though, was that Timor-Leste's independence was an impediment to its goal of political control and unification of the Indonesian archipelago (Strating, 2016). Alarmed by the increasing

⁸³ Dunn (1998) also noted that Indonesia magnified Fretilin's past links with communism no matter how insignificant they were. He added that virtually no member of Fretilin self-identified as communist and China and Russia expressed no interest in Timor-Leste.

⁸⁴ See also, Kiernan, 2004, p. 204; L. Rodrigues, 2007, p. 301.

incursions along the border, and desperate for international assistance, Fretilin declared Timor-Leste's independence on November 28, 1975 as its final attempt to solicit international attention and support amidst Indonesia's military raids. Infuriated by Fretilin's action, Indonesian forces landed along the shores near Dili on December 7, 1975 and started a 24-year occupation of Timor-Leste. This was also the beginning of Timor-Leste's 24-year resistance.

After Indonesia's bloody military invasion, Fretilin members and followers moved to the mountainous regions and continued organizing some parts of Timorese society. As a response, the Indonesian National Armed Forces (TNI) and pro-integration militias exposed civilians to terror and killed those who were accused of or proved to be supporting Fretilin's cause. They also conducted "bombardment of [towns and villages], forced relocation of some 300,000 people into concentration camps where many died of malnutrition and diseases, tortured to extract information and secure confessions needed for political show trials, and used disproportionate force against civilians" (G. Robinson, 2010, p. 233). The minimum estimated number of conflict-related deaths during the Indonesian occupation was 102,000 (+/-12,000) (CAVR, 2005, part 6.1.1, para. 8).

The violence in Timor-Leste continued until 1999 despite several UNSC resolutions calling for Indonesia's withdrawal and reiterating Timor-Leste's territorial integrity (S/RES/384, 1975; S/RES/389, 1976), as well as UN GA resolutions condemning Indonesian occupation and raising concern about Timor-Leste's worsening humanitarian situation (A/RES/31/53, 1976; A/RES/32/34, 1977; A/RES/37/30, 1982; A/RES/3485, 1975). The bitter reality of why the violence was prolonged was that the major powers continued supporting the Indonesian government with political, economic, and military assistance (G. Robinson, 2010). The stalemate in high-level negotiations regarding Timor-Leste's status ended when Portugal, Australia, and Indonesia changed their policies alongside changes in their governments (Lloyd, 2000). The collapse of the Suharto regime in Indonesia changed the role of the Indonesian military. President B. J. Habibie of

Indonesia, Suharto's successor, showed willingness to compromise with regard to Timor-Leste's status. Pressed by various domestic concerns, Habibie declared in June 1998 that Indonesia would be willing to offer wide-ranging autonomy to Timor-Leste.

The situation also changed in favour of Timor-Leste when international agencies started condemning and publicizing Indonesia's human rights violations (C. Fernandes, 2011; Lloyd, 2000). The exposing of the Sta. Cruz massacre (Jardine, 1995, pp. 15-18) and the awarding of the Nobel Peace Prize to Jose Ramos-Horta and Carlos Filipe Ximenes Belo brought the plight of Timor-Leste to international attention. Various solidarity movements around the world and media reports placed pressure on the parties to consolidate an agreement on Timor-Leste's status. With mounting international pressure to resolve the issue of Timor-Leste, Portugal and Indonesia agreed to entrust the UN with responsibilities for organizing and conducting a 'popular consultation' through the United Nations Mission in East Timor (UNAMET) in June 1999 (S/RES/1246, 1999). On August 30, 1999, amidst intimidation and violence initiated by pro-integration militias against pro-independence supporters, 98% of registered voters went to the polls to decide the future of Timor-Leste—to accept or reject special autonomy within Indonesia.

On September 4, 1999, UNAMET announced that 78.5% of the voters had rejected special autonomy (UNTAET, 2000b). Violence ensued when pro-integration militias, supported by the TNI, launched attacks on towns, villages, and populations (Nevins, 2005). With the increasing lawlessness and numbers of deaths in Timor-Leste, the UN Secretary-General urged the Indonesian government to accept a multinational peacekeeping force, and stated that if it refused to it would be held responsible for the reports of violations tantamount to crimes against humanity. On September 12, Indonesia accepted the assistance, the Australian-led International Force for Timor-Leste (INTERFET) was dispatched, and a large-scale emergency humanitarian relief effort began. According to CAVR's report (2005), the violations committed by TNI and pro-integration militias surrounding the referendum resulted in more than 1,400 civilian deaths, forced the

deportation of 250,000 civilians, forced the displacement within Timor-Leste of 300,000, and caused the burning of 60,000 houses. The violations also included rapes and sexual violations of women, assaults and beatings of thousands of civilians, forced recruitment into militia groups, the looting of civilian properties, the theft or killing of livestock, the intentional destruction of public facilities, and the looting of irreplaceable cultural and historical artefacts.

Following the intervention, UNAMET re-established its headquarters in Dili and resumed its operations, and Indonesia formally recognized the result of the elections. On October 25, 1999 the UNSC passed Resolution 1272 establishing the UNTAET's role in administering Timor-Leste and preparing it for independence. Its mandate consisted of the following:

to provide security and maintain law and order throughout the territory of Timor-Leste; establish an effective administration; assist in the development of civil and social services; ensure the coordination and delivery of humanitarian assistance, rehabilitation and development assistance; support capacity-building for self-government; and assist in the establishment of conditions for sustainable development (S/RES/1272, 1999, pp. 2-3).

An elected Constituent Assembly was tasked with writing a new constitution, which was passed on March 22, 2001 as the new Constitution of the Democratic Republic of Timor-Leste. The presidential election was held on April 14 of the same year, and Xanana Gusmão, a high-profile resistance leader, won a landslide victory. On May 20, Timor-Leste became an independent nation in a ceremony attended by tens of thousands of Timorese and high-level representatives from 90 countries. The UN handed the administration of an independent Timor-Leste to the newly elected president and, for the first time after years of occupation, to the Timorese people.

The UN Mission in Support of East Timor (UNMISSET) succeeded UNTAET and was mandated to provide assistance to core administrative structures, to provide interim law enforcement and assist in the development of new law agency enforcement in Timor-Leste, and to contribute to the maintenance of Timor-Leste's overall security (S/RES/1410, 2002; S/RES/1480, 2003; S/RES/1543, 2004; S/RES/1573, 2004). It concluded in May 2005 and was immediately succeeded by a small political mission, the UN Office in Timor-Leste (UNOTIL), which was tasked with overseeing the consolidation of state institutions until May 2006 (S/RES/1599, 2005). However, one month before the conclusion of UNOTIL's mission, a security crisis in Dili erupted when military protests turned violent, resulting in the collapse of security institutions, as discussed in the following section. Thirty-seven were killed, 69 were wounded, and more than 150,000 were displaced in the aftermath of the crisis (UN Independent Special Commission of Inquiry for Timor-Leste, 2006, p. 42). The UNSC extended UNOTIL's mission for another month in light of the situation (S/RES/1677, 2006).

In response to the Timorese government's request for assistance with controlling the crisis, an Australian-led International Stabilisation Force (ISF) was deployed on May 25, 2006. On August 25, 2006 the UNSC authorized the deployment of the UN Integrated Mission in Timor-Leste (UNMIT), also in response to the Timorese government's request (S/RES/1704, 2006). Its overarching mandate was to address the political, humanitarian, and security crisis in Timor-Leste and to enhance stability, democratic governance, and political dialogue. In November 2012 the ISF commenced the withdrawal of its forces from Timor-Leste and UNMIT completed its mission in December 2012.

Throughout Timor-Leste's long history of foreign occupation and UN intervention local leadership has been prominent in Timorese society—from the *liurais* during the Portuguese colonization to the members of the resistance movement during the Indonesian occupation. These local leaders maintained formal and informal roles during the UN missions and some of them are currently in government positions. However, the Timorese

leadership has shown fragmentation from within as political personalities, together with their followers, compete to direct the rebuilding process in Timor-Leste. This chapter demonstrates the consequences of this fragmentation when the country, through UN missions, attempted to rebuild the security sector, pursue justice, foster reconciliation, and promote economic development. Based on more recent insights and assessments by international and local actors who were involved during the transition, the following section sets the stage for an in-depth analysis of how UNTAET implemented its mandates and employed local involvement in administering Timor-Leste's transition from conflict to peace.

INTERNATIONAL AND LOCAL ENCOUNTERS: UNTAET IN TIMOR-LESTE

The priority of having a strong women's political participation during the transition was a reflection of what the women wanted at that time. They were very determined to have a say in what was going on and in the development of their country. (Sherrill Whittington, UNTAET's Head of Gender Unit, personal communication, October 28, 2013)

The UN brought us peace; that is the positive thing. The negative thing is until now the militia leaders are still free. What can the UN do about that? Justice is not yet here. Our leaders should have a conversation about justice. (T12, Administrative Assistant for UNTAET's Peacekeeping Force, February 22, 2014)

Peace is not just an absence of war. We need to have peace in our mind first and feel secure in ourselves and when we are at peace, we can do things peacefully with our family, our neighbours, our community, our nation.

(Laura Abrantes, member of Women's Network of Timor-Leste during UNTAET, personal communication, February 25, 2014)

WEAK CAPACITY-BUILDING

UNTAET and the missions that followed it were able to build institutions of security, justice and reconciliation, and development during the transition. However, most of those I interviewed believe that UNTAET focused more on building institutions than on developing the mechanisms for these institutions to deliver their responsibilities. It was able to establish institutions of self-governance but failed to ensure the sustainability of these institutions. This failure was manifested during the 2006 crisis when the security sector broke down. The less than three-year time frame of UNTAET did not allow for sufficient capacity-building and left little room for error. Antonio Vitor, a youth leader during the transition, described the implication of this: "What capacity can you build in two years? It was too short and if you do not do it properly, you do not solve the problem but rather you become part of the problem" (personal communication, February 20, 2014).

The repercussions of insufficient capacity-building continue to this day. While institutions are in place they fall short of fulfilling their tasks. For example, as discussed in this chapter's section on justice and reconciliation, the recommendations put forward by mechanisms of justice and reconciliation have yet to be fully implemented. It is in this context that Hugo Fernandes, the former Head of the Truth-seeking Division of the Commission for Reception, Truth and Reconciliation (CAVR), believes that Timor-Leste is still in the process of transition (personal communication, March 6, 2014). "We acknowledge the government in establishing all these state apparatus. But although we have physical instruments, they do not have soul; they are empty," he said.

BENEVOLENT DICTATORSHIP AND EXCLUSIVE LOCAL INVOLVEMENT

The emergency context during the early phase of UNTAET's mission did not allow opportunities for local involvement. According to an international staff member who worked in the Human Rights Unit of UNTAET, mechanisms for local consultation were absent, resulting in resentment from local civil society, who felt that UNTAET was not interested in seeking their opinions (T19, personal communication, October 31, 2013). The local NGOs that were working with her relayed their negative perception of UNTAET, specifically regarding how the UN leadership was disengaged from the sentiments and views of the local population. Charles Scheiner, founder and researcher at La'o Hamutuk,⁸⁵ an NGO working for social and economic justice in Timor-Leste since 2000, also commented that the top leaders of UNTAET were from UN agencies with expertise in addressing emergency humanitarian issues rather than sustainable peacebuilding (personal communication, February 24, 2014). While it is understandable that the emergency situation UNTAET faced upon its deployment left no room for inclusive local involvement, the initial disengagement of UNTAET harboured frustration among local actors who wanted to be involved in rebuilding their country early on.

Early in the mission segments of local civil society perceived UNTAET as an authoritarian body with centralized decision-making power and narrow allowances for local involvement. Scheiner described UNTAET as a 'benevolent dictatorship.' "The UN is not a democratic state; how do you expect it to create democratic institutions?" he rhetorically asked (personal communication, February 24, 2014). He added that UNTAET focused more on its role as an administrator by governing Timor-Leste and overlooked the transitional context of its mandate of preparing Timor-Leste for self-governance. UNTAET, specifically the Governance and Public Administration (GPA) pillar, was seen to be too Dili-centric and detached from the other districts (Nixon, 2012; Smith & Dee, 2003). The GPA was

⁸⁵ *La'o Hamutuk* is the Tetum phrase for 'walking together'. <http://www.laohamutuk.org/>

mandated to re-establish governance at the central and district levels, generate public and social utilities, establish the rule of law, and encourage and regulate private investments.

As a response to criticisms that it was not providing sufficient avenues for the Timorese to be involved in the peacebuilding process, UNTAET started the 'Timorisation' of the transitional government by mid-2000 by incorporating Timorese into the governing structures and increasing local participation. The East Timor Transitional Administration (ETTA), composed of Timorese representatives, replaced the GPA. In addition, the National Council (NC) replaced the National Consultative Council (NCC) to reflect the increased Timorese membership. The councils were the primary mechanisms for representing the Timorese people to UNTAET (UNTAET/REG/1999/2, 1999; UNTAET/REG/2000/24, 2000). These new mechanisms were established to provide local actors with more governance responsibilities.

Local involvement was limited to the political elite that was formed during the resistance, and it dominated the discussions with UNTAET. This was manifested in the composition of the Constituent Assembly, which UNTAET tasked with preparing and passing a constitution for an independent and democratic Timor-Leste (UNTAET/REG/2001/2, 2001). Although the composition of the Assembly was democratically elected, Fretilin dominated its composition since it was the largest and most influential political party at that time. Wallis (2013) argues that Fretilin's dominance in constitution-making allowed for a historical narrative favourable only to the Fretilin while disenfranchising other security groups, such as the 'clandestine resistance' movement composed of younger Timorese (pp. 135-136). This limited participation in the constitution-making process instigated regional divisions of local actors that fuelled the security crisis in 2006 (Wallis, 2014, p. 318). This process of limited local involvement silenced the contributions of other groups to Timor-Leste's re/building of institutions.

The involvement of the Timorese was limited to consultations and dialogues between the UNTAET leadership and the top leaders of Timor-Leste, particularly those who were active leaders during the resistance. However, even the consultation with top leaders was not without criticisms. For one, because of the short time frame of UNTAET's mission, there was no room to reflect on the outcomes of the consultation, according to Sue Ingram, a district administrator and director of transition planning of UNTAET (personal communication, October 23, 2013). Another observation came from an UNTAET human rights officer who described the messiness of the UN's local engagement with the Timorese, specifically regarding how UNTAET set up the NCC, which had no national constituency and lacked technical expertise (T19, personal communication, March 5, 2014). She also added that there were no streamlined policies on how the consultation should be carried out, resulting in inconsistent outcomes. For example, the Timorese had active roles in terms of writing and passing legislation but not in other aspects of security, justice and reconciliation, and economic development. Even the communication between UNTAET and the Timorese leadership had gaps and misunderstandings, said Ana Pessoa, a prominent Fretilin member who served as the cabinet member for the interior and later as justice minister for ETTA (personal communication, February 20, 2014). The logic of the international community was not the same as that of the Timorese leadership, she added.

Another common reflection by most of my interviewees was that the involvement of local actors, particularly of the Timorese leadership, occurred only on the surface. UNTAET equated local involvement with information dissemination or telling the locals what they were doing instead of giving them more active roles. A Timorese who advocates for democratization of Timor-Leste's institutions commented that, while UNTAET established local structures and appointed locals, for example at the level of district administration, the Timorese had lesser substantial powers compared to their international counterparts (T9, personal communication, November 30, 2013). This policy of giving Timorese crucial roles in peacebuilding was far from what the agreements and resolutions

stipulated. Given this, he added that most Timorese who were involved with the transition did not share UNTAET's view that the rebuilding of Timor-Leste during the transition was a success.

THE FRAGMENTED LOCAL

This flawed consultation was further exacerbated by the difference between the priorities of the Timorese leadership and the needs of the local population, such as political reconciliation with Indonesia over demand for justice for the crimes committed by Indonesian military officials. As one Timorese who used to work as an administrative assistant for UNTAET's Peacekeeping Force (PKF) said about how she feels regarding justice and reconciliation in Timor-Leste:

It was very hard. Our leaders informed the communities that these militias are also our brothers and that they are also part of Timor-Leste so we have to have reconciliation. Some people accepted it and some did not. It is hard for some of them because some had their family members killed by the militias but we also have to respect that. (T12, personal communication, February 22, 2014)

Moreover, the local leadership is itself divided over the issue of pursuing justice, as discussed in the section on justice and reconciliation. This division shows the gradations of local involvement since the locals with whom the internationals were consulting also had varying perspectives. Furthermore, the internationals were composed of several actors—the UN leadership, the UN agencies, states, international organizations, and individuals pursuing different agendas and employing different techniques. This was a manifestation of the nuanced but complex interactions between international and local actors and the need for caution in applying analytical dichotomies between internationals and locals, who are also fragmented from within.

The sway of politics also affected the choice of national language. The adoption of English, Portuguese, Bahasa, and Tetum was designed to please the political elite and ease the negotiations among the UN, Portugal, Indonesia, and the Timorese leadership. While the majority of the population uses Bahasa and Tetum, English and Portuguese, which are considered the languages of the elite, were imposed and created issues in terms of information dissemination even after the transition. Although the positive result was the development of Tetum and the improvement of language curricula in the educational system, the Portuguese-speaking local elite dominated the discussions with internationals and had the advantage of choosing a language they preferred. Language, therefore, became a political tool in Timor-Leste, said one of the leading linguistic scholars in Timor-Leste (T6, personal communication, March 7, 2014).

FRICTION BETWEEN INTERNATIONAL AND LOCAL

While the internationals and locals were fragmented from within, the division was more prominent between the internationals and locals, resulting in different views regarding the general assessment of UNTAET's mission. Ingram cited international actors' lack of understanding of the local context as one of the causes of this difference that eventually led to the shortcomings of UNTAET in addressing the needs of the Timorese (personal communication, October 23, 2013). For example, there was an assumption within UNTAET that the mission was working in a political vacuum, which was not the case for Timor-Leste because members of the resistance movement had gained political clout and public support, especially during the Indonesian occupation. Ingram believes that the complexity of Timorese politics was not well understood because if it were, UNTAET would have shown greater flexibility in ensuring that there was proper support down to community levels by advancing institutions for providing services.

Another reason for UNTAET's shortcomings was the difference, and sometimes incompatibility, between the Western perspectives it espoused and the Timorese context it was working on. This was true for the promotion of human rights, in which there was an

overemphasis on international standards and how the local population could be educated to such standards rather than considering how a particular issue had emerged and could be resolved using locally established mechanisms, said a human rights officer for UNTAET (T21, personal communication, October 31, 2013). She added that there was an excess of funding for bringing international consultants to Timor-Leste but insufficient funding for local initiatives. This friction between international and local perspectives sparked difficulties in implementing peacebuilding activities. This was especially true for pursuing justice and reconciliation, wherein the non-complementing priorities of the internationals and locals stagnated the delivery of justice, which is remotely settled even until now.

The friction between international and local perspectives was still apparent even after UNTAET, such as when resolving land issues born out of the conflict. Meabh Cryan, who works for an NGO focusing on land issues, explained that the political priorities of international actors overlooked the practical needs of the Timorese (personal communication, November 29, 2013). When presenting evictions, land rights issues, and protection issues to the UN there is always complexity in resolving them because international organizations do not want to touch politically sensitive issues like land rights. This reluctance on the side of internationals causes civil society to question the motives and capability of such organizations in addressing land issues.

While the implementation of UNTAET's mandate was far from perfect, UNTAET also had positive legacies in Timor-Leste. First of all, the UN presence gave Timor-Leste a sense of urgency to unite for rebuilding, as one prominent government official believes (T1, personal communication, February 28, 2013). He claims that UNTAET's presence provided a breathing space and a period of consolidation after years of fighting and exile. Pessoa commends the UN and other international organizations for providing the foundation for jumpstarting the development of state institutions and training the Timorese in preparation for self-governance (personal communication, February 20, 2014). The election, which was an important societal undertaking in rebuilding the country, was successfully held,

according to Michael Maley, a member of the electoral commission during the transition (personal communication, December 9, 2014). Basic services for the population resumed and the educational system was re-established because of the support of the UN and the international community, according to Armindo Maia, the minister of education during the transition (personal communication, September 12, 2014). Furthermore, gender perspectives have become crucial considerations in the legislation because of the active involvement of Timorese women in rebuilding and the support they received from the international community, based on the interviews I conducted with individuals who were involved in advancing women's rights. This development influenced subsequent UN missions in other countries that now have a gender unit incorporated into their systems, said Sherrill Whittington, UNTAET's head of the Gender Unit (personal communication, October 28, 2013).

The friction between international and local actors and the fragmentation within the local leadership hampered the successful implementation of liberal peacebuilding mandates in Timor-Leste. While the approaches employed by international and local actors resulted in the establishment of liberal institutions in Timor-Leste, they also highlighted the difficulties of delivering the responsibilities of these liberal institutions in a context where international and local actors were fragmented from within and in relation to each other. Instead of living up to its liberal mandates, UNTAET excused its illiberal actions and decisions and exonerated the illiberal decisions made by local actors to maintain short-term stability over long-lasting peace. The following discussions on security, justice and reconciliation, and economic development demonstrate this failure of upholding liberal values and highlight the strengths and weaknesses of liberal institutions and local involvement.

PROVIDING SECURITY IN TIMOR-LESTE

CONTEXTUAL BACKGROUND

The task of UNTAET's military component was to coordinate with and eventually replace the INTERFET (S/RES/1272, 1999). After INTERFET accomplished the removal of Indonesian forces from Timor-Leste, it promptly and smoothly handed over responsibility for providing security and maintaining law and order to UNTAET's PKF (Ballard, 2008). The PKF continued the tasks of border monitoring, ensuring the safety of the refugees, and other civil-military activities (Downie, 2007). A total of 6,281 military personnel, 1,288 CivPol officers, and 118 military observers were deployed under UNTAET (UNTAET, 2002).

The security mandates considered in this section are the DDR process, the rebuilding of local security forces, and the response to militia threats, which falls under the physical security factor. Prior to that, a brief discussion of the 2006 security crisis is presented as the major consequence of the failure to unite the security institutions in Timor-Leste. While UNTAET's focus on external threats successfully addressed the security threats to the population along the border with West Timor, this preoccupation overshadowed the looming tension within local security forces. The international actors failed to foresee the divisions and rivalries among the groups of local actors who were involved in providing security, in implementing the DDR process, and in rebuilding the defence and police forces. They also failed to incorporate the local capacities of the existing armed forces when addressing the militia threats. Despite the security institutions rebuilt in Timor-Leste, this section examines how the UN overlooked the importance of internal cohesion within the security institutions it rebuilt and failed to address the political factionalism that influenced the effective provision of security in Timor-Leste. This emphasis on institution-building without understanding the dynamics of the local actors who control these institutions was one of the limitations of liberal peacebuilding in Timor-Leste. It created a fragile peace that only lasted until the 2006 security crisis.

2006 SECURITY CRISIS

The 2006 crisis revealed the dangerous dynamics of socio-political groups that represented and exploited the deep-seated tensions in Timor-Leste. On January 9, 2006 159 Timorese soldiers submitted a written petition to F-FDTL Commander Taur Matan Ruak and President Gusmão regarding mismanagement and discrimination within F-FDTL. On February 17 the soldiers abandoned their barracks and on March 16 Matan Ruak announced the dismissal of 594 soldiers; approximately 200 of these were not petitioners but had been absent without leave. Prime Minister Mari Alkatiri supported the decision while President Gusmão gave a speech calling the decision unjust. On April 24 the petitioners began a peaceful demonstration in front of the Government Palace in Dili. From the second day of the protest onwards the crowd grew in numbers as anti-FDTL veteran groups joined the demonstrations. These ‘political security groups’ were veteran organizations of former Falintil and clandestine activists who felt left out during the establishment of local security forces (Rees, 2004). On April 28 the demonstrators were told that a government representative would visit and discuss the issues they had raised with them; Alkatiri refused to address the petitioners and sent Minister of Foreign Affairs Jose Ramos-Horta instead. The demonstrators expected Ramos-Horta at 9 a.m. but he believed he was scheduled to arrive at 3 p.m. The security situation quickly deteriorated and additional third parties, such as groups of disgruntled ex-combatants and local gangs, joined in with the violence.⁸⁶

UNTAET was hailed a success until the 2006 crisis. The crisis exposed the fragmentation of the security sector and the factionalism within the security institutions that had laid dormant since independence. The UN Independent Special Commission of Inquiry for Timor-Leste (2006), which investigated the crisis, concluded that:

The violent events of April and May were more than a series of criminal acts.

They were the expression of deep-rooted problems inherent in fragile State

institutions and a weak rule of law. The events exposed many deficiencies and

⁸⁶ These events were reported by the UN Independent Special Commission of Inquiry for Timor-Leste, 2006.

failures, particularly in the two institutions at the centre of the crisis, F-FDTL and PNTL, along with the Ministry of Defence and the Ministry of the Interior [that were in charge of] their oversight. The absence of comprehensive regulatory frameworks and the bypassing of existing institutional mechanisms, even if underdeveloped, contributed significantly to the emergence and growth of the crisis. (p. 74)

The first outbreak of this factionalism was between the *lorosa'e* (those coming from eastern districts) and the *loromunu* (those coming from western districts). Even though this division has no socio-political authenticity, especially outside Dili, affiliations to either the *lorosa'e* or *loromunu* were believed to be manipulated and exaggerated to back up political confrontations during the crisis (see, for example, Hicks, 2009). When Gusmão gave a speech in March 2006 and called the dismissal of some of the F-FDTL members unjust, he attributed the problem to the *lorosa'e-loromunu* divide within the F-FDTL. The prejudiced distinction between the two revolved around the assertion by the *lorosa'e* that the *loromunu* contributed less than them to the resistance during the Indonesian occupation, according to Simonsen (2009). The 159 F-FDTL soldiers who sent a petition citing discrimination against them within the F-FDTL were *loromunu*. Simonsen also noted that it was a common view among the *loromunu* that the *lorosa'e* had taken over the good houses in Dili that during the 2006 crisis houses owned by *lorosa'e* in Dili were burnt down.

Another taciturn form of factionalism that was scratched open during the crisis was the political cleavage in the Timorese leadership, specifically that between Gusmão, the charismatic guerrilla leader of Falintil known as the 'Mandela of the East' after his capture in 1992 and imprisonment in Indonesia until 1999, and Alkatiri, the leader and one of the founding members of Fretilin, who was in exile in Mozambique during the Indonesian occupation. The root of this political cleavage was ideological differences: Alkatiri belongs to the radical left and Gusmão belongs to the more moderate centre (Shoesmith, 2003). In December 1987 Gusmão declared Falintil independent from Fretilin and emphasized that

Falintil was fighting for national independence and political freedom instead of any political ideology (Niner, 2001). Gusmão established the National Council of Maubere Resistance (CNRM), an umbrella organization which later developed into the National Council of Timorese Resistance or (CNRT) with a nonpartisan nationalist strategy, and was elected as its president.

According to Shoesmith (2003), during the first year of UNTAET's administration Gusmão and Fretilin tried to work out their differences under the CNRT movement, which also consisted of smaller political parties, but they failed to resolve practical issues of governance. For Alkatiri, Fretilin is the true representative of the Timorese people and is the single major party that should retain control of the government. Gusmão, on the other hand, repudiated Fretilin's privileged status over other political parties and advocated for a multiparty democracy. In August 2000 Fretilin withdrew from CNRT and campaigned independently for the Constituent Assembly elections. CNRT lost political clout and Fretilin won 57% of the seats during the 2001 elections.

The missed opportunity to unite the political factions in Timor-Leste and the repercussions of the failure to do so cannot be better described than in the words of Nelson Belo, a Timorese researcher on Timor-Leste's security sector:

Internationally, the UN mission here was a success. But for the Timorese, it was a big failure. If it were successful, there should have been no 2006 crisis. We knew that there would be many factions after the Indonesians left and we recommended to the internationals how they could tackle this because they had the resources but they did not. It means that when they were here, they also set up a time bomb and it exploded in 2006. (Personal communication, February 19, 2014)

AN UNEASY MARRIAGE: F-FDTL AND PNTL

Rebuilding the security sector in Timor-Leste bared the layers of local involvement. Institutions were built, though with some delays, and local actors were successful in steering the direction of policies related to security. Who were these local actors, though, what was their nature and to what extent were they involved? Similarly to the cases of Cambodia and Kosovo, my interview data and existing literature on UNTAET's key achievements showed that it was mostly the Timorese leadership, particularly those aligned with the 'heroes of the resistance,' who were influential in UNTAET's decision-making. This led to the creation, or at least affirmation, of a political elite and the exclusion of individuals and groups who were not part of it. One former UNTAET Human Rights Officer said, "the UN was very messy when they first came in terms of local engagement. They didn't know who to talk to and very quickly they got surrounded by a particular group which was quite clever at keeping people out" (personal communication, March 5, 2014).

However, these local actors were far from united. The political factionalism between Gusmão and Alkatiri spilled over into the rebuilding of security institutions, specifically the selection of members for the defence and police forces. In January 2001 UNTAET passed a regulation on the establishment of the East Timor Defence Force or *Falintil-Forças de Defesa de Timor Leste* (F-FDTL) with the mission of "providing for the military defence of East Timor, its people and its territory; and providing assistance to the civilian community at the request of the civilian authorities during natural disasters and other emergencies" (UNTAET/REG/2001/1, 2001, sec. 2.2). UNTAET authorized the F-FDTL High Command, which was composed of former Falintil commanders who were loyal to Gusmão, to conduct the recruitment process for the F-FDTL. As a result, appointments and selections were often partial and politicized instead of expertise- and experience-based (Hood, 2006).⁸⁷ The first battalion was composed of Gusmão loyalists and dominated by *lorosa'e* (Ingram, 2012). A sizable minority of those who were left out of

⁸⁷ For an overview of the rationale, process, and progress of the establishment of F-FDTL, see Sukma, 2002.

the recruitment felt disgruntled and spiteful towards Gusmão and the F-FDTL High Command, and moved their leanings towards Fretilin (Rees, 2004).

Seven months after the establishment of the F-FDTL, UNTAET passed a regulation in August 2001 on the establishment of the East Timor Police Force or *Polícia Nacional de Timor-Leste* (PNTL) with the main purpose of maintaining law and order within the country (UNTAET/REG/2001/22, 2001). Similarly to how it partnered with Falintil commanders in the selection of F-FDTL officers, UNTAET also limited its consultation to a select group of CNRT members with regard to the composition of PNTL (Hood, 2007). Moreover, the delayed deployment of CivPol and pressure from key member states to withdraw international security forces as soon as possible prompted an expedited process for the recruitment and training of local police officers. Although this was done in order to immediately hand over policing responsibility to the Timorese, this hasty decision did not provide for an adequate background check and training period (A. Goldstone, 2012). This had major impacts on the composition and quality of the PNTL, which consequently led to discontent among disenfranchised security groups.

Some recruited police officers had previously been part of the Indonesian police, which was an unacceptable decision for Timorese who had suffered from brutality and human rights violations committed by the Indonesian officers, and for resistance members who had fought for independence. The selection of former Indonesian National Police (POLRI) officers was justified on the basis of their experience and familiarity with policing duties (P. Baldwin, personal communication, October 1, 2013),⁸⁸ even though their skills were questionable given their lowly ranks in the POLRI (Hood, 2007). Former POLRI officers who were recruited had shorter training periods compared to the new cadets. Instead of the regular three-month training, which in itself was too short to adequately

⁸⁸ For example, CivPol employed the former chief of police from the Indonesian period as a senior Timor-Leste police adviser/consultant because he was respected by the Timorese communities and was aware of the sentiments of the local population, as Peter Baldwin claimed (personal communication, October 1, 2013).

prepare police officers, former POLRI officers only underwent four weeks of training (Hood, 2007).

The disgruntled ex-combatants who were disenfranchised during the establishment of the security institutions organized themselves into ‘political security groups’ that challenged the legitimacy of F-FDTL (Scamary, 2009). These groups were organized under the umbrella Association of Ex-Combatants 1975 (AC75) headed by Rogerio Lobato, a founding member of Fretilin and brother of Nicolau Lobato,⁸⁹ the country’s national hero. Rogerio Lobato was also appointed as minister of the interior in 2002 and therefore was in control of the local police force. These ‘political security groups’ expressed anti-UN and anti-F-FDTL sentiments (Rees, 2004) and participated in the violence in and rampaging around Dili during the 2006 crisis (Scamary, 2009). According to Rees (2004), alongside the establishment of F-FDTL and PNTL, there was an increase in direct and indirect clashes between their members. Lobato, who was allied with Alkatiri, transformed the PNTL into a highly militarized institution to compete with the Gusmão-influenced F-FDTL (Lemay-Hébert, 2009b). The UN Independent Special Commission of Inquiry for Timor-Leste (2006) found Lobato guilty of unlawful movement, possession, and use of PNTL weapons by illegally arming civilians during the crisis. F-FDTL Commander Matan Ruak and Minister of Defence Roque Rodrigues were also found guilty of having knowledge of and of giving approval to unlawful movement, possession, and use of F-FDTL weapons. The Commission also concluded that there was reasonable suspicion that Alkatiri had knowledge of the distribution of PNTL weapons to civilians.

The formation of the F-FDTL and PNTL had striking contrasts. The lack of consolidation of the two security forces was evident in the way they were planned and implemented. First, the development of the F-FDTL was delayed by political considerations while the creation of the PNTL was more slowed down by administrative and logistical

⁸⁹ Nicolau Lobato was the first Falintil commander and briefly served as the prime minister of Timor-Leste in 1975 when the country first declared independence. This was cut short when Indonesia started the occupation. He led the resistance movement until he was killed in an ambush by Indonesian forces in 1978.

setbacks. Second, UNTAET treated the transfer of security responsibilities differently for F-FDTL and PNTL. It was flexible and tolerant for PKF to F-FDTL but constrained and pressing for CivPol to PNTL (A. Goldstone, 2012). Third, while F-FDTL was mainly composed of former Falintil members, PNTL had some police officers who had served during the Indonesian occupation. Fourth, the F-FDTL was loyal to Gusmão while the PNTL was loyal to Alkatiri. The uneasy marriage of the differences between F-FDTL and PNTL, exacerbated by their internal socio-political cleavages, soon gave birth to a violent conflict between the two major security institutions of Timor-Leste.

RESENTMENT FROM THE EXCLUDED

The delayed, controversial, and highly contested process of building the security institutions in Timor-Leste can be attributed to UNTAET's lack of an explicit DDR mandate, added to the international opinion that Timor-Leste had no need for an army. Before the referendum Gusmão ordered Falintil members to remain in cantonment and resist fighting with the TNI and militia groups. Falintil generally complied with this order and remained in cantonment even during the post-referendum violence. With the arrival of UNTAET and plans for a DDR process, Falintil members were advised to remain in cantonment but were allowed to carry arms. There was hesitation among UN officials over planning a DDR process for Falintil because it might be seen as a way of providing assistance to an armed rebel group (Hood, 2006). The disarmament of Falintil was a sensitive issue for the UN. Should the Falintil be treated as "an illegal armed group to be disarmed or the nucleus of a defence force?" (Martin & Mayer-Rieckh, 2005, p. 134). Considered as a heroic resistance group which the Timorese leaders were part of, Falintil expected to keep its role as the de facto army of the country.

The local leadership's determination to have a national army and the recommendation to transform Falintil into a conventional army rather than completely demobilizing or dismissing it was later agreed upon and supported by UNTAET (Roque Rodrigues, Defense Minister under ETTA, personal communication, March 5, 2014).

UNTAET's initial indecisiveness caused growing discontent among Falintil members, however. While INTERFET and UNTAET manifested an intention to demilitarize all ex-combatants, UNTAET's focus on external security and Falintil's unwillingness to disarm left the DDR process on the periphery of peacebuilding priorities. Although Falintil members were cantoned in Aileu province, they were still allowed to carry arms within the cantonment area (P. Baldwin, personal communication, October 1, 2013; Kingma, 2001). The worsening conditions in the cantonment area drove most of them to move out, thereby raising internal security concerns.

A clearer direction for a DDR programme came only about a year after the start of UNTAET's mission. The IOM, in collaboration with Falintil leaders and international donors, initiated the Falintil Reinsertion Assistance Programme (FRAP) to assist with the socio-economic reintegration of Falintil members into civilian life.⁹⁰ FRAP benefits covered expenses for the discharging and departure of former Falintil members, including cash payments, and assistance for income-generating activities and vocational-technical training. Those who were not chosen for or who opted out of the newly formed security institutions automatically became eligible to receive FRAP benefits (McCarthy, 2002).

The selection of FRAP beneficiaries proved problematic and sensitive in practice. A FRAP beneficiary, in principle, should have been registered while in cantonment, included in the socio-economic survey, and/or verified by a commander as a Falintil member. Despite these criteria, there were issues about beneficiaries who were deemed to be undeserving or less deserving than others who were not included on the list but met the criteria.⁹¹ Cash payments, support for income-generating activities, and training were provided to the 1,308 beneficiaries included on the list, who successfully reintegrated back into their local communities. An enabling environment plus the discipline and dedication of former Falintil members were keys to the success of the reintegration programme (de los

⁹⁰ IOM started providing return and reintegration assistance for the Timorese people from 1999 (S/RES/1319, 2000).

⁹¹ FRAP received reports that some Falintil commanders deliberately excluded some former Falintil members from the list of beneficiaries for reasons unknown to IOM. For details about the selection process, see IOM, n.d.; McCarthy, 2002.

Santos, personal communication, April 3, 2014; Mc Carthy, 2002). However, this celebrated success only applied to those who benefitted from assistance programmes. Those who were excluded from the list harboured resentment and fuelled the 2006 crisis.

MILITIA THREATS

One reason why the internationals failed to cast light on and promptly address the looming and deeply-rooted internal insecurity that eventually erupted during the 2006 crisis was its preoccupation with security threats from militias along the border with West Timor. Militia activities aiming to reverse the result of the referendum continued to create security threats. The violence from pro-independence militia against refugees along the border posed the highest security threat during the early stages of UNTAET's mission (S/RES/1338, 2001). In some villages there was an increase in information on militia activities when INTERFET handed over its peacekeeping responsibility to UNTAET's PKF in February 2000. Ishizuka (2000) has pointed out that, at that time, local militias perceived that it would be easier to infiltrate Timor-Leste after UNTAET's PKF replaced the better-trained INTERFET.⁹² This confidence among local militias was attributable to the non-coercive nature of UNTAET's peace enforcement, Ishizuka added. Moreover, the TNI did not immediately and completely stop supplying the militias with arms despite several UNSC reiterations.⁹³ They did not confront the militias and declined to provide protection to the refugees. Only after political developments in Jakarta did the Indonesian government become more cooperative about providing protection for refugees.

The early insecurity brought forth by militia attacks could have been prevented, or at least mitigated, if existing local forces had been involved, particularly in identifying who

⁹² Despite INTERFET's triumphant humanitarian intervention, its chronicle is not without criticisms. For example, it would have saved more lives if the forces had been deployed earlier instead of two weeks after the referendum. Its humanitarian support for refugees and ex-combatants was inadequate, and the unclear law and mandate, especially in dealing with militias, fell short of the expectations of the Timorese people (Wallis, Noronha, & Viana, 2015).

⁹³ UNSC Resolution 1272 stated that it was Indonesia's responsibility to provide security in the refugee camps and to ensure the safety of refugees who chose to return to Timor-Leste. UNSC once again reiterated its statement when it passed Resolution 1319 "[insisting] the Government of Indonesia take immediate additional steps, in fulfillment of its responsibilities, to disarm and disband the militia immediately, restore law and order in the affected areas in West Timor, ensure safety and security in the refugee camps and for humanitarian workers, and prevent cross-border incursions into Timor-Leste" (p. 2).

the militias were. Falintil proposed involvement in joint patrols together with the PKF but this proposal was not taken into consideration since the UN had at that time made no decision or judgment on how to deal with Falintil (Ishizuka, 2000). UNTAET's indecisiveness over Falintil's status and the worsening conditions in the cantonment area drove most of the members to move out. This contributed to growing disgruntlement and a breakdown of discipline among Falintil members, thereby raising internal security concerns. The discontent in the cantonment could have been addressed if former Falintil members had been able to participate in operations to combat security threats along the border. This strategy would have fed not only the need for security from militia attacks but also the Falintil members' need for acknowledgment of their struggle and their purpose and opportunities in the rebuilding of Timor-Leste but without formal acknowledgement of its national army status, which the UN was initially wary of giving.

Despite its initial shortcomings, securing the border between Timor-Leste and West Timor is still one of UNTAET's main achievements (International Institute for Strategic Studies, 2001). The PKF proved to be a professional, well composed, and robust military arrangement (Smith & Dee, 2003). Ultimately, its presence was able to provide and maintain security by deterring militia threats (Martin & Mayer-Rieckh, 2005). However, even with a broad mandate of providing security and maintaining law and order throughout the territory of Timor-Leste, the security activities of UNTAET proved narrow. While it was true that militia attacks were imminent threats to the population at that time, internal security was not given enough attention. UNTAET was so focused on external threats that it failed to address the causes of the 2006 crisis early on.

OUTCOMES OF UNTAET'S SECURITY MANDATES

Table 11 summarizes the outcomes of UNTAET's security mandates. The focus and efforts to secure the border with West Timor from militia threats against the population was successful. PKF's robust presence eventually put a stop to militia activities, thereby allowing the border population a safer environment for mobility. The eventual cooperation

of the Indonesian government also contributed to the fulfilment of this task. However, there was no local involvement in the process and the initial shortcomings could have been prevented if the PKF had solicited the assistance of Falintil. By any means, this would have been perilous in practice early in the mission considering the absence of a concrete plan for the future of Falintil, specifically in the DDR process. However, it would have not undermined the DDR process plan if Falintil's assistance had been limited to providing advice on identifying the militias since Falintil already had operational intelligence and experience in dealing with them. In addition to these issues and considerations, the absence of a fully functioning judicial and legal system prevented the pursuit of the militia members who committed violence against the population.

Table 11. Assessment of UNTAET's security mandates

| Security component | UNTAET's mandate | Institution-building | Local involvement | Result | General Assessment |
|---|-----------------------------------|----------------------|-------------------|---|----------------------|
| Protection for all | Responding to militia threats | Not applicable | No | Timor-Leste-West Timor border was secured and militia threats deterred | Successful |
| DDR | IOM's FRAP; no UNTAET mandate | No | Yes | FRAP was successful in assisting its beneficiaries but those who were excluded fuelled discontent | Partially successful |
| SSR/Rebuilding of local security forces | Rebuilding of local armed forces | Yes | Yes | Creation of F-FDTL but plagued with divisions and alliances, resulting in the 2006 crisis | Partially successful |
| | Rebuilding of local police forces | Yes | Yes | Creation of PNTL but plagued with divisions and alliances, resulting in the 2006 crisis | Partially successful |

The lack of a clear DDR plan was the most consequential mistake made by UNTAET. The indecisiveness over Falintil's status not only obstructed the development of the F-FDTL and PNTL but also prevented the two forces complementing each other's missions and cooperating in maintaining peace and security. Similarly to IOM's work in Kosovo, IOM's FRAP in Timor-Leste showed the importance of international agencies in stepping in to fill gaps in the rebuilding process when a UN transitional administration is constrained by the limitations of its mandate. The FRAP was successful in reintegrating the beneficiaries included on its list but it also fuelled discontent among those who were excluded. The selection of beneficiaries was made in consultation with Falintil commanders, who were biased in their decisions. This kind of local involvement, although substantive, is exclusive and non-representative. This shows that, while local involvement is important in the process, direction from external actors can check and balance the effects of bottom-up local involvement.

The delay in the passing of regulations regarding the establishment of the F-FDTL and PNTL represented a significant loss of time. Even though CivPol officers had started training the local police before the formal establishment of the PNTL, the delay did not help with providing solid guidelines and logistical support for more training and capacity-building programmes. The 2006 crisis proved that allowing competing local actors to take charge of the development of security institutions without substantial and effective international oversight can eventually lead to the collapse of the security sector. Despite the rebuilding of local institutions and the involvement of local actors and communities, the rebuilding of the security sector in Timor-Leste was only partially successful. Positive results were seen in the short-run during the mission but these did not consequentially warrant a long-term success.

UNTAET's distance from overseeing the development of the security forces opened up avenues for some local actors and groups to be involved without consulting peripheral groups. While it was convenient to partner with a particular group, especially at the start of

the mission or earlier in the negotiations, it was unwise to assume that this group truly represented the population or at least acknowledged oppositional views. For example, individuals or groups who were not actively involved in the resistance movement during the Indonesian occupation but whose participation or membership were also important in the development of the local security forces should have been treated by internationals as potential partners, similarly to how it treated the Falintil leadership. This was further aggravated by the fact that the Timorese leadership was highly factionalized by competing personalities.

PURSUING JUSTICE AND RECONCILIATION IN TIMOR-LESTE

CONTEXTUAL BACKGROUND

Fourteen years after Timor-Leste's independence, high-level officials in the Indonesian military who are guilty of concerting a series of systematic violence and killing have yet to be held accountable. However, in contrast to UNTAC and UNMIK, UNTAET had a clear mandate and support for justice and reconciliation. UNSC Resolution 1272 "stresse[d] the importance of reconciliation among the Timorese people" and explicitly "condemn[ed] all violence and acts in support of violence in East Timor, call[ed for] their immediate end, and demand[ed] that those responsible for such violence be brought to justice" (para. 16).

UNTAET's Human Rights Unit, together with INTERFET, collected and preserved evidence of serious crimes, and in June 2000 a Special Panel was established with exclusive jurisdiction over serious crimes committed surrounding the 1999 referendum (UNTAET/REG/2000/15, 2000). When UNTAET's mandate was extended for another year UNSC Resolution 1338 reiterated the need to bring to justice those responsible for serious crimes by addressing shortcomings in the administration of justice.

The contribution of the abovementioned mechanisms to Timor-Leste's pursuit of justice and reconciliation, specifically in holding accountable the Indonesian officers who

were found guilty of human rights violations during the occupation and, more prominently, in the events surrounding the 1999 referendum, is the focus of this section. Through this focus the role and dynamics of international and local actors in top-down institutional justice and bottom-up approaches to reconciliation are examined. This section demonstrates how reconciliation could be achieved even without justice. It also illustrates how the local leadership sidelined the local demand of the population to hold the Indonesian military forces accountable for the sake of political stability through forging friendship with the Indonesian government instead of seeking justice and reparations.

FORMAL INSTITUTIONS OF JUSTICE

UNTAET established Special Panels (hereinafter referred to as Panels), a hybrid tribunal in Timor-Leste, to hold accountable the perpetrators of serious crimes and violence surrounding the 1999 referendum. The Serious Crimes Unit was established soon after to investigate and prosecute cases of serious crimes in one of the Panels. The Panels had exclusive jurisdiction over serious criminal offences and sat within the District Courts of Dili from 2000 to 2006. They exercised jurisdiction over genocide, war crimes, crimes against humanity, murder, sexual offences, and torture committed between January 1, 1999 and October 25, 1999. The regulation that established the Panels contained sections on the definitions of crimes, qualifications of judges, witness protection measures, and the establishment of a trust fund for the benefit of victims (UNTAET/REG/2000/15, 2000). UNMISSET reported in 2005 that the Panels had completed 55 trials and tried 87 (84 convicted and 3 acquitted) but these were mostly low-level defendants. A total of 270 arrest warrants had been issued and four had been denied (S/2005/310, 2005, p. 6).

The Panels were composed of two international judges and one Timorese judge. Chesterman (2002a) cites three reasons for the incorporation of local jurists into the Panels. First, the aim was to promote the sustainability of Timorese institutions. However, since no Timorese lawyers had served during the Indonesian occupation, UNTAET had to appoint inexperienced jurists onto the Panels. Second, reliance on local jurists, despite their

inexperience, was symbolic of Timor-Leste's political transition to independence. Third, it was an emergency and convenient decision to appoint judges who knew the local language and were familiar with the local civil law system.

The hybrid nature of the Panels was not just reflected in their composition but also in the laws they applied. The regulation that established the Panels made references to the Rome Statute of the International Criminal Court (ICC) and also incorporated the Indonesian law that was enforced in Timor-Leste before UNTAET arrived. Cohen (2007) argues that this mixture caused several conundrums. First, none of the international judges had competent knowledge of Indonesian law or proficiency in Bahasa Indonesia, the most widely spoken language at that time. Second, although the Timorese judges had been educated in Indonesia and were familiar with Indonesian law, they were all recent graduates with little to no legal experience. Third, because the Panels sat within the District Courts of Dili there were inconsistencies in structure, logistics, recruitment, management, and accountability in fulfilling their tasks. The division of responsibilities was unclear from the beginning.

The most serious inconsistency between the Panels and the Timorese justice system was when a warrant of arrest was issued against General Wiranto, TNI's commander-in-chief during the referendum. Both the Timorese side of the judiciary and the UN disowned the issuance of the arrest warrant. This manifested the unwillingness of the UN and Timorese leadership to prosecute senior Indonesian officials. It turned out that the Panels only heard low-level cases involving Timorese village militia members because it did not have the power to extradite indictees from Indonesia (Sukma, 2002).

JUSTICE DENIED

The major disappointment with regard to the pursuit of justice in Timor-Leste was the decision of the UN leadership not to establish an international tribunal despite strong evidence that the Indonesian military was responsible for the violence surrounding the 1999

referendum. The UN justified its reluctance to establish another tribunal due to administrative strains from the tribunals in the former Yugoslavia and Rwanda. According to Bowman (2004), however, the main reason was that the UN's leadership did not want to confront Indonesia, a country with consequential influence in the region and a strong relationship with the UN and other major powers.

Indonesia established an ad hoc tribunal on its own in Jakarta to deal with human rights offences committed by Indonesians in Timor-Leste. However, its investigation was limited to four major events in 1999 and excluded other events such as the widespread burning of houses and looting, massive deportations, and major killings and massacres (Bowman, 2004; Dodd, 2001). It was a political decision for the protection of the Indonesian military and government instead of a genuine interest in the pursuit of justice. Out of the 18 indictments, 12 were acquitted and six were found guilty of committing grave human rights violations (HRW, 2006). However, five of these convictions were reversed in 2004. The only conviction was that of Eurico Guterres, a Timorese militia leader, who was sentenced to 10 years in prison. However, in 2008 Indonesia's Supreme Court acquitted Guterres in response to his appeal and he was released from prison (UC Berkley War Crimes Studies Center, 2007). International human rights organizations and civil society groups in Timor-Leste described the tribunal as a joke, a sham, and a show trial (Amnesty International UK, 2002; ETAN, 2005; HRW, 2002).⁹⁴ Nonetheless, for the UN and the Indonesian government the tribunal was a diplomatic success for it avoided further confrontation and possible conflict with Indonesia (Bowman, 2004). The trials were not carried out in good faith and the tribunal was established to serve the purpose of satisfying the demands of donors instead of serving justice to victims (de Bertodano, 2004).

Assessment of the Panels and the Jakarta tribunal is generally negative (for example, Bhuta, 2003; de Bertodano, 2004; Kent, 2012b; Kingston, 2006; Reiger &

⁹⁴ For detailed assessment of the formal institutions of justice in East Timor and the Jakarta Tribunal, see ETAN Archives, 2008.

Wierda, 2006).⁹⁵ The structural and procedural issues that plagued the Panels did not help to transform the judicial system of Timor-Leste into an effective tool for justice. The only positive assessment of the Panels in Dili has been regarding its overall efficiency in investigating and prosecuting cases (Reiger & Wierda, 2006). However, it has fallen short of holding accountable the high-level officials who ordered the systematic killing and looting in Timor-Leste and of providing justice for victims. It was the intention of the UN leadership and part of the national leadership to project to the Timorese and to the international community the idea that post-conflict peacebuilding in Timor-Leste fully respects the rule of law and human rights. However, it was not their intention to actualize it for *realpolitik* reasons. While Alkatiri wanted to hold Indonesian officials accountable, Gusmão, on the other hand, advocated friendship and reconciliation with Indonesia and highlighted the benefits of having a stable bilateral relationship with its neighbour (Bowman, 2004).

The flawed intention behind establishing the formal institutions of justice inevitably led to flawed practices. The UN did not project a strong political will to bring justice in Timor-Leste. It satisfied its mandate by establishing the Panels but did not ensure that the Panels would actually fulfil their tasks. For example, an expert sent by the UN to investigate problems within the Serious Crimes Unit reported that several individuals in the Unit were hampering its effectiveness. Although UNTAET acknowledged the observations in the report it did not implement the recommendations and the individuals identified remained in their positions (La'o Hamutuk, 2001).

Another manifestation of this flawed intention and lack of political will can be seen with regard to local practices of justice. UNTAET acknowledged the importance of incorporating local customs of justice but did not provide clear guidelines on how to incorporate them (Hohe, 2003). The implementation of justice suffered because UNTAET stopped at the technical establishment of formal institutions and did not ensure that these

⁹⁵ For a comprehensive assessment of UNTAET's Serious Crimes process, see S/2005/458.

institutions truly served the people. The political decisions of the UN and the Timorese leadership may have stabilized relations with Indonesia but the failure of justice in Timor-Leste resulted in a non-empathetic, non-emancipatory, and fragile kind of peace. This is an implication of a non-representative and politicized type of local involvement. Cumes (2010) argues that this decision cultivated a culture of impunity, with no respect for the rule of law, and thereby contributed to insecurity and instability in the long run. Relatedly, Collard-Wexler (2012) notes that the Timorese leadership's valuing of forgiveness over justice was a manifestation of their preference for political strategies rather than the rule of law.

COMMUNITY-LEVEL TRUTH-SEEKING AND RECONCILIATION

In July 2001 UNTAET passed a regulation for establishing the Commission for Reception, Truth and Reconciliation (CAVR), with the mandate of finding out the truth of human rights violations during the Indonesian occupation, fostering community-level reconciliation, and recommending measures to further promote human rights (UNTAET/REG/2001/10, 2001). The CAVR was established following the recommendation of a workshop on transitional justice participated in by Timorese civil society, the Roman Catholic Church, and community leaders. The UNTAET Human Rights Unit and the first National Congress of CNRT supported the recommendation and sought assistance from UNTAET (CAVR, n.d.-a).

The Community Reconciliation Process (CRP) of CAVR was a voluntary, grassroots level reconciliation initiative. It aimed to promote reconciliation through reintegrating people who had committed less serious harmful acts back into their communities. The CRP was conducted through facilitated, village-based, participatory, and community-based hearings that combined practices of traditional justice, arbitration, mediation, and aspects of criminal and civil law. A total of 1,371 perpetrators completed the CRP and individuals involved claimed that it contributed to the maintenance of peace and the resolving of divisions in their communities (CAVR, n.d.-b). CAVR extensively

incorporated customary law, with three-quarters of its community reconciliation hearings adopting local dispute resolution practices (Shaw & Waldorf, 2010).⁹⁶

The activities of the CRP were based on the concept of *nahe biti*, a Tetum phrase which means ‘stretching the mat’ (Babo-Soares, 2004). It encourages meetings and discussions between opposing parties or individuals so as to reach an agreement (p. 15). It is a part of an evolving process of linking the past and the future for the purpose of achieving stability, peace, tranquillity, and honesty (p. 15). *Nahe biti* is a local Timorese equivalent of reconciliation but could be fitted into a formal and state-based process of reconciliation. Babo-Soares reasons that adopting this grassroots level of reconciliation, in which people are more directly involved, could promote long-lasting peace without undermining the value of justice because participants in *nahe biti* are bound to comply in order to contribute to achieving social order. It was a substantive type of local involvement since CAVR promoted not just community-level reconciliation but also community-level justice (Ximenes, 2004).

⁹⁶ See also Cohen, 2006; Reiger & Wierda, 2006.

Image 8. *Uma Lulik* in Mehara, Lautem District



Note: *Uma Lulik*, which translates to sacred house, is found all over the country. A distinctly Timorese physical and spiritual structure, it is where traditional rituals and communal ceremonies are held, and where the past and the present meet.

Despite its heavy reliance on international donors and expertise and limited time frame, the CAVR was established as a Timorese institution led and staffed by Timorese, and drew its conclusions and recommendations based on the stories of Timorese individuals (McRae, 2006). Hugo Fernandes, former head of the Truth-Seeking Division of CAVR, confirmed that there was no international pressure on the work of CAVR (personal communication, March 6, 2014). It safeguarded balanced, representative, inclusive, and independent processes. CAVR's commissioners were strong figures in Timor-Leste and represented major sectors of society, even including a former pro-integrationist, according

to Fernandes. By employing the CRP, the CAVR was able to ease tensions in many communities, and many requested its continuation.⁹⁷

CAVR's mandate did not conclude without criticism. For one, little attention was paid to the needs and rights of individual victims. CAVR's approach to reconciliation was conventional in the sense that it did not go beyond collective forms of violence and injustice, and thereby focused only on collective reparation and reconciliation. It overlooked the accountability of individuals, particularly state actors, who benefitted from the victimization of Timor-Leste (Nevins, 2007). Furthermore, Robins' (2012) victim-centred evaluation of CAVR reveals that its processes were not well known to the victims, it had contact only with a few victims' families, and it had no impact on their lives. Those who claimed that they knew about CAVR had very limited knowledge of it and those who were familiar with the CRP were very complimentary (p. 99).

Robins (2012) further argues that the assumption that truth-telling leads to healing was still defined by the international community and national elites, and did not hold true for what the victims actually needed, such as livelihoods. He reasons that, in Timor-Leste, the population was more concerned with addressing their basic needs, and social and economic rights rather than mechanisms for transitional justice. While these critiques are noteworthy, it is necessary to understand that, first, the CAVR was meant to foster community-level reconciliation rather than to assign individual guilt and provide individual reparation. Second, the CRP did not reach all parts of the country because it only operated for four years, hence the requests for its continuation. Third, there has been a local demand for truth, as manifested in the emergence of local initiatives for memorializing the past, such as the construction of monuments and commemorations of massacres (Wallis, 2012). Local initiatives emerged because of public dismay about the failure of formal institutions of justice but the demand for truth did not override the socio-economic needs of the people. The Timorese simultaneously and equally demand retributive and restorative forms of

⁹⁷ For a detailed assessment and measurement of the success of the CAVR, see Zifcak, 2004, p. 54.

justice. Victims and their families view material reparation as being important as retributive justice (Kent, 2012a).

In 2005 CAVR published its final report, entitled *Chega!*, which means “no more, stop, enough!” in Portuguese. It included a 44-page part solely devoted to a comprehensive and detailed list of more than 200 recommendations for Timor-Leste and other international actors on reforms and initiatives to prevent the reoccurrence of human rights abuses in Timor-Leste (CAVR, 2005). However, these recommendations have still to come to fruition. Both the Timorese and Indonesian governments have not yet formally acknowledged all these recommendations because of their rejection of one of the recommendations: to establish an international tribunal to try perpetrators from Indonesia (Amnesty International, November 29, 2005). Anticipating this recommendation, both governments jointly established the Commission of Truth and Friendship (CTF) as if to silence the call for justice and amplify the *realpolitik* interests behind Timor-Leste’s friendship and reconciliation with Indonesia. After the publication of CAVR’s report, Gusmão showed hesitation over publicly disseminating it (C. Evans, 2012).⁹⁸ Forced by the outrage of civil society and the international community, and convinced that the CTF would nonetheless overshadow CAVR’s recommendations, he eventually presented it to the Parliament in the same year and to the UN Secretary-General in 2006. However, up to now, the advancement of these recommendations has remained slow and the Parliament continually delays debates on laws that would implement some of the recommendations in the report, such as those pertaining to the creation of national reparation and the establishment of an Institute of Memory (ICTJ, 2010).

FRIENDSHIP OVER JUSTICE

In 2005 the Timorese and Indonesian governments jointly established the CTF. The name of the commission, truth and friendship, conveyed the duality of its objectives, which were

⁹⁸ For a more detailed discussion surrounding the decision of the Timorese leadership on how to treat the CAVR recommendations and how to balance justice and reconciliation, see Pigou, 2004, pp. 6-12.

to find out the truth about human rights violations and institutional responsibility in a way that would contribute to reconciliation and friendship between Timor-Leste and Indonesia (CTF, 2008). It was established to partially respond to international and local demands and recommendations for an international tribunal when it became clear that the Panels in Dili were unable and unwilling to try high-level Indonesian military officials.

The CTF was criticized for not including human rights violations before the 1999 referendum and for its questionable conduct of public hearings (Hirst, 2009). The CTF responded to this criticism by stating that the public hearings were just one of its many sources of information and testimonies (CTF, 2008). It is, in fact, commendable for the amount of work it has accomplished and the variety of sources it has investigated. Notwithstanding its real objective and procedural shortcomings, the major contribution of the CTF has been obtaining Indonesia's acknowledgement that its government and military committed gross human rights violations against civilians in Timor-Leste surrounding the 1999 referendum (Perry, 2009).

The CTF stated that its mandate did not include determining individual responsibility, perhaps a preconceived mandate to support its intended goal of guaranteeing impunity for involved Indonesian officers. Instead, it concluded that human rights violations carried out by individuals were the responsibility of the state and their institutions. However, without an international tribunal the state and its institutions cannot be held accountable. Instead, the CTF made recommendations on reforming state institutions and promoting a culture of accountability. The CTF's investigations did not address the tribunal issue but rather strengthened the case for the impunity of high-level military officers in Indonesia, from whom the Timorese population wanted justice. Then newly-appointed UN Secretary-General Ban Ki Moon strongly opposed the Commission's recommendation to provide amnesties for Indonesian human rights violators and war criminals, and the UN boycotted the proceedings (Global Policy Forum Archives, 2007b). The Indonesian foreign minister responded to the UN's opposition by reiterating that the

CTF's purpose was to reconcile and not to prosecute (Global Policy Forum Archives, 2007a)

As expected from the outset, the final report of the CTF was not well received by international organizations and local civil society. The conclusion that the Indonesian government committed gross human rights violations was not news to the Timorese people (ANTI, 2008). Before the publication of its report the CTF was already being criticized as redundant, given that the CAVR had already published its final report, and was labelled as a political tool for Timor-Leste and Indonesia to ease their relations (Perry, 2009). Years after the report both governments have still to adopt the recommendations of the CTF, especially on the disappeared persons, memorialization projects, and reparation for victims (Amnesty International, July 15, 2014; Strating, 2014). The Timorese government has not yet sought reparation from the Indonesian government on behalf of victims because the intention of the Timorese government was to seek the truth rather than to demand compensation or even an apology (Horta, 2009).

The CTF was a façade of transitional justice; its substance was to enhance Indonesian and Timorese bilateral relations, which are fortunately treading a positive track. Putting things into political perspective, Timorese politicians consider friendship over justice a more reasonable option for Timor-Leste with respect to its diplomatic relations with Indonesia, which is a more powerful and influential player in the region. The CTF published the 'conclusive truth' about the 1999 violence but those truths had already been uncovered by previous efforts. It promoted friendship between Timor-Leste and Indonesia but only between their respective elites within political boundaries. Despite the establishment of judicial mechanisms, the politicized and non-representative involvement of the local elite obstructed the pursuit of justice.

The truth was established and the work of CAVR provided a historical record of Timor-Leste's tragic past that can be used in the future. It gave voice to communities and

individuals that would otherwise have been silenced by the shortcomings of formal judicial institutions. The Timorese want more than remembering what happened in the past, however; they want to see those responsible for the most serious crimes being brought to justice (Grenfell, 2005). Also, more than reconciliation, they also want reparations but their right to reparations is being blocked by their government's 'friendship' with Indonesia. Indonesia may have acknowledged its responsibility for the human rights violations it committed but it remains indifferent to reparation efforts put forward by civil society and other international organizations. As if complicit in this indifference, the political leadership of Timor-Leste does not exert its right to reparation (C. Evans, 2012). Optimism in this bleak circumstance relies on civil society keeping the issue of justice alive (Kingston, 2006).

POLITICIZED JUSTICE, LOCALIZED RECONCILIATION

In Timor-Leste the pursuit of justice and reconciliation has been an arena for international and local actors to advance the priorities they thought best for the country. For the UN missions and Timorese leadership the priority is reconciliation and good relations with Indonesia. The international community, civil society, and local population want those most responsible for human rights violations to be tried in court, and they demand appropriate reparations. For the Timorese, reconciliation should come with justice, which is different from the view of the politicians that Timor-Leste should be reconciled with Indonesia regardless of whether it was right or wrong, just or unjust (H. Fernandes, personal communication, March 6, 2014).

The decision makers in Timor-Leste have had the herculean responsibility of balancing several political imperatives: "the need to repatriate refugees without antagonising Indonesia; the maintenance of stability along the border with West Timor; the physical redevelopment of the country; and the drive of powerful Western states to maintain Indonesia as a key ally over the pursuit of prosecutions of its military" (Kent, 2012a, p. 86). This is not to say that the decisions of the Timorese leadership have been entirely wrong. In

fact, these political imperatives have been achieved to varying degrees. However, these considerations should have been balanced vis-à-vis the clamour of the local population for justice, at least in the form of reparations that victims deemed appropriate.

Similarly to Cambodia and Kosovo, the case of Timor-Leste also showed the imperfections of a top-down approach to liberal peacebuilding focused on technical institution-building. Timor-Leste had three mechanisms for the purpose of transitional justice: the Panels in Dili, the CTF tribunal, and the CAVR. While the attainment of full justice in Timor-Leste requires more than one mechanism, as Kent (2012b) asserts, multiple mechanisms with expansive goals that do not correspond to realities on the ground also do not deliver. A new mechanism was established in every situation when previous mechanisms proved to be ineffective or did not satisfy political imperatives. Justice remained elusive, however, because of unrealistic goals with limited resources, the weak political will of decision makers, and the inherent challenges of a country coming out of a long history of violence and conflict (Cohen & Lipscomb, 2012).

To compensate for the lack of justice from formal institutions, the local population reverted to indigenous and community-level reconciliation (Hohe, 2003). In fact, as Wallis (2012) has examined, the local justice system in Timor-Leste is very much embedded in the practices of communities and continues to settle minor disputes that the government has since decided to engage with and empower its mechanisms for. Other than the structural, procedural, and logistical problems they faced, the main issue with the justice mechanisms implemented in Timor-Leste was that they treated justice as separate from reconciliation and only achievable through retribution. In contrast, the Timorese see justice and reconciliation as intertwined. This is expressed in their demand to see perpetrators tried in court despite the general satisfaction of participants in CAVR's CRP.

The case of Timor-Leste also demonstrates the pitfalls of local involvement. Like in Cambodia and Kosovo, the pursuit of justice and reconciliation was politicized. First of all,

the local leadership was divided over how to deal with Indonesian military officers. Alkatiri and Bishop Belo supported recommendations for an international tribunal while Gusmão and Ramos-Horta preferred political reconciliation with Indonesia. Even though it did not represent the sentiment of the population, Gusmão's decision to prioritize stable relations with Indonesia over prosecuting its high-level officers was for the purpose of exhibiting a symbolic gesture for the population to emulate and embrace reconciliation. In a Grace Phan (2007) documentary about Gusmão's journey to forgiveness, he said:

Many people complain and accuse [me] and the State of forgetting the suffering of the past, forgetting the sentiments of the victims. I always say that during a liberation struggle, we cannot use the term 'victims;' they are all heroes. You must understand that during our recent history, atrocities were committed on all sides. It was not only Indonesian soldiers that killed Timorese; Timorese killed Timorese too.

The priority after independence was national reconciliation and to gain a sense of national unity, according to a Timorese government official (T1, personal communication, February 28, 2014). "Our victory is as big as our ability to embrace the enemy. Our victory is determined by our ability to unite the Timorese without past burdens," he conveyed. This thesis concurs that reconciliation with Indonesia was necessary but it should be reconciliation not only between political elites but also between their peoples. The failings of justice and overemphasis on political reconciliation in Timor-Leste indicate the need to strike a balance between justice and reconciliation, and for both to be jointly pursued across institutions and within all levels and sectors of society.

The relationship between Timor-Leste and Indonesia is currently stable. Perpetrators of less serious crimes have been tried in both Dili and Jakarta and have served their minimum sentences. Former militia members who committed less serious crimes have been reintegrated into their communities through local forms of transitional justice. Victims

have been able to share their stories and the truth has been established. Reconciliation has been fostered at both national and international levels. Stability has been achieved; is it now time to pursue justice? Justice cannot be delayed indefinitely; perpetrators will die without being held accountable and the next generations will not share the same sentiments as those who experienced the Indonesian occupation. Due to the decisions of the UN and Timorese leaderships, however, high-level Indonesian officials remain at large and the outlook for an international tribunal to try them is bleak.

Reparations for victims and their families, particularly in the form of economic assistance and material provision, continue to be an issue that needs national attention. Furthermore, the Timorese are now facing another kind of injustice—economic and social injustice—that also needs responsiveness, especially as the development gap is getting wider and more obvious despite revenues from natural resources (Scheiner, personal communication, February 24, 2014). It is never too late to pursue justice for the tragedy of the past but the Timorese leadership should also not be late in providing a just society for its people and future generations.

PROMOTING DEVELOPMENT IN TIMOR-LESTE

CONTEXTUAL BACKGROUND

Timor-Leste is one of the poorest economies in Southeast Asia. Its economy was stunted by almost three centuries of Portuguese colonization. Despite benefitting from Timor-Leste's natural resources, primarily from exports of sandalwood, Portugal failed to improve public and economic infrastructure to the extent that, when they left, there were only seven kilometres of functioning road (Peake, 2013). Indonesia's annexation was better for Timor-Leste in terms of economic development than Portuguese colonization as the Indonesian government started building public infrastructure to buy Timorese support for annexation.⁹⁹

⁹⁹ Based on stories from the Timorese I encountered during fieldwork.

Timor-Leste's economy is predominantly agricultural, with coffee as its primary cash crop and industry. It is based on subsistence and an informal economy. Its economy depended on Indonesian financial transfers during the latter's occupation but the violence after the referendum destroyed most of Timor-Leste's physical infrastructure and markets for goods and services (Carnahan, Gilmore, & Rahman, 2005). UNTAET arrived in Timor-Leste and saw "a country burned down to ashes with smoke still drifting in the air," as one international who was working for an NGO during the transition described it (T25, personal communication, November 7, 2013).

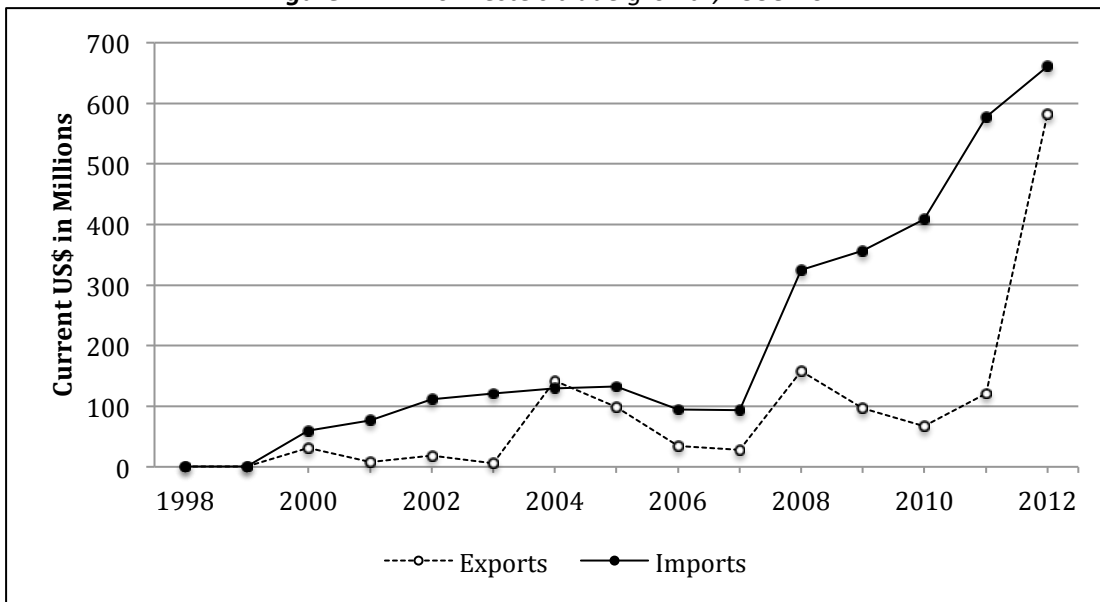
UNTAET's development mandate consisted of ensuring the coordination of rehabilitation and development assistance and assisting in the establishment of conditions for sustainable development (S/RES/1272, 1999). The establishment of conditions for sustainable development meant advancing the local economy, for which a functioning private sector was a prerequisite (Carnahan, Gilmore, & Rahman, 2005). Timor-Leste is rich in oil and coffee, and tapping these resources helped UNTAET to fulfil its development mandate of improving the country's local economy. After an overview of Timor-Leste's macroeconomic development and UNTAET's contribution to it, this section highlights the contribution of petroleum revenues to Timor-Leste's post-conflict development. This sector is an important focus of this chapter because of its high potential to contribute to economic development. The context of liberal peacebuilding in Timor-Leste underscores the importance of cooperation between international and local actors in maximizing the benefits of a liberal market economy. Unfortunately, the political elite is capturing most of these benefits in a system that is prone to corruption.

THE PROFITS AND PERILS OF A LIBERAL ECONOMY

The presence of an international mission revived Timor-Leste's economy through the resumption of commerce, services, and other physical reconstruction efforts. While exports remained weak until their dramatic increase from US\$345,000 in 1999 to US\$583 million in 2012, imports steadily grew from US\$994 thousand in 1999 to \$661 million in 2012

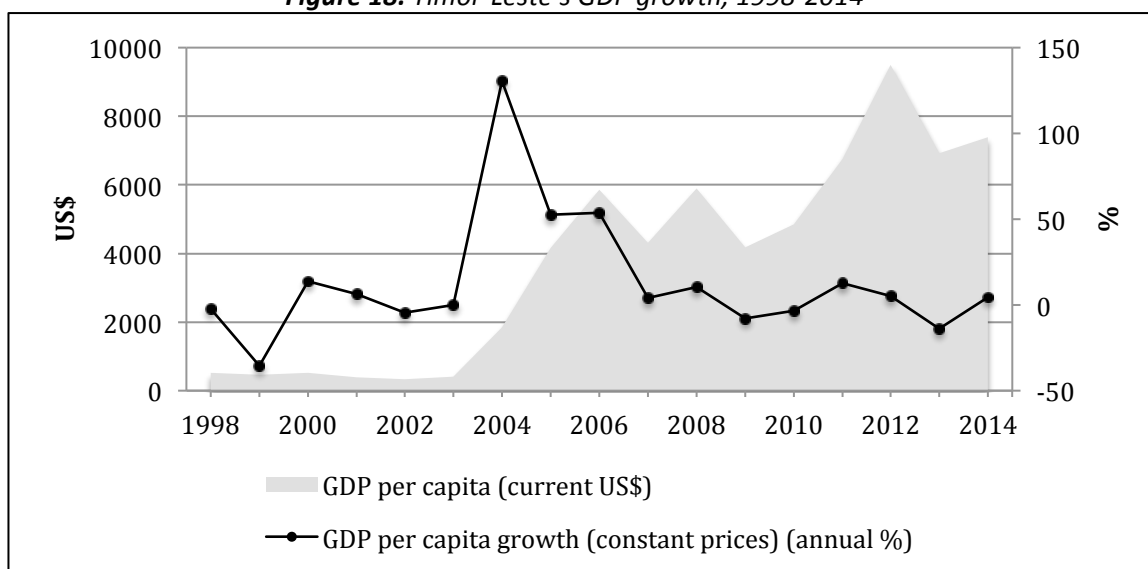
(Simoes & Hidalgo, 2011) (see Figure 17). However, GDP per capita growth showed high volatility throughout the years ranging from its lowest negative 35.5% growth rate in 1999, when UNTAET arrived, to its highest 130.8% growth rate in 2004 (Kushnir, 2014) (see Figure 18). The economic growth rate remained high in 2005 at 52.7% and in 2006 at 53.8%. Since then, the economy has seen modest growth with an occasional negative GDP per capita growth rate. In 2014 Timor-Leste's GDP per capita growth was 4.5% and was projected to slightly increase in the following years (Asian Development Bank, 2015; IMF, 2015). From 2001 to 2014 Timor-Leste's average annual GDP growth rate was 6.61%.

Figure 17. Timor-Leste's trade growth, 1998-2012



Data from The Economic Complexity Observatory, 2014 (Simoes). Exports represent the value of all goods and other market services provided to the rest of the world and imports are those received from the rest of the world (World Bank, 2016b). Timor-Leste had a negative trade balance of US\$780 million in 2012.

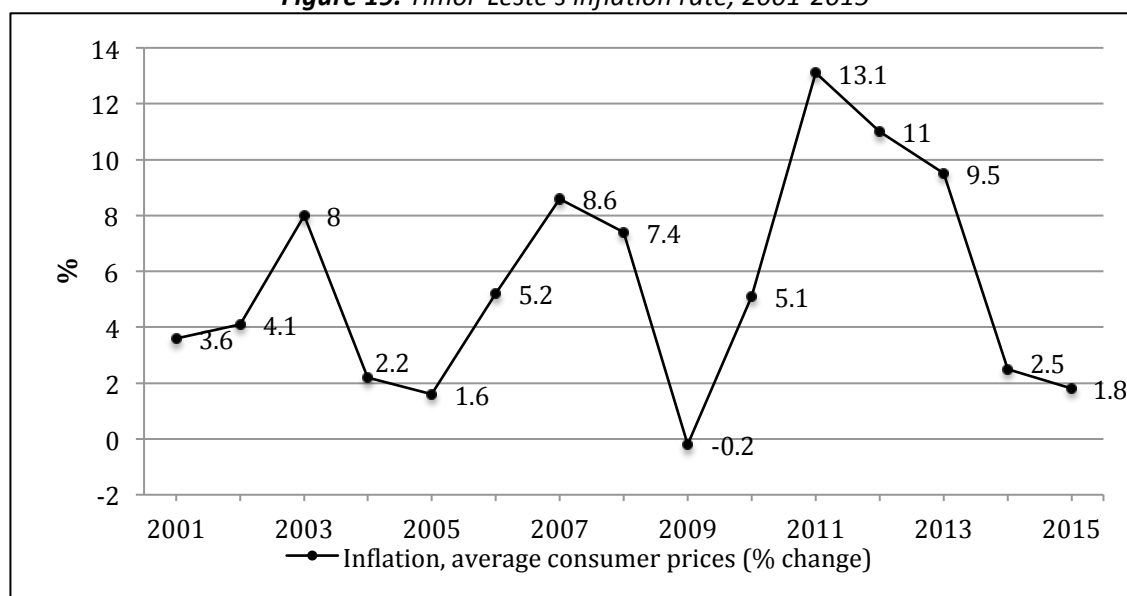
Figure 18. Timor-Leste's GDP growth, 1998-2014



Data from World Macroeconomic Research, 1970-2014, April 2016. GDP per capita (current US\$) is the sum of gross value by all resident producers plus product taxes and minus subsidies divided by midyear population. The GDP per capita growth change is the annual percentage growth rate of GDP at market prices based on constant prices. (IMF, 2016)

UNTAET, with IMF's financial advice, was able to foresee the need to stabilize the currency in Timor-Leste (Valdivieso, Endo, Mendonça, Tareq, & López-Mejía, 2000). Since 1975 Indonesian banks had monopolized the financial sector and the Indonesian rupiah was virtually the only circulating currency (Valdivieso et al., 2000). Due to the post-referendum violence, the banking and payment system halted, shifting all transactions to a cash basis and allowing other currencies, such as the US and Australian dollars, and other Southeast Asian currencies, to circulate (Valdivieso et al., 2000). The IMF recommended that Timor-Leste should not introduce a national currency until a financial market was functioning and financial policies were implemented (Valdivieso & Lopez-Mejia, 2001). UNTAET took on the recommendation to adopt a single currency to eliminate inefficiencies and distortions caused by the use of multiple currencies. The US dollar was adopted, after considering other currencies and consulting with their respective monetary and fiscal authorities, because of its "stable value, widespread international use, and convertibility" (Valdivieso et al., 2000, pp. 11-12). The decision to use the US dollar as the official currency, which Timor-Leste uses to date, helped stabilize economic distortions produced by multiple currencies and kept the inflation rate low (de Brouwer, 2001) (see Figure 19).

Figure 19. Timor-Leste's inflation rate, 2001-2015



Data from IMF WEO Database, April 2016. The inflation rate for average consumer prices is the annual average percentage change to the average consumer of acquiring a basket of goods and services (IMF, 2016).

UNTAET established the Central Payments Office in 2001 to provide efficient payments and sound banking systems (UNTAET/REG/2000/6, 2000). In 2001 the Office was transformed into the Banking & Payment Authority in East Timor as the next step in creating a central bank. Its primary objective was “to achieve and maintain domestic price stability” (UNTAET/REG/2001/30, 2001, sec. 5.1). It also aimed to “foster the liquidity and solvency of a stable market-based banking and financial system, execute the foreign exchange policy of [Timor-Leste], and to promote a safe, sound and efficient payment system” (sec. 5.2). In 2011 it was finally transformed into the Central Bank of Timor-Leste. This was a move designed to improve the supervision and management of the state budget, to control the activities of private banks for accounting and transparency purposes, and to ensure sustainable independence for the Petroleum Fund (Central Bank of Timor-Leste, 2011).

Timor-Leste is abundant in coffee. Although it is the primary cash crop and one of the main exports and industries of Timor-Leste, there was a lack of streamlined and proper management. The violent incidents of 1999 disrupted the coffee industry and made its

development a more challenging task. In 2000 the Division of Agriculture under ETTA analysed the potential of the coffee industry and recommended its economic viability alongside a series of steps to be taken, such as organic certification for Timorese coffee, to enable it to compete in the international market (Moreno, 2000). In 2000 around 48,000 farmers were involved in the coffee industry and Timor-Leste was producing between 8,000 and 10,000 tons of dry coffee, amounting to US\$20 million annually (UNTAET, 2000a)

UNTAET contributed to resuscitating and improving the coffee industry. It trained farmers, provided processing tools, and disseminated techniques for harvesting, processing, and storing coffee through radio broadcasts and information campaigns (UNTAET, 2000a). A stipulation on presumptive income tax on coffee exports was also approved (UNTAET/REG/2000/12, 2000). Despite these initiatives, efforts related to the coffee industry were minimal and under prioritized. For example, road repairs were mainly carried out on primary roads, and not enough attention was paid to roads that were important for coffee farmers transporting their crops to market (Pomeroy, 2001).

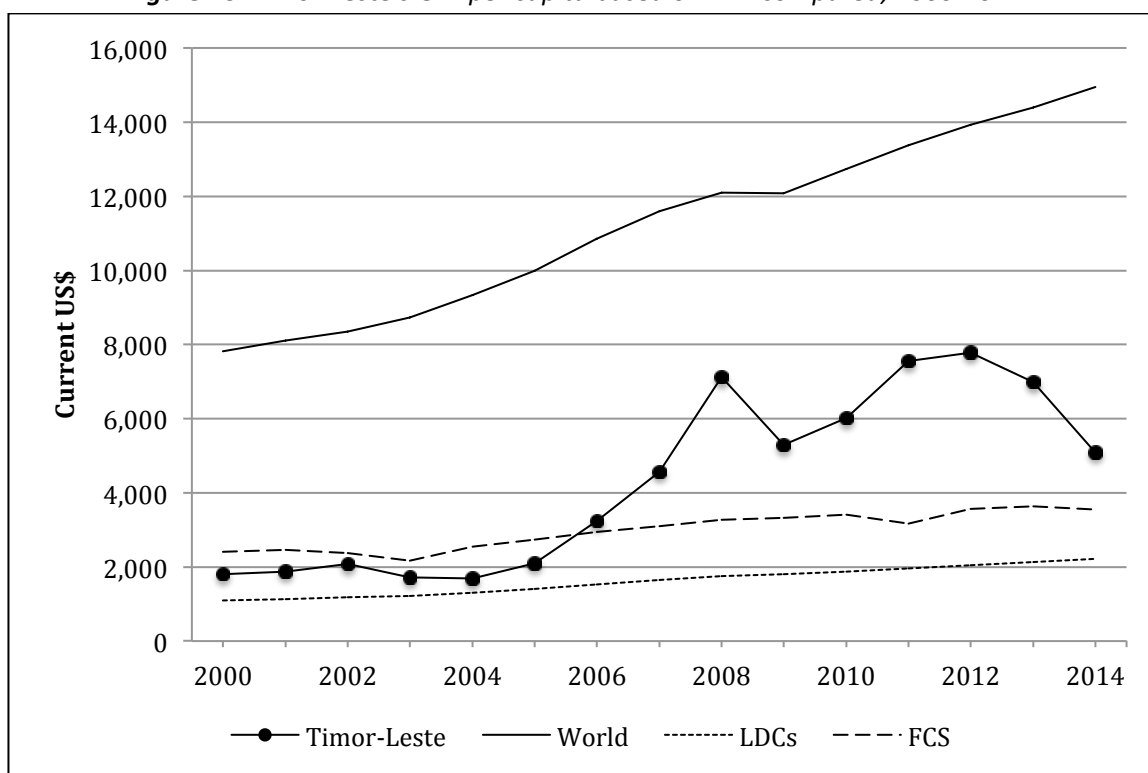
UNTAET was also successful in obtaining donor or investor support, establishing a system for balancing the national budget, and enforcing tax and regulatory systems. At the start of UNTAET's mission Timor-Leste had become a popular international aid recipient. After the Timorese leadership requested joint and well-coordinated international support for reconstruction, the World Bank organized a Joint Assessment Mission to identify reconstruction priorities, estimate funding, and recommend long-term development objectives. The report of the Mission was used during a donor conference held in Tokyo in 1999. A total of US\$522 million in grant aid was pledged for Timor-Leste's reconstruction covering the following two years: US\$149 million for the World Bank's trust fund for reconstruction and US\$215 million for UNTAET's trust fund for civil service capacity-building (Cliffe, 2007). Given the large inflow of international aid, the IMF encouraged fiscal responsibility or greater self-reliance in Timor-Leste and the Timorese leadership

targeted self-funding for government operations after UNTAET ("Development Issues," 2002).

With a pledged financial support for reconstruction, UNTAET also passed budget and taxation regulations. In January 2000 UNTAET established the Central Fiscal Authority (CFA) to manage the Budget of East Timor and to develop, adopt, and execute the East Timor Consolidated Budget, which was separate from UNTAET's budget (UNTAET/REG/2000/1, 2000). In the same year, UNTAET established a taxation regime which included the creation of the East Timor Revenue Service within the CFA (UNTAET/REG/2000/18, 2000). This regulation was amended in 2002, after the First Constitutional Government took office, thereby replacing the CFA with the Ministry of Planning and Finance. This new legislation also included taxation and revenue pertaining to the Timor Sea Treaty signed in May 2002 (First Constitutional Government of East Timor, 2002; Lestro, 2011).

Despite the massive inflow of reconstruction aid and programmes, though, Timor-Leste's economic growth remains modest and its standard of living low. It ranked 133rd out of 188 countries in UNDP's HDI in 2014 with a value of 0.59 out of 1.0 (Jahan, 2015, p. 49). This is a minute improvement from its HDI value of 0.468 in 2000. As of 2014, Timor-Leste's GNI per capita based on PPP, which measures the standard of living in a country, is US\$2,124. Although Timor-Leste is faring better than most least developed and disrupted countries, this is the lowest record since 2009 and the trend is declining (see Figure 20).

Figure 20. Timor-Leste's GNI per capita based on PPP compared, 2000-2014



Data from World Bank, June 2016. Gross National Income (GNI) per capita based on PPP converted to international dollars using PPP rates. An international dollar has the same purchasing power over GNI as a US dollar has in the US. GNI is the sum of value added by all resident producers plus any product taxes (less subsidies) not included in the valuation of output plus net receipts of primary income (compensation of employees and property income) from abroad. LDCs or least developed countries are defined as low-income countries suffering from structural impediments to sustainable development. To identify LDCs, the UN Committee on Development Policy uses three criteria: GNI per capita, the human assets index (HAI) and the economic vulnerability index (EVI). (UNDESA, 2015) FCS or fragile and conflict affected situations are countries and non-member or inactive countries and territories with a 3.2 or lower harmonized average of the World Bank's Country Policy and Institutional Assessment rating and the corresponding rating by a regional development bank, or that have had a UN or regional peacebuilding and political mission or peacekeeping mission during the last three years. (World Bank, 2016b)

CORRUPTED DEVELOPMENT: THE CURSE OF OIL

The 610,00-square kilometre Timor Sea is located between Timor-Leste and Australia with significant number of islands and considerable reserves of oil and gas. During the Indonesian occupation Indonesia signed the Timor Gap Treaty with Australia in 1989 regarding shares of resources and profits from oil exploration in the Timor Sea but this treaty was considered illegal by international law and evaporated in 1999 after the referendum (La'o Hamutuk, 2003). Prior to that, Australia was able to profit from Timor-Leste's oil and gas reserves in exchange for recognising Indonesian sovereignty over Timor-Leste (see, for example, T. Anderson, 2003; Nevins, 2002).

During the reconstruction period under UNTAET the importance of getting revenues from Timor Sea's resources was highlighted. Both UNTAET and the Timorese leadership agreed on the continuation of oil company contracts and development as a source of revenue. UNTAET negotiated with Australia and signed the Timor Sea Arrangement in July 2001 stipulating shares of petroleum production, with 90% for Timor-Leste and 10% for Australia. After independence, the Arrangement was transformed into the Timor Sea Treaty between Timor-Leste and Australia and was signed in May 2002. However, this treaty only covers the Joint Petroleum Development Area (JPDA), thereby allowing Australia to solely continue developing seabed resources outside this area (La'o Hamutuk, 2003). There are speculations that the shift in Australia's cooperation from Indonesia to the UN was not to represent Timor-Leste's interests but a way to benefit from the Timor Sea's resources through employment opportunities, national revenue, and regional investment (for example, Ishizuka, 2004).

On March 22, 2016, 40,000-70,000 Timorese staged a protest outside the Australian Embassy in Dili following smaller demonstrations organised by the Movement Against the Occupation of the Timor Sea (Lane, 2016). These protests were about the Certain Maritime Arrangements in the Timor Sea (CMATS) treaty signed in 2006 and enforced in 2007 between Timor-Leste and Australia regarding the shares of revenues that would be generated from the Greater Sunrise field, of which 80% lies outside the JPDA and remains untouched. While the agreement gives Timor-Leste an increase in shares of upstream revenues from the previous 18-72% arrangement in favour of Australia to 50-50 shares, it came with a condition that neither country would call for permanent maritime boundaries for the next 50 years or more (Australia and the Democratic Republic of Timor-Leste, February 23, 2007, Art. 4.7).

On April 11, 2016, the Timorese government initiated a compulsory conciliation under the United Nations Convention on the Law of the Sea (UNCLOS) with the aim of concluding an agreement on permanent maritime boundaries with Australia (Democratic

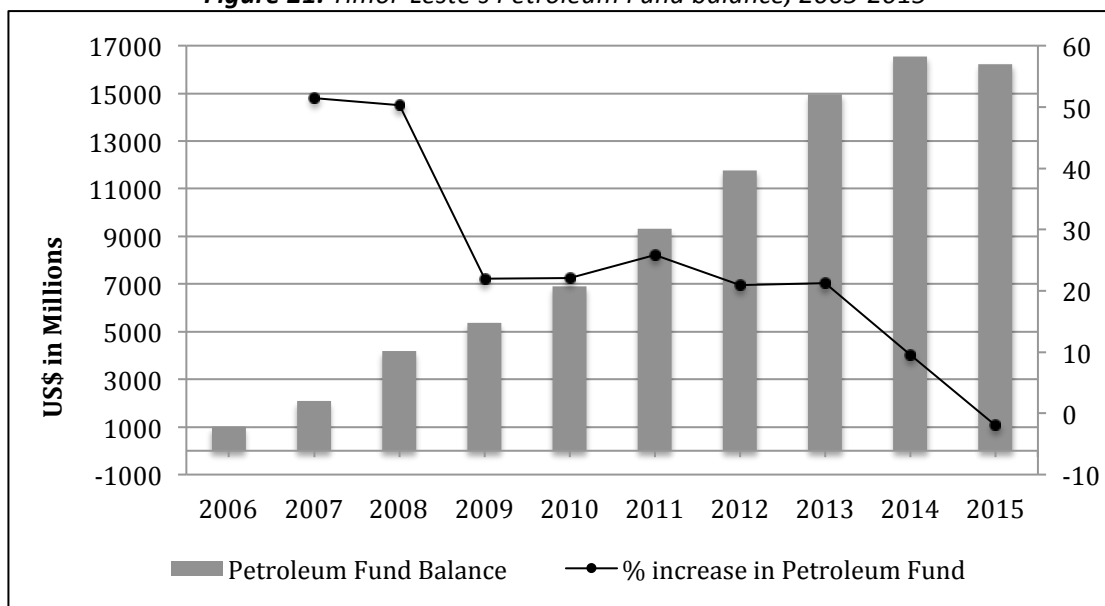
Republic of Timor-Leste, 2016). Timor-Leste believes that Australia exploited its vulnerability as a new and weak nation through the CMATS, as cited in a news article describing the sea border dispute between the two countries (Allard, 2016). The same article also notes that Timor-Leste lost revenues that would have funded the state budget for three years because of the CMATS. Initially Australia refused to negotiate, arguing that if UNCLOS principles were applied much of the territory in the Great Sunrise would fall within Indonesian territory, even though the Timorese government announced that it would settle its territorial boundaries with Indonesia separately. This is an example of the perils of liberal peacebuilding when an external state utilizes its influence and peacebuilding responsibility for the purpose of its own state interests instead of realizing the value of a liberal economy for a post-conflict society's economic development. Through the ongoing conciliation under UNCLOS, the governments of Timor-Leste and Australia recently released a joint statement declaring that the former has delivered a notification to terminate the CMATS to the latter (*Joint Statement by the Governments of Timor-Leste and Australia and the Conciliation Commission Constituted Pursuant to Annex V of the United Nations Convention on the Law of the Sea*, January 9, 2017). Departing from its previous stance, the Australian government declared that it now recognises the right of the Timorese government to terminate the treaty.

In 2008 the estimated value of oil and gas revenues was around US\$3.2 billion, which was nine times more than that of Timor-Leste's 2004 non-oil GDP (Lundahl & Sjöholm, 2008, p. 79). Despite these revenues, experts warned Timorese officials of the dangers of relying on a single commodity with high price volatility to finance its development (Doraisami, 2009; Seymour, 2000). Mismanagement of oil revenues may lead to the economic paradox called the 'resource curse,' which happens when, despite the

abundance of non-renewable natural resources, a country cannot sustain economic growth and development (Canuto & Cavallari, 2012; Frankel, 2011; Sachs & Warner, 1999).¹⁰⁰

It was therefore a wise move for the Timorese government when it established the Petroleum Fund (hereinafter referred to as the Fund) in 2005 in order to avoid the resource curse by saving petroleum revenues to generate more income (Lundahl & Sjöholm, 2008). The Petroleum Fund Law stipulates that the annual estimated sustainable income (ESI) is three percent of the total petroleum wealth that the government can use to finance the state budget.¹⁰¹ The ESI is calculated every year based on a conservative set of assumptions about petroleum output and prices, reflecting international best practices and internationally recognized standards, and certified by an independent auditor. All revenues from the Timor Sea are transferred to the Fund and invested abroad in financial assets except for transfers to the central government budget. In 2014 the petroleum revenues amounted to US\$1.8 billion, bringing the Fund’s balance to US\$16.5 billion and showing a steady increase since 2005 (Timor-Leste Ministry of Finance, 2014) (see Figure 21).

Figure 21. Timor-Leste’s Petroleum Fund balance, 2005-2015



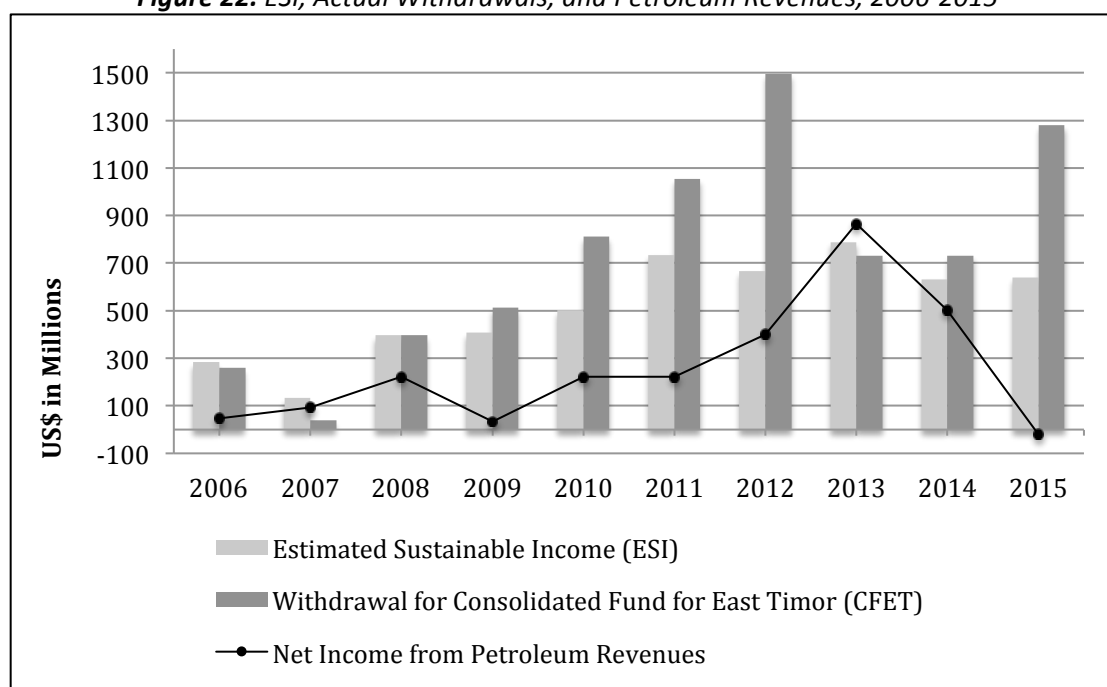
Data from Timor-Leste Ministry of Finance, 2014.

¹⁰⁰ Some scholars have disputed the negative causality of rich natural resources in economic growth and state that this economic paradox depends on several factors, such as the relative amounts of resources, good governance, and effective institutions (for example, Clawson, 2011; Haber & Menaldo, 2012; Lederman & Maloney, 2007; J. A. Robinson, Torvik, & Verdier, 2006; van der Ploeg, 2011).

¹⁰¹ Petroleum wealth is calculated as the estimated value of the Petroleum Fund at the end of the prior fiscal year plus the net present value of expected annual petroleum fund receipts.

The Timorese government considers the Fund to be the cornerstone of its economic policy, with 90% of its state budget coming from the Fund as of 2015 (Timor-Leste Ministry of Finance, n.d.). It is a sustainable initiative given that oil reserves are finite resources and that revenues from the Timor Sea are forecast to fall in the next decade because of lower global prices and production.¹⁰² However, since 2008, the government has exceeded its ESI withdrawals from the Fund.¹⁰³ La'o Hamutuk's (2005) monitoring revealed that in the last quarter of 2015 the government took \$640million out of the Fund, the highest quarterly withdrawal since the Fund's establishment. This move has been criticized by civil society, the IMF, the World Bank, Fretilin, and the Petroleum Fund Consultative Council (PFCC).¹⁰⁴ Figure 22 and Table 12 show that while the ESI is decreasing amidst the projected decline in petroleum's market value, government withdrawals are increasing to amounts much higher than the approved ESI. Based on La'o Hamutuk's projection (2013), Timor-Leste will go bankrupt if the government continues this trend of revising the ESI to accommodate its increasing withdrawals.

Figure 22. ESI, Actual Withdrawals, and Petroleum Revenues, 2006-2015



Data from Timor-Leste Ministry of Finance, 2014.

¹⁰² For in-depth studies of Timor-Leste's oil and gas, visit <http://www.laohamutuk.org/Oil/OilIndex.html>.

¹⁰³ Updated data and projections are sourced from <http://www.laohamutuk.org/Oil/PetFund/05PFIndex.htm>.

¹⁰⁴ The PFCC is composed of past and present Timorese government officials and mandated to advise Parliament on the performance, operation, and appropriation of the Petroleum Fund (Democratic Republic of Timor-Leste, 2005).

Table 12. Timor-Leste's projected ESI and planned withdrawals (in US\$ million), 2016-2020

| Year | 2016 | 2017 | 2018 | 2019 | 2020 |
|------------|-------|-------|-------|-------|-------|
| ESI | 639 | 545 | 535 | 520 | 490 |
| Withdrawal | 1,279 | 1,284 | 1,451 | 1,937 | 1,494 |

Data from La'o Hamutuk, May 2016 based on market projections and the 2016 State Budget.

Several studies have raised cautions over the government's unnecessary spending of public money and inefficient management and control of infrastructure projects (for example, Drysdale, 2008; Lundahl & Sjöholm, 2008; Nygaard-Christensen, 2016; Scheiner, 2015; Shoesmith, 2011). In 2015 Timor-Leste scored 28 in Transparency International's Corruption Perceptions Index, ranking 123rd out of 167 countries.¹⁰⁵ Bosso (2015) describes this concern over public spending below.

While the growth in oil revenues has allowed the government to invest in much needed infrastructure and human development initiatives, it has also created new opportunities for corruption and administrative malpractice, as reflected in the increasing number of high-level corruption cases being brought before the courts (p. 1).

In 2014 Gusmão controversially expelled foreign lawyers and judges from Timor-Leste, one day before the trial of Finance Minister Emilia Pires on corruption charges (Allard, 2014). Pires was charged with breaching the law for awarding contracts through a direct award or without a tender to a company owned by her husband ("Minister of Finance Emilia Pires," 2012). The trial of Pires, including eight other Cabinet members, was suspended after Gusmão's decision (Allard, 2014). It was a move denounced by foreign governments and international investigators and the judiciary as Gusmão's strategy to not only protect his ministers from corruption charges but also to prevent further investigations that might connect to allegations of him carrying out corrupt activities in terms of awarding

¹⁰⁵ Corruption in Timor-Leste is worsening. Its 2015 score is lower than its 2012 score of 33 and 2013 score of 30, and has not improved from its 2014 score of 28.

contracts to family members and friends (McDonnell, 2016). After leaving her position in 2015, alongside the resignation of Gusmão as prime minister and the political restructuring of the government, Pires served as an international adviser to current Prime Minister Rui Maria de Araújo with a US\$10,000 monthly salary as a token for her silence, journalist Ted McDonnell claims (2016). The case is still open and in September 2016 prosecutors demanded ten years of imprisonment for Pires and former Deputy Minister of Health Madeleine Hanjam ("Ministério Público Timorense," 2016).¹⁰⁶

The political elite, whose power and legitimacy were recognized by the UN leadership and cemented during the transition period of 1999-2002, is not only monopolizing the political landscape in Timor-Leste. If the corruption allegations are true, the same political elite is also mismanaging the country's petroleum revenues for their own interests and consequently derailing the country's path towards sustainable economic development. If the government does not combat corruption and increase its institutional capacity to implement its planned development projects, these governance issues could undermine what the country has achieved so far in terms of resource management, such as functioning democratic institutions, defined procedures, and international compliance, among others (Sýkora, 2013).¹⁰⁷ As an economy highly dependent on oil and gas, Timor-Leste needs to diversify its petroleum-funded investments to develop a non-oil economy and support rural development (Harmadi & Gomes, 2013). Given that oil and gas are finite resources, the government also needs to ensure that the social distribution of petroleum revenues, such as cash payment schemes, is being channelled to the people who need them the most (Wallis, 2015).

¹⁰⁶ As of December 2016 Pires is overseas participating in a G7+ meeting and is expected to attend a hearing at the Dili District Court. There are concerns about whether Pires intentionally left the country to avoid facing justice since Timor-Leste does not have extradition laws, and there are demands that the government take action to bring her back. ("Fretilin – Pd Urge Government to Bring Back Emilia Pires," 2016; "Pedro Camões: Wait for the Court's Decision of Pires' Case Next Week," 2016; "To Bring Back Emilia Pires; TI Needs Extradition Law," 2016)

¹⁰⁷ International compliance in the case of Timor-Leste refers to the voluntary standards for revenue transparency in the extractive industries set by an international NGO, the Extractive Industries Transparency Initiative (EITI). Timor-Leste is compliant with EITI standards but a study shows that EITI compliance does not equate to better resource governance or sustainable development. (Sovacool, Walterb, & Van de Graaf, 2016)

This section demonstrated the profits and perils of a liberal economy focusing on the exploitation of Timor-Leste's natural resources. While the resources are able to fund the country's state budget, they have also encouraged corruption among politicians and incited territorial disputes with neighbouring countries regarding overlapping interests. From an optimistic point of view, Timor-Leste's economy may be slow but it is moving forward. A Timorese government official compares Timor-Leste's economy with that of a *microlet*—the public minibuses that run across Dili. These *microlets*, though often jampacked and slow, brave the beaten up roads of Dili and ultimately bring people to their destinations. Similarly, the Timorese economy may be relatively small and slow but it is significantly improving through the perseverance of the Timorese themselves (T1, personal communication, February 28, 2014). After this official emphasized the persevering attitude of the Timorese, I started observing the small but vibrant economy in Dili. As the sun rose along the boardwalk, I saw vendors setting up stalls to sell their produce and other goods. It may be starting small but with determination, optimism, and other similar values that enabled them to endure and resist the Indonesian occupation, the economy of Timor-Leste is hopefully bound to reach progress and development. This is the context that the Timorese work in and it is this local perspective that was overshadowed by grand plans for economic reconstruction.

Image 9. Fish stalls along the roadsides of Dili



CONCLUSION

The international community hails UNTAET as one of the, if not the, most successful UN peacebuilding missions in recent history. UNTAET was able to provide security by responding to militia threats along the Timor-Leste and West Timor border because of the robust response of international peacekeeping forces despite the absence of local involvement by Falintil. On the other hand, leading members of the resistance group were actively involved in the DDR process and the rebuilding of local armed forces and police. However, those who were excluded harboured resentment and discontent, resulting in divisions and rivalries that eventually fuelled the 2006 security crisis. This confirms that local involvement does not necessarily produce long-lasting peace especially if local actors are fragmented by their own political interests.

The local leadership was also actively involved in the pursuit of justice and reconciliation in Timor-Leste. However, they failed to represent the demands of the general

population to see high-level officials in the Indonesian government being held accountable for the human rights violations they had committed. The Timorese leadership, with the support of the UN leadership at that time, decided to sideline justice from an international tribunal in favour of political stability through friendship and reconciliation with Indonesia. This confirms that local involvement is not enough to ensure that top-down peacebuilding is working in a local context if the local leadership does not represent the sentiments of the general population.

In terms of economic development, UNTAET was successful in establishing the institutions of a market economy in Timor-Leste. The UN and Timorese leadership cooperated in harnessing the country's oil and gas reserves in order to fund the state budget even after the withdrawal of internationals and international aid. However, Timor-Leste's economic growth remains modest despite the massive inflow of reconstruction aid and programmes, and the benefits of the market economy have yet to be felt by the majority of the population. The challenge for Timor-Leste is to combat corruption, maximize the benefits of its petroleum revenues, and ensure a self-sufficient and sustainable economy.

UNTAET and the other UN missions that followed it were able to build institutions of security, justice, and economy. Learning from its past experiences and in response to criticisms of its predominantly top-down approach in previous missions, the UN tried to tweak the shortcomings of liberal peacebuilding by expanding its mandates and involving more local actors. Compared to Cambodia and Kosovo, UNTAET in Timor-Leste used more substantial local involvement by assigning Timorese to all branches and levels of the transitional government. However, the limited involvement of local actors in Timor-Leste's peacebuilding did not always produce positive outcomes as manifested in the 2006 security crisis. There are several reasons for this peacebuilding glitch in Timor-Leste: the local leadership is fragmented, it does not represent the sentiments of the general population, and some of them advanced personal or political priorities over the socio-economic interests of the people.

CHAPTER 6 COMPARING CAMBODIA, KOSOVO, AND TIMOR- LESTE

INTRODUCTION

This thesis has treated each case study with sensitivity with respect to their distinct histories, contexts, capacities, and cultural backgrounds, and therefore does not aim to generate causal inferences or blanket recommendations on the best way to conduct transitions from conflict to peace. It is essential, however, to find the similarities and differences between the three cases in rebuilding security, justice and reconciliation, and development in order to derive lessons and plan considerations for future peacebuilding missions. In comparing the case studies this chapter reviews and summarizes the outcomes of the international/liberal/top-down and local/non-liberal/bottom-up approaches that the UN transitional administrations employed for each peacebuilding component. After comparing the implementations and outcomes of the peacebuilding mandates in Cambodia, Kosovo, and Timor-Leste this chapter presents the main findings from this comparison regarding the limits of liberal peacebuilding and the pitfalls of local involvement. The failure of liberal peacebuilding to build long-lasting and inclusive peace is partly attributed to the failure of the UN transitional administrations to uphold their liberal mandates. This is compounded by a narrow understanding of statebuilding that is limited to the technical establishment of institutions and local involvement that is characterized by illiberal values.

COMPARING THE CASE STUDIES

FACTORS THAT INFLUENCED THE IMPLEMENTATIONS OF MANDATES

It is important at this point to state several factors that influenced the implementations of the mandates of the UN transitional administrations. The timings and durations of the missions, the nature of the conflicts, geopolitics and foreign relations, and the cultures and

histories of the post-conflict societies influenced how the UN transitional administrations provided security, pursued justice, and promoted development. The end of the Cold War and the victory of American liberalism played a pivotal role in how UNTAC's mission was designed. Although its mandate touched on some social and economic issues, these tasks were meant to assist the main objective of the mission, which was to prepare and conduct elections within a period of one year. This signifies the confidence of the UN at that time that successful elections would lead to Cambodia's liberal transformation. The height of liberal internationalism after the failure to respond in Somalia, Rwanda, and Bosnia during the first half of the 1990s ignited a sense of enthusiasm and responsiveness among intervening actors towards humanitarian crises brought about by internal conflict. The missions in Kosovo and Timor-Leste were more ambitious as the international presence stayed longer and encompassed activities other than conducting elections. However, the modest gains and failures of these missions despite their hefty costs made the UN and international community rethink their strategy. Regarding its presence in Afghanistan, the UN has taken a step back and declared that it will only exercise a supporting role as responsibility for the implementation of peace rests on the Afghans themselves (A/56/875-S/2002/278, 2002, p. 15).

The nature of the conflicts also influenced the provision of security and the pursuit of justice and reconciliation. Cambodia's was a purely domestic conflict. This meant that no foreign forces were actively part of the conflict except for the financial and material support they provided to the armed factions. Implementing the DDR process and establishing unified security forces were more complicated in Cambodia given that the warring parties were all Cambodians. The security threat was also higher since the armed factions were within the territory and living alongside local communities. The cases of Kosovo and Timor-Leste show that it was easier to forge trust and confidence in the DDR process as soon as the Serbian and Indonesian forces, respectively, were removed from the territory. The removal of foreign forces or enemies proved crucial in obtaining trust and confidence

from former combatants. When the Khmer Rouge perceived that UNTAC was not completely fulfilling its task of removing Vietnamese forces from Cambodia it dropped out of the DDR process. In contrast to Kosovo and Timor-Leste, Cambodia had no clear ethnic or geographic disputes. These domestic uncertainties in Cambodia made it more difficult for the internationals to find common ground between the warring parties.

Geopolitics and foreign relations also played a crucial role in the peacebuilding processes. For example, in addition to Australian military power, Indonesia's cooperation after the 1999 referendum partially contributed to addressing long-standing security threats from the militias along Timor-Leste's border. Australia's political and economic interests in Timor-Leste encouraged the former to take a leading role not only in responding to the post-referendum violence but also during the transition.¹⁰⁸ Similarly, NATO's intervention in Kosovo led to Milosevic's surrender. This was followed by the withdrawal of FRY forces from Kosovo, after which former KLA members handed in most of their weapons. The support of permanent members of the UNSC also dictates the direction of the peacebuilding process or the decision to deploy a transitional administration since UNSC Resolutions are passed only if not vetoed by any permanent members. This was true when China, Russia, and the US stopped meddling with domestic politics in Cambodia after the end of the Cold War. This also applied to Kosovo when Russia agreed to the installation of UNMIK. UNMIK's continuing presence, though downsized, still mainly depends on Russia's requirement to not treat Kosovo as an independent state.

Finally, culture and history are important factors in the peacebuilding process. Cambodia and Timor-Leste are generally homogenous in terms of ethnicity, language, and religion compared to the deep ethnic divisions in Kosovo. This difference explains why Cambodia and Timor-Leste have advanced in terms of reconciliation despite the incomplete delivery of justice to those who have committed serious crimes and gross human rights

¹⁰⁸ On the other hand, the lack of response during the Timorese struggle against Indonesian occupation was also due to Australia's national strategic and economic interests (see, for example, Cleary, 2007; Cotton, 2004; C. Fernandes, 2004; Pietsch, 2009).

violations in the past, as discussed in chapters 3 and 5. Meanwhile, in Kosovo, despite continuous EULEX support for strengthening the judicial system, there are no real efforts from local actors to push for truth-seeking initiatives and reconciliation procedures, as discussed in Chapter 4. The lack of a national identity¹⁰⁹ to unite its people continues to burden Kosovo's future prospects for justice and reconciliation.

PROVIDING SECURITY

All the UN transitional administrations analysed in this thesis were mandated to provide security to all members of their populations. Table 13 summarizes and compares the outcomes of the security mandates in Cambodia, Kosovo, and Timor-Leste. This thesis focused on specific security issues for each case study: demining in Cambodia, the protection of ethnic minorities in Kosovo, and militia threats in Timor-Leste. In Cambodia, local organizations for mine clearance were established and supported by the national government and international organizations after UNTAC's exit. Mine clearance programmes focused on community development by involving local communities and incorporating their needs and priorities. In Kosovo, laws and regulations were passed to ensure protection of the rights of ethnic minorities. However, international and local authorities failed to provide protection for members of ethnic minority groups, especially during the 2004 riots, because of the lack of ethnic minority participation and civil society engagement in developing substantive initiatives to benefit ethnic minorities. In Timor-Leste the international peacekeeping force was successful in addressing threats from militia members against the civilian population along the border with Indonesia. The emergency context of this security threat permitted international actors to act immediately without the need for institutions and local involvement. In analysing the differences in the implementations and outcomes of the mandates on protecting members of the populations,

¹⁰⁹ Some of the locals I interacted with in Kosovo, particularly those who are critical of the international presence, expressed their dislike of the term Kosovar because, according to them, it is a term coined to impose a unifying sense of national identity and a term preferred by internationals. They told me that they would prefer to be identified according to their ethnic affiliation. One of my interview participants believes that placing these different ethnic groups under one demonym is an external imposition attempting to homogenize an otherwise highly diverse country.

this thesis shows that liberal security institutions that promote and protect human rights are needed to deliver on the responsibility to provide a safe and secure environment for all members of the population. It also proves that inclusive and substantive involvement by local communities and the incorporation of their needs and priorities are imperative for the effective provision of security, except in emergency cases. Without extensive local involvement of actors involved in the security sector, peace and security proved short-term and easy to destabilize. These findings are also applicable to the DDR process and the rebuilding of security forces.

Table 13. Comparing security in Cambodia, Kosovo, and Timor-Leste

| Factors | Protection for all | Disarmament, Demobilization, and Reintegration (DDR) | Rebuilding of local armed forces |
|-------------|--|--|---|
| Cambodia | Successful mine clearance: local organizations, with international support, were built and local actors were involved in the demining programmes, which focused on community development. | DDR failed after the Khmer Rouge withdrew from the process and the other factions continued arming themselves. | UNTAC had no mandate and mechanism to consolidate and establish a unified security forces. Since the 1997 coup, the CPP dominates and controls the security sector. |
| Kosovo | Failed protection for ethnic minorities: laws and regulations were passed to ensure the rights of ethnic minorities but some members of the ethnic minority groups still feel marginalized and insecure. | Most KLA members were demilitarized, demobilized and reintegrated, either back into civilian life or to KPC or KPS through UNMIK's demilitarization programme and IOM's reintegration process. | Local security forces were created but were unprepared to handle the 2004 riots. |
| Timor-Leste | Successful response to militia threats against civilians: border was secured and militia threats were deterred. | IOM's FRAP was successful in assisting its beneficiaries but those who were excluded harboured discontent. | Local security forces were created but were plagued with divisions and alliances that fuelled the 2006 crisis. |

In terms of the DDR process, the outcomes of the three case studies are also varied. In Cambodia the DDR process failed after the Khmer Rouge withdrew from the process, resulting in the continued arming of the other local factions. In Kosovo the DDR of former KLA members, who were either reintegrated back into civilian life or absorbed by the newly built security forces, was generally successful. In Timor-Leste the programme of reintegrating former guerrilla fighters was only partially successful. The programme successfully assisted its beneficiaries but those who were excluded harboured discontent that contributed to the 2006 crisis. In analysing these three cases this thesis found that exclusive local involvement derails the DDR process. Consent, cooperation, and equal treatment of all former combatants are imperative but that UN transitional administrations often have limited authorization to use enforcement measures.

The outcome of the DDR process is related to the re/building of local security forces. The failed DDR process in Cambodia and the lack of an UNTAC mandate to create a unified security force resulted in CPP's consolidation and control of the security sector after UNTAC left. In Kosovo local armed forces and police forces were created but the dominance of the ethnic majority in their composition meant that they failed to protect ethnic minorities during the 2004 riots. In Timor-Leste local armed forces and police forces were also created but they were plagued with divisions and alliances that fuelled the 2006 security crisis. Political rivalry within the Timorese failed to shed light on the negative ramifications of disenfranchising other security actors. This thesis confirms that discord among local forces coupled with weak capacity hampers the effective provision of security.

The security issues discussed here all contribute to the protection of the basic human rights of populations, which are the rights to life and security. In all three cases, and across the security issues analysed in this thesis, it has been proven that a mandate and the establishment of relevant institutions to implement such a mandate are prerequisites for the provision of security. For example, in Cambodia there were no clear guidelines on how to rebuild the security forces, and this contributed to the continuing conflict among the

warring factions and ultimately to CPP's dominance of the security sector. In Kosovo and Timor-Leste the mandate to create a unified security force was clear from the outset, and this served as a foundation to reform the security sector. However, a clear mandate is not the sole determinant of successful provision of security since security is also attached to other social and political issues. The long history of ethnic division in Kosovo and the internal fragmentation of the political leadership in Timor-Leste posed challenges in providing protection to ethnic minorities and in unifying security forces, respectively. These inherent difficulties were compounded by exclusive involvement of former KLA members in Kosovo and politicized involvement of local leadership in Timor-Leste. These kinds of local involvement were not anchored in liberal values and therefore resulted in illiberal decisions. Furthermore, institutions and cooperation within these institutions, which liberalism advocates, are undoubtedly necessary. These findings reinforce the argument of this thesis for bringing the liberal back into liberal peacebuilding.

International actors treated security issues as stagnant and overlooked how security concerns and priorities evolved over time. While the UNSC's resolutions provided clear priorities and focused approaches to the rebuilding process, it was restricted by bureaucratic and politicized decision-making within the UN and failed to adapt to evolving security requirements on the ground. UNTAC failed to reinstate the Khmer Rouge's participation in the DDR process partly due to the inflexibility of UNSC Resolution 745 in responding to threats. UNMIK failed to address the growing economic concerns of the K- Albanians in Kosovo because of its preoccupation with neutrality over Kosovo's future status. Finally, UNTAET's concern over militia threats along the border with West Timor overlooked Timor-Leste's internal security, specifically in terms of local security forces.

One of the recurring themes generated by the empirical data of this thesis is that the UN transitional administrations prioritized short-term stability over long-lasting peace. This is not to say that stability is not important or that stability and peace are contradictory; in

fact, stability is an essential element of peace.¹¹⁰ In all cases, for a transitional administration to be deployed, or even to be authorized for deployment, stability is vital for starting the process of rebuilding a country/territory. However, a preference for stability also needs to evolve along with the changing security landscape of the country/territory, and to include a longer-term outlook that makes stability a permanent characteristic of a post-conflict society instead of a situation that lingers only with the presence of internationals. The post-transition violence in Cambodia, Kosovo, and Timor-Leste unearthed unresolved security tensions that shook their fragile stability after the internationals had left. The prioritization of short-term stability while sidelining other forms of structural violence, which has proven to be ineffective in all cases, undermines the original conceptualization of peacebuilding. This finding supports the argument of this thesis that liberal peacebuilding fails because it has forgotten the comprehensive goal of peacebuilding, which aims not only for negative peace but also for positive peace.

In order to prevent the reoccurrence of conflict, international administrations co-opted the ‘men with guns’: Hun Sen and his party in Cambodia, former KLA members in Kosovo, and the leaders of the resistance in Timor-Leste. This decision prevented UN transitional administrations from moving away from the security status quo that had once dominated the country/territory. While adversaries were successfully removed, the groups that UN transitional administrations partnered with became replacements for previous regimes, carrying with them new forms of security threats that are now directed towards marginalized groups. The authoritarianism in Cambodia, the weak minority rights in Kosovo, and the disenfranchisement of other security groups in Timor-Leste have all resulted from prioritizing short-term stability over long-lasting peace. As a result, spoilers have found avenues for undermining the liberal democratic processes which the transitional administrations were mandated to promote and uphold. This exemplifies local involvement that veers away from liberal values and institutions of security, and leads to the

¹¹⁰ For example, Duffield (2001) argues that “the ultimate goal of liberal peace is stability” (p. 34).

recommendation of this thesis to consistently anchor local involvement in liberal values of representation and equality. The analysis of the security component demonstrates that the failure of liberal peacebuilding to preserve long-lasting peace is not solely because of the shortcomings of the liberal mandates of the UN transitional administrations but also because of the failure of international and local actors to uphold liberal values in implementing these mandates.

PURSUING JUSTICE AND RECONCILIATION

In Cambodia there was no mandate with regard to justice and reconciliation. Later, in Kosovo and Timor-Leste, there were clear mandates for bringing to justice those responsible for war crimes and human rights violations. This was an improvement in the design and normative underpinnings of UN transitional administrations. However, in all cases, justice was emasculated when short-term stability was given preference over justice and human rights. This meant that peacebuilding in Cambodia, Kosovo, and Timor-Leste prioritized negative peace over positive peace. The UN transitional administrations equated peace with political stability or the absence of violence, which was preferred over the pursuit of justice in order to avoid inciting instability from those who needed to be held accountable. Instead of empowering the local populations, political decisions that delayed or derailed the pursuit of justice silenced local aspirations for justice and weakened their confidence on judicial institutions.

It is a common theme from my conversations with locals that there is a need to pursue both retributive and restorative forms of justice. In Cambodia and Timor-Leste previous surveys also show that the population supports hybrid tribunals while simultaneously wanting community-level reconciliation. Restorative forms of justice complement the shortcomings of retributive justice. Moreover, while the population understands the importance of pursuing justice and reconciliation, they also want to see international and national efforts directed towards improving their lives. Retributive justice may provide a closure for the population with regard to the past but restorative justice that

includes economic and social reparations will provide people with confidence and the means to move on.

It is also evident in comparing the justice and reconciliation efforts in these three cases (see Table 14) that while the incorporation of local practices provides institutional legitimacy and encourages public support for justice and reconciliation procedures (such as the case of CAVR in Timor-Leste), the involvement of political elites who use the institutions of justice to protect their interests impedes the pursuit of justice and reconciliation (such as the CPP's interference in the ECCC in Cambodia). International actors and the local leadership may also block this pursuit in order to maintain stability (such as UNMIK's protection of indicted high-level politicians in Kosovo) or to enhance bilateral relations (such as the political relationship between Timor-Leste and Indonesia). This kind of local involvement is not representative of the local population and does not reflect local aspirations for justice and reconciliation. These cases show the potential pitfalls of local involvement in hampering the pursuit of justice, and the need to anchor local involvement in the liberal values of justice and human rights.

Table 14. Comparing justice and reconciliation in Cambodia, Kosovo, and Timor-Leste

| Factors | Retributive Justice | Restorative justice and reconciliation |
|-------------|---|--|
| Cambodia | <p>UNTAC had no specific mandate. The ECCC was later established in 2003 but the current government interferes in some of its processes.</p> | <p>UNTAC had no specific mandate but local NGOS are initiating community-level dialogue.</p> |
| Kosovo | <p>UNMIK was mandated to provide full cooperation with the ICTY but it failed to do so during the indictment of high-level politicians in Kosovo. UNMIK and EULEX courts were established in Kosovo but the involvement of local lawyers and judges who had ethnic biases resulted in biased judgments.</p> | <p>No specific mandate but there are regional initiatives to promote reconciliation, with which Kosovo has chosen not to fully cooperate.</p> |
| Timor-Leste | <p>UNTAET was mandated to bring to justice those responsible for the violence but Special Panels in the courts of Dili and the lack of political will among international and local actors failed to bring to trial Indonesian military officers who were responsible for war crimes and human rights violations.</p> | <p>The CAVR was established to uncover the truth about the Indonesian occupation and to promote community-level reconciliation using local practices. In 2005 the Timorese and Indonesian governments jointly created the CTF to establish the truth and promote reconciliation but, in reality, it strengthened the case for the impunity of high-level Indonesian military officers.</p> |

These findings strengthen one of the arguments of this thesis: that the liberal should be brought back into liberal peacebuilding. Liberal values, while sometimes incompatible with a local context, may coincide with local preferences and practices. The locals I interviewed did not show outright rejection of the pursuit of justice through liberal institutions but rather criticized the incompetency of these institutions in delivering justice fairly and meeting demands for reconciliation and compensation. For example, in Cambodia the disappointment with the ECCC is not due to the presence of the ECCC but because of its slow proceedings and the political interference of the Cambodian government. In Timor-Leste members of civil society are still advocating for the establishment of an international tribunal. In Kosovo, however, the incorporation of former KLA members into the government and the dominance of K-Albanian in most sectors of governance limit the indictment of former KLA members who were allegedly involved in war crimes and crimes against humanity. This is not an unacceptable settlement for some members of civil society, however, who are still finding ways to bring justice while fostering reconciliation in Kosovo, and for international bodies, such as the ICTY and the CoE, to hold responsible those who are guilty.

When I was conducting my fieldwork I felt the differences and degrees of reconciliation in the cases analysed in this thesis. In Cambodia the people I talked to recalled the history of the Khmer Rouge with bitterness as if there were still ghosts from the past that they had not yet confronted. In Kosovo the animosity, and sometimes even outright hatred, between K-Albanians and K-Serbs was so evident that I sometimes felt I was betraying both sides by being neutral. In Timor-Leste the way they recounted their stories gave more weight to the triumph of their struggle for independence than the horrors they had experienced. These accounts show the higher sensitivity of this specific peacebuilding component compared to security and economic development. More importantly, the differences in these accounts mirror the contexts of the conflicts which

these countries have emerged from and raises a warning about overgeneralization and a blanket approach to justice and reconciliation.

PROMOTING DEVELOPMENT

Cambodia, Kosovo, and Timor-Leste have all experienced positive economic growth since the ending of conflict and the arrival of UN missions. However, there have also been negative consequences from reforming their economic institutions to introduce a liberal market economy and from hosting a large-scale international presence over a short period of time. For example, while the presence of UN missions temporarily boosted domestic economic activities through job creation and enterprises that catered to the internationals, their exits also negatively impacted post-conflict socio-economic development. In Cambodia HIV/AIDS and other sexually transmitted diseases became prevalent as international peacekeepers engaged in the sex trade. In Kosovo international peacekeepers were involved in trafficking women for forced prostitution. In Timor-Leste women are still seeking support from international peacekeepers who fathered their children. In all cases, businesses that used to cater to internationals either ran out of business or struggled to make ends meet after the UN missions concluded.¹¹¹ The liberal strategy also treated the everyday needs of the people as secondary to institutional reforms.¹¹² The moratorium on logging in Cambodia, the establishment of healthcare institutions in Kosovo, and the marketization of oil in Timor-Leste did not entirely and sustainably benefit the people who were the most economically vulnerable.

The reason for this unsustainable practice lies in the mandate of the UNSC.

Development was not originally part of UN peacebuilding missions. A UN PBSO official

¹¹¹ Hotel owners in Dili told me that business used to be profitable when the internationals were there but now they struggle to maintain their hotels and often increase accommodation fees to make a profit. The two remaining resorts in Valu Beach in the eastern part of Timor-Leste used to cater to internationals. During my visit there were only four guests and the resorts were almost deserted. The fishermen I met at the beach also recounted that they used to make decent money from transporting tourists but now they have to rely on seasonal fishing, which is not enough to provide for their families. On my way to Valu Beach I passed a small bridge built by UNTAET, now dilapidated and marked with a weathered UN logo. It is one of the structures that were built by internationals for internationals but were not maintained when they left and is a reminder of the unsustainability of the international presence.

¹¹² In their analysis of Timor-Leste Richmond and Franks (2008) observed the difficulty of introducing liberal economic development in a society that is based on subsistence and an informal economy.

explained that the mandates of UN missions were created mainly for the purpose of ensuring the security of the states (personal communication, August 7, 2015). These mandates are encapsulated in resolutions approved by the UNSC, which, by its nature, serves the interest of member states in terms of peace and security. Development, on the other hand, is something that the UNSC is not designed to address, he said. The creation of the UN peacebuilding architecture was meant to fill this shortcoming but unless the UNSC starts to acknowledge the need to incorporate development-driven agencies the mandates of UN missions will remain broad, top-down, and short-sighted in terms of economic development, he added. This is where the importance of other international organizations comes in. In the cases discussed, the IMF, World Bank, WHO and UNDP played significant roles in providing a more long-term and development-driven direction for post-conflict economies, specifically in providing recommendations for sustained economic growth, revenue generation, and including other sectors of society in the provision of basic services.

Table 15 summarizes the outcomes of development mandates in Cambodia, Kosovo, and Timor-Leste. For each case study this thesis focused on a specific aspect of development most relevant to the mandate of the transitional administration. In all three cases institutions and mechanisms for various aspects of development were established. For Cambodia's sustainable development a moratorium on logging exports was initiated by the local government and supported by UNTAC. For Kosovo's human development UNMIK and the local government passed laws and regulations to reform the health sector. For Timor-Leste's economic development UNTAET negotiated a treaty with Australia with regard to the petroleum revenues from the Timor Sea and the local government later streamlined a fund to manage these revenues for sustainable use. However, in Cambodia and Timor-Leste the involvement of the political elite resulted in corruption. Mechanisms of liberal economy became prone to exploitation by the political elite who gained legitimacy through liberal institutions of governance. In the case of Kosovo the failure to incorporate ethnic considerations into health sector reform resulted in the marginalization of

ethnic minorities in the healthcare system after the internationals transferred responsibilities to the local authorities.

Table 15. Comparing development in Cambodia, Kosovo, and Timor-Leste

| | |
|--|--|
| <p>Cambodia (Sustainable Development)</p> | <p>UNTAC and the local leadership agreed and cooperated on passing a moratorium on the exporting of logs, minerals, and gems. However, illegal logging remains rampant in Cambodia because of the industry's connection with corrupt government agencies and officials.</p> |
| <p>Kosovo (Human Development)</p> | <p>Laws and regulations were passed to ensure equal access to healthcare services but non-Albanians are still marginalized in the healthcare system.</p> |
| <p>Timor-Leste (Economic Development)</p> | <p>On behalf of Timor-Leste UNTAET signed an agreement with Australia regarding shares of petroleum revenues from Timor Sea that is now criticized by the local government and civil society as unfair to Timor-Leste.</p> <p>In 2005 the Timorese government created the Petroleum Fund to save petroleum revenues for future generations but there are allegations of corruption by government officials relating to these revenues.</p> |

It is easy to conclude that these economic problems are consequences of a liberal economy that is incompatible with the local context. The economic inequalities between the urban and the rural populations, high dependency on foreign aid, and trade imbalances in all three case studies support this conclusion. These economic consequences, however, are also present in already liberalized economies, especially in developing countries. If we look at the case of Cambodia, the government was already trying to liberalize the economy even before the internationals arrived, especially after the extreme policy of collectivization carried by the Khmer Rouge had left the economy in ruins and the country without any industry. Given that Kosovo used to be under a socialist government and Timor-Leste's trade was limited to its occupier, Indonesia, it is an open question whether these economies had not previously adopted a liberal economy because it was incompatible with the local context or because the conflicts did not provide opportunities for them to do so. On the other hand, statistics show that the three cases achieved economic growth and improved well-being for the population after the introduction of a liberal economy. These things could be due mainly to the end of conflict but the roles of liberalization in their economies and their eventual participation in international trade in contributing to positive economic growth cannot be discounted. What is apparent in the case studies, however, is that the involvement of corrupt and biased political elites in newly established economic institutions prevented inclusive development that should have benefitted the poorest and most marginalized members of the society. This further supports the argument of this thesis that exclusive local involvement by an elite who does not represent the aspirations and advance the needs of the population but hampers the benefits that could be reaped from the goals of liberal peacebuilding. This also strengthens the need for a locally-moderated liberal peacebuilding approach in which liberal economy is moderated by local actors and agencies that advocate equal economic rights for all.

DOES LIBERAL PEACEBUILDING REALLY WORK?

Pulling together the findings from the comparative analysis, the following sections answer the research question, does liberal peacebuilding really work? Liberal peacebuilding did not work in Cambodia, Kosovo, and Timor-Leste for two main reasons. First, the failure of the peacebuilding missions to uphold liberal values and to apply a comprehensive kind of peacebuilding undermined the fulfilment of liberal peacebuilding goals and consequently the delivery of long-lasting peace. Second, local involvement that undermines liberal values and is characterized by exclusiveness, superficiality, non-representativeness, and politicization does not alleviate the shortcomings of liberal peacebuilding.

These findings strengthen the argument of this thesis that the failure of liberal peacebuilding is not entirely because of the flaws of liberal principles but because liberal values have not always been upheld by UN transitional administrations and are sometimes undermined by the involvement of local elites whose interests are not aligned with liberal values. This is not to say that these liberal values are perfect; in fact, they are sometimes incompatible with or irrelevant to the local context. For example, the patronage system in Cambodia is not compatible with liberal democracy, the long history of ethnic division in Kosovo permeates the judicial system, and the subsistence-based and informal economy of Timor-Leste has been challenged by the liberalization of the economy. However, this does not mean that the patronage system, ethnic division, and subsistence-based economy are better options because they are rooted in local contexts. The patronage system in Cambodia breeds corruption and perpetuates political violence, the ethnic division in Kosovo creates an environment of insecurity, and the subsistence-based and informal economy in Timor-Leste overshadows the potential of its resources to compete in international trade. Instead of upholding the liberal values they promote and maximizing the benefits from them, the internationals submitted to the demands of the political elite in Cambodia even though it meant bypassing the vote of the people. In Kosovo they allowed the ethnic majority to dominate the rebuilding of institutions even though it meant exposing ethnic minority

groups to political, social, and economic vulnerabilities. In Timor-Leste they transferred responsibility for managing petroleum revenues to the political elite without safeguarding them from a corruption that ultimately decreases economic opportunities for the people.

IS LIBERAL PEACEBUILDING LIBERAL AND PEACE-BUILDING?

It is necessary to note that not one interview participant expressed outright rejection of liberal values or the elements of liberal peace. In fact, one of the critiques of the UN was its assumption that there was no concept of liberal values in the societies they were administering. The forms and expressions of these liberal values may be different from the Western type but it is possible for local values to coincide with liberal values. For example, although the Albanian *kanun* includes blood revenge it also includes mechanisms of mediation as an option for conflict resolution. Another example is the *nahe biti* in Timor-Leste, which is essentially rooted in a restorative form of justice that later on informed and became an integral process in the truth and reconciliation commission of Timor-Leste. In Cambodia civil society organizations want to have a stronger human rights culture and are fighting for more government transparency and accountability. What the interview participants complained about was how internationals implemented or transferred these liberal values. In all cases, local participants criticized locally-insensitive implementations of the liberal mandates of UN transitional administrations, such as the hiring of internationals who were not familiar with the local context, the weak capacity-building of institutions, and the slow incorporation of local actors into the peacebuilding process.

While it seems that liberal peace is acceptable either as starting point for transition or as the ultimate peacebuilding objective, it is nevertheless important to recognize that it is an option most viable for, but not necessarily preferred by, post-conflict societies. This is what Duffield (2001) points out when he differentiates liberal peace from imperial peace. He defines imperial peace as being based on “direct territorial control where population were ruled through juridical and bureaucratic means of authority (p. 34).” On the other hand, in liberal peace, “people in the South are no longer ordered what to do—they are now

expected to do it *willingly* themselves (p. 34).” Liberal peace, therefore, rewards cooperation with development assistance and access to global networks but punishes non-cooperation with conditions and isolation (p. 34).

The UN transitional administrations examined in this thesis had liberal mandates and goals to transform Cambodia, Kosovo, and Timor-Leste from conflict to peace. The resolutions that authorized their deployment and the regulations that were passed during their missions reflected the liberal approach of the UN and its commitment to peace and security, human rights, democracy, the rule of law, and the free market. The local political leadership also adopted the same rhetoric and expressed their willingness to ensure that these liberal values were upheld. However, in practice, their commitment to these liberal values was not always reflected in their actions. The friction between liberal-local encounters encouraged varying responses from local actors.¹¹³ The shallow liberal peacebuilding in Cambodia focused on holding elections and institution-building to the extent that the outcome of the elections and the established institutions were exploited by the dominant political party’s illiberal motives. This resulted in the local political elite’s rejection of liberal norms and standards. The co-opted liberal peacebuilding in Kosovo allowed the ethnic majority to dominate the peacebuilding process and the institutions that were established by the transitional administration. This resulted in the ethnic majority’s limited adoption of liberal norms and standards, as the characteristics of their own ethnic group dominated the peacebuilding process. The fragile liberal peacebuilding in Timor-Leste was able to stabilize the country for a short time but failed to address the internal divisions that plagued the country after the internationals left. Liberal norms and standards were adopted at the local level but in a limited way as the local leadership was fragmented by differing values and priorities.

¹¹³ The types of local responses and details about the outcomes of liberal-local interactions (Björkdahl & Höglund, 2013) were discussed in the ‘Hybrid Peace’ subsection of Chapter 2 of this thesis.

In some cases the UN successfully built liberal institutions of security, justice and reconciliation, and development during the transitions in Cambodia, Kosovo, and Timor-Leste through a top-down approach to institution-building. However, these institutions fell short of delivering their responsibilities due to weak capacity-building which proved to be unsustainable after the conclusion of the missions, and exploitation by the local actors for their illiberal motives. The transferring of responsibilities to local authorities was completed but was done either in haste without ensuring sufficient local capacity, such as in the security institutions of Timor-Leste, or later than expected because of the virtue of neutrality, resulting in impatience among local actors, such as in Kosovo.

Another example of empty institutions because of weak capacity is in the area of justice. In all three case studies justice is selective. This means that justice has been served only to selected perpetrators. This undercuts trust in institutions, which is crucial in institution-building (Salomons, personal communication, June 3, 2014.) In Cambodia only top Khmer Rouge leaders have been indicted in the ECCC while other former Khmer Rouge members still live alongside their victims. Moreover, the political violence committed by Hun Sen and the CPP during the rule of the SOC has been left unexamined. In Kosovo and Timor-Leste justice has been served only where there are no political consequences, and excused former combatants who have become integrated into the government.

In the case of development, which is a long process, the related mandates related were short-sighted in the sense that their objectives were meant to be achieved within the short time frames of the missions. Although the recommendations were long-term—for example, environmental sustainability in Cambodia, equality in the provision of services in Kosovo, and sustained economic growth in Timor-Leste—the workable mandates were focused on building institutions within the transitional period and with less emphasis on how these institutions could continue to deliver their responsibilities in the long run.

The UN transitional administrations in Cambodia, Kosovo, and Timor-Leste did not fully implement liberal peacebuilding despite their liberal rhetoric. They operated using technical and objective institution-building terms that fell short of transformative statebuilding. The liberal peacebuilding, therefore, was not really liberal and was not entirely peace-building. For example, UNTAC successfully conducted democratic elections, UNMIK successfully built judicial institutions, and UNTAET successfully established local security forces but they all failed to ensure that these newly-built institutions would deliver on their responsibilities. As a result, these institutions have become tools for local elites to obtain legitimacy despite illiberal motives, venues for revenge, and an arena to cultivate forms of division, respectively.

In an effort to show that they had delivered on their tasks and ticked the boxes, UN transitional administrations strayed away from the original conceptualization of peacebuilding, which addresses the root causes of conflict and achieves both negative and positive peace. In the end the mandates were either abandoned or deviated from to give the UN deliverables, instead of ensuring the transformation of the post-conflict society to peace. The experiences in Cambodia, Kosovo, and Timor-Leste support the argument of this thesis that failures of liberal peacebuilding are attributable to the UN's failure to uphold liberal values in establishing effective institutions and in its involvement of local actors and agencies. It also proves the usefulness of the proposal of this thesis for a locally-moderated liberal peacebuilding approach in which peacebuilding remains faithful to liberal values.

*DOES LOCAL INVOLVEMENT ALLEVIATE THE SHORTCOMINGS OF
LIBERAL PEACEBUILDING?*

After examining and comparing the cases of Cambodia, Kosovo, and Timor-Leste, this thesis confirms that local involvement is imperative for a peacebuilding process. Some failures of liberal peacebuilding can be attributed to a lack of local perspectives and involvement. For example, in Kosovo there was little interest and few grassroots initiatives from local actors regarding establishing mechanisms for reconciliation. This explains why

Kosovo is still an ethnically divided society, and this division either reflects or is being perpetuated by other sectors of society and state institutions. Local involvement, therefore, fills up the shortcomings of liberal peacebuilding. For example, in Timor-Leste the local civil society recommendation of a mechanism to promote community reconciliation gave birth to the CAVR. Civil society in Cambodia and Kosovo is finding ways to promote reconciliation even in the absence of institutional mechanisms. In Cambodia, even though there is no institutional mechanism for reconciliation, the initiatives of local NGOs for bringing together victims and perpetrators in community dialogues are helping to cultivate a sense of reconciliation among members of the communities. In Kosovo, even though prospects for reconciliation have yet to be seen, local and regional organizations are initiating projects to memorialize the victims of the war.

This thesis also highlights that international/liberal/top-down approaches are not necessarily the opposite of local/non-liberal/bottom-up approaches to peacebuilding. Local involvement is imperative for complementing the initiatives of UN transitional administrations. For example, while UN transitional administrations play a pivotal role in re-integrating the economies of post-conflict societies into the global or regional economy through free trade agreements, it is ultimately up to the local leadership to maximize and sustain the benefits of such agreements. Furthermore, since there is a tendency for UN transitional administrations to centralize resources and decision-making in capitals, it is important for international actors to visit communities in order to obtain local perspectives when determining what the local population needs.

Other than local involvement, strong local leadership is also indispensable for implementing the mandates of UN transitional administrations. This is particularly significant in the case of the DDR process relating to former combatants and the rebuilding of local security forces. A lack of strong leadership prevents the reaching of consensus, which in turn allows spoilers to derail the process, as in Cambodia. On the other hand, clear direction and commitment from the local leadership encourages former combatants to

participate in the process, as exemplified by KLA members in Kosovo and Fretilin members in Timor-Leste.

However, not all kinds of local involvement alleviate the shortcomings of liberal peacebuilding. This thesis identified four types of involvement that hinder rather than advance the peacebuilding process. First is exclusive involvement by local actors or political elites who the UN deem may maintain stability and/or incite instability. This kind of involvement disenfranchises other sectors of society and encourages political domination by certain actors. There is a danger in limiting local involvement to a particular group of local actors because not all of them reflect the local sentiments of the population. For example, staffing tribunals with local judges and lawyers who were biased and did not have sufficient skills and experience posed problems for delivering justice in Kosovo. Instead, international actors need to ensure that avenues for local involvement are extensively available for all levels and sectors of society.

Second is superficial local involvement or involvement that is evident only on the surface. Several civil society members I interviewed expressed their discontent with how the UN consulted civil society just to tick the boxes but did not seriously consider including their inputs in policy agendas. This kind of involvement eventually exhausts enthusiasm and erodes the trust of local actors in participating in the peacebuilding process. Local actors consider this kind of involvement as one-sided information-gathering from locals that lacks real dialogue or engagement. Instead, local actors must be encouraged to contribute in a substantive way to the peacebuilding process by not only providing local information and expertise but, more importantly, by being given the chance to actively participate in the design and development of policies.

Third is the kind of involvement that does not represent the aspirations of the population. This happens when local counterparts choose to advance personal political interests that are not aligned with the sentiments of the population, resulting in policies that

do not serve the interests of the people. In an immediate post-conflict situation there is a tendency to select and invite only one section of the potential local partners. In Cambodia, despite the UN's commitment to neutrality, the other factions voiced dissatisfaction about UNTAC's closer cooperation with the SOC. In Kosovo, UNMIK invited the participation of representatives from the KLA but avoided the other security elites or groups and communities (Qehaja, personal communication, May 28, 2014). In Timor-Leste, resistance leaders dominated the peacebuilding process while excluding other legitimate groups in the local population. Elections are integral to determining representation of the people. Although elections should not to be treated as the culmination of a transitional administration, conducting them as early as possible, and in the freest, fairest, and most secure way, helps the UN leadership to determine legitimate local partnerships.

Finally, politicized local involvement is the kind of local involvement in which political interests take precedence over the needs of the people, either at the cost or for the sake of stability. It can be argued that the political leadership is representative of the local population and therefore has legitimacy in the peacebuilding process. In Cambodia, though, the government that UNTAC partnered with was not democratically elected and this same government exerts authoritarian rule in Cambodia today. They gained legitimacy in the eyes of internationals during the transition but were not always the legitimate representatives of the population given the irregularities of the election. This resulted in local but politicized approaches to peacebuilding which were further cultivated in a post-conflict environment with a weak rule of law. The above observations de-romanticize the blind preference for the local and the recommendation that locals should play an active role in the peacebuilding process. They further reveal that locals do not have one voice; they are also divided among political, economic, and social lines.

Identifying the types of local involvement promoted by UN transitional administrations contributes to explaining why institutionalizing liberal peace sometimes fails despite local involvement. This is why this thesis recommends a locally-moderated

liberal peacebuilding approach in which local involvement is consistently anchored in liberal values. Not all types of local involvement produce favourable outcomes. Exclusive, superficial, non-representative, and politicized local involvement may exacerbate the challenges and shortcomings of liberal peacebuilding. Instead, an inclusive, substantive, representative, and transformative type of local involvement needs to be incorporated into the peacebuilding process. Table 16 shows the negative types of local involvement that do not contribute to a long-lasting peace and the positive types of local involvement that should instead be pursued in post-conflict societies.

Table 16. *Types of local involvement*

| Negative local involvement | Positive local involvement |
|---|--|
| Exclusive – involvement of a select group of local actors | Inclusive – extensive involvement of all levels and sectors of society |
| Superficial – involvement without influence | Substantive – meaningful involvement that allows active participation |
| Non-representative – involvement that does not represent the will of the people | Representative – involvement that reflects the will of the people |
| Politicized – involvement that prioritizes political interests | Transformative – involvement that prioritizes the needs of the people |

Examining the potential pitfalls of local involvement sheds light on the multidimensionality of international and local actors and their complex interactions. Peacebuilding actors move from one approach to another. This means that international actors do not necessarily employ liberal/top-down approaches and local actors do not always initiate everyday/bottom-up approaches. For example, the political elites in Cambodia, Kosovo, and Timor-Leste also played active roles in the top-down approaches employed by internationals, sometimes through political interference. International actors who were part of the UN transitional administrations also encouraged more local involvement even if it was not clearly stated in their tasks. Instead of treating actors as homogenous, and international and local as binary opposites, examining their encounters and the friction arising from those encounters is helpful for explaining the outcomes of a peacebuilding process. In addition to the encounters between international and local actors

and agencies (vertical encounters), this thesis illuminates the encounters between the national government or political elite and civil society and local community (horizontal encounters), and the gaps in those encounters when local actors are fragmented.

To effectively provide security, pursue justice and reconciliation, and promote development, vertical encounters must encourage internationally-supported but locally-capacitated institutions, while horizontal encounters must foster a cooperative and complementary relationship between local leadership and civil society. An imbalance in any of these encounters, such as when international processes are applied or institutions are built without considerations of the local context or when political leadership does not represent the aspirations of the people may only produce short-term stability at best instead of long-lasting peace. We have seen these imbalances in Cambodia, Kosovo, and Timor-Leste, and the short-term stability and fragile peace they have produced.

CHAPTER 7

CONCLUSION

The people of Cambodia, Kosovo, and Timor-Leste taught me one important lesson during my fieldwork: that peace comes in many forms and exists in all dimensions. A Cambodian friend told me that she is fighting for human rights and social justice to bring about peace. A Kosovar-Albanian friend proudly recalled that his father joined the KLA and fought the Serbian forces for peace. A Timorese friend believes that by retelling her experience during the Indonesian occupation she is contributing to peace. The different circumstances they have dealt with and their personal narratives about the conflicts they have experienced have shaped the kinds of peace they currently hope for. This lesson is important for this thesis because it demonstrates that post-conflict societies have unique characteristics and peace requirements, and therefore discounts any blanket approach to building peace. It also shows how important it is to actually listen to people on the ground, those who are at the receiving end of the peace missions, to understand their needs and whether these are being addressed by policies shaped from above. These narratives can inform the liberal peacebuilding framework on how to anchor its goals in the everyday elements and grassroots perspectives of post-conflict societies.

BUILDING PEACE CONTINUES

It has been decades since the UN deployed its transitional administrations in Cambodia, Kosovo, and Timor-Leste. Although there have been no major conflicts since then that are comparable to what they experienced before the UN arrived, the coup, riots, and crisis after and during the UN missions were blamed on the transitional administrations and brought into question the ability of the UN to intervene for peace through the liberal peacebuilding framework. The experiences of these countries contributed to debates on how to better build peace in post-conflict societies. With decreasing peacefulness in the world and increasing

humanitarian crises caused by conflict and violence in countries like Syria and Yemen, and in other parts of Middle East and North Africa, it is more pressing than ever before to deepen discussions on peace that will ultimately influence policy-making on peacebuilding. It was because of this concern yet hope for peace that this thesis engaged in this extremely complex and highly contentious topic of liberal peacebuilding.

Some scholars claim that liberal peacebuilding is a failure and view its promises as myths because of its predominantly Western-based and locally insensitive practices. In response, they advocate for a local turn in peacebuilding in which local perspectives are better incorporated into the peacebuilding process. To contribute to the discussion on peacebuilding this thesis evaluates the implementation and outcomes of the mandates of UN transitional administrations by providing the specific contexts of each case study, by analysing the top-down and bottom-up approaches employed by international and local actors, and by locating the gaps in their approaches and encounters. Using the cases of Cambodia, Kosovo, and Timor-Leste, this thesis provides new insights into the shortcomings of liberal peacebuilding and the importance of local involvement in the peacebuilding process. Given the continuing liberal rhetoric of UN missions after these failures, this thesis attempts to answer the question: does liberal peacebuilding really work? The concise answer is no, if the implementation is not consistently liberal and peacebuilding, and does not involve local actors and agencies in an inclusive, substantive, representative, and transformative manner. A locally-moderated liberal peacebuilding approach may address the shortcomings of liberal peacebuilding while ensuring the kind of local involvement that does not undermine liberal values.

The UN transitional administrations in Cambodia, Kosovo, and Timor-Leste failed to live up to their liberal mandates. Although the UN proved to be effective in leading post-conflict peacebuilding in terms of addressing humanitarian needs, consolidating international assistance, conducting democratic elections, and building liberal institutions, it failed to ensure that these institutions would deliver on their liberal mandates. The UN

transitional administrations analysed in this thesis were highly liberal in rhetoric but failed to preserve their liberal ideals when confronted with threats of instability. This kind of implementation created empty shells of liberal institutions that fell short of fulfilling their tasks. These institutions also fell into the hands of local elites who exploited the legitimacy of these institutions and other mechanisms of liberal peace to advance their illiberal motives, thereby producing new forms of insecurity.

In Cambodia UNTAC undermined the result of the elections when it agreed to make Hun Sen co-prime minister due to threats of instability from his party despite him losing the majority of the votes. In Kosovo UNMIK undermined justice by protecting former KLA members, whom it co-opted in the transitional administration, from indictment for war crimes and crimes against humanity. Similarly, in Timor-Leste UNTAET undermined human rights by turning a blind eye to the impunity of Indonesian military officials for human rights violations they committed during the Indonesian occupation and surrounding the 1999 referendum. These transitional administrations departed from the liberal values they preached for the sake of the demands of the local political elite. Instead of a holistic peace that included aspects of positive peace, the kind of peace the transitional administrations left behind was negative peace characterized by short-term stability that lasted until the 1997 coup in Cambodia, the 2004 riots in Kosovo, and the 2006 security crisis in Timor-Leste.

While this thesis confirms that local involvement is imperative in peacebuilding, it also sheds light on the potential pitfalls of local involvement. Local involvement paves the way for a contextually sensitive and locally oriented approach to post-conflict peacebuilding but there have been cases of local actors impeding the provision of security, the pursuit of justice, and the promotion of development. This thesis, therefore, expresses caution about a blind preference for local involvement that is exclusive, fragmented, non-representative, and politicized. These types of local involvement do not reflect the aspirations and address the needs of the people, and hinder the potential of the local

population to obtain inclusive, substantive, representative, and transformative participation in the peacebuilding process.

This thesis does not conclude that the mandates themselves are always perfect solutions for post-conflict peacebuilding, especially in instances when local actors are forcefully incorporated into foreign processes or institutions or when these processes and institutions do not incorporate local perspectives. While this thesis has questioned the efficacy of the liberal peacebuilding framework, there are components of it that may be rescued and improved for future peacebuilding missions, as demonstrated by the positive outcomes of implementing the UN transitional administrations' liberal mandates. The promotion of human rights, security, justice and reconciliation, and sustainable socio-economic development may be passed on to post-conflict societies but international and local actors must ensure that these liberal values equally benefit the general population. This is where the importance of the local turn in peacebuilding comes in, particularly in empowering the local in order to create an empathetic and emancipatory kind of peace. The local turn in peacebuilding provides avenues for the local population to shape, manage, and own the peace that is intended for them. Post-conflict peacebuilding, after all, is for the people who experienced the conflict and fought for peace, and more importantly so that their children need not experience and fight for the same.

RECOMMENDATIONS

After analysing the outcomes of the shallow, co-opted, and fragile versions of liberal peacebuilding and local involvement found in the three case studies, the recommendation of this thesis for future peacebuilding missions is to find a balance between the liberal and the local. The case studies reveal that it is imperative for a peacebuilding mission to involve local actors and incorporate local perspectives at every stage of rebuilding but that local involvement which is limited to few political groups undermines the positive prospects of localised peacebuilding. They also demonstrate the need for institution-building in order to

fully realize the ideals of liberal peace but show that institutions with weak local capacity are bound to fail. Given the positive and negative outcomes of liberal peacebuilding and local involvement, this thesis, therefore, proposes a middle-ground alternative or a locally-moderated liberal peacebuilding approach in which the liberal values of security, justice and human rights, and economic development are delivered by institutions that incorporate local perspectives while consistently upholding these liberal values. A combination of top-down institutionalization that is capable of delivering its responsibilities and bottom-up local involvement that is inclusive and representative of all levels of society is more likely to produce ideal outcomes that contribute to long-lasting peace instead of merely short-term stability.

In terms of future research, regularly updated analyses of past UN missions are also recommended as being vital for understanding the long and complex process of peacebuilding. It would be fruitful to conduct further research into cases that have previously been studied because of the benefits of hindsight. Retrospective analyses of past missions would provide better insights into their impacts on post-conflict societies' paths to peace and reveal lessons previously unavailable to studies done when the events related to these missions were initially developing. This thesis also highlights the need to analyse peacebuilding missions in a way that treats the 'local turn' with some caution by focusing on the extent to which the liberal nature of the peacebuilding efforts has actually been entrenched across levels and sectors of society. Since this thesis only focuses on security, justice and reconciliation, and development, other aspects of rebuilding, such as good governance and the rule of law, would also be worthy of in-depth study. Furthermore, while this thesis uses existing statistical data to analyse the development component of peacebuilding, it is recommended that a combination of quantitative and qualitative methodologies also be employed in the areas of security and justice to present a more comprehensive analysis of peacebuilding missions. As the previous analysis demonstrates, the quantitative part would provide a broader view of the impacts of transitional

administrations' mandates on post-conflict societies by incorporating statistical evidence of such impacts. The qualitative part would shed light on how the grassroots level perceives the implementation of mandates. This combination would help to strengthen or weaken existing assumptions in the literature regarding the relationship between UN peacebuilding and the current conditions of post-conflict societies.

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APPENDIX
LIST OF INTERVIEW PARTICIPANTS

PHNOM PENH, CAMBODIA

- Beaver, Alan. Military engineer, UNTAC; involved in planning for CMAC; involved in planning for UNHCR in Geneva for land issues on resettlement for UNTAC. January 13, 2014.
- C3. Researcher, Cambodian Development Resource Institute. January 24, 2014.
- C5. Academic scholar on peacebuilding. January 12, 2014.
- C8. Interpreter and local counterpart of the Human Rights Component, UNTAC; worked with UNHCR, Cambodia. January 18, 2014.
- C15. Administrative officer for UNHCR, Cambodia during UNTAC's mission. January, 13, 2014.
- C16. Human Rights Officer, Human Rights Component, UNTAC. January 30, 2014.
- Chak, Sopheap. Executive Director, Cambodian Center for Human Rights. January 16, 2014.
- Chhang, Youk. Electoral Officer, Electoral Component, UNTAC; Founder and current Director, DC-Cam. January 20, 2014.
- Chung, Ravuth. UNHCR staff involved in resettlement and repatriation processes. January 15, 2014.
- Khus, Thida. Executive Director, Cambodian Network Council; Executive Director, SILAKA. January 29, 2014.
- Livan, Sophoan. Interpreter, CivPol UNTAC; worked for WHO. January 29, 2014.
- Mak, Chamroeun. President, Khmer Youth Association. January 27, 2014.
- Ok, Serei Sopheak. Political Analyst and Consultant on Peace building, Democratic Process, Governance and Facilitation. January 19, 2014.
- Oum, Sam. Military officer, State of Cambodia. January 14, 2014.
- Sim, Sorya. Interpreter, Human Rights Component, UNTAC; Analyst Team Leader, ECCC; Director, Khmer Institute of Democracy. January 18, 2014.

PRISTINA/PRIZREN/MITROVICA, KOSOVO

- Ahmetaj, Nora. Executive Director, Centre for Research, Documentation and Publication. May 15, 2014.
- Borg-Olivier, Alexander. Chief Legal Advisor, UNMIK, 2001-2008. May 23, 2014.
- Duncanson, John. Deputy Chief of Communication in 2001; international police instructor, KPS Training Academy in 2002; Transition Liaison Officer for Mitrovica region in 2004; Enhancement Force Supervisor for North Mitrovica in 2006; Deputy Regional Commander Investigations, and Temporary Deputy Regional Commander for Mitrovica region in 2008. May 20, 2014.
- Duli, Florina. Executive Director, Kosovo Stability Initiative; former political advisor to UNMIK Deputy SRSG; involved in the establishment of the Kosovo Parliament and

served as the political advisor of the first Speaker of the Parliament; worked with Save the Children during the Kosovo war. May 12, 2014.

K4. Political Party Registration Office, OSCE Mission in Kosovo. May 28, 2014.

K5. Acting Spokesperson, OSCE Mission in Kosovo. May 28, 2014.

K17. UNMIK Official. May 21, 2014.

K20. Former UNMIK Official. May 26, 2014.

K23. EULEX international judge. May 21, 2014.

Kurti, Albin. Founder and member, *Vetevendosje!* May 12, 2014.

Qosaj-Mustafa, Ariana. Senior Researcher, Kosovar Institute for Policy Research and Development. May 23, 2014.

Salijevic, Gazmen. Project Officer, European Centre for Minority Issues Kosovo. May 27, 2014.

Ve zgishi, Musa. Founder, Peace and Human Rights Council in Kosovo. May 17, 2014.

Visoka, Gëzim. Senior Political Advisor to the Foreign Minister; Lecturer in Peace and Conflict Studies, Dublin City University. May 15, 2014.

DILI, TIMOR-LESTE

Abrantes, Laura. Member of REDE FETO (Woman's Network of Timor-Leste) during the transition; Program Manager and Peacebuilding Coordinator, Asia Pacific Support collective of Timor-Leste. February 25, 2014.

Belo, Nelson. Interpreter, UNTAET; founder, Fundasaun Mahein and security sector analyst. February 19, 2014.

Fernandes, Hugo. Head of Truth-Seeking Division of CAVR; Director, Policy and Institutional Strengthening at the Asia Foundation of Timor-Leste. March 6, 2014.

T1. Timorese government official. February 28, 2014.

T6. Timorese linguistic scholar. March 7, 2014.

T11. Women's rights activist. March 6, 2014.

T12. Administrative assistant for UN PKF. February 22, 2014.

T19. Human Rights Coordinator, UNTAET. March 5, 2014.

Maia, Antonieta. Women's rights activist during and after the transition; working for Asia Foundation in Timor-Leste. March 6, 2014.

Marinho, Luis. UNTAET's PKF officer from Portugal. March 8, 2014.

Pessoa, Ana. Cabinet Member for the Interior and then Justice Minister, ETTA; former Minister for State and Internal Administration 2002-2007; Prosecutor General of Timor-Leste. February 20, 2014.

Rodrigues, Roque. Defense Minister under ETTA. March 5, 2014.

Scheiner, Charles. Founder and researcher, La'o Hamutuk. February 24, 2014.

Vitor, Antonio. Youth leader during the transition; Team Leader, Infrastructure Management, ADB. February 20, 2014.

CANBERRA, AUSTRALIA¹¹⁴

- Baldwin, Peter. CivPol Officer, UNTAC and UNTAET. October 1, 2013.
- Busch, Lawrence. Involved in setting up the UNTAET CivPol induction training in Darwin; CivPol Officer, UNTAET. November 30, 2013.
- Carr, Keith. CivPol Officer, UNMIK. November 14, 2013.
- Chillaron-Cortizo, David. Reported to the Director of Housing and Property in Kosovo. November 19, 2013.
- Cryan, Meabh. Worked for Rede ba Rai (Land Network) and Haburas Foundation in Timor-Leste. November 9, 2013.
- de Saint-Claire, Simon. Conducted Mission Oversight and Lessons Learned on the Police & Justice Pillar of UNMIK; worked for UNDP and OSCE Mission in Kosovo. December 4, 2013.
- Hermes, Simon. Border Control Unit officer, UNTAC; UNTAET's District Administrator at Same, Manufahi. September 20, 2013.
- Hoxha, Abit. Researcher, Kosovar Center for Security Studies; involved in the Kosovo Security Sector Project of UNDP Kosovo. November 7, 2013.
- Ingram, Sue. District Administrator and Director of Transition Planning, UNTAET. October 23, 2013.
- K19. Legal System Monitor, OSCE Mission in Kosovo, 1999-2001. November 8, 2013.
- Kiçmari, Sabri. Minister for Local Governance, UNMIK; Ambassador of the Republic of Kosovo to Australia. December 2, 2013.
- Maia, Armindo. Former Minister of Education, Timor-Leste. September 12, 2014.
- Maley, Michael. Senior Deputy Chief Electoral Officer, UNTAC; Member of Electoral Commission, UNAMET. December 9, 2013.
- Maley, William. Electoral Officer, UNTAC. November 13, 2013.
- Mishra, Sanjeev. UNMIK Civil Affairs Officers in Peja. October 23, 2013.
- Pearce-Laanela, Therese. District Electoral Supervisor, UNTAC. November 14, 2013.
- T7. Youth leader during the transition; government staff. November 30, 2013.
- T9. Worked for an international aid organization on various social issues. November 30, 2013.
- T21. Human Rights Officer, Human Rights Unit, UNTAET; worked with an international NGO in Timor-Leste. October 31, 2013.
- T25. Worked for a Portuguese NGO during UNTAET. November 7, 2013.
- Whittington, Sherrill. Head, Gender Unit, UNTAET. October 28, 2013.

MANILA, PHILIPPINES

- de los Santos, Jaime. Force Commander, UNTAET, 2000-2001. April 3, 2014.

¹¹⁴ Interviews were done either face-to-face or via Skype.

RESOURCE PERSONS CONSULTED

Autesserre, Séverine. Associate Professor of Political Science, Barnard College, Columbia University. New York City: June 25, 2014.

Dirk Salomons. Director, Humanitarian Policy Track, School of International Public Affairs, Columbia University; served as an advisor to several UN missions and agencies. New York City: June 3, 2015.

Embassy of the Republic of Kosovo in Canberra; Sabri Kiçmari, Ambassador of Kosovo in Australia; Skender Durmishi, former Chargé d'Affaires. Canberra: several occasions in 2013 and 2014.

Embassy of Timor-Leste in Australia; Abel Gutteres, Ambassador Extraordinary and Plenipotentiary; Ismenio Martins da Silva, Labour and Education Attaché. Canberra: several occasions in 2013 and 2014.

Gomes, Rui. Chief of the Civil House, Timor-Leste and former economic advisor to President Matan Ruak. Dili: February 2014.

Ryan, Alan. Executive Director, Australian Civil-Military Centre. Canberra: November 19, 2013.

UN PBSO Official. New York City: August 7, 2015.

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