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# The Perils and Promises of Democratization through United Nations Transitional Authority – Lessons from Cambodia and East Timor

AUREL CROISSANT

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This article compares democratization under the aegis of the United Nations in Cambodia and East Timor. The analysis points to the inherent contradictions and problems of democratization in post-conflict situations and discusses the difficult issue of timing. It draws four generalized conclusions about democratization through international interim governments in post-conflict societies. First, UN-led interim governments can provide a solution to the problems of civil strife, insecurity, and political instability in disrupted states. Second, democratization through international interim governments in civil-war countries can be successful if the transitional authority is able to maintain a stable 'hurting balance of power' and to guarantee the parties' compliance with democratic procedures. Third, international interim regimes like UNTAC are designed on the premise that reconciliation among the domestic parties is possible. If the premise turns out to be inaccurate, the very foundation of the peace process is challenged and it will be almost impossible successfully to adjust the interim government's institutional structure. Fourth, the cases of Cambodia and East Timor demonstrate that democratization must be embedded in a comprehensive agenda of political, social, and economic methods of peace-building. If interim governments end before the roots of democracy are deep enough and before democratic institutions are strong enough to stand alone, then the entire endeavour may fail.

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Key words: democratization; interim administration; Cambodia; East Timor

## Introduction

The US-led interventions in Afghanistan and Iraq have brought the subject of externally imposed democratic regimes back on the agenda of democratization studies. The origins of the recent debate about the perils and virtues of 'democratizing protectorates' reach back into the 1990s, when scholars and practitioners began to argue that temporary protectorates had become the necessary condition for democracy in countries torn apart by civil war.<sup>1</sup> Simultaneously, with the end of the Cold War, the United Nations began to invest significant military, political, humanitarian, and economic resources into operations conducted in the aftermath of intrastate wars and civil unrest.<sup>2</sup>

This study discusses the subject of externally directed and monitored democratization under the aegis of the United Nations with reference to Cambodia and East

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Timor. It explores to what extent the United Nations Transitional Authority in Cambodia and East Timor contributed to democratization and post-conflict peace-building in these two countries. The study proceeds in six steps. First, it discusses general problems of democratization through international interim governments in societies characterized by civil strife and disrupted stateness. The second part of the study provides some historical context and the third section examines the major challenges facing the United Nations. Next, the analysis discusses the nature of transitional authority, its legitimacy, organization, and the operational methods of the two interim governments. Section five evaluates the successes and failures of both interim governments. The last section draws some generalized conclusions about democratization through international interim governments in post-conflict societies.

### **Democratization through International Interim Governments**

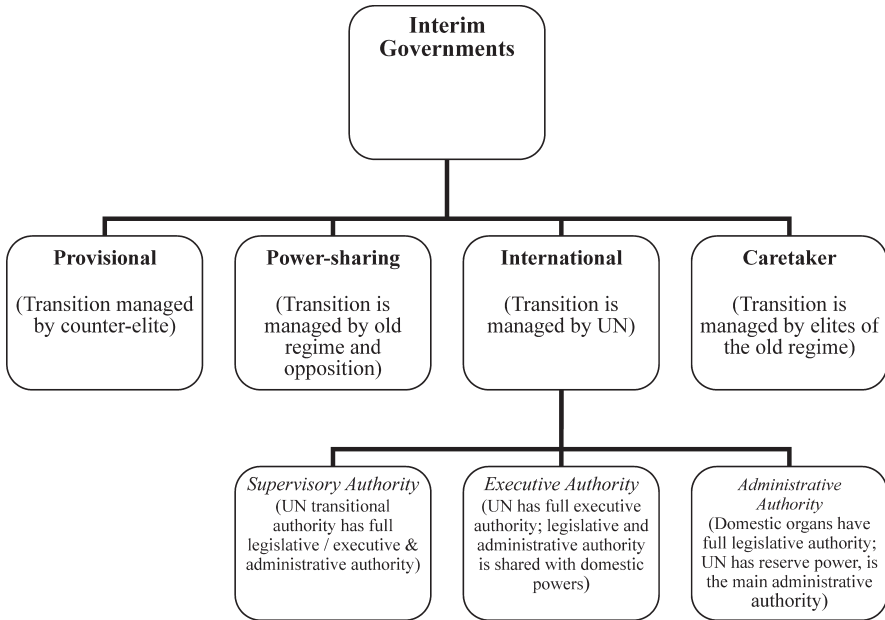
In their seminal work on interim governments and democratic transitions, Yossi Shain and Juan Linz develop different models of interim government. They define international interim governments as those forms of transitional authority 'in which the international community, through the aegis of the United Nations, directs and monitors the process of democratic change'.<sup>3</sup> Obviously, this is neither the only form of interim government, nor the only mode of externally monitored democratization. Additional models of democratizing interim governments developed by Shain and Linz are provisional, power-sharing, and caretaker governments. Another, empirically more frequent, mode of externally directed and monitored transition from authoritarianism is democratization through war and imposition, exercised either by a domestic administration which operates under more or less explicit oversight of external powers (post-Taliban Afghanistan), or directly by the occupation forces (Germany and Japan after World War II).<sup>4</sup>

Michael Doyle<sup>5</sup> has recently developed the idea of international interim regimes a step further by presenting a fourfold typology of UN transitional authority which allows classifying different subtypes of international interim regimes. The four types of transitional authority (supervisory, executive, administrative, and monitoring authority) are differentiated from each other by the degree of legal authority and effective capacity the interim regime enjoys. The first three of Doyle's types of transitional authority are subtypes of international interim government, while the fourth type (monitor) is not (see Figure 1).

While the work of Shain and Linz focuses on the role that interim governments play in enhancing or impeding the democratic outcome in the transition from authoritarianism, Doyle is interested in the role that UN transitional authorities play in post-conflict peace-building. The combination of both approaches enables us to locate different models of UN administrations within the broader context of interim regimes by distinguishing cases according to the degree of influence exercised by the UN authority.

Even though post-conflict peace-building through international interim governments is a complex, multidimensional challenge that reaches far beyond directing and monitoring the process of democratic change, there is a close relationship

FIGURE 1  
INTERIM GOVERNMENTS AND TYPES OF INTERNATIONAL INTERIM GOVERNMENTS



Source: Yossi Shain and Juan Linz, *Between States. Interim Governments and Democratic Transitions* (Cambridge: Cambridge University Press, 1995); Michael W. Doyle, 'War Making and Peace Making: The United Nation's Post-Cold War Record', in Chester A. Crocker, Fen Osler Hampson, and Pamela Aall (eds), *Turbulent Peace. The Challenges of Managing International Conflict* (Washington, DC: United States Institute of Peace Press, 2003), pp. 551-3.

between both. The former describes all operations conducted by an interim government organized either through an international organization like the United Nations (as in the case of Cambodia and East Timor) or the government of another sovereign state 'to foster economic and social cooperation' among the political elites of a specific territory 'with the purpose of building confidence among previously warring parties; developing the social, political, and economic infrastructure to prevent future violence; and laying the foundations for a durable peace'.<sup>6</sup> It involves 'the implementation of complex, multidimensional peace agreements', which include, in addition to more traditional tasks of peacekeeping such as monitoring cantonment and demobilization, resettling refugees, and supervising transitional civilian authorities, 'monitoring and organizing the implementation of human rights, national democratic elections, and economic rehabilitation'.<sup>7</sup> While legal methods emphasize issues of transitional justice, the focus of political methods is on democratic institution building, and economic measures emphasize socio-economic development. Therefore, democratization through international interim government in post-conflict societies can best be understood as one dimension of the multidimensional project of

peace-building.<sup>8</sup> The long-term success of democratization critically depends on how much transitional authorities achieve regarding the economic, social, political, and cultural components of peace-building.

It is evident that in post-conflict societies, transitions from authoritarianism occur under extremely challenging political, social, and economic conditions. The public and social infrastructure is typically in poor shape. There are the challenges of refugees and internally displaced persons. Power is concentrated in the hands of military commanders and entrepreneurs of violence, and there is a dramatic need to reconstruct public order and security. Markets do not function properly, and the economy is unstable. Furthermore, comparative studies show that the reconstruction of civil strife-torn economies requires an extensive period of time. In the past, most countries rarely recovered within the first decade following a civil war.<sup>9</sup> The experiences of war-torn countries demonstrate that they do not have the ability to develop sustainable growth without extensive international assistance. This, however, may lead to the emergence of an extreme type of rent-seeking economy, in which the accumulation of external rents and their transformation into local rents are the most attractive form of economic activity.<sup>10</sup> This has negative consequences for the transparency and the accountability of the political process.

Moreover, where civil strife has disrupted the pre-existing government, former enemies may have agreed on a ceasefire or peace, but not on who should govern the peace. Even where the organization of an international interim government is based on the agreement of the warring parties, this agreement is often motivated by the factions' inability to change the political status quo in their respective favour. It may be more a tactical agreement than the consequence of a successful elite settlement. As a result, founding elections in post-conflict societies are dramatic events, and the stakes are very high, probably higher than in founding elections in other young democracies.<sup>11</sup>

There are also other reasons democratization through international interim governments in disrupted states and societies torn apart by civil strife seems more difficult than other transitions to democracy. The sovereignty of the people and the accountability of the government towards its citizens are the core principles of democracy. International interim governments, however, by definition lack democratic legitimacy – the sovereignty *de facto* (if not *de jure*) passes from the people to an external power. Thus, democracy is supposed to be introduced under the imposition of a tremendous deficit of democratic legitimacy.

At the same time, international interim governments, particularly UN transitional authorities, must bear a double, sometimes conflictive, accountability: they are *de jure* accountable to the external principal organizing, controlling, and financing its mission. In the case of an UN-led interim government, the UN Secretariat and Security Council is the principal. *De facto*, however, the interim government is also accountable to the domestic elites and the people of the territory it is ruling and for whom it has to construct a self-sustainable democratic system.<sup>12</sup>

In light of such challenges, Shain and Linz have formulated five basic propositions for the applicability of their international interim government model.<sup>13</sup>

Most fundamentally, this model requires that state institutions remain largely intact; that is, failed states are unsuited to the model. Second, the model requires that the incumbent regime has not been totally de-legitimated and still exerts control over the means of violence. Third, foreign patrons of domestic parties must support the international interim government. Fourth, domestic parties must have a genuine interest in conflict accommodation. Fifth, domestic parties must be able to communicate and interact among one another. Only in those cases in which these five preconditions are present should this model be applied.<sup>14</sup>

### **The Road to UN-led Interim Governments**

Even though both Cambodia and East Timor are what the literature calls 'post-conflict societies', there are manifold differences between the two cases that must be taken into account when analysing the perils and virtues of democratization through UN transitional authority. Among the differences, the nature of the conflict that preceded the interim regimes is probably the most fundamental. In Cambodia, warring parties had fought each other since 1970. The first conflict occurred between the regime of General Lon Nol and the communist Khmer Rouge guerillas (1970–1975). This was followed by a four-year reign of Khmer Rouge terror under the leadership of Pol Pot (1975–1979), during which approximately one-fifth of the population was murdered or died as a result of misrule. In December 1978, Vietnam invaded Cambodia and formed a new government made up of Khmer Rouge defectors and a few remaining technocrats and bureaucrats who had survived Pol Pot's reign. The pro-Vietnamese government of the People's Republic of Kampuchea (from 1989 on: State of Cambodia, SoC) immediately got involved in a low intensity war with the so-called Coalition Government of Democratic Kampuchea (CGDK), a three-party coalition of Khmer Rouge, the royalist FUNCINPEC (Front uni national pour un Cambodge indépendant, neutre, pacifique, et coopératif), and the Khmer People's National Liberation Front (former pro-Lon Nol forces).

By the end of 1986, neither Vietnam and SoC nor the CGDK forces (with support from Thailand, China, and the United States) were in a position to win the confrontation. Faced with military stalemate and domestic economic problems, the Vietnamese government withdrew its troops in 1989. The government in Phnom Penh could no longer hope for victory, despite its continuing numerical military dominance. Informal negotiations between the CGDK and SoC led to official peace talks in Paris in 1991. Under the guidance of the UN Security Council's Permanent Five and supported by the governments of Australia, Indonesia, Japan, and other concerned states, the warring parties signed the 1991 Paris Accord, which mandated the establishment of an interim government, the United Nations Transitional Authority in Cambodia (UNTAC).

In contrast to Cambodia, the nearly 25-year conflict in East Timor was not a civil war. It was a protracted liberation war between the Timorese independence movement and the Indonesian occupation forces. As a consequence of the 1974 'Carnation Revolution', Portugal's moribund empire, to which East Timor had belonged since

the 16th century, rapidly crumbled. In the following months, conflicts between the pro-Independence Frente Revolucionária do Timor-Leste Independente (FRETILIN), the pro-Indonesian integrationist Apodeti, and the anti-FRETILIN Timorese Democratic Union (UTD) escalated into open civil war.<sup>15</sup> Subsequently, on 7 December 1975, Indonesian troops invaded East Timor and aborted decolonization. The United Nations, however, maintained a policy of non-recognition of Indonesia's annexation of East Timor. As a result, the East Timor question remained on the international agenda. In the following two decades, the exiled FRETILIN leadership in Africa and representatives of the 1975 Timorese government in Europe continued their political struggle for independence outside of East Timor, whereas FALINTIL (Forças Armadas de Libertação Nacional de Timor Leste), originally FRETILIN's military wing, which had become a non-partisan guerrilla force in 1987, fought a low intensity insurgency in remote areas of the island.<sup>16</sup>

The window of opportunity for the decolonization of East Timor once again opened after the transition to democracy began in Indonesia in 1998. As Indonesian politics became increasingly unstable after the downfall of President Suharto's authoritarian 'Ordre Baru', the situation in East Timor became progressively more volatile. In January 1999, Indonesia's Interim President Habibie proposed limited autonomy for East Timor. In subsequent negotiations, Indonesia, Portugal, and the UN concluded a set of three agreements on 5 May 1999 in New York. The agreements included a ceasefire between FALINTIL and the Indonesian military and the conduct of a consultation vote that would enable the East Timorese to choose between permanent autonomous status within Indonesia and a transition to independence under the aegis of the United Nations.

On 11 June 1999, the Security Council established the United Nations Mission in East Timor (UNAMET). UNAMET, which had already started to deploy a preparatory contingent in late May 1999, went into Timor without the protection of armed UN peacekeeping troops. The UN-organized referendum that took place on 30 August 1999 had a voter turnout of 98 per cent, with 79.5 per cent voting in favour of independence. Subsequently, pro-Indonesian militias with the support of the Indonesian army began 'Operation Clean Sweep', a three-week campaign of destruction. About 70 per cent of East Timor's stock of buildings was destroyed or damaged, and the public and social infrastructure was almost completely destroyed. More than two-thirds of the population was displaced, and approximately 1,500 people were murdered.<sup>17</sup>

The wave of destruction created a storm of protest in the international community. Within a matter of days, the emerging humanitarian crisis galvanized the United Nations and the major western governments into action. On 12 September, President Habibie announced Indonesia's acceptance of a peacekeeping force. Three days later, the Security Council, acting under Chapter VII of the UN Charter, authorized the establishment of a multinational force (INTERFET) empowered to use all necessary measures to restore peace and security. Under Australian command, INTERFET began arriving in East Timor on 20 September. On 25 October 1999, Security Council Resolution 1272 established the United Nations Transitional

Administration in East Timor (UNTAET). East Timor's international interim government was born.

### **Initial Conditions and Challenges for Democratization through the United Nations**

In regard to the basic propositions for the applicability of international interim governments, Cambodia offers something of a textbook example. At the time of the Paris Agreement, Cambodia did have a working bureaucracy and, with the Cambodian People's Party (CPP) of Prime Minister Hun Sen, a government with control over about 90 per cent of the nation's territory. Although contested, the incumbent regime exerted some control over the means of violence. After the end of the Cold War, external support for all warring parties in Cambodia rapidly declined. Due to the rapprochement between the United States, China, and the Association of South East Asian Nations (ASEAN) states on the one hand and Vietnam and the Soviet Union on the other, the political and economic costs of the conflict increasingly exceeded the potential gains from the stabilization of Cambodia, not only from the perspective of those countries which supported the CGDK, but also for Vietnam. Thus, all foreign patrons of the Cambodian parties had an interest in supporting the international interim government. This, in turn, affected the situation in Cambodia because none of the conflict parties were able to continue the fight without external support. Moreover, the military campaigns in the late 1980s had proven that neither government nor rebels were able to break the military stalemate. Thus, all four Cambodian parties had a good reason (if not a genuine interest) not to obstruct the implementation of the UN transitional authority. Last but not least, the Paris Agreement demonstrated that the parties were able to interact among each other.

In contrast to Cambodia, there was no state or incumbent regime in East Timor as both vanished in flames and ashes after the Indonesian military had withdrawn. In fact, East Timor in 1999 did not have a working bureaucracy and, with the Indonesians recently deposed, no national government or political faction had sole control over the means of violence. However, other factors supported the applicability of the international interim government model. First, for different reasons the concerned foreign governments supported the idea of a UN transitional authority for East Timor. Due to the results of the consultation vote in August, the East Timorese desire for independence had an unambiguous popular mandate, whereas Indonesian claims were discredited. The pro-Indonesian militias in East Timor were dependent on support from Indonesia and could not block any peace solution.<sup>18</sup> Once the violence began, the resolve 'that East Timor would not be the next Rwanda or Srebrenica' strengthened inside the UN Security Council; the international community pressured the Indonesian government either to stop the violence or to accept an international intervention force.<sup>19</sup> In addition, the domestic parties such as the East Timorese exile government, the Timorese diasporas in Europe and Africa as well as the political factions and FALINTIL forces inside East Timor were more than ready to cooperate with INTERFET and the United Nations. At least for the moment, support for the United Nations' was strong enough to unite the several Timorese factions.

Still, the challenges for transitional authority were enormous in the two countries. Both nations had neither democratic experiences nor traditions of developed civil society which the UN administrations could have benefited from. Particularly in Cambodia, the Khmer Rouge genocide and more than two decades of civil war had left traditional patterns of internal conflict resolution shattered and mutual trust among the domestic parties destroyed. Most of the economic and social resources needed for reconstruction were absent. Both societies suffered from the legacies of colonialism, war destruction, a genocide trauma, social anomie, and from vast poverty and social under-development.<sup>20</sup> Social reconstruction required the repatriation of a large number of refugees, the reintegration of former combatants into civil society, and national reconciliation in both countries.

In addition, state capacity building in Cambodia was retarded by the legacy of the Leninist party state, which had deeply politicized the administration and led to a fundamental lack of qualified civil servants, and a military that was bloated far beyond national security needs. The warring parties in Cambodia had to be disarmed, and their troops demobilized, while anti-democratic ideologies remained prevalent among the domestic actors and some of the factions were fundamentally unwilling to abide by their commitment to the peace agreement. This unwillingness was further aggravated by choices made during the implementation of the UN government, as the next section will show.

In the case of East Timor, internal conflict between the various factions of the East Timorese independence movement was not nearly as tense as conflict between civil-war antagonists in Cambodia. Yet, often neglected by external observers, the National Council of Timorese Resistance (CNRT), the umbrella organization for all resistance parties, lacked internal coherence. Rather, the different factions that had emerged during the independence struggle through different personalities and ideologies were deeply divided. Fault lines ran between those who had stayed behind to fight on the ground and those who spent the occupation abroad, between non-FRETILIN representatives and the FRETILIN leadership who spent much of the war in Angola and Mozambique (the so-called 'Maputo clique'), between European and Australian diasporas, between those who wanted a strong united national front and those who called for a multiparty system with competing political parties, and last but not least, between the opponents within East Timor's politics just before the Indonesian occupation.<sup>21</sup> In addition, the question of demobilization and reintegration of FALANTIL's guerrilla fighters turned out to be a major issue as so-called veterans demanded 'compensation' for past destitution.

### **UN-led Interim Governments in Cambodia and East Timor**

In both countries, the United Nations was in control of the interim governments. However, the depth and effectiveness of the legal authority and de facto control of the transitional authority varied considerably. This was largely due to the juridical status and organizational structure of the interim government, as well as the domestic situation, particularly the number of domestic actors involved and their position towards the interim government's policies.

In Doyle's terminology, the interim government in East Timor belongs to the type 'supervisory authority', that is, the UN transitional authority exercised *de jure* and *de facto* full legislative, executive, and administrative powers. In fact, Chopra compares the UN transitional administration in East Timor with a 'pre-constitutional monarch in a sovereign kingdom'.<sup>22</sup>

Unlike in East Timor, UN transitional authority in Cambodia can be classified as a type of 'administrative authority'. While executive and administrative power was vested in UNTAC, its primary responsibility was to supervise the Cambodian authorities in five areas of sovereign activity – defence, finance, foreign affairs, information, and public security. UNTAC, thus, exercised executive power only indirectly. The previously established bureaucratic structures, however, remained intact, and the old bureaucracy, which was riddled with cadres of the ruling CPP, was responsible for the execution of UNTAC's directives. In addition, the Paris Accord stipulated the creation of a Supreme National Council (SNC), a semi-sovereign power-sharing coalition of all four warring parties with Prince Sihanouk as its titular head. While it was left to UNTAC to make proposals and the SNC had no proactive decision making authority, UNTAC-head and Special Representative of the UN Secretary-General, Yasushi Akashi, was determined to engage the SNC in decision-making and refused to use his full authority when the Council was deadlocked and Prince Sihanouk did not act.<sup>23</sup>

In both countries, the UN played a threefold role as peace-maker, peace-keeper, and peace-builder. In Cambodia, the top priorities of the UN transitional government were the enforcement of the cease-fire, the disarmament of the Cambodian factions, and the holding of elections. Furthermore, the interim government was authorized to preserve the integrity and sovereignty of the country and to organize the repatriation of refugees and war internees. However, a major limitation of UNTAC's mandate was that it did not include any democratic institutional engineering that went beyond the electoral arena.

The timely completion of many of the tasks was the essential pre-condition for undertaking subsequent tasks. Implementation of military and civilian operations started in March 1992. In July, the UN cantonment, disarmament, and demobilization programmes began. The interim administration prepared a new election law for the upcoming general elections and began registering voters and implementing various voter education programmes in October that year. UNTAC was able to stabilize the country's security situation, so that in May 1993, free and fair elections could be conducted. Based on the framework of the Paris Accord, the newly elected constituent assembly drafted a constitution for the Kingdom of Cambodia. The constitution was officially promulgated in September 1993. At the end of that month, the UN interim administration ceased.<sup>24</sup>

The UN operation in East Timor developed in five phases:

1. The UN Mission in East Timor (UNAMET, June 1999–October 1999). UNAMET's mandate was to conduct the consultative referendum on 30 August 1999.

2. The UN Transitional Administration in East Timor (UNTAET, October 1999–May 2002). UNTAET administered the territory during the transition period from the end of Indonesian occupation to national sovereignty.
3. The UN Mission in Support of East Timor (UNMISSET, May 2002–May 2005). East Timor became independent on 20 May 2002. On the same day, the Security Council established the United Nations Mission of Support in East Timor to provide assistance to East Timor over a period of two years until all operational responsibilities were fully devolved to the East Timor authorities. Subsequently, the Council extended UNMISSET's mandate for another year to permit the new nation of Timor-Leste to attain self-sufficiency.
4. The UN Office in Timor-Leste (UNOTIL, May 2005–August 2006). UNOTIL was a downsized version of the previous mission with no peacekeeping component aimed to support key state institutions to strengthen democratic governance in the new nation.
5. The UN Integrated Mission in Timor-Leste (UNMIT, since September 2006). In reaction to the outbreak of civil unrest in the national capital, Dili, on request of the Timorese government, the UN Security Council established UNMIT, whose job was to restore public security and to support national reconciliation.

Strictly speaking, only UNTAET was an interim regime with fully developed supervisory authority, while Phase I constituted a step toward the interim government, and Phases III–IV marked a transition from international interim government to a self-governing democratic polity. The fifth and last phase was a reaction to the deepening political crisis in post-UN Timor-Leste.

The UNTAET mandate consisted of providing security, establishing an effective administration, assisting in the development of civil and social services, ensuring coordination and delivery of humanitarian assistance, economic rehabilitation and development, supporting capacity building for self-government, and supporting sustainable development.<sup>25</sup> In other words, 'UNTAET would have to invent a functioning state in East Timor'.<sup>26</sup> Establishing a civil administration, a police force, a judiciary system, a monetary system and banking sector, and a fiscal and taxation system, as well as ensuring the delivery of basic health and education services, assisting in the repatriation of displaced persons, supporting the emergence of civil society, and assisting in the establishment of local administrations were the core tasks for UNTAET. It accomplished these tasks quite successfully, considering it had to start from ground zero.

However, from the very beginning, UNTAET suffered from 'an underlying tension between the mandate to govern East Timor and a longer-term, strategic objective of preparing East Timor for democratic self-government'.<sup>27</sup> Many Timorese and even some UNTAET representatives criticized the UN for not having a consistent strategy of power-sharing with the Timorese elites.<sup>28</sup> The initial approach was not to integrate Timorese into the transitional structure but rather to recruit locally a separate civil service. Following deepening criticism of this approach, UNTAET reacted with the establishment of a non-elected and strictly advisory National Consultative Council, composed of UNTAET and East Timorese representatives. This ill-received

initial approach in 'Timorisation' of the interim government subsequently was replaced by the National Council, a transitional cabinet with executive authority in which half the portfolios were entrusted to East Timorese representatives from the territory's 13 districts, political parties and members of various social organizations.<sup>29</sup> UNTAET was also criticized for poor decisions on the reintegration of FALINTIL fighters early in the transition and its lack of understanding of the political cleavages within Timorese politics.<sup>30</sup> However, UNTAET still enjoyed broad public support and successfully conducted elections for a constitutional convention in August 2001 and for a president in April 2002.

### UNTAC's and UNTAET's Legacies

Both interim governments achieved their short-term goals; however, there are still questions about long-term achievements in terms of *sustainable* peace-building and *durable* democratization. This study argues that in contrast to optimists, who view East Timor as a success story of nation-building under aegis of the United Nations, and pessimists, who describe UNTAC as a complete failure,<sup>31</sup> the performance of the interim governments in both countries is best seen as mixed success.

#### *Cambodia*

UNTAC achieved only some of its immediate goals: stabilization was successful, peace-building was only a partial success and democratization was mostly a failure. UNTAC was able to repatriate a considerable number of refugees, and its presence forced the warring parties to moderate their tactics.<sup>32</sup> It created an environment in which the threat of a new regional conflict was reduced, and the Cambodian people, for the first time in 30 years, could begin to think about the future of their country.

UNTAC also conducted free and fair elections. The election, even though boycotted by the Khmer Rouge and held in a context of mutual mistrust, turned out to be UNTAC's biggest success. Voter turnout was 89.5 per cent, despite the Khmer Rouge's threats to disrupt the poll (which did not materialize). The elections ended with a surprising victory for the FUNCINPEC led by Prince Ranariddh. FUNCINPEC and the Buddhist Liberal Democratic Party together won 68 of 120 total seats in the National Assembly, whereas the CPP led by Hun Sen won 51 seats. At the end of the mission, a popularly elected government took over power from UNTAC. For the first time in Cambodian history, the nation had a democratically elected government.

Furthermore, any assessment of the interim government's performance must be placed in historical context. To argue that there has been no improvement in human rights, democratic freedoms or human security in general is misleading. There has been some progress in terms of human development, political rights, and civil liberties in the UNTAC period and the post-UNTAC period.<sup>33</sup>

On the other hand, for a number of reasons, the assumption that the interim government could achieve liberal democracy and political stability in a totally unpredictable national environment within an arbitrarily fixed period, after which international support would be dramatically curtailed, was unrealistic.<sup>34</sup> First, the UN peace-keeping force could not realize the military component of the peace agreement.

Failure to achieve full demobilization and disarmament of the various factions were a critical shortcoming of the whole mission. From the summer of 1992, the Khmer Rouge blocked disarmament of its troops and did not allow the peacekeeping force to enter its territory.<sup>35</sup> As a consequence, the other parties also denied disarming their troops. After the departure of the UN troops, fighting once again erupted. Although the civil war continued only at a low intensity, it did not stop until 1997.

Second, UNTAC also failed to provide a neutral political environment for the assumption of power by the newly elected Cambodian government. Failure to disarm and demobilize aggravated the security dilemma, particularly for the opposition factions. The more time UNTAC lost on the disarmament issue, the more the peace agreement eroded. Political and military tensions, and attacks on UNTAC staff, increased in number and intensity, especially in the run-up to the elections. This, in turn, led UNTAC to restrict its presence more and more to the capital city.<sup>36</sup>

This development was an unintended consequence of the fact that UNTAC failed to control the Cambodian bureaucracy. UNTAC's lack of manpower (170 mission staff were expected to oversee more than 100,000 Cambodian civil servants under CPP control alone), technical difficulties and the lack of knowledge of Cambodian history, culture or language, allowed the ruling Cambodian People's Party to shield the bureaucracy from effective supervision. The interim government's operational problems provided non-compliance opportunities for the Khmer Rouge and the CPP, and eroded any confidence the factions might have had in UNTAC's capabilities to provide neutrality and security.

Third, the UN administration had only weak instruments to force the Cambodian parties to accept the outcome of the poll. While UNTAC was based on the consent of the factions as expressed in the Paris Agreement, during the implementation period the transitional authority found itself operating without the full co-operation of the two most powerful political parties, the CPP and the Khmer Rouge. In fact, the Cambodian Peoples' Party as the main loser of the 1993 poll refused to accept the outcome, claiming instead that it was the result of fraud and UNTAC's partisanship to the opposition. The political crisis was temporarily settled by building a coalition government of FUNCINPEC and the CPP, with Ranariddh and Hun Sen as First and Second Prime Minister. In addition, the CPP succeeded in controlling the ministries of national defence and the interior, as well as the armed forces, and was able to force FUNCINPEC to accept a constitutional amendment that gave the CPP a *de facto* veto in future cabinet formation.<sup>37</sup>

This compromise proved to be fragile. In 1997 conflicts between the two major parties escalated into bloody fights, viewed by many as a *coup d'état* by Hun Sen (CPP) against Ranariddh. The organizational structures of the main opposition parties were damaged or destroyed, and many of their political leaders went into temporary exile. Why this escalation happened is to some extent a matter of dispute among observers.<sup>38</sup> However, whatever the true cause, the fighting of 1997 proved that the interim government failed to support an 'elite settlement' and subsequently did not lead to successful 'elite convergence'. Due to firm reaction of the international community, Hun Sen was forced to re-allow limited standards of competition in the 1998 and 2003 elections. Since the CPP effectively controlled the preparation of the polls, electoral defeat was unthinkable, although the polls 'were generally well and fairly

administered in a technical and organizational sense'.<sup>39</sup> However, the most serious problems of free and fair political competition were external to the elections. The CPP used its overwhelming coercive power and resources to implement a strategy of 'intimidation by incumbency', which effectively prevented a level playing field.<sup>40</sup> Although stopping short of a dramatic shift from electoral democracy to open autocracy, the shortcomings of the UN mission in fulfilling critical parts of its mandate has nevertheless paved the way for the emergence of a new authoritarian system that is softer and more stable than any other regime has been for the last 30 years.<sup>41</sup>

Four critical factors can be identified as contributing to the shortcomings of democratization.

First, the peace agreement faced a number of 'birth defects'. The agreement constructed the interim regime as a 'hybrid' co-government between the deeply divided Cambodian coalition government on the one hand and the UN transitional authority on the other. It forced hostile parties into a political 'shotgun wedding' – a marriage that 'brought together political combatants for whom the election was a continuation of the war, rather than the basis for sharing power agreeably'.<sup>42</sup> The transitional authority's inappropriate framework, along with the enduring strength of the CCP – especially at local and regional levels – 'undermined political transition in the implementation phase as well as in the period between the two elections in 1993 and 1998. ... stable democratic political transition was temporal in the short, UNTAC-term, and untenable in the longer term'.<sup>43</sup>

Second, bringing all relevant parties into government and giving them their share of posts in cabinet and bureaucracy led to double, sometimes even threefold structures. Rather than depoliticizing the CPP-controlled one-party state, power-sharing retarded the already weak capacity of the public administration 'by building and reinforcing parallel structures of personal and party authority, operating both within and outside the state'.<sup>44</sup> The size of the armed forces rose disproportionately, resulting in high military expenditures of 30 per cent of the total public expenditures. This avoided the problem of unemployed and disgruntled soldiers in the short term. However, no neutral central command structure developed. Rather, FUNCINPEC and CPP were in fact in control of their troops, promoting the political factionalization of the army and preserving the military predominance of the CPP.

Third, the strategic orientation in the international community – disengaging from Cambodia through engagement in the peace process – also contributed to the negative developments of the 1990s. Even though decisions, such as the one not to enforce disarmament of the Cambodian factions, led to unintended consequences, the international community stuck to its goal to democratize a country shattered by more than 20 years of civil war within only 18 months. The road-map for democratization was essentially restricted to the holding of free and fair elections, without substantially changing the existing structures of political and military power. The constitutional process was rushed and the political institutions were relatively weak at the end of the transition period. There were no precautions to bind the warring parties to respect democratic procedures after the election. The international community underestimated the difficulties of the mission, such as the lack of political and social tolerance, civic values, experiences with peaceful and cooperative forms of

conflict settlement and lacking conflict settlement and weak elite compromise. At the same time, especially Western governments misperceived the strength of the exile parties like FUNCINPEC.

Fourth and finally, the committed entrepreneurs of violence, such as the Khmer Rouge, military commanders, and various party cadres, had no interest in the stabilization of the state's coercive monopoly, civilian control over the military or the emergence of the rule of law because of their own economic interests in arms sales, timber, gems, and drug-trafficking. The UN transitional authority neglected long-term development and capacity-building objectives. This contributed to weak progress, which led to weak results in generating economic recovery, thereby aggravating the difficulty of democratic development. However, UNTAC was not solely responsible for this, given that international donors provided only a fraction of what they had promised at the beginning of the peace process.<sup>45</sup>

### *East Timor*

In the first few years following UNTAET, Timor-Leste was seen by many as the success story of UN-led nation-building. Following the events in the spring of 2006, when East Timor, and in particular Dili, exploded into gang violence which left 20 dead and tens of thousands of people displaced into camps, this evaluation substantially changed. This was pointed out in the report of the Secretary-General on Timor-Leste in August 2006. The report recognised the existence of a major political, humanitarian, and security crisis in East Timor with serious consequences for the new nation.<sup>46</sup>

Probably the most accurate summary of UNTAET's achievements is provided by Ian Martin (UNAMET Special Representative) and Mayer-Rieckh: 'While the peace operations in East Timor did generally well in the areas of electoral assistance, traditional peace-keeping, humanitarian assistance and emergency rehabilitation, UNTAET consistently faced problems with institution building and governance tasks.'<sup>47</sup>

On the one hand, while the interim government in East Timor ended without having established the social and economic prerequisites for a working democracy and sustainable development, UNTAET still can be evaluated as more successful than UNTAC. Equipped with relatively large financial and personnel resources in comparison to the country's small size, UNTAET was able to reach an unusually swift economic stabilization. The transition from UNTAET to UNMISSET led only to a small decline of international engagement. Indeed, the UN Security Council and international donors realized that international support for East Timor was still vital.

UNTAET provided security and the transition to independence and democracy was smooth. The new nation's relations with Indonesia are uncomplicated, given Indonesia's record of 25 years of misrule; the pro-Indonesian militias that burned down the country in 1999 are no longer a serious security threat. On the other hand, there were three major problems with UNTAET.

First, it was configured as a peace-keeping, not state-building, operation. It was therefore ill-equipped for institution- and capacity-building.<sup>48</sup> A second major shortcoming was UNTAET's quasi-feudalist exercise of political authority and its failure to include local people in the political process (Timorisation). This approach

generated mistrust and the development of parallel institutions at the local levels by FRETILIN. Political mechanisms for local consultation were only gradually added as the Timorese and donor government pressed for greater Timorisation.<sup>49</sup> Third, UNTAET did not develop a thorough understanding of the local political situation, particularly the conflicts between several political factions and the politicization of the new security forces, which eventually led to violent factioning within the armed forces (F-FDTL) and conflict between F-FDTL and the Timorese National Police.<sup>50</sup>

Although the catalyst to the events in the spring of 2006 is portrayed as disgruntled members of the Timorese army claiming discrimination in the upper echelons of the F-FDTL, this discrimination is linked to the worsening conflict between the different East Timorese political parties as well as the deepening cleavage between the western and eastern regions of this small country.<sup>51</sup> Furthermore, frustrated former guerrilla fighters pose a serious internal security problem for the new country, as do youth gang violence, rising crime levels, an inefficient police force, and a weak judiciary. Reacting to the near collapse of law and order in 2006, the government reluctantly decided to request military assistance from Australia, Portugal, Malaysia, and New Zealand. Following the dispatch of an Australian-led 2,500 strong peace-keeping force, the UN Security Council passed Resolution 1704, creating UNMIT in order to restore public security.

While the dispatched troops were able to stabilize the security situation, neither the Timorese government nor UNMIT have been able so far to deal effectively with the underlying causes of the 2006 crisis, which are the deepening political cleavage between FRETILIN and opposition parties, between the westerners (*loromonu*) and easterners (*lorosae*), and between the deeply politicized military and the police force.<sup>52</sup> Although peaceful presidential and parliamentary elections took place in 2007, many of the grievances from 2006 remain and it seems unlikely that Timor-Leste will be able to survive as a functioning state without massive international support and assistance by the United Nations.<sup>53</sup> However, on a positive note, it is a sign of functioning democratic institutions that the 2007 presidential and parliamentary elections resulted in a change in government, after Nobel Peace Prize laureate José Ramon-Horta won the presidential election against the FRETILIN candidate, and former president and rebel leader Xanana Gusmão was named as the new prime minister, leading a three-party coalition government without FRETILIN. Although the elections were hotly contested and not free of complaints about vote-rigging,<sup>54</sup> respect for democratic competition prevailed. Few other 'post-colonial' neo-democracies with ruling liberation movement-cum-political parties have experienced such a change of government after successful founding elections.

## Conclusion

Differences in the nature of the conflict and the domestic constellation of involved factions had an enormous impact on the challenges the two UN interim regimes had to face. A first glance at the propositions for the applicability of the international interim government model formulated by Shain and Linz suggests that this model was

better suited for Cambodia than for East Timor. This is because in East Timor, state institutions and the incumbent regime were swept away after the Indonesian military had withdrawn.

At closer inspection, however, it turns out that the conditions, at least in part, were more conducive to a successful outcome of democratization through international interim government in East Timor than in Cambodia. While it is true that the main challenge in East Timor was to build a nation and a state from the ground up, the situation in East Timor differed from the conditions of a 'failed state'. The main obstacle for the establishment of an UN-led interim regime in failed states is the disintegration of the state, which leads to *de facto* privatization of the monopoly on the legitimate use of force and the dispersion of military power. In East Timor, the issue was not power fragmentation but a power vacuum, which the Indonesians had left behind when they left. INTERFET filled this vacuum in less than two months. In fact, within a couple of months, a new 'proto-state under United Nations tutelage'<sup>55</sup> emerged. Furthermore, UNTAET enjoyed two developments that were not available in Cambodia: first, the belligerent power had completely withdrawn; and second, there was one single interlocutor with which to negotiate – the National Council of Timorese Resistance (CNRT) – rather than a number of hostile factions as in Cambodia.<sup>56</sup>

Perhaps the most basic lesson to be learned from UN-led interim governments in Cambodia and East Timor is that international interim governments can be a solution to the problems of civil strife, insecurity, and political instability in disrupted states. Under specific circumstances, described by Shain, Linz and others, this type of interim government can provide an escape from the *bellum omnium contra omnes*. However, the transition from authoritarianism to fully institutionalized liberal democracy requires more than ending civil strife. As Austin writes, 'immediately satisfactory elections do not necessarily mean that a democratic government or any of the essential elements of democracy (the rule of law, and independent judiciary and a professional non-partisan civil service including the police and military, and another "free and fair" election) will be guaranteed'.<sup>57</sup> Particularly in the case of international interim governments, democratizers face a dilemma: in order to reach an agreement, they must assume all relevant domestic parties will participate in good faith. At the same time, however, they must insure against the possibility that the parties will not or cannot fulfil the agreement made.<sup>58</sup> So, democratization through international interim governments in civil war countries can be successful only if the transitional authority is able to maintain a 'hurting balance of power',<sup>59</sup> in which all parties realize that continuing the struggle will harm them more than they will benefit. It was the UN's failure in Cambodia that UNTAC was neither willing to establish a stable hurting balance of power, nor able to guarantee the parties' compliance with democratic procedures. UNTAC's major shortcomings were the non-enforcement of the disarmament component of the Paris Agreement and the lack of effective control or supervision over the state of Cambodia's bureaucracy. The more fundamental 'birth defect' of the entire project of democratization, however, was that it would have required a major long-term commitment on the part of international organizations and foreign governments to defend Cambodia's nascent democracy against attempts to weaken or to disrupt it by those elected to lead it. However, in

reality the international community's commitment to democratization in Cambodia was restricted to the solution of technical problems; preparing and holding elections became a *de facto* exit strategy. After the UNTAC mandate expired, the democratization process came to a halt and, finally, the country was left sliding towards renewed authoritarianism.

All in all, this points to a paradox of democratization through international interim governments in civil war-torn countries like Cambodia. International interim regimes like the UNTAC are designed on the premise that reconciliation among the domestic parties is possible. This leads to the creation of power-sharing arrangements, such as the Supreme National Council in Cambodia. If the premise turns out to be inaccurate, it is almost impossible to adjust this institutional structure, since this would challenge the very foundation of the entire peace process and could provide an impetus for domestic political groups to stop the peace process altogether. In this regard it is worth noting that among governments in the west the view prevails that Cambodia (and the international community) is better off with the undemocratic but stable regime of CPP and Hun Sen than with a change in power from CPP to the opposition, which might lead to a new civil war.<sup>60</sup>

Another dilemma of democratization *as* peace-building in post-civil war countries such as Cambodia is that without peace, justice cannot be found. Transitional justice and addressing past human-rights abuses under the old regime is essential for social reconciliation, rebuilding of social trust, and strengthening rule of law, particularly in societies that experienced mass atrocities. However, there cannot be peace without marginalizing or, where this is not possible, recognizing the remnants of the old regime in a political solution. Needless to say, the goal of obtaining justice or reconciliation between former victims and perpetrators is difficult to achieve where the latter are part of the new government.<sup>61</sup>

Furthermore, Cambodia and East Timor prove that democratization must be embedded in a comprehensive agenda of political, social, and economic methods of peace-building. This means that the protectorate will be very expensive for the international community, both in terms of time and in terms of financial and human resources. As a result, interim governments run the risk of becoming never-ending self-replicating political realities. It is a moot point whether the foreign governments and the international community want to accept such enormous responsibilities in countries outside of their own political backyard (such as Bosnia and Kosovo) and where engagement will not yield significant security or economic benefits. The opposition of the US government and others to UNMISET's extension, and their insistence on a limited, one-year mandate for UNOTIL, is indicative of this problem. However, as the 13-year experience of post-UNTAC Cambodia proves, if interim governments end before the roots of democracy are deep enough and before democratic institutions are strong enough to stand alone, then the entire endeavour may fail.

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