UN Interventions in Cambodia and East Timor:
Efficacy, legality, and legitimacy

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Abstract

The Southeast Asian region is one where the Westphalian state rights of political sovereignty, territorial integrity, and the principle of non-intervention are jealously defended. Indeed, such concepts are embodied in regional organisations such as the Association of Southeast Asian Nations (ASEAN) in which non-interference is the cornerstone of the "ASEAN Way". It is also a region, however, where two of the most comprehensive examples of UN "interference" can be found. Cambodia and East Timor are widely viewed as successful examples of UN intervention, peacekeeping, and state-building. They are also promoted as such by the organization itself. There are concerns, however, that the UN administrations overstepped their mandates, focused too greatly upon short-term stability and efficiency in their governance prioritisation, and ignored local voices and interests. This potentially undermined legitimacy, human security considerations, and the enduring governance legacy after withdrawal of UN forces and support. This presentation examines the long-term consequences of UN interventions in Cambodia and East Timor through the competing lenses of liberal and socially-constructed peacebuilding in order to assess the extent to which they can truly be judged successes or failures.

Governance and Peacebuilding

Peace and security have long constituted the central objectives of global governance and form an essential dimension of human well-being. Indeed, peace and security feature heavily in the preamble to the *United Nations (UN) Charter* and their maintenance is listed as the first purpose of the UN, the major manifestation of the global governance mission. Increasingly, however, the global governance agenda has shifted its focus towards peace within states rather than between them, thereby moving from championing the interests and rights of states, to those of vulnerable individuals and groups. Consequently, the new human security focus places the

paradigm within the development agenda, rather than peace and political stability agenda. Liberal peacebuilding dynamics have come to dominate, with policy prescription tending to focus on the (re)establishment of law and order, good governance in terms of economic efficiency and transparency, and the spread of democracy, all supported by external agency in the form of UN bodies or authorized actors.

This supposed consensus has, however, come under attack in both theory and practice. Social constructivists have critiqued the liberal peacebuilding paradigm on a variety of levels, whereas Asian actors and commentators hold differing interpretations of the implications of the turn towards human security and the responsibility to protect (R2P) in global governance. This paper highlights how these concerns have played out in peacebuilding and post-crisis construction efforts in Cambodia and East Timor

Theoretical Challenges

Constructivist peacebuilding has three main issues with the liberal universalist approach. First, that liberal peacebuilding in practice does not match the universal principles to which it aspires and from which it claims legitimacy, with selectivity in selection of peacebuilding activities often dictated by the interests of intervening state(s) and often illiberal practices carried out during the intervention (Selby 2013, 57). Second, that liberal peacebuilding is hegemonic and hierarchical in terms of both actors and issues, prioritizing what Western liberal societies think is good for those "benefitted" (democracy, the organization of elections, human rights and the rule of law, neo-liberal development and the creation of an open market economy) rather than considering local circumstances and interests (Autesserre 2011; Richmond 2006)). Third, that liberal peacebuilding is essentially top-down in nature, rather than bottom-up, and that this is unsuited to transforming conflictual relationships or building resilient post-crisis societies (Lederach 1998; 1999).

Instead, socially constructed perspectives on peacebuilding and post-crisis reconstruction call for "positive, proactive programs that promote peace building, rather than negative, reactive programs intended to reduce violence" and a focus on promoting "harmony, understanding, and effective problem solving" (Kimmel 1992). In other words, social constructivist perspectives on peacebuilding concentrate on how to bring people constructively together to build a whole greater than the sum of the parts, rather than on how to keep them apart in order to mitigate against the worst manifestations of conflicts of interests. Both the elements of social/society and construction are, therefore, taken seriously.

As detailed above, the logical implications of a socially constructed peace include a focus on human security rather than the security of states. Earl Conteh-Morgan (2005, 69) further notes that human security at the personal, institutional and structural-cultural levels can be more effectively realized in the process of peacebuilding if "culture and identity and an interpretive bottom-up approach to peacebuilding are taken into account when addressing the problems of marginalized individuals, groups, and communities;" and both material as well as socio-cultural contexts are considered critical factors. This, then, represents a key departure from the universalist aspirations of the liberal peacebuilding paradigm.

The bottom-up literature of social constructivism and related approaches reveals the importance of national, organizational, professional, cultural and gender frames in shaping peacekeeping, peacebuilding, and post-crisis reconstruction activities in the field, as well as providing several important explanations for failures (Autesserre 2011, 8). Social constructivist approaches to peacebuilding and conflict transformation build on the critical approaches of Johan Galtung and others (structural violence and positive peace), as well as the cosmopolitan liberalism of John Burton's World Society approach (frustration of human needs) which shared many points in common with English School Rationalism while in turn expanding upon Edward Azar's protracted social conflict theory (Galtung 1969a; 1969b; 1990; Jabri 2018; Burton 1969; 1990; Azar 1983; 1990). Hence mainstream liberal peacebuilding is seen more as mediation between local power-brokers, ignoring grassroots community actors, who are potentially more inclusive and moderate, and therefore more truly "liberal" (Tadjbakhsh 2010).

Ultimately, social constructivists attack liberal peacebuilding for its failure to address inequality, poverty, social exclusion, and the lack of community and grass-root participation. Social constructivist authors have suggested the importance of inclusion of a number of different approaches and mechanisms to ensure the active participation of all affected and affecting groups in the building of sustainable peace. For John Paul Lederach (1998, 20 & 94), peace is a dynamic social construct, which requires continuous maintenance, and as the greatest prospects for sustaining peace in the long-term are rooted in the local people and their cultures, they should be seen as resources, not recipients. Oliver Richmond (2007) emphasizes the importance of emancipation and local ownership of peacebuilding projects.

At the same time, Asian perspectives on good governance, whether domestic or international, have long held to a tradition of cultural relativism in the interpretations of supposed universal norms. In December 1990 when the UN decided to convene a World Conference on Human rights, several Asian states questioned the applicability of universal human rights in different cultural, economic and social settings. The regional preparatory

meeting in April 1993 provided an opportunity for Asian governments to put forward their definition of human rights on the global agenda. The "Bangkok Declaration," signed by over forty Asian governments, suggested that universality should be considered "in the context of a dynamic and evolving process of international norm-setting, bearing in mind the significance of national and regional particularities and various historical, cultural and religious backgrounds." Asian states also linked development issues with human rights questions and emphasized the importance of non-interference.

Since the turn of the millennium, the "Asian values" debate has lost steam, and Asian governments may no longer be the champions of state rights, non-interference, and cultural relativism as might once have been the case. Bellamy and Drummond (2011, 196) assert that "many Southeast Asian states are moving away from the traditional notion of sovereignty… towards accepting a localized variant of sovereignty as responsibility" that allows for criticism of domestic polices and limited diplomatic pressure in the event of humanitarian crises. There has been convergence on the primacy of human security considerations, and an acceptance of the principles of the responsibility to protect (R2P) throughout the region (Bellamy and Davies 2009, 561). On 14 September 2009, in the course of the closing plenary of its 63rd session, the UN General Assembly adopted resolution A/63/L80 Rev.1 entitled "The Responsibility to Protect" which had been co-sponsored by 67 Member-states from every region in the world, including a number of states from Asia. Only seven states sought to play down the importance of the document, stressing that in their opinion the resolution was strictly procedural, and none of these came from the region.

Despite endorsing the R2P, however, it is clear that Asian states maintain a distinct understanding of what it implies, and its relationship with human security. The Permanent Representative of South Korea to the UN, one of the most ardent R2P supporters among Asian states, stressed that "the primary responsibility lies in the individual Government while the international community bears the secondary responsibility," that R2P "distinctly different from humanitarian intervention since it is based on collective actions, in accordance with UN Charter," and that "not all humanitarian tragedies or human rights violations can or should activate R2P" (Park 2009). In Japanese thinking, there is a significant difference between the human security and R2P perspectives: "while R2P recognizes the necessity for enforcement in certain circumstances, human security rules it out in every occasion," therefore the Japanese focus is one of prevention thereby reducing the need for intervention (Bellamy and Davies 2009, 552).

Hence commentators and practitioners in the region have yet to fully accept or internalize the Western liberal peacebuilding or interventionist prescriptive model for dealing with those regimes which are unable or unwilling to carry out the human-centric requirements of good governance. Essentially the "West" holds a narrow view of human security, but an interventionary interpretation of R2P, with the two being closely linked; whereas in Asia the linkage between the two is rejected, and a broad conceptualization of human security, along with a non-interventionary understanding of the R2P dominates. Ongoing dissonance can be found in the responses by Asian and Western/liberal universalist actors to humanitarian crises in the region.

Cambodia and East Timor are widely viewed as successful examples of UN intervention, peacekeeping, and state-building. They are also promoted as such by the organization itself. There are concerns, however, that they reflected too greatly the top-down Western, liberal, interventionary, peacebuilding paradigm, and that they focused too greatly upon short-term stability and efficiency in their governance prioritization. This potentially undermined legitimacy, human security considerations, and the enduring governance legacy after withdrawal of UN forces and support.

Humanitarian Intervention in Cambodia

The "Third Indochina War" evolved from a border dispute between Vietnam (supported by the Soviet Union) and Cambodia (supported by China) to a regional conflict wherein Vietnam invaded Cambodia and China invaded Vietnam. At the same time Pol Pot's Khmer Rouge administration in Cambodia was waging a vicious campaign against those it perceived as internal enemies of the regime and its ideology, which led to over a million dead in the next three years. The Vietnamese invasion in December 1978 installed a friendly Peoples Republic of Kampuchea (PRK) government and put an end to the systemic abuses of the Khmer Rouge regime which were so severe as to have attracted the inaccurate label of "auto-genocide". It did not, however, put an end to the conflict. China invaded Vietnam in February 1979, with the aim of teaching the latter a "lesson" (Peou 2002, 502). Even after withdrawing its forces from Vietnam China continued to support the Khmer Rouge and other communist opposition groups, while the US and ASEAN supported non-communist opposition groups. Vietnam and the PRK administration received ongoing support from the Soviet Bloc (ibid.).

The conflict continued with none of the factions able to secure a decisive victory, and with ongoing costs to the people of Cambodia. Beginning in 1987, several attempts were made to bring a negotiated end to the conflict, but with little progress. An initial breakthrough came,

however, in September, 1990, with agreement among the parties to the establishment of a Supreme National Council (SNC), which was then followed by "The Agreements on a Comprehensive Political Settlement of the Cambodian Conflict" signed in Paris on October 23, 1991, by the Cambodian factions and 18 other states. Sorpong Peou highlights the vital roles of the UN and some of its Members in getting to this stage, noting that without the pro-active intervention of the UN Security Council's (UNSC) Permanent Five Members (P-5), "the Cambodian adversaries would not have agreed to the new democratic rules of the political game and would have continued to battle each other until death" (1997, 7). The Paris Agreements (as they came to be known), invited the UNSC to establish the United Nations Transitional Authority in Cambodia (UNTAC) and provided it with the mandate. The Council fully supported the Paris Agreements in its resolution 718 (1991) of 31 October 1991 and requested the Secretary-General to prepare a detailed plan of implementation. In February 1992, through Resolution 745, the UNSC created the United Nations Transitional Authority in Cambodia (UNTAC).

The nine parts of the Paris Agreements reflect the dilemma faced by the UN in this important case. Part 1 covers the transitional period, and the roles of UNCTAC and the SNC, and the withdrawal of foreign troops; while Part 2 addresses self-determination. Both of these are consistent with a limited perspective on external interference in the affairs of a sovereign state, and a commitment to international peace and security, as is Part 4, which provides for international guarantees of the same, and Part 9 which commits the parties to respect the agreements and adhere to peaceful resolution of disputes. Part 3, however, commits future Cambodian governments to respect for human rights, as defined by international conventions – something that Asian countries resisted in the 1993 Bangkok Declaration. Likewise, Part 7 (and annex 5) stipulates the nature of the constitution, imposed externally rather than generated through a process of national self-determination. Part 8 on the responsibility of the international community to provide ongoing economic and financial support for rehabilitation and reconstruction certainly seems to suggest a broader global governance responsibility. Parts 5 and 6, on the right of return and on the freeing of prisoners of war are consistent with both the limited state-centered concept of global governance, and the broader, more interventionary human-centered perspective, but it must be noted that Part 5 uses the language of human security in its wording of the right to safety, security, and dignity.

One aim of the main objectives for the UNTAC, was to hold fair and free elections, and to do so it recruited local Cambodians and conducted democracy-education campaigns (Chu 2015, 81). More than 4.6 million of 5.2 million eligible voters registered, and ultimately in

May 1993, more than 4 million cast their ballots, representing close to a 90 percent turnout of registered voters (Peou 2002, 510). In the elections, the National United Front for an Independent, Neutral, Peaceful and Cooperative Cambodia (Front Uni National pour un Cambodge Indépendent, Neutre, Pacifique, et Coopératif, FUNCINPEC) secured 45 percent of the vote (58 seats), followed by the Cambodian People's Party (CPP) with 38 percent (51 seats), and the Buddhist Liberal Democratic Party (BLDP) with 3 percent (10 seats). The leaders of the two largest parties, Norodom Ranariddh and Hun Sen, formed a coalition government in which Ranariddh assumed the position of First Prime Minister and Hun Sen assumed the position of Second Prime Minister (Chu 2015, 81). This coalition lasted more than three years without inevitable disagreements spilling over into violence. To that extent, therefore, the UN's role in Cambodia can be considered a success. From the outset, however, the state-building project had faced challenges.

According to Peou (2002, 504), the Paris Agreements were deliberately pragmatic, with no retroactive application of criminal law, and the omission of any discussion of accountability mechanisms for atrocities, war crimes, or human rights violations. The chief challenge was seen as ensuring the factions abided by their obligations to compete peacefully in elections. In anticipation of the seriousness of this challenge, the Agreements provided the UN with an "unprecedented set of powers to rebuild the war-torn state through its intervention" and UNTAC was given" transitional authority" to govern the country in the absence of a legitimate national regime (ibid. 505). Therefore, for the first time, "a sovereign state's administrative agencies, bodies, and offices in the ministries of foreign affairs, national defense, public security, and information were to be placed under the direct control of the United Nations" (ibid.). The legitimacy of UN actions was dependent on the consent of the conflictual parties which in turn was based on the degree of commitment of the P-5 led UNSC to ensure a neutral and secure operating environment – in short, its legitimacy was based on impartiality backed with sufficient strength (Peou 1997, 13-14). Thus, the legality of UN operations can be seen as being dependent on two potentially supportive criteria, internal consent and external commitment/efficacy, but these two elements could also play contradictory roles.

The UN's own criteria for a mission's legitimacy are similarly twofold: international legitimacy and domestic legitimacy, or perceived legitimacy on the ground (UNPKO 2008, 36-37). International legitimacy can be interpreted as the willingness of the Member States of the UN continuously to support the mission (in both financial and normative terms), as well as to provide legal foundations for the operation in the form of a mandate or UNSC Resolutions. Perceived legitimacy on the ground can be understood as a result of an even more complex and

subjective process involving credibility (capacity to carry out the given mandate), commission (permission given to undertake some of the responsibility of sovereignty), and legacy, or achievement in laying the foundations for long-term peace, development, and havens safe from fear, want, and indignity.

UNTAC can claim a number of significant achievements, to bolster its claims to legitimacy, but ultimately each of these achievements comes with caveats, and the UN succeeded only in reducing the scale of the Cambodian conflict rather than eliminating it and was therefore only a partial governance success. Close to around 400,000 of the half a million refugees who fled the fighting ultimately returned as a result of the UN peace process. But despite the initial offers of land and housing, the vast majority of returnees received only $50 per adult and $25 per child under 12 (Peou, 2002, 507). UNTAC did manage to control inflation, facilitate a ban on logging, and create new jobs for unemployed Cambodians, including returnees; but was not invited to develop any long-term plan for economic reconstruction, did not contribute to the national infrastructure of general productive capacity (beyond putting in place capacity needed for its own operational requirements) and so did little to provide freedom from want in Cambodia. In terms of freedom from fear, much of the fighting was halted by the UN peace process, although political violence continued throughout, and after the UN presence, and the UN failed to disarm the various protagonists. Furthermore, by the time of UNTAC's departure, only 37,000 of the estimated 6-10 million landmines which blighted the country had been removed. Nevertheless, 2,000 Cambodians had been trained in mine-clearance techniques by the UN to continue the work (ibid. 508).

The political shortcomings and legacy are, however, seen as the greatest failure of UN involvement in Cambodia. Factional defiance toward UNTAC became more apparent as the UN administration proved unable to take effective, timely action due to belated deployment and a paucity of personnel, thus in some ways civil administration was doomed from the start. The mission had an enormous mandate but an extremely small staff (roughly 170 mission staff were expected to oversee more than 100,000 Cambodian civil servants for instance) (ibid. 516-517). UNTAC's civilian police (CIVPOL) was perhaps the least effective of all mission components and failed in its primary mandate to supervise and control the local police (ibid. p.517). While as noted above, the first round of democratic elections was something of a major (and perhaps surprising) success, Hun Sen's coup put an end to hopes for a true liberal democracy in Cambodia (at least in the short to medium term). Although Cambodia has experienced significant economic growth since the coup, it has also led to human-centred threats across all measurements of well-being.

The human security-related challenges of logging have resumed since, in the mid-990s, the Cambodian government issued 30 to 40 logging concessions which loggers used to illegally extract unlimited amounts (Chu 2015, 82). The massive forest loss has in turn damaged the environment and diminished the output of agricultural production (Peou 1999, 23). The government promised action, but the concessionaires' illegal activities remained rampant in part as a result of the government's own involvement and that of members of the elite (Chu 2015, 82). A "community forest group" set up to protect local vulnerable groups against the depredations encountered intimidation from the logging syndicate, at the head of which were many of Hun Sen's relatives (ibid. 83). Macro-economic development projects and related government-sponsored land-grabbing is another tremendous source of human insecurity for Cambodians (ibid.). Thus, the UN failure to provide an adequate political legacy has had long-term governance and human security consequences for the people of Cambodia.

The UN was able to secure support for UNTAC from all four warring factions; the Khmer Peoples' National Liberation Front (KPNLF), FUNCINPEC, the State of Cambodia (SOC – formerly the PRK), and the Khmer Rouge, as well as the 18 other states which signed the Paris Agreements, and of course the sponsoring P-5. Nevertheless, Cambodian scholars were often critical of the UN P-5 involvement in "quiet diplomacy" over Cambodia; cultural institutionalists saw no merit in the UN venturing into a world where there was no fertile ground in which to sow the seeds of liberal democracy, and legalists chastised the UN for "dancing to the Khmer Rouge's tune" (Peou 1995, 208). Ironically, the bulk of the criticism of the legality of the UN position on Cambodia was that there was insufficient interference or usurpation of sovereignty, in that the UN peace plan was not on the right moral and political track because it included the Khmer Rouge. Legalists and moralists criticized the inclusion of the Khmer Rouge as "killing hopes for a comprehensive political settlement" a "recipe for renewed civil war, if not genocide", and the UN was "unremittingly chastised and charged with dancing to the Khmer Rouge's tune by not taking decisive military action against them" (Peou 1997, 6). There was also a problem in how the UN dealt with the other factions. It recognized the SOC but delegitimized the opposition coalition which had hitherto balanced it. The three opposition groups, therefore, were forced to sign the accords as separate entities, and compete with each other in opposition to the SOC. In doing so it undermined the balance of power which had made the settlement possible in the first place (Peou 2002, 506). Thus, in attempting to secure universal internal consent, the UN was sowing the seeds of its own incapacity to ensure a comprehensive settlement.

There were further legal complications surrounding the delineation of powers and the role of UNTAC in the governance of Cambodia. On the one hand, the SNC was not the government of Cambodia, did not enjoy executive powers, and had delegated to the UN all the powers necessary for implementation of the Agreements; but on the other hand it was proclaimed by Article 3 of the Agreements to be "the unique legitimate body and source of authority in which, throughout the transitional period, the sovereignty, independence, and unity of Cambodia are enshrined", and it was recognized as such in the international operating environment (ibid.). Overall, the Paris Agreement provided no clear guidance as to how UNTAC could effectively carry out its mandate, beyond the fact of Cambodian consent and international recognition of the mission's legal and political legitimacy. Instead, the agreement legalistically assumed that the signatories would fulfil their obligations. The agreement assumed that the adversaries would compete at the ballot box in a free and fair manner simply because they had initially agreed to do it and failed to provide for any sanctions against the signatories should they undermine the process (Peou 2002, 506).

The democratic project was deeply marred from the outset by the refusal of the Khmer Rouge to disarm and demobilize (and their eventual withdrawal from the electoral process), along with continuing cease-fire violations and human rights abuses by all sides, and as the election date drew near, violence escalated (Peou 2002, 510). Despite the initial cooperation between the victors of the elections, in late 1996, the underlying tensions between the two governing coalition parties erupted into violence and by early 1997 it was clear that the two leaders were no longer willing to share power. (Peou 1998, 69-70). On July 5-6, Hun Sen ordered his troops to remove his political rival by force, and troops from both sides engaged in a bloody street battle in Phnom Penh, resulting in Ranariddh's swift defeat and ouster. Despite attempts to dress these actions up in quasi-legal guises, as Peou points out, "the use of force by one leader within the existing system to remove a democratically elected leader (whose party was the winner in the 1993 elections) makes the action indeed a coup" (ibid. 71). After the coup, Hun Sen exercised sole power in Cambodia, thus despite the UN's efforts to help establish democracy in Cambodia, it did not truly take root (Chu 2015, 81). Later sections of this paper, therefore, will consider the extent to which the UN administration in Cambodia can be considered a successful case of global governance.

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Humanitarian Intervention in East Timor

In 1998, the authoritarian regime of Major General Suharto, who had effectively ruled Indonesia since a military coup in 1965, finally came to an end. That June, the new President, Habibie, proposed a special status for East Timor which stopped short of full independence, but provided stimulus for further talks between the conflictual parties. In particular, negotiations at the UN between the two colonial powers, Indonesia and Portugal, ultimately led, on 5 May 1999, to the "Agreement Between the Republic of Indonesia and the Portuguese Republic on the Question of East Timor". The two parties, the Governments of Indonesia and Portugal, agreed that the Secretary-General of the UN should consult the East Timorese people on the constitutional framework for autonomy which was attached to the Agreement as an annex, through a direct, secret and universal ballot.

UN operations appeared to rest therefore, on firm legal foundations. The UN was asked to become involved by the interested parties, Indonesia and Portugal (as East Timor at that time was not a constituted state, the UN was not required, in fact was not able to consult national authorities). Not only that, but the UN's initial involvement was specifically to include consultation with the people of East Timor. The Agreement Between the Republic of Indonesia and the Portuguese Republic on the Question of East Timor also included clauses outlining the UN's role post the consultation exercise. Indeed, the UN was obligated to maintain an adequate presence in East Timor until such time as full independence became a viable option. With the overwhelming rejection of the special autonomy proposal, the Governments of Indonesia and Portugal, and the Secretary-General, were therefore committed to making arrangements for a

peaceful and orderly transfer of authority in East Timor to the UN, and, ultimately, to enabling East Timor to begin a process of transition towards independence.

UN involvement in East Timor was also legalized by relevant UNSC Resolutions. First, in July 1999, the Security Council passed Resolution 1246 which established the UNAMET in order to organize the popular consultation. Following the overwhelming vote in favour of independence, and the breakdown of law and order, with rampaging pro-Indonesian militia killing pro-Independence local civilians, driving many from their homes, and forcing the evacuation of many UNAMET personnel, the UNSC again met to endorse UN action in East Timor. Resolution 1264 determined the situation to be a threat to international peace and security, thereby justifying Chapter VII enforcement actions in the form of a multinational military intervention (the UN-mandated, Australian-led INTERFET) followed by a peacekeeping mission (UNTAET). Likewise, with independence, and on the same day, UNMISET was established by UNSC Resolution 1410 of 17 May 2002 to succeed UNTAET, and to provide assistance to core administrative structures critical to the viability and political stability of East Timor. Thus, at each stage, the involvement of the UN in East Timor was sanctioned through the explicit endorsement of UNSC Resolutions, the highest source of relevant positive international law.

Yet the "Agreement" between Indonesia and Portugal included "arrangements for a peaceful and orderly transfer of authority in East Timor to the United Nations". In organizing the "Popular Consultation", therefore, UNAMET was undertaking tasks which went beyond a peacekeeping remit. UNTAET was set up with an explicit PKO mandate, and took over internal security operations from INTERFET, but its role also went well beyond traditional PKO. Indeed, its role included extensive governance and state-building activities. Finally, UNMISET's role was to be explicitly focused on long-term development, administrative, and governance structures. In other words, UN peacekeeping missions in East Timor travelled far from the original PKO concepts of keeping conflictual parties apart and monitoring cease-fires. Yet they were not equipped with sufficient/adequate experience, capacity, resources and strategies to carry out massive state-building mandates.

For Markus Benzing, the East Timor case study is particularly noteworthy as it is "the most radical 'state-building' exercise the United Nations has engaged in to date, in the most literal sense of the word, as the United Nations acted as midwife for a new state" (2005, p.297). Indeed, the UN had played a vital role in East Timor's independence by organizing the 1999 popular consultation, which ended Indonesia's 24-year occupation. The UN Transitional Administration in East Timor (UNTAET), which had a peacekeeping operation (PKO)

mandate, ran from 1999 until 2002, with the aim of administering the territory, exercising legislative and executive authority during the transition period until independence, and supporting capacity-building for self-government. At the end of this period, with East Timor celebrating the recovery of its independence not only from Indonesia, but also from the UN administration which followed, the UN felt able to laud its own achievements:

Widely regarded as a success story for the United Nations peacekeeping efforts, East Timor will officially become its own nation led by President-elect Xanana Gusmão on May 20, 2002. This comes almost three years after the August 1999 elections that resulted in 98 percent of East Timorese voters choosing independence from Indonesia. In response to the bloody civil strife that followed the vote, the United Nations Transitional Administration in East Timor (UNTAET) was established to provide an integrated, multidimensional peacekeeping operation fully responsible for the administration of East Timor during its transition to independence (UN Foundation, 2002).

Optimistic assessments of the long-term future stability of East Timor upon independence proved, however, to be premature. The timing of Benzing's publication was particularly unfortunate as UN peacekeeping troops had to return in 2006 in the guise of the Australian-led International Stabilisation Force (ISF) after fighting between sections of East Timorese police and military forces set up by the UN administration, led to social and political instability. President José Ramos-Horta was critically injured in an armed attack on 11 February 2008, and Prime Minister Xanana Gusmão was also allegedly to have been attacked, again leading to the Australian government immediately sending reinforcements to East Timor to keep order in response to a request from the government of East Timor (Platypus 2008, pp.22-23). This was despite the fact that, according to the Supplemental Arrangement exchanged between the UN and the government of East Timor, it was the responsibility of a UN peacekeeping mission—the United Nations Integrated Missions in Timor-Leste (UNMIT)—to provide law and order in East Timor, and thus decide such actions (UNMIT, 2006).

UN operations in East Timor in fact, out of necessity, went far beyond peacekeeping. According to Hideaki Asahi, in the East Timorese context, "peace-building is tantamount to state-building", with reference to top-down, state-centric processes with a structural focus on putting in place the central- and national-level institutions of the state (2012, pp.3-4). Viewed from the perspective of a modern state model, it seemed that East Timor lacked experience of self-rule, effective central government institutions, and laws, regulations, and other normative codes of control to bind or unite local communities and citizens, despite the fact that an indigenous system of community governance and justice did exist in the territory. The UN was blind to existing local structures and mechanisms, which were alien to the typical western

model of state-building. Thus, the first task of the international community was seen as being to foster the growth of indigenous "national" governance structures, which could serve as an overarching framework of state apparatus. Accordingly, therefore, Kamalesh Sharma, Special Representative of the Secretary General (SRSG) of the United Nations Mission of Support in East Timor (UNMISET), the successor UN mission which began life on 20 May, 2002, the same day as East Timorese (restoration of) independence, immediately identified the need to "Start from Scratch", overlooking the vital need to build on indigenous foundations (Asahi 2012, p.4). This inability of the UN to identify and work with local mechanisms and customs has undermined the legitimacy of the UN in the eyes of the local population.

Regardless of the necessity of such far-reaching usurpation of sovereignty and imposition of governance structures (at least at the level of national government), it is questionable whether the UN and members of the international community acting under the auspices of the UN, were legally empowered to carry them out. But perhaps an even larger question mark hangs over their efficacy. Despite claims to the contrary, the evidence of the 2006 upheavals suggested that initial state-building operations carried out under first UNTAET and then UNMISET were a failure (although the 2007 elections were mostly peaceful, they were extremely divisive). Despite the peaceful 2012 elections, and the withdrawal of the overwhelming majority of external mission personnel, the underlying foundations for long-term peace, stability, and development, may yet to have been fully laid. Toward the end of its term, faced with growing frustration of the East Timorese leadership, and their sense of national pride against the usurpation of sovereignty and imposition of governance structures, UNMIT's legitimacy in the eyes of host population became eroded, further undermining its efficacy.

On Monday, December 31, 2012, the United Nations (UN) brought officially to an end its series of peacekeeping missions/administrations in East Timor, dating back to in July 1999, when the United Nations Missions in East Timor (UNAMET) was established by the Security Council Resolution 1246 in order to organize the popular consultation on independence. Under the UN's own terms of assessment, however, operations in East Timor may have fallen short of the standards required for legitimacy as well as those for strict legality detailed above with regard to the UN Peacekeeping Operations Principles and Guidelines. The manner through which the UN peacekeeping operations engaged in state-building endeavours in East Timor can therefore be criticized for having fallen short of the UN standards themselves namely: "the respect it (UN peacekeeping operation) shows to local customs, institutions and laws, and the decency with which it treats the local people all have a direct effect upon perceptions of its legitimacy" (UNPKO 2008, pp.36-37).

In East Timor, indigenous capacity-building, particularly capacity related to peace and security, featured strongly among the key processes listed in UNTAET's mandate. The UNSC characterized the continuing situation in East Timor as "a threat to international peace and security", invoking Chapter VII and authorized UNTAET to "take all necessary measures" to fulfill its mandate, and charging its military component with, inter alia, providing security and maintaining law and order in the territory, ensuring delivery of humanitarian assistance, providing security for UN personnel and property, and disarming and demobilizing armed groups (Sloan 2014, p.690). UN missions in East Timor were regarded by some "as successful examples of externally-led security sector transformation in so far as they managed to establish a local police force and local security governance institutions" (Kozak 2013, p.3). Indeed, as pointed out by Ludovic Hood, "over 100,000 refugees and internally displaced persons (IDPs) were resettled, a civil administration was built from scratch, free and fair elections were held, and an independent nation emerged from centuries of Portuguese colonial rule, 24 years of Indonesian military occupation, and the devastating violence of 1999" (2006, p.60).

Ultimately, however, the security sector infrastructure established by the UN administration under UNTAET, and clashes between the disparate forces delineated by UN policies at this time contributed to the collapse of the initial period of rule of law. As summarized by International Crisis Group (ICG), "four years after Timor-Leste gained independence, its police and army were fighting each other in the streets of Dili. The April-June 2006 crisis left both institutions in ruins and security again in the hands of international forces" (ICG 2008, p.i.). ICG traces the roots of the 2006 violence to decisions taken on the security sector in the years before and after independence in 2002 (ibid. p.4). Upon Indonesian withdrawal, the only major functioning security forces on the ground in East Timor were associated with the independence struggle, most prominently FALINTIL (the Forças Armadas da Libertação Nacional de Timor-Leste or the Armed Forces of National Liberation of East Timor), which stayed in cantonment at Aileu in the run-up to the popular consultation, and for another seventeen months afterwards, while the UN wondered what to do with it (ibid.). The unwillingness, or inability of the UN to train the former guerillas and integrate them into the new security sector was reflected by the fact that FALINTIL was not mentioned in UNSC Resolution 1272, but was, rather, "perceived as a problematic residue of the twenty-four year struggle for independence; a view which neglected the popular support and legitimacy FALINTIL enjoyed, at least in the eastern provinces" (Kozak 2013, p.9). The UN administration missed the opportunity to disband FALINTIL, and at the same time stored up resentment in their ranks while focusing on developing the police forces.

In order to overcome shortcomings in indigenous personnel, UN administrators recruited over 350 Eastern Timorese former officers of the Indonesian National Police (POLRI) who were given four weeks transitional training. They also commenced a three-month basic training of the first class of new police cadets in Dili in March 2000, and all PNTL cadets underwent six months of field training in which they were supposed to receive on-the-job training from CIVPOLs in the relevant district or sub-district police station. By independence in 2002, over 1,700 PNTL officers had passed through the Police Academy, rising to approximately 3,000 by the end of the first phase of UNMISET in May 2004 (Hood 2006, p.64). According to Hood, however, the UN's recruitment of cadets for the PNTL "was marred by inadequate consultation with the East Timorese on the force's composition, excessive reliance on former employees of the Indonesian police forces in East Timor, and the use of unsatisfactory 'western' [i.e. Euro-American] procedures for determining candidates' suitability" (ibid.).

The actions and inactions of the early UN administrations in East Timor had, therefore, resulted in a poorly-trained and supervised police-force with little political legitimacy and tainted with the inclusion of recruits of senior officers from the former cadre of POLRI, a large number of former FALINTIL guerrillas as well as those who fought on the clandestine front left out in the cold, and a military at odds with the central administration and resentful of the UN. The politicization of, and divisions between the police and the military were exacerbated by the fact that the PNTL consisted primarily of Kaladis, people from the western provinces of East Timor, and the first battalion of the F-FDTL was consisted of former FALINTIL members who were mostly Firakus, people from the eastern provinces (Kozak 2013, p.9).

The 2006 crisis highlighted the inadequate development of state institutions for East Timor following the withdrawal of international security agents in the post-transition period. In fact, the fragility of the situation in East Timor and the necessity of the UN mission to continue its support for the state-building endeavors were identified by UN officials on the ground on the eve of the 2006 crisis. Ironically, it was during deliberations at the UNSC on the UN footprint in East Timor that the 2006 crisis erupted. The Special Representative of the Secretary-General, Sukehiro Hasegawa, who was the head of the United Nations Office in Timor-Leste (UNOTIL), was in New York to convince the UNSC to extend the mandate of UNOTIL, but the major donors felt that it was time for the UN to terminate its presence, i.e. the international legitimacy of the UN mission in East Timor had expired (Hasegwa, 2013). Despite the timely warnings and suggestions from cautious UN officials on the ground as well as some commentators, the international actors and the East Timorese authorities both failed

to address the internal dimension of the security threat posed by rivalries among political groups (Sahin 2007, p.254). The report of the Independent Special Commission of Inquiry for Timor-Leste, which was formed by the United Nations High Commissioner for Human Rights at the request of the Secretary-General, found the fragility of state institutions and the weakness of the rule of law to be underlying factors that contributed to the crisis (ibid. p.263). In response, UNSC Resolution 1704 approved the establishment of a multidimensional, integrated mission (UNMIT). This time the official mandate specifically included "enhancing a culture of democratic governance".

Despite the ongoing instability, multiple successful elections were held in 2007. Ramos-Horta won the presidential polls on May 9 as an independent, against the FRETILIN candidate, Francisco 'Lu-Olo' Guterres. Then, on June 30, parliamentary elections brought former President Xanana Gusmão to power, this time as prime minister, as a result of post-election maneuvers. The 2007 elections did not provide an overall victory for Gusmão's CNRT (Congresso Nacional da Reconstrução Timorense or National Congress for Timorese Reconstruction). Actually, CNRT only gained 18 seats out of 65 seats in the parliament, while FRETILIN won 21 seats, which forced CNRT to form an alliance with other political parties in Parliament. According to Matthew Arnold, the significance of the 2007 elections was that FRETILIN, which had ruled with a strong parliamentary majority for five years, surrendered the government (2009, p.434). In fact, according to the constitution, the leading party should form a government, if necessary, forming alliance with other political parties. Given that FRETILN won 21 seats (29 per cent of votes) and Gusmão's CNRT 18 seats (24 per cent of votes), FRETILN was the leading party and therefore CNRT was not in the position to form an alliance to create a majority. Hence, from its inauguration the Gusmão administration was based on contested legitimacy and faced an alleged assassination attempt by a rebel group made up of former "Petitioners" (army deserters or those illegitimately sacked by the authorities in the 2006 crisis, depending on one's perspective) in 2008.

For Matthew Arnold, that the incidents of February 2008 did not devolve violently out of control as happened in April and May 2006 is the best sign that East Timor was in fact stabilizing, and it is "notable that after the cantonment of the Petitioners in February 2008 and the surrender of the mutineers in April, the political tensions surrounding them calmed, and there has been no further violence directly related to them" (2009, p.449). Thus, by the end of 2008 East Timor was showing real signs of internal stabilization, reflected in the Australian Defence Force drawing down 100 of its 700 personnel contribution to the ISF sent to quell the troubles of 2006 (ibid. p.367). From 2009 to 2012 and the end of the UN missions, the national

institutions of East Timor assumed control with increasing confidence. In a relatively short period of time since regaining independence, therefore, East Timor has developed a comparatively good record of democratic competition and has firmly established many of the conditions for a working representative democracy. Indeed, in 2012, the year in which only the tenth anniversary of new-founded independence was celebrated, East Timor was able to hold three sets of free and fair elections (two presidential and one parliamentary) without significant disruption, allowing the withdrawal of UN peacekeepers to proceed as scheduled that December (Della-Giacoma 2012).

It would seem that by 2012, UN operations in East Timor and their indigenous counterparts had at least overcome the majority of the shortcomings of the earlier peacekeeping missions in terms of providing national stability and physical peace and security. At the same time, however, a closer analysis of the SSR in East Timor reveals that the UN operations in East Timor were often at odds with their indigenous counterparts. The incumbent leadership had begun to circumvent, and, since the second electoral victory in 2012, marginalize UNMIT, as its presence was increasingly seen as irrelevant to security in East Timor, even to the point that Gusmão criticized the UN for "trampling on East Timorese sovereignty" (2011). For example, overall security tasks were undertaken by Australian-led ISF and Portugal's GNR (Guarda Nacional Republicana or the National Republican Guard), not UNMIT. Furthermore, despite the fact that the UN suspended the policing responsibility of the government of East Timor and authorized UNMIT to undertake interim executive policing, UNMIT was ineffective in resolving the problem of the rebel group that was allegedly said to have attacked the president and prime minister in February 2008.

Despite the nominal positive outlook, the credibility of UNMIT in the eyes of the indigenous leadership had started decaying as early as 2008. The government of East Timor did not perceive the ongoing hosting of UN missions to be to its advantage, and thus did not extend its consent to continuing intrusion of its sovereignty by UNMIT. The UN is well aware of this challenge of eroding legitimacy:

Experience has shown that the perceived legitimacy of a United Nations peacekeeping operation's presence may erode over time, if the size of the United Nations "footprint" and the behaviour of its staff becomes a source of local resentment; or if the peacekeeping operation is not sufficiently responsive as the situation stabilizes. Peacekeeping missions must always be aware of and respect national sovereignty. As legitimate and capable government structures emerge, the role of the international actors may well need to diminish quickly. They should seek to promote national and local ownership, be aware of emerging local capacities, and be sensitive to the effect that the behaviour and conduct of the mission has upon the local population (UNPKO 2008, pp.36-37).

The UN missions in East Timor had set themselves much more ambitious targets than the provision of short-term national stability and physical peace and security, in line with much broader definitions of SSR, encompassing as they did, reference to sustainable development and the equitable development of civil and social services. These broader targets in this case were established in part because of the normative principles of equity, fairness, and human rights, upon which foundations the UN rests, and the new state of East Timor being constructed by the UN in its image. A more pragmatic reason was, however, an awareness that unjust social and economic settlements and distribution could cause discontent which could then spill over into the security realm. According to the UN Public Administration Programme (UN PAP), governance and violent conflict are intimately related with most occurrences of the latter being 'caused and sparked off' by failures in the former, while there is also a reverse causality with conflicts pulling down governance and public administration institutions and structures. The process of reconstruction is not only long and highly expensive, but also requires careful analysis of the causes of the conflict, and the nature of the governance and public administration that should be put in place to avoid its recurrence (UN PAP 2012).

Here too UN governance in East Timor can be seen to have come up short. In contrast to what is spent on security and state-building projects encouraged by the UN which have seen 30 percent of the budget allocated to a stabilization fund, only 3.98 percent of the budget is allocated to the agricultural sector where over 80 percent of the population is employed. "The same proportion is also devoted to the health sector while education received 6.64 per cent" (Doraisami 2009, pp.169-170). Readily available funds from resources have led to poor planning and management, and currently high levels of expenditure have done little to significantly improve infrastructure, are not in line with the economy's absorption capacity, and are unlikely to increase private sector activity or employment (ibid. p.172). Both national and international governance agencies have encountered severe difficulties in spreading the benefits of economic development much beyond the boundaries of the capital. Despite expending US$32 million in 2010 on the Decentralized Development Package, aimed at infrastructure development in rural communities, critics contended that overall spending was still too concentrated in Dili, and failed to benefit the 90-plus per cent of the population living in rural districts (Arnold 2011, pp.218-219).

Conclusion

Intervention and governance by UN administrations in Cambodia and East Timor achieved a great deal, but were not the unqualified success in either case that the organization itself, and

its chief supporters would have the world believe. Certainly, in both cases, the immediate threat to life and limb declined dramatically following the UN's involvement, thus by a narrow definition of human security (freedom from fear) they could be viewed as governance success stories. Also, what were essentially failed states were reconstructed (or in the case of East Timor constructed) through a functionally impressive state-building project leaving a relatively stable domestic governance apparatus in place when the UN withdrew. The period of UN governance, however, incubated other sources of conflictual relations and insecurity, although perhaps for different reasons. Likewise, the legacy of the UN administrations in each case leave a lot to be desired in terms of broader definitions of human security (freedom from want and freedom from indignity).

In Cambodia, efforts by the UN to be as inclusive as possible ultimately undermined the delicate balance between government and opposition forces, paving the way for Hun Sen's coup, but also undermined the legitimacy of the UN administration due to the lack of transitional justice and failure to deal adequately with the Khmer Rouge. In East Timor, by contrast, failure to include all the rebel forces stored up resentment and paved the way for the 2006 crisis. East Timor does appear to have been able to weather the internal turmoil and consolidate democratic governance to a reasonable degree, whereas Cambodia still labours under the authoritarian shadow of a one-party state since the UN withdrawal. Both countries have experienced significant economic growth when measured at an aggregate national level since the UN departed; yet division of the benefits of the growth has not been equitable in either case, often the most vulnerable groups are no better off and are even endangered by the forces of development, and in both cases much of the development is a result of the plundering of natural resources rather than sustainable growth.

Thus, these case studies of UN intervention and administration in Southeast Asia demonstrate the need, not only to bear in mind the responsibility to protect when considering intervention, but also the newer concept or responsibility while protecting, and perhaps even a responsibility post-protection in terms of providing adequate resources for a good governance legacy.