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**Remarks on the *Focus stratégique*
“L’ ONU, Pygmalion malhabile”
by Dominique Lecompte**

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The study by Dominique Lecompte, entitled “L’ONU, Pygmalion malhabile. La fragilité du *nation building* au Timor” (“The United Nations, a Clumsy Pygmalion: The Fragility of Nation Building in Timor”), was published in November 2010 in the *Focus stratégique* series of Ifri’s Security Studies Centre.

The document is available at: <http://ifri.org/downloads/fs26lecompte.pdf>.

I read the Ifri study on the work of the United Nations in East Timor with great attention, all the more so as for 19 months, from December 1999 to July 2001, I was closely associated with the initial phases of that peacekeeping operation. During that time I was Deputy Special Representative of the Secretary General of the UN, head of the governance and public administration pillar. As such, I was the principal deputy of the special representative of the secretary general of the United Nations (SRSG), Sergio Vieira de Mello. I agree with many of the opinions expressed by M. Lecompte, but I feel it is useful to present the point of view, on some of the aspects of this report, of someone directly involved in the task of building this new State. My remarks will follow the plan of the study.

My first remark concerns the title: "The United Nations, a Clumsy Pygmalion". I question its meaning insofar as although the role of the UN was indeed to create the institutions for a future State of East Timor and to ensure its capacity for durable development in a democratic context, East Timor was far from being Galatea, the docile, passive statue in the Greek myth. The Timorese are a boisterous people who do not hesitate to show their disagreement or hostility. If the UN had behaved like Pygmalion, it would have very quickly, and justifiably, been accused of neo-colonialism, and the Timorese would have protested. I know the UN has sometimes been accused of being the third colonizing power of East Timor, after Portugal and Indonesia. But these criticisms are debatable and do not stand up to an examination of the facts, since all the decisions taken by UNTAET were agreed to by the Timorese, who were permanently represented in the mission's institutions.

The Security Council Resolution 1272 of 25 October 1999, which created UNTAET, divided it into three pillars: humanitarian, governance and public administration, which I led, and military (PKF: the peacekeeping force).

The country had been laid waste by the retreating Indonesian army which had endeavoured to torch all that Indonesia had built during its 25 years of occupation. Many towns and villages had been 80% destroyed, and some hundreds of thousands of inhabitants were homeless. The mission's first priority was humanitarian: providing shelter for the homeless, supplying food aid to fend off imminent famine and providing health assistance to avoid epidemics. Coordinating humanitarian aid was the task of the first pillar. The United Nations is accustomed to dealing with these problems in most of its peacekeeping missions, and has achieved undeniable expertise. After one year of activity which was considered successful, this pillar ceased to exist, as East Timor was no longer in an emergency situation. The NGOs on which the UN depended to run health centres and hospitals and provide health and medical staff throughout the country remained for some time longer, but many of them left to go to other places in the world where needs were more urgent.

Thus when the Ifri report declares (page 27) that “entrusting the supply of services entirely to entities that cannot remain indefinitely, such as international NGOs, is a mistake”¹, it is easy to reply that UNTAET had no other option. Local resources immediately available simply did not exist. These services, particularly health services, had to be supplied by outsiders. Training doctors and health care staff takes time. This training could only be undertaken abroad.

In the field of health care, UNTAET's priorities were: to repair the health centres and health infrastructures which had been hard hit by the systematic destruction of the retreating Indonesian army; vaccinate the population against disease, in particular, tuberculosis, which was running rife; combat malaria, which, at one stage, affected almost 30% of the peacekeeping mission; lower infant mortality; create pharmacies and ensure they were supplied with medicines; and, in the long run, raise Timorese life expectancy, which was only 50 years. The World Health Organisation sent an Australian doctor, Dr Jim Tulloch, who, in liaison with a Timorese doctor, Dr Sergio Lobo, accomplished admirable work. But within the time allotted to the mission, it was impossible to resolve all of East Timor's health problems.

The work of the governance and public administration pillar was even more complex than the humanitarian pillar. Tasks had to be defined, the role of the different international stakeholders determined and the participation of the Timorese ensured.

Firstly, it must be admitted that there was no precedent for the task the UN had assigned to the mission in Timor. Although there are currently peacekeeping missions in countries where there is some sort of government, this was not the case in East Timor. The mission was set up in a situation of *tabula rasa*. This meant creating a State from scratch, with political, administrative, legal, police, education and financial institutions. However, there were no local resources in any of these fields. During the 25 years of Indonesian occupation, East Timor had been run by Indonesians, mostly from Java. They left with the Indonesian army. The rare Timorese who worked for the Indonesian administration left with them, afraid of being seen as “collaborators” and fearing for their safety. It is a mistake to think, as the report says, that UNTAET rejected “the experience acquired by thousands of Timorese in the Indonesian administration”². Indonesia administered East Timor as a colony, that is to say, with very little local participation.

¹ “...confier la fourniture de services uniquement à des acteurs qui n'ont pas vocation à pérenniser leur présence, comme les ONG internationales, est une erreur”

² “...l'expérience acquise par des milliers de Timorais dans l'administration indonésienne”.

Contrary to the report's allegations (page 26), there was no desire on the part of the mission to reject systematically all the results of the 25 years of Indonesian occupation. However, this was clearly what was wanted among the Timorese returning from exile who had been designated as the mission's contacts, firstly as members of the consultative council created in December 1999, then as members of the National Council in July 2000, which was to become the future National Assembly.

The Timorese who had emigrated had lived either in Australia or Mozambique. There were deep political differences between them: those who had lived in Mozambique were politically more left wing, not to say Marxist, than those who had lived in Australia. The only thing they had in common was their Portuguese passport, as the Portuguese had given all the emigrants passports so that they would not be stateless. They also had a common faith in East Timor's independence and the will to reject everything Indonesia had brought to the territory in a quarter of a century. Not one Timorese leader returning from exile spoke Indonesian, except Xanana Gusmao, who had learnt it while in prison in Jakarta. All of them, except for Gusmao, were out of touch with what had happened to the Timorese people during their 25-year absence.

It is clear that the adoption of Portuguese as the official language did not make things simpler, even if Portuguese was the language spoken by both Timorese *émigrés* and the freedom fighters who had remained in East Timor. The choice of Portuguese created many difficulties, especially in the field of education, as there were no Portuguese-speaking primary or secondary school teachers. When the mission was set up, Portuguese was only understood by some (not all) of the people aged more than 50, representing only a tiny fraction of the population of this country where life expectancy was 50 years. The former civil servants of the colonial administration and those who had been educated in the Catholic missions still understood Portuguese. Despite the wishes of many of UNTAET's representatives, the best that could be obtained was that Indonesian be retained among the working languages of the new independent State of East Timor, on a par with English. Thus, from the outset of the mission, all official texts were issued in four languages: English, the language used by UNTAET; Portuguese, the language of the former colonial power and also that used by the revolution and the freedom fighters; Indonesian, the language understood by the majority of the population, in particular, the young people; and finally, Tetum, one of the twelve local languages in East Timor, which was chosen by the Catholic church to celebrate mass and give religious education.

Among the Timorese, where a high proportion of the population was illiterate, it was extremely rare to find expertise in any field whatsoever. In 2000, there were less than 10 Timorese doctors for 800,000 inhabitants. This lack of expertise was also evident when it came to creating and running the legal institutions. Starting from the simple and generous idea that justice in East Timor should be dealt out by the Timorese, UNTAET decided prematurely, in January 2000, to appoint Timorese judges, as a

first step to creating a Timorese magistracy. The mission had the greatest difficulty in finding people capable of following an intensive course in Darwin (Australia) to fill this function. It had to resort to law students, most of whom were not yet qualified, and had never been remotely associated with a court of justice. The recruitment of these Timorese magistrates was a failure. Six months after their appointment, they had still not made a single ruling.

Having said that, it is too easy to hold Timorese incompetence wholly responsible for the failure of the judicial system. Basic problems had not been solved, or at best, only partially. Thus when UNTAET decided that while waiting for new legal norms to be established, Indonesian law should be applied, insofar as it was compatible with international standards, there was an outcry among the Timorese, who, having been freed from Indonesian presence, did not understand why they should remain subject to Indonesian law. The UN had made a similar decision a few months earlier in Kosovo. It had provoked similar protests among the Kosovar population.

In order to save the infant judicial system, UNTAET brought in international judges. They were certainly professionally competent in their own countries, but none of them knew Indonesian law, and none of them spoke Indonesian. It took UNTAET several months to obtain an English translation of the Indonesian codes.

Lacking a penal code and a code of criminal procedure which would have constituted a common base, the international judges naturally tended to refer to their own national professional experience. They came from diverse backgrounds, either from a common law legal system, relying heavily on precedent and custom, or from European law, which was the basis of Indonesian law. In other words, the international judges, appointed by UNTAET, could not propose a coherent legal model to the Timorese, as among themselves they did not agree on legal rules. Contrary to the information in the report, it was in September 2000 and not in September 2001 that UNTAET published the provisional rules of penal procedure. This was a short period of time, given that we were starting from zero. It can be deplored – and I, for one, deplore it – that the UN does not have available a code of penal procedure which resumes, in a simplified version, the basic rules of penal procedure on which international consensus exists. Such a kit would have been highly useful both in East Timor and in Kosovo. We would have gained time and credibility since, in both missions, the legal institutions were one of the weak links in the systems that were set up.

One of the difficulties in creating legal structures was the establishment of a prison system, given that it is neither in the culture nor the traditional vocation of the UN to create prisons. The difficulty came also from the fact that although the level of respect for human rights in a country

is gauged by the state of its prisons, there are few countries willing to give technical assistance in this field. Fortunately, New Zealand agreed to make trainers in this specialty available to the mission.

Reports have frequently stigmatized UN “enlightened despotism” in East Timor. Professor Jarat Chopra, charged with running the community empowerment program, who left the mission prematurely after only three months, wrote reports claiming that UNTAET was not associating the Timorese sufficiently. Had he stayed longer, he would have seen that, on the contrary, constant efforts were made not only to associate the Timorese with decision-making, but also to transfer decision-making to them swiftly. This can be seen in the rapid creation of an advisory (but in fact, decision-making) body bringing together the different Timorese political currents: this was the National Advisory Council, which became the National Council in July 2000, the forerunner of the elected National Assembly. The National Advisory Council met once a week, or more, if necessary. Every one of UNTAET's decisions was submitted to them, and in particular, all regulation drafts.

Sergio Vieira de Mello's approach was based on consensus. He endeavoured to reach agreement among all the Timorese members of this council. Thanks to his infinite patience and diplomacy he reached unanimous agreements. Such unanimity was far from being a foregone conclusion, as the Timorese were frequently in disagreement among themselves. The opinions of those who had been in exile in Australia, and supported a liberal economy, diverged strongly from those who had returned from Mozambique, and had a more collectivist approach. It often took many hours of discussion. Even if the Security Council had given Sergio Vieira de Mello the powers of an enlightened dictator, everyday workings, based on consensus among the Timorese representatives, bore no resemblance to Catherine the Great or Joseph II.

The determination to associate the Timorese with every stage not only of decision-making, but also with implementation, continued after the first government was formed. Indeed, an important step in Timorisation was the dissolution of the governance and public administration pillar in July 2000 to be replaced by the East Timor Transitional Administration: ETTA. This was a government with a majority of East Timorese. UNTAET held four portfolios: police and emergency services; justice; finance; and constitutional and electoral political affairs. The other portfolios were: internal affairs; infrastructure and transport; economic affairs; and social affairs (the latter included education). However, this determination to associate the Timorese with decision-making and to transfer control to them progressively, met with two obstacles.

The first was the Timorese's lack of professional expertise. In every field, training had to be organized before we could recruit civil servants. Intensive training was implemented for the police, as UNTAET intended to transfer this activity rapidly to the Timorese so as not to appear as the nth

incarnation of a colonial power. The Timorese police all received an initial six weeks of training which was subsequently increased. Clearly, a policeman cannot be fully trained in six weeks. When the Timorese police were confronted with major disturbances, they were not equal to the task and it was necessary to call in the international police. It was unrealistic to imagine that in a very short time, starting almost from scratch, it would be possible to give the Timorese professional skills that can only be acquired elsewhere in the world after years of training. Many Timorese leaders, impatient to run their own country themselves, wanted UNTAET to work miracles. There were no miracles.

The second obstacle was to be found in the composition of the international mission itself. Here I must dispel two illusions. The first is that putting together a peacekeeping mission can be compared with an Olympic team. In an Olympic team, after a rigorous selection process, the best are sent. Nothing of the sort exists for a peacekeeping mission. What one has is a cross section of the administration and technical expertise of the member States. There are very good people who are dynamic and competent. Others are not as good. Others are no good at all. Moreover, it would be a mistake to believe that the good ones only come from the developed countries. Good and not so good are to be found in all the member States.

It would also be a mistake to believe that in areas as diverse and complex as civil administration, the UN disposes of a task force ready to intervene. There are strong constraints on the UN concerning staff recruitment, in particular in respect to the balance between member States. Everything is centralized in New York, and the evaluation of the candidates' professional skills leaves much to be desired. Within UNTAET, whose mission was to create administrative and political structures, I was the only person who had a professional background in administration. Moreover, the UN does not have a listing of skills that can be rapidly consulted in order to set up a field mission within a few weeks. In every area, staff arrived gradually, and it was six months before full figures were reached. It took a long time for the mission to be fully operational.

In addition, the practical conditions in the early days of UNTAET were difficult. "Tent City", referred to in the report, was an auditorium behind the governor's palace. It was used as makeshift accommodation for the majority of the international staff. They were housed in some one hundred tents set up in this enclosed space. The tents were supposed to protect them from mosquitoes, but were only partially effective, since large numbers of staff caught malaria. There was one toilet for one hundred people. Conditions in the districts were just as bad. There were no telecommunications, no running water, no electricity, and supplies of fresh food were brought in twice a week by helicopter, as the roads were impassable. According to veterans of UN missions in Angola, Namibia, Cambodia and Guatemala, living and working conditions in the early days of UNTAET were the worst they had ever experienced.

What is more, and here I agree entirely with the report, there was no common purpose within the mission. Even if Sergio Vieira de Mello was unquestionably, due to the powers he had been invested with, an enlightened dictator, he could not impose his views on the World Bank or the International Monetary Fund, whose head offices were based in Washington, not New York, and who had their own agendas and their own priorities. The World Bank's "community empowerment programme" was full of good intentions. It aimed to teach democracy at village level by associating villagers with the definition and implementation of a project of common interest. However, the programme failed, as it did not take into account the decision-making structures of the highly traditional Timorese society.

Equally, the IMF strongly advocated the adoption of the American dollar as currency in Timor. It was doubtless not the best decision, insofar as the unit value of the dollar is too high for the majority of purchases made by the Timorese. But it is questionable whether there was a choice. Neither Australia, whose money was widely used in the supermarkets, nor Portugal, who still paid its former colonial administration civil servants' pensions in escudos, and which was to change to the euro in 2001, was willing or able to include East Timor in their monetary zone. And the political leaders refused to keep the Indonesian rupiah, even if the population used it for all their exchanges.

Another factor adding to the confusion was that a number of countries began implementing their bilateral programmes independently, as a function of their own criteria, taking into no account the need to coordinate their actions with UNTAET's. These programs were useful but often premature. I remember, in particular, that China sent 30 tractors to be used by the farming cooperatives. UNTAET thanked China effusively, not wanting to discourage a donor. But the problem was that there were no longer any farming cooperatives in East Timor, so that for several months the tractors were parked while waiting to be used.

I had regular meetings with the representatives of countries which had set up liaison offices, the forerunner of their embassies, to try to ensure that their different activities were consistent with those of the mission. For their part, the World Bank and the Asian Development Bank, who managed the Trust Fund for East Timor, to which they had contributed little of their own funds but which grouped together the voluntary contributions of the donor countries, behaved as if these funds were theirs, and insisted on their own priorities without taking into account their coherence with UNTAET's objectives. Theoretically, the UN controlled and coordinated, but in fact it had to take into account the initiatives of both the Bretton-Woods institutions and the donor countries.

A final point: the Ifri report makes several mentions of the good level of collaboration with the Indonesian army who "played fair and collaborated

with the peacekeeping force”.³ This statement needs qualifying, since, although the Indonesian forces' retreat in 1999 did not lead to clashes with INTERFET, it must be remembered that during this retreat, the violence, atrocities and arson which were inflicted by the pro-Indonesian Timorese militia, were supported, planned and protected by the Indonesian army. It must also be remembered that, during the first 16 months of the mission, there were several cases of incursions from West Timor by the militia, terrorizing the villagers and launching grenade attacks in the markets. These militias were clothed, equipped, armed and trained by the Indonesian army. Moreover, the militia killed two members of the PKF, a New Zealander, Private Manning, in July 2000, and a Nepalese soldier, Devi Jam Raisi, in August 2000. The Indonesian army provided the logistical support for these militias. It should not be forgotten either that on 6 September 2000, five members of UNHCR were massacred in Atambua, which is in West Timor a few kilometres from the border, by members of the militia who had come from the refugee camps with the complicity of the local representatives of the Indonesian army and police. Nor can it be forgotten that the border was closed between East and West Timor and that the Indonesians did not allow East Timor road access to its enclave in Oecussi. And this despite the fact that traditionally even before the Indonesian occupation of East Timor, there were regular exchanges between the two Timors.

To combat these militias the UN created the Timorese defence force, which was originally a battalion of the Timorese infantry. This had the added advantage of demobilising the FALINTIL troops, the freedom fighters, who were in a pitiful state. The fittest were given a new vocation. The others were enrolled in programmes for reconversion to civilian life. The creation of the Defence Force of Timor Leste (FDTL) and the retraining of the guerrilla fighters were successes.

In its mission to East Timor, the UN, acting under emergency conditions, performed many tasks it had never done before and, in particular, it created the political, economic and social structures of a new State. Some of these creations were totally foreign to the staff or collaborators of the UN: it was breaking new ground to create a police force, a prison administration and an army.

UN successes in peacekeeping operations are not so frequent. Operations like Haiti or the Congo show that generations of peacekeepers can toil for years to help countries, without obtaining convincing results. In some ways East Timor, despite all the shortcomings noted in the report, was a success for the UN. The country was brought to independence rapidly and in an acceptable fashion, and could take its future into its own hands.

³ L'armée indonésienne qui a “joué le jeu et collaboré avec la peace keeping force”.

Having said that, even if East Timor disposes of certain oil and gas resources through contracts that were negotiated with Australia by UNTAET in 2000 and 2001, I agree with the comments in the report on nation building. When we arrived, we knew little of East Timor, which had been kept off limits for many years by Indonesia. We underestimated the dissensions between the Timorese, although for four and a half centuries, during the Portuguese colonial period, villages and traditional chiefs (liurai) were permanently at war with each other. If the UN's departure in 2006 was premature, it was neither of its own volition nor from excessive optimism. There was of course what international organizations call donor fatigue. But there was, more importantly, impatience on the part of the Timorese, who wanted the UN to leave as soon as possible. History has shown that the Timorese were mistaken in asking the UN to leave. And the UN was wrong to accept.

Little progress has been made over the last years. After the enthusiasm of independence the time has come for questions. As long as the Gusmao-Ramos Horta generation is in power, major catastrophes will no doubt be avoided. But they will have to hand over to a new generation of competent political leaders. At present, this does not seem to be the case. But these remarks concern the current political scene in East Timor, and go beyond the evaluation of UNTAET's role ten years ago.

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