

Executive Summary

The United Nations Institute for Training and Research (UNITAR), the Institute of Policy Studies (IPS) of Singapore and the Japan Institute of International Affairs (Japan), held their sixth conference on the United Nations Transitional Administration in East Timor (UNTAET). The conference debriefed key elements of the transitional administration. About fifty participants from the United Nations family including representatives from UNTAET, the United Nations Mission of Support in East Timor (UNMISSET), governments, non-governmental organizations and academia were present at the conference.

This Executive Summary is built around the main themes raised by the speakers – all key actors or observers of UNTAET. The co-chairs have tried to reflect in this summary what the conference participants deemed to be worthy lessons for the future.

Achievements of UNTAET

UNTAET was the most comprehensive transition administration ever set up by the United Nations, with very expansive powers vested in the Transitional Administrator. In addition to the traditional duties of peacekeeping, UNTAET was also given an important civil administration function. It had to facilitate a smooth transition from conflict to peace, fulfil basic functions at public administration, strengthen institutional capacity and rehabilitate the economy. Territorial security was restored to East Timor by October 1999. On the civilian side, the challenges were more formidable. Nevertheless, UNTAET

did well in rebuilding infrastructure that had been destroyed, forging the embryo of a new polity, holding two free and fair elections and leading the country to independence on May 20, 2002. UNTAET was, without doubt, a victory for the UN and a victory for the brave people of East Timor.

Lessons learned: Mandate

UN Security Council Resolution 1272 (1999) provided UNTAET with a mandate that was both specific and broad. The mandate required UNTAET to achieve the following objectives: provide security, maintain law and order throughout the territory of East Timor; establish an effective administration; assist in the development of civil and social services; coordinate and deliver humanitarian assistance, rehabilitation and development assistance; support capacity-building for self-government; and establish conditions for sustainable development. It authorised UNTAET to take all necessary measures to fulfil its mandate, and allowed it to draw on the full support of Member States. The process that led to the resolution was steered by a small group of Member States which called themselves the “Friends of the Secretary-General” consisting of Australia, Japan, New Zealand, the United Kingdom and the United States. The group worked closely with the Security Council and the Secretariat in crafting the text of the resolution.

Lessons learned: Security

In the area of security, UNTAET did an excellent job. This was possible because of the specificity of the mandate for security. The SRSB interpreted the mandate in ways which enabled him to adopt robust rules of engagement. When challenged he was prepared to enforce the said rules.

The success of the UNTAET Peacekeeping Force (PKF) was also due to the presence of INTERFET. INTERFET ensured that there was no vacuum on the ground while the UNTAET Peacekeeping Force (PKF) was being constituted. The Australian-led INTERFET had provided it with a unified command and control structure, and this enhanced the capabilities of the PKF. In this respect, one country played a leading role in its commitment of resources to restoring and maintaining territorial security, in partnership with other like-minded Member States. The UNTAET PKF also had a strong regional component as many troop contributors to UNTAET were from neighbouring countries, thereby narrowing the gap of cultural misunderstanding between the military and the civilians.

In terms of civilian-military relations, PKF did an exceptional job. The forces seemed to have adapted their mission according to the needs of the community, shifting focus gradually and rather effectively from dealing with the militia to winning the hearts and minds of the East Timorese. As security conditions improved and as resources became available, the military helped to rebuild the local community by deploying military engineering and medical units. Some reservations were, however, expressed regarding the military acting outside their mandate, regardless of their good intentions and beneficial consequences. The smooth transition and continuity, from INTERFET to UNTAET PKF, helped to strengthen the enforcement of security measures.

Lessons learned: Law and Order

In the area of law and order, UNTAET's mandate was too broad, resources were inadequate and expertise was lacking. Competent law enforcement officers are always in demand in their own countries (unlike the military, where there is frequently excess capacity available) and the number and quality of police officers in East Timor was far from adequate. While military units were deployed as part of a national contingent, UNPOL units usually comprised individual officers from different Member States. This meant that there were different policing doctrine and procedures at work simultaneously, which hampered the unity and effectiveness of the force. The Police Training Academy was set up by UNTAET to help build the capacity of the East Timor Police Service (ETPS). The effectiveness of the training was observed in the elections for the Constituent Assembly and for the President, which were held without any incidents. The ETPS was largely responsible for the maintenance of law and order during the elections.

The broad mandate for law and order meant that there was no dedicated focus on developing a sustainable legal and judicial system. The political history of East Timor resulted in the decision to develop a legal code adapted from other legal systems, including the Indonesian system. This proved to be a challenge as the training of East Timorese practitioners was limited and they were mostly trained under the Indonesian system. In addition, the different languages used at various stages – from reporting and investigation to prosecution – contributed to the delay in dealing with offences. This delay created a perception that crimes took a long time to prosecute, criminals were jailed for extended lengths of time and there was a lack of confidence in the system.

In the early stages of UNTAET, the administration was faced with a situation where prisoners were held indefinitely due to the lack of a prosecutorial system. In the light of the pressing need to move away from detaining

people without trial, UNTAET had to shorten the process and begin drafting legislation which would normally have taken years to do in other countries. The situation today is therefore a direct result of that situation.

Lessons learned: Administration

In the area of administration, UNTAET's mandate was too broad. UNTAET was tasked to support capacity building for self-government. There were two aspects to the mandate – to build the framework for executive decision-making and law making, and to build the structures for accountable and effective public administration. Regarding the former, UNTAET did succeed in establishing an East Timorese Council of Ministers and the elected Constituent Assembly. However, the process was fraught with frustrations. It was a delicate task, attempting to achieve adequate representation for the different constituents of East Timor, including the members of the East Timorese Diaspora.

In terms of building a public administration, the basic structure and institutions are now in place. UN benchmarks were used to set-up the administrative system but, in light of the situation in East Timor, those benchmarks may not have been pertinent. The UNTAET experience has proven again that having people with the right set of skills and technical knowledge is critical to the effectiveness and success of the mission. Having few but competent staff is preferable to having more staff but without the requisite skills. In East Timor, two types of people were needed – one group with the expertise to get the job done, and another with the know-how to train and develop capacities. Those skill-sets, though not mutually exclusive, rarely reside within the same group. For UNTAET to be more effective, it might have required a different team of administrators who could deal with the sustainable development issues once the set-up team had completed its tasks.

Conference participants raised some criticisms of the inappropriate staffing procedures of the United Nations and questioned the quality of some of the international staff. Part of the problem was that recruitment was largely done at the headquarters' level whereas recruitment decisions made at the mission level could have helped to ensure a better fit between need and competency.

Lessons learned: Capacity building

In terms of infrastructural capacity building, the World Bank had commented that unlike some other countries in the region, East Timor had made good

progress in developing a national development plan and a budget system that focused on fiscal sustainability. Where East Timorese were consulted and involved in the decision-making process, there was better progress in achieving the development goals.

Lessons learned: Consultation with East Timorese

It would seem that the process of consultation with East Timorese was not always well-coordinated. Consequently, some of the initial planning work that was done by the East Timorese was lost. First, there was the problem of recognising appropriate partners. The Timorese National Resistance Council (CNRT) had begun to meet and make preparations for the future of an autonomous East Timor in 1998. It had brought together a group of about 40 East Timorese with diverse expertise and experience. In April 1999, the early planning efforts were followed by a large strategic planning conference for East Timor in Australia. In consultation with the conference of about 100 East Timor professionals and intellectuals, a development plan for East Timor was prepared and submitted to the UN and the World Bank. This plan was, however, not taken into account in the planning and setting up of UNTAET. At the political level, there were reservations about acknowledging CNRT as a recognized partner since it had not been legitimised by any electoral process.

The second issue was that the East Timorese group, having been consulted by the World Bank and the UN Department of Political Affairs, had assumed that it was interacting with the whole of the UN system, not realising that information was not always shared among various members of the UN family. Hence, from the East Timorese perspective, it was surprising to see that UNTAET seemed to have done its planning *de novo*. It should also be noted that due to the sequencing of the handover between UNAMET and UNTAET, part of the expertise of this group of East Timorese professionals was lost, as they were not hired by UNTAET in time. Could UNTAET have been more effective had it benefited from the knowledge and advice of the East Timorese during its planning phase? The experience of the World Bank Joint Assessment Mission (JAM), where international experts were partnered with East Timorese experts, seems to suggest that an earlier collaborative approach allowed the needs of East Timor to be taken into account in a more holistic manner.

Lessons learned: Aid and its effectiveness

East Timor received an enormous amount of foreign aid. The coordination of such aid, according to established benchmarks of performance, was generally good. The benchmarks were reviewed every three months and projects

were evaluated to ascertain if reconstruction objectives were met. There was tremendous pressure for disbursement. Sectors that had disbursed a lot of money early on were thereafter in trouble, whereas those which had not were in a better position. Conference participants questioned the wisdom of measuring reconstruction in terms of dollars spent, rather than (also) against other criteria in order to have a clearer assessment of the level of reconstruction achieved and its sustainability. In some instances donor countries made their aid conditional and tied to specific products. Another challenging issue was the volume of aid. East Timor still had not developed the “receiving” capacity for the volume of aid that was contributed.

Lessons learned: Gender

UNTAET performed well in the area of gender equity. Awareness efforts were raised at the highest level and by numerous departments, agencies and civil society organisations to promote gender equality. The capacity building program of the Gender Affairs Unit (GAU) built a large network of actors who had the requisite awareness and skills to undertake or promote concrete actions to include women at all levels. UNTAET worked with the East Timorese women and took into consideration their recommendation of having at least 30 per cent of female representation in the public service and decision-making positions. At the operational level, specific gender orientation sessions were conducted for the PKF, UNPOL and the ETPS.

Lessons learned: Humanitarian Assistance

Overall, the UN Office for the Coordination of Humanitarian Affairs (OCHA) seems to have worked effectively during the emergency period after September 1999. In mid 2000, OCHA had some 100 humanitarian organisations under its overall coordination, and the relatively small and concerted number of actors made coordination manageable. By about mid 2000, the food distribution had been stabilised and the emergency phase had come to an end. In the case of the International Committee of the Red Cross (ICRC), because of its good relations with INTERFET, it could obtain docking space at the harbour and landing slots at the airport rapidly, thereby allowing aid to be dispensed as early as possible.

The principle of maintaining impartiality in humanitarian affairs was tested in East Timor. The involvement of the military in providing logistical support for humanitarian assistance was problematic for some NGOs. Where

resources and security conditions allowed, the NGOs chose to work independently; in other instances, the NGOs opted to work with the military. In principle, there was general consensus that the military should be cautious about getting involved in humanitarian affairs, as its initiatives are not always impartial. However, it was fortuitous for East Timor that humanitarian assistance from the military worked for both the local and the international community. It was observed that the INTERFET/UNTAET peacekeeping force helped heal the psychological scars left by the previous military regime. It is still too early to conclude if this could be a working model for the military in future missions. On the whole, however, cooperation between the military and other organisations was very positive.

Lessons learned: Elections

The two elections that were held under UNTAET were exceptionally well-managed. Not only were they conducted peacefully, but they also taught the people of East Timor that the vote could be safe and secret. Elections were successful in terms of organisation and capacity development. Although there was no explicit electoral mandate, the good planning and cooperation between DPA and DPKO in this instance made budgetary provisions for the elections possible (even if it was unknown as to what type of elections would take place and when). The implicit assumption was that there would be an election at some point in time.

As UNTAET was acting as the government of East Timor, it was important for the electoral process not to be perceived to be under the influence of the government. To that end, a separate office for elections was created and the Electoral Commission reported to the SRSB and not to the Transitional Administrator, even though in this case the same person held the two posts. The independence of the Commission was thus protected, giving credibility to the electoral process and time for its development.

By the time elections were held under UNTAET, the focus was on capacity building – namely, training the East Timorese to organise elections. With help from Member States, training manuals were developed for current and future use, and training in skills such as election monitoring was provided. More importantly, materials in Tetum were developed, thereby allowing access for the large majority of the population. When the Commission could not get East Timorese with the right profile to handle the tasks, it changed strategy, i.e. instead of getting East Timorese managers, it trained a good group of East Timorese trainers instead. These trainers would then train other East Timorese. The legacy of the UNTAET Electoral Commission is a group

of five outstanding electoral officers, as well as an independent electoral commission, who will work with the United Nations Development Programme (UNDP) to present a draft electoral policy to the parliament.

The success of the elections showed the East Timorese that the vote could be both secret and safe. The United Nations Volunteers (UNV) played a critical role in voter education and voter turnout, as well as in the overall preparation and conduct of the electoral operations. The low rate of invalid votes reflected the political maturity of the people and, in the end, the success of voter education programs. It was highlighted however that at the initial stages, voter education and communication of information to the districts/rural areas could have been better. For instance, during the elections for a Constituent Assembly, polls revealed that some people thought they were actually electing a President, although this too was eventually corrected through voter education efforts. The PKF, UNPOL and ETPS also helped ensure that the security conditions were maintained so that elections could take place peacefully.

Lessons learned: Exit Strategy

One unique aspect of UNTAET was that it began planning for its own exit early on, halfway through the mission. With experience and a good grasp of the existing situation, UNTAET could make preparations for the downsizing and transfer of resources, both to the new East Timor government and to the follow-up mission. The problem of making the process a unified whole was also faced by UNTAET. The mandate itself had dual objectives: UNTAET had started as a peacekeeping operation, but had evolved into a major nation-building exercise. This shift would have required an implementation program with an understanding of what needed to be done for the longer-term development. The national leadership, the public at large and even the donors needed to be better informed about the changing nature of the mission.

Conclusions

Development can only happen when political issues have been resolved. Thus the success of UNTAET should be judged first in terms of its political mission, which by all accounts was successfully achieved. The Mission's record in the area of development, while important, has been more uneven. Part of the problem was the legacy of the somewhat botched transition between UNAMET and UNTAET. Also, the UN was ill-prepared for the level of

violence that occurred after the 1999 referendum. As a result, it had not anticipated that it would be administering an East Timor with its entire infrastructure destroyed.

Nevertheless, there are many lessons from UNTAET that have practical and wide-reaching relevance for other missions. The advanced planning for an exit strategy for example was commendable, and should be emulated in other missions. In terms of immediate and short-term peacekeeping objectives, UNTAET's mandate was clear. However, in terms of mid- to long-term development and capacity building objectives, the broad mandate led to situations where different objectives were attempted without a clear sense of priority.

Capacity building always takes much longer to achieve than security objectives, and without the long-term political commitment and resources of Member States, preparedness would be limited because the start-up toolkits, the teams of specialists on standby and the concrete and wide reaching expertise required would not be available. However, there are improvements that could be made at the structural level that would reduce inefficiencies and complications.

UNTAET also showed that there has been a major metamorphosis in the objectives of the peacekeeping mission. Holding elections and leading the reconstruction of the conflict-torn country were included in UNTAET's mandate and it is likely that this would be one of the essential characteristics of future operations.

Underpinning the entire UN effort in East Timor was the leadership of the mission. The careful selection of a Special Representative of the Secretary-General (SRSG) who was experienced, competent but also accepted by the East Timorese and the Member States proved to be crucial to the mission. The SRSG's ability to speak Portuguese enabled him to develop a close rapport with the East Timorese and under his leadership, close collaboration within UNTAET, as well as with the East Timorese and donors was established. This was important to the fulfilment of the mission's mandate.

All good intentions need to be balanced with a realistic expectation of what can be achieved within a given timeframe and available resources. In the case of East Timor, in most technical areas it would take years before East Timorese would be qualified to perform the jobs. There must be a willingness to realise that a fully functional administration could only be installed over a longer time frame. Hence, for such a mission to be successful, the political will of the UNSC and the Member States will be needed to commit the resources and give the mission adequate time to do the job well.

Recommendations of the Co-Chairs

From the lessons learned, the following recommendations have been drawn:

Mandate

- As far as possible, to define more clearly the medium to long-term development objectives in the mandate.

Security

- Where appropriate, to have a lead country in setting up a unified command and control structure for the PKF;
- To look into the possibility of a transition force in the event that there are no troops in the host country prior to the establishment of the PKF; and
- To strengthen civil-military relations and adapt the doctrine as ground conditions change.

Law and order

- To build up a pool of police officers for rapid deployment. The European Union's model of investing in training of police and in developing a common doctrine and competencies is interesting and deserves further study;
- To give more thought to the question of how to build a temporary law and justice system to apply to situations such as East Timor;
- To develop a standby basic legal code;
- To create a roster of legal experts comprising former judges and other experts; and
- To do further research on customary laws practised at the community level and the circumstances where it would be appropriate to apply them.

Administration

- To conduct an overall review of the UN benchmarks as conditions vary differently from mission to mission;
- To devise a "tool kit" for capacity mapping so that it could be adapted rapidly to the needs of any country emerging from conflict and used to ameliorate the mismatch in terms of needs and aid;
- To seek technical assistance as the first priority from national governments, as it is governments that possess talent and expertise in the administrative management of a country;
- To review staffing procedures so that there is a better match between expertise and needs;
- To gear the wages for local staff towards local conditions so as not to adversely affect the domestic economy; and
- To track assessed contributions at donor meetings so that there could be a clearer view of the overall contributions.

Humanitarian action

- The military should be careful about getting involved in humanitarian affairs, as missions vary and the military's initiatives are not always impartial.

Elections

- Efforts should be concentrated on electoral capacity-building by actively including local officers in the planning, preparation and conduct of electoral operations, and training them adequately for that purpose;
- An independent election commission should exist that, in cases like that of UNTAET, reports directly to the Special Representative of the Secretary-General instead of the Transitional Administrator; and
- To establish an electoral roll independent of the establishment of a civil registry.

Overall

- To plan the exit strategy during the mission itself;
- As far as is politically tenable, to involve early on the people from the country receiving help in the political and development processes underway. When this is not possible at the decision-making level, it should take place at least at the level of information sharing and analysis, so that what is planned has full political and community support;
- To develop a sensitive approach in working with the local community as, given the local cultural context not all advice, however well meaning, is acceptable. In the case of UNTAET it was important to respect local ownership but recognise that peacekeeping operations have their own aims that cannot be compromised;
- To study the effectiveness of a Mission Start Up Unit (MSUU) so that there could be a mechanism to organise missions with the right people, mature plans, sufficient resources and efficient procedures to engage all stakeholders in the cooperative effort and capacity building;
- To develop an overall planning unit that could be co-located with the Integrated Mission Task Force (IMTF) to ensure better coordination and implementation;
- To have constant outreach to the stakeholders, including the Member States who could help to develop more consensus for outcomes at the mission level; and
- To have better coordination among the different agencies where there would be a clear understanding of each of their functions and responsibilities.