Shifting Conceptions of Legitimacy in United Nations Peace Operations:
The Case of Timor-Leste

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Introduction

Scholars who study peace operations are increasingly aware that a mission's legitimacy affects prospects for long-term success. Legitimacy is defined here as a collective audience's shared belief that, "the actions of an entity are desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs, and definitions."[1] Managing the legitimacy of international peacekeepers and peacebuilders is one of the best ways to maximize local consent, mobilize grassroots support, and prevent active opposition to peace operations.[2] Yet the requirements of legitimacy for United Nations peace operations are not as clear as they used to be. Since the end of the Cold War, a relatively broad consensus has given way to heated normative contestation about how UN missions should be conducted. Changing beliefs about sovereignty, human rights, and armed conflict have helped to create new norms of behavior and new justifications for action, altering the requirements of legitimacy in the process.[3]

Three competing paradigms now provide a range of criteria for evaluating the legitimacy of UN peace operations. The first, dominant during the years of the Cold War, places a strong emphasis on respect for state sovereignty. Under what this paper calls the statist paradigm, procedural considerations are crucial; in order to be legitimate, missions need to be initiated and conducted in accordance with generally accepted rules of right process.[4] On the ground, this involves a commitment to the principle of neutrality. This requirement has been challenged in recent years. It is common for contemporary UN missions to have ambitious mandates that are far from neutral. Two other paradigms now offer alternative standards for judging the actions of UN personnel. Within the second paradigm, which has the concept of human security at its core, legitimacy flows primarily from the achievement of humanitarian objectives, like delivering emergency relief and protecting civilians from harm. Under the third paradigm, which is based on the core tenets of liberal internationalism, legitimacy is supposed to flow from the promotion of liberal values, their perceived effectiveness in addressing the root causes of war, and from special expertise in the area of peacebuilding. This makes it possible to justify intrusive, multidimensional missions that use a liberal template to guide social, political, and economic transformation.[5]

The UN's involvement in Timor-Leste has, at different stages, reflected the legitimacy requirements of all three paradigms. Most recently, the third paradigm has proved dominant; much of the UN's work has been based on the assumption that electoral democracy and a

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[1] Mark Suchman, "Managing Legitimacy: Strategic and institutional approaches," *Academy of Management Review*, vol. 20, no. 3 (1995): 574.

[2] Michael Mersiades, "Peacekeeping and Legitimacy: Lessons from Cambodia and Somalia," *International Peacekeeping*, vol. 12, no. 2 (2005): 205.

[3] Martha Finnemore, *The Purpose of Intervention: Changing Beliefs about the Use of Force* (Ithaca, NY: Cornell University Press, 2003), 14-15.

[4] Thomas M. Franck, *The Power of Legitimacy Among Nations* (Oxford: Oxford University Press, 1990), 19.

[5] Mark Duffield, *Global Governance and the New Wars: The Merging of Security and Development* (London: Zed Books, 2001), 2, 37.

market-oriented economy provide the best foundation for peace.[6] Still, setbacks in the peacebuilding process show that this conception of legitimacy does not always resonate with the Timorese population, and can actually undermine the peace process. This type of legitimacy deficit could be addressed by prioritizing immediate improvements in the day-to-day welfare of host populations, and by placing a greater emphasis on processes of persuasion and debate that would make UN missions more accountable and accessible to the people they are supposed to be helping.

Part I: Understanding the Requirements of Legitimacy in UN Peace Operations

According to Andrew Hurrell, legitimacy is constituted across five dimensions. The first dimension concerns process and procedure. It is based on the idea that actions and rules are legitimate if they originate and operate in accordance with generally accepted principles of right process.[7] The second dimension concerns substantive values. In this view, an institution or political arrangement is legitimate if its core principles are justifiable on the basis of shared goals and values. The third dimension concerns specialized knowledge. Institutions, norms, and rules are legitimate to the extent that those who develop and maintain them have privileged knowledge or relevant expertise.[8] The fourth dimension relates to effectiveness. An actor or an institution's legitimacy often depends on providing tangible solutions to shared problems. For a UN mission, this would mean achieving stated objectives, like protecting civilians or restoring order.[9] The fifth dimension of legitimacy has to do with persuasion. This dimension brings the first four together in a process of legitimation. According to Hurrell, legitimacy depends on providing convincing reasons why a rule, political order, or course of action is right and appropriate.[10] These five dimensions can all constitute the legitimacy of an actor or an institution, but their relative importance depends on social context and may change over time.[11] Different sets of norms, values, beliefs, and definitions will help to determine which criteria are given the most weight in particular evaluations of legitimacy. When normative structures change, the requirements of legitimacy tend to change with them.

During the Cold War, judgments about the legitimacy of UN peace operations were based on the norms of what Christian Reus-Smit calls the "equalitarian regime." Established after the Second World War, and enshrined in the UN Charter, equalitarian arrangements recognize the formal

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[6] Roland Paris, "Peacebuilding and the Limits of Liberal Internationalism," *International Security*, vol. 22, no. 2 (1997): 56.

[7] Andrew Hurrell, "Legitimacy and the Use of Force: Can the Circle Be Squared?," *Review of International Studies*, vol. 31, supp. S1 (2005): 18.

[8] Ibid, 20-22.

[9] It is important to note that effectiveness is always measured in terms of goals and values that may possess or lack legitimacy. Ian Clark, "Setting the Revisionist Agenda for International Legitimacy," *International Politics*, vol. 44, no. 2/3 (2007): 329.

[10] Hurrell, op. cit., 18-24.

[11] Hurrell's conception of legitimacy is one of many. Cf. Chiyuki Aoi, *Legitimacy and the Use of Armed Force: Stability Missions in the post-Cold War Era* (Oxon: Routledge, 2011), Allen Buchanan and Robert Keohane, "The Legitimacy of Global Governance Institutions," *Ethics and International Affairs*, vol. 20, no. 4 (2006): 405-437, Ian Hurd, *After Anarchy: Legitimacy and Power in the United Nations Security Council* (Princeton, NJ: Princeton University Press, 2007).

equality of states through commitments to territorial integrity and political independence.[12] Equalitarian norms constitute a statist paradigm where the procedural dimension of legitimacy is central, and where respect for the norm of non-interference is considered crucial. This focus on procedure is supposed to prevent ideological clashes and maintain ordered coexistence among states.[13] The mandates of traditional peacekeeping missions reflect this conviction; they place a strong emphasis on neutrality in order to avoid interference in the domestic affairs of host states. Traditional peacekeepers were not supposed to take sides or promote particular modes of social and political organization, and they were rarely authorized to use force.[14] These requirements of legitimacy were a function of established norms around state sovereignty, including non-interference and self-determination.

The statist paradigm assigns little weight to Hurrell's other dimensions of legitimacy, though it leaves some room for persuasion. The UN's commitment to neutrality is meant to distance the organization, and its personnel, from debates about substantive values. Intervention is considered legitimate precisely because it leaves domestic political decisions in the hands of host states. This requirement is based on the pluralist belief that shared values cannot provide a common standard for judging legitimacy because states will not agree on what constitutes appropriate behavior.[15] A procedural conception of legitimacy also shifts attention away from criteria like effectiveness and specialized knowledge. Effectiveness is secondary to, and supposed to flow from, respect for procedure. Commitments to sovereign autonomy and political independence are considered the best way to promote peace.[16] Equalitarian norms also leave little room for specialized knowledge in the legitimation of UN missions. UN personnel might possess unique expertise that allows them to fulfill their duties, but the scope of their activities is very limited. Tasked with observing ceasefires and patrolling buffer zones between states, traditional peacekeepers were not empowered to apply their knowledge to achieving more ambitious goals. Under the statist paradigm, persuasion, the fifth dimension of legitimacy, is bound up with procedure. The UN Security Council's rules and procedures are supposed to provide states with an opportunity to present political, legal, and moral arguments about intervention. According to Ian Hurd, these exchanges are an important part of legitimation. Even if a state does not succeed in persuading other Council members to pursue a particular course of action, the process of attempting to do so has value.[17] However, the scope for persuasion is limited within the statist paradigm. The process is far removed from activities on the ground, and state representatives are the main participants. Persuasion plays some role in constructing legitimacy within the statist paradigm, but its role is circumscribed by state-centric norms and beliefs about which actors can and should participate in Security Council debates.

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[12] Christian Reus-Smit, "Liberal Hierarchy and the licence to use force," in *Force and Legitimacy in World Politics*, eds. David Armstrong, Theo Farrell, and Bice Maiguashca, 71-92(Cambridge: Cambridge University Press, 2005), 73.

[13] Hurrell, op. cit., 18.

[14] United Nations Department of Peacekeeping Operations, *United Nations Peacekeeping Operations: Principles and Guidelines* (New York: United Nations, 2008), 31.

[15] Jennifer Welsh, "Taking Consequences Seriously: Objections to Humanitarian Intervention," in *Humanitarian Intervention and International Relations*, ed. Jennifer M. Welsh, 52-68 (Oxford: Oxford University Press, 2004), 64.

[16] Hurrell, op. cit., 18.

[17] Hurd, op. cit., 109-110, 173-175.

According to Christian Reus-Smit, an actor or institution experiences a crisis of legitimacy when "the level of social recognition that its identity, interests, practices, norms, or procedures are rightful declines to a point where [it] must either adapt… or face disempowerment."[18] During the 1990s, UN peace operations experienced a crisis of legitimacy. New beliefs about state sovereignty, human rights, and the role of the UN in armed conflicts led many people to question the legitimacy requirements of the statist paradigm. When atrocities occurred despite the UN's presence in places like Bosnia and Rwanda, prevailing norms like non-intervention became associated with inaction and indifference to human suffering. An unwavering commitment to neutrality quickly lost much of its appeal. The human security paradigm has emerged as one of the most popular alternatives to the statist paradigm. Lloyd Axworthy defines human security by explaining that it "puts people first and recognizes that their safety is integral to the promotion and maintenance of international peace and security."[19] Human security challenges the norms of the statist paradigm by reconceptualizing state sovereignty in terms of responsibility, not unconditional autonomy. According to Axworthy and many others, the longstanding norm of non-interference should not prevent the international community from intervening to prevent human suffering.[20]

These new norms are formalized in the report of the International Commission on Intervention and State Sovereignty (ICISS). In *The Responsibility to Protect (R2P)*, the Commission argues that outside intervention, including military action, is legitimate if a state is unable or unwilling to protect its own citizens.[21] The report outlines several precautionary principles, like right authority, right intention, last resort, proportional means, and reasonable prospects for success, in order to limit the scope for intervention. Still, R2P represents an important departure from the norms of the statist paradigm. It openly advocates military intervention for human protection purposes if there is "serious and irreparable harm occurring to human beings, or imminently likely to occur," including large-scale loss of life or ethnic cleansing.[22] The authors of the report are explicit about their role in codifying new standards of conduct.[23] By redefining sovereignty in terms of responsibility, they create new categories of action and make new types of behavior possible.

This normative shift has important implications for the legitimacy requirements of UN peace operations. It diminishes the relative importance of procedure, but it does not dispense entirely with the norms of the statist paradigm. For instance, the ICISS is careful to note that, for many states and people, respect for sovereign autonomy and non-interference is, "a recognition of their equal worth and dignity, a protection of their unique identities and their national freedom, and an

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[18] Christian Reus-Smith, "International Crises of Legitimacy," *International Politics*, vol, 44, no. 2/3 (2007): 158.
[19] Lloyd Axworthy, "Human Security and Global Governance: Putting People First," *Global Governance*, vol. 7, no. 1 (2001): 20.
[20] Ibid, 19.
[21] International Commission on Intervention and State Sovereignty, *The Responsibility to Protect* (Ottawa: International Development Research Centre, 2001), xi-xii.
[22] Ibid, xii.
[23] Ibid, 3.

affirmation of their right to shape and determine their own destiny."[24] Still, by shifting the normative focus from state rights to human rights, the human security paradigm makes it logical to judge the legitimacy of UN missions along two additional dimensions: effectiveness and the promotion of substantive values. Throughout the 1990s, UN missions were criticized for failing to achieve their stated goals, including the protection of civilians. For advocates of the human security paradigm, legitimacy does not just depend on pursuing the right goals in the right way. It also depends on success in the field. For example, Jennifer Welsh observes that when missions are deployed for humanitarian purposes they lose legitimacy the longer they go without taking effective action to prevent and relieve human suffering.[25] The human security paradigm also assigns much greater importance to the promotion of substantive values. For defenders of the statist paradigm, the international consensus on values is limited, if it exists at all. Advocates of human security and R2P take a different view. They believe the international community does share some very basic goals, like preventing genocide and mitigating large-scale humanitarian catastrophes. They think members of the UN Security Council should be able to agree on what constitutes a "conscience-shocking [situation] crying out for action," and should be willing to authorize military intervention to deal with it.[26] The human security paradigm takes the protection of basic human rights as a shared goal, and presents the pursuit of that goal as a source of legitimacy.

These normative changes have important on-the-ground implications because they affect practices. They structure human behaviour, making certain actions seem possible or impossible, desirable or unthinkable.[27] Throughout the Cold War, the norms, principles, and rules of the statist paradigm structured the UN's approach to peace operations. UN personnel were guided by the core tenets of traditional peacekeeping: deployment by consent of the parties, neutrality, and the non-use of force except in self-defence.[28] But neutrality is a principle of abstention that makes it difficult to act against those who would perpetrate genocide and other mass human rights violations.[29] Proponents of the human security paradigm reject passivity in these situations, arguing that impartiality and "robust peacekeeping" offer a promising alternative. Recent UN doctrine reflects this view. Impartiality differs from neutrality because it allows for action based on principled judgments about a situation. In a document outlining principles and guidelines for peacekeeping, the UN provides the following explanation:

> United Nations peacekeepers should be impartial in their dealings with the parties to the conflict, but not neutral in the execution of their mandate. The need for even-handedness towards the parties should not become an excuse for inaction in the face of behavior that clearly works against the peace process. Just as a good referee is impartial, but will penalize infractions, so a peacekeeping operation should not condone actions by the parties

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[24] Ibid, 7.

[25] Jennifer M. Welsh, "Introduction," in *Humanitarian Intervention and International Relations*, ed. Jennifer M. Welsh, 1-7 (Oxford: Oxford University Press, 2004), 7.

[26] *The Responsibility to Protect*, op. cit., xiii.

[27] Emanuel Adler, "Seizing the Middle Ground: Constructivism in World Politics," *European Journal of International Relations*, vol. 3, no. 3 (1997): 322

[28] *United Nations Peacekeeping Operations: Principles and Guidelines*, op. cit., 31.

[29] Dominick Donald, "Neutrality, Impartiality and UN Peacekeeping at the Beginning of the 21st Century," *International Peacekeeping*, vol. 9, no. 4, (2002): 22.

that violate the undertakings of the peace process or the international norms and principles that a United Nations peacekeeping operation upholds.[30]

In this view, rules of engagement should be robust enough that UN personnel can use force to defend themselves, their mandate, and the people they are charged with protecting.[31] These new standards for appropriate behavior only become possible because the requirements of legitimacy have changed alongside broader norms. Still, if UN peacekeepers must act as impartial referees, which rules should they enforce? As Jane Boulden points out, impartiality operates on two levels. Impartiality of implementation should be analytically distinct from the impartiality of a Security Council mandate.[32] Critics of *R2P* and the human security paradigm argue that robust peacekeeping does not represent the impartial application of an international consensus about human rights. They say it actually reflects a new international balance of power where developed states are able to institutionalize an international security framework that is based on their own interests and priorities.[33] This type of criticism becomes even more acute when international actors try to address the root causes of armed conflict.

The third paradigm guiding judgments about the legitimacy of UN peace operations is liberal internationalism. The core tenet of liberal internationalism is that liberal democracy and a market-oriented economy provide "the surest foundation for peace, both within and between states."[34] According to liberal internationalists, organizations like the UN should be ready and willing to apply liberal remedies if weak states fail to provide minimal conditions of public order.[35] These beliefs create new norms of behavior and help to constitute peacebuilding as a category of action. When it comes to evaluating legitimacy, liberal internationalists focus on three of Hurrell's five dimensions: shared values, effectiveness, and specialized knowledge. Within this paradigm, values and effectiveness are inextricably linked because promotion of the liberal values is supposed to ensure the establishment of durable peace. The relative importance of expert knowledge also grows because peacebuilding is seen as a technocratic activity where structures that support peace are systematically identified and reinforced.[36] These criteria make it possible to adopt an approach that is explicitly prescriptive and remarkably interventionist, especially when compared to the paradigms discussed above.[37] Instead of seeking short-term solutions, liberal peacebuilders try to address the root causes of conflict by promoting particular modes of social, political, and economic organization.

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[30] *United Nations Peacekeeping Operations: Principles and Guidelines*, op. cit., 31.

[31] United Nations, *Report of the Panel on United Nations Peace Operations* (New York: United Nations, 2000), 9.

[32] Jane Boulden, "Mandates Matter: An Exploration of Impartiality in United Nations Operations," *Global Governance*, vol. 11, no. 2 (2005): 148-151.

[33] David Chandler, "The Responsibility to Protect? Imposing the 'Liberal Peace,'" *International Peacekeeping*, vol. 11, no. 1 (2004): 60.

[34] Paris, "Peacebuilding and the Limits of Liberal Internationalism," op. cit., 56

[35] Michael Barnett, "Building a Republican Peace: Stabilizing States After War," *International Security*, vol. 30, no. 4 (2006): 88.

[36] United Nations, *An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peace-Keeping* (New York: United Nations, 1992), 468.

[37] Neclâ Tschirgi, *Post-Conflict Peacebuilding Revisted: Achievements, Limitations, Challenges* (New York: International Peace Academy, 2004), 5.

For proponents of liberal internationalism, liberal values hold broad appeal as a source of legitimacy and stability. As a result, their promotion by international organizations is often taken for granted. For instance, Michael Barnett reviews four of the most influential reports on security and global governance that emerged after the end of the Cold War.[38] He finds that they are all informed by a distinctly liberal worldview, and that they all valorize a liberal international order. They also share a belief that the UN can, and should, shape practices by establishing, articulating, and transmitting norms that define acceptable and proper behavior. The United Nations is presented as "an agent of normative integration that can increase the number of actors who identify with and uphold the values of a liberal international order."[39] Post-conflict peacebuilding has emerged as a key channel for disseminating liberal norms and values. According to Roland Paris, most peacebuilding missions attempt to "'transplant' the values and institutions of the liberal democratic core into the domestic affairs of the peripheral host states."[40] This occurs because of a normative commitment to liberal values, but also because they are assumed to provide "the best foundation for development and accountable governance."[41] The promotion of liberalism is considered legitimate because of its intrinsic appeal, but also because it produces the desired result, durable peace. This approach surpasses the human security paradigm in the scope of its normative goals, and its explicitly prescriptive character represents a major departure from the norms and rules of the statist paradigm. It is worth noting, as Oliver Richmond does, that the liberal peacebuilding template is not universally popular. Outsiders may take a liberal peace for granted as the preferred end state for post-conflict societies, but this is problematic because peace can take many forms.[42] When international peacebuilders act as if a normative consensus exists around the liberal peace, it can lead to the imposition of policies and institutions that are at odds with local values and priorities.[43]

For liberal internationalists, specialized knowledge is also a source of legitimacy. Experts have come to play an integral role in the planning and implementation of UN peace operations. Many of them understand civil wars and political violence as products of local pathologies, like underdevelopment and poor governance, which can be eradicated by applying the correct

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[38] Barnett, "Bringing in the New World Order," op. cit, reviews the following reports: *Agenda for Peace*, op. cit., Commission on Global Governance, *Our Global Neighborhood* (New York: Oxford University Press, 1995), Gareth Evans, *Cooperating for Peace* (St. Leonards, Australia: Unwin and Hyman, 1993), Report of the Independent Working Group on the Future of the United Nations, *The United Nations in Its Second Half-Century* (New York: Ford Foundation, 1995).

[39] Barnett, "Bringing in the New World Order," op. cit., 529.

[40] Roland Paris, "International peacebuilding and the 'mission civilisatrice,'" *Review of International Studies*, vol. 28, no. 4 (2002): 638.

[41] Edward Newman, "'Liberal' peacebuilding debates," in *New Perspectives on Liberal Peacebuilding*, eds. Edward Newman, Roland Paris and Oliver P. Richmond, 26-53 (Tokyo: United Nations University Press, 2009), 39.

[42] Oliver P. Richmond, *The Transformation of Peace* (Basingstoke: Palgrave Macmillan, 2005), 16-18, 112-114.

[43] Cf. Michael Pugh, Neil Cooper and Mandy Turner, "Conclusion: The Political Economy of Peacebuilding – Whose Peace? Where Next?'" in *Whose Peace? Critical Perspectives on the Political Economy of Peacebuilding*, eds. Michael Pugh, Neil Cooper and Mandy Turner, 390-397 (Basingstoke: Palgrave Macmillan, 2008), and Richmond, "Emancipatory forms of human security and liberal peacebuilding," op. cit., and Paris, "International peacebuilding and the 'mission civilisatrice,'" op. cit..

method.[44] For the reasons outlined above, they tend to prescribe liberal values and institutions as a cure. For proponents, these solutions derive legitimacy from the fact that they are based on technical expertise that commands a relatively broad consensus. Yet for critics, this approach is deeply problematic. Edward Newman argues that when peacebuilding is treated as a practical challenge, power relationships are obscured and political aspects of legitimation are minimized. A strong focus on expertise tends to suppress debate and offers a pretext for marginalizing locals who might be resistant to peacebuilding policies.[45]

The practices of most contemporary peace operations clearly reflect liberal internationalism's criteria for judging legitimacy. UN missions generally take liberal goals and values for granted. They involve activities like promoting civil and political rights, organizing democratic elections, training police and justice officials to respect the rule of law, fostering the development of independent civil society groups, encouraging belligerents groups to transform themselves into political parties, and supporting the development of free-market economies by reducing barriers to trade stimulating the growth of private sector enterprise.[46] The practices of liberal peacebuilding also reveal a strong focus on effectiveness and specialized knowledge as sources of legitimacy. Sceptics might argue that agents of the liberal peace are indifferent to the legitimacy (or illegitimacy) of their activities. However, different audiences may have conflicting conceptions of legitimacy. Members of the international peacebuilding community might use coercion and conditionality to overcome local resistance, but they might also believe that doing so is legitimate because it will yield positive results over the long-term. It is easier to justify remedies like political and economic liberalization if experts agree that they constitute the most effective means of achieving peace and stability. For instance, economic liberalization often takes an obvious and painful toll on vulnerable populations, but a liberal economic transition is usually taken for granted as a "core, non-negotiable objective of intervention."[47] This occurs in part because liberal internationalism's conception of legitimacy makes it possible to justify short-term pain in terms of long-term gain. The perceived legitimacy of market-oriented reforms flows mainly from their association with experts and their anticipated payoffs in terms of prosperity and stability.

The three paradigms described above are based on distinct sets of norms, values, beliefs and definitions. As a result, they provide very different criteria for evaluating the legitimacy of UN peace operations. For many years, the norms of the statist paradigm commanded a relatively broad consensus and shaped most judgments about the legitimacy of UN peace operations. This has changed since the end of the Cold War. The human security paradigm and liberal internationalist paradigm now provide alternative criteria for evaluating the actions of UN personnel. The UN's involvement in Timor-Leste has, at different times, reflected the legitimacy requirements of all three paradigms. Most recently, the liberal internationalist paradigm has

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[44] Mark Duffield argues that underdevelopment is routinely presented as a primary source of insecurity. Oliver Richmond finds that liberal governance arrangements are often considered the key to lasting peace. Cf. Duffield, *Global Governance and the New Wars,* op. cit., and Oliver Richmond, *The Transformation of Peace* (Basingstoke: Palgrave Macmillan, 2005).
[45] Newman, op. cit., 42-43.
[46] Roland Paris, *At War's End: Building Peace After Civil Conflict* (Cambridge: Cambridge University Press, 2004), 19.
[47] Pugh, Cooper, and Turner, op. cit., 393.

proved dominant. The missions in that country have prioritized political and economic liberalization. However, setbacks in the peace process also show that the practices of liberal peacebuilding, and the conception of legitimacy on which they are based, do not always resonate with the Timorese population.

Part II: Shifting Conceptions of Legitimacy in Timor-Leste

Located within the Indonesian archipelago, Timor-Leste has a population of less than a million people.[48] The territory was a Portuguese colony from the early 18th century until 1974 when Portugal tried to establish a provisional government and popular assembly that would assume responsibility for the territory. Shortly afterward, war broke about between groups that favoured independence and those that supported integration with neighbouring Indonesia. Unable to restore order, the Portuguese withdrew and Indonesia invaded in 1975. The United Nations never recognized that country's efforts to integrate Timor-Leste as its 27th province.[49] Despite *de facto* Indonesian control over the territory, Timor-Leste's status remained unclear for several decades. Indonesia's occupation was characterized by famine and repression, and pro-independence guerilla groups, including the Revolutionary Front for an Independent East Timor (FREITLIN), mounted regular challenges to Indonesian rule.[50] In June 1998, the government of Indonesia proposed a form of limited autonomy for the territory. Following talks between Indonesia and Portugal, the United Nations was asked to organize a referendum to determine whether the Timorese people supported autonomy within the Republic of Indonesia. The UN Mission in East Timor (UNAMET) arrived in June 1999 to begin organizing the vote[51].

The responsibilities of UNAMET closely mirror the legitimacy requirements of the statist paradigm. UN personnel were charged with providing information about process and procedure, organizing and monitoring the vote, and explaining its implications to voters in an objective manner, "without prejudice to any position or outcome."[52] The Security Council resolution creating UNAMET explicitly states that the Government of Indonesia is responsible for maintaining peace and security during the referendum and immediately afterward. Notwithstanding the Indonesian military's history of human rights abuses against the Timorese people, and despite a recognition that the security situation in the territory was "extremely tense and volatile," resolution 1246 does not grant UNAMET an active military component.[53] This omission was due in large part to resistance from the Indonesian government, which strongly opposed the deployment of any foreign troops in Timor-Leste. After extensive negotiations with Indonesian officials, the UNAMET's fifty unarmed military liaison officers were only authorized

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[48] Michael Smith and Moreen Dee, *Peacekeeping in East Timor: the Path to Independence* (Boulder: Lynne Rienner Publishers, 2003), 33.
[49] "East Timor – UNMISET – Background," United Nations, http://www.un.org/en/peacekeeping/missions/past/unmiset/background.html (accessed 9 March 2013)
[50] "East Timor Profile," BBC News, 22 November 2012, http://www.bbc.co.uk/news/world-asia-pacific-14952883 (accessed 9 March 2013)
[51] Smith and Dee, op. cit., 41-43.
[52] "UN Security Council Resolution 1246," United Nations Security Council, 11 June 1999, http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N99/174/13/PDF/N9917413.pdf?OpenElement (accessed 13 May 2013)
[53] Ibid

to "maintain contact" with the Indonesian Armed Forces.[54] The statist paradigm's influence on UNAMET is clear. The mission's mandate adheres closely traditional legitimacy requirements, like neutrality, consent, and non-interference.

Despite pro-integration militias' efforts at intimidation, close to 80% of East Timorese voters cast ballots in favour of independence when the referendum was held on 30 August 1999. When these results were announced in early September, the response was rapid and violent.[55] Pro-integration militias, organized and supported by elements of the Indonesian military, embarked on "a systematic campaign of destruction and terror."[56] More than 1,000 people were killed, and most buildings and utilities were demolished through looting and arson. Roughly 70% of East Timor's physical infrastructure was destroyed, and three quarters of the population was displaced.[57] With help from the Indonesian military, pro-integration militias forcibly transported close 250,000 people to Indonesian-controlled West Timor. Around this time, most UNAMET personnel were evacuated due to safety concerns.[58] Many observers predicted the bloodshed and strongly criticized the UN for failing to anticipate, or adequately prepare for, the violence that followed the referendum. Critics believe it was naïve and irresponsible to leave security arrangements in the hands of the Indonesian military, especially since most Timorese voters took part in the referendum on the understanding that they would not be "abandoned" by the United Nations.[59] Yet this course of action makes perfect sense within the norms of the statist paradigm. UNAMET was designed to minimize interference in the domestic affairs of the *de facto* host state, Indonesia. The mission's mandate placed a strong emphasis on neutrality and objectivity, and efforts to establish an active military component within UNAMET were abandoned when the Indonesian government withheld its consent. The UN's actions in advance of the referendum reflect a statist understanding of how legitimacy is constituted for UN peace operations.

In response to the post-referendum violence, the UN Security Council authorized military intervention by an Australian-led multinational force, the International Force for East Timor (INTERFET). Resolution 1264 authorizes INTERFET to "take all necessary measures" in order to restore peace and security, protect and support UNAMET, and to facilitate humanitarian assistance operations.[60] General Michael Smith, former deputy commander of the UN peacekeeping mission in Timor-Leste, describes INTERFET's mandate as "one of the most strongly worded mandates even given by the Security Council."[61] Resolution 1264 reaffirms respect for the sovereignty and territorial integrity of Indonesia, but it also justifies intervention by referring to concerns about "systematic, widespread and flagrant violations of international

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[54] Ibid

[55] International Crisis Group, *Indonesia: Implications of the Timor Trials* (Jakarta/Brussels: International Crisis Group, 2002), 3.

[56] Smith and Dee, op. cit., 44.

[57] Jarat Chopra, "The UN's Kingdom of East Timor," *Survival*, vol. 42, no. 3 (2000): 27.

[58] Smith and Dee, op. cit., 44.

[59] Paris, *At War's End*, op. cit., 219.

[60] "UN Security Council Resolution 1246," United Nations Security Council, op. cit..

[61] Smith and Dee, op. cit., 45.

humanitarian and human rights law."[62] INTERFET began its deployment in Timor-Leste on 20 September 1999 and by early November of that year a force of over 8,200 had succeeded in restoring security throughout the country.[63] The roles and responsibilities of INTERFET stand in sharp contrast to those of UNAMET. UNAMET's activities and rules of engagement reflect the legitimacy requirements of the statist paradigm. The deployment of INTERFET hinged on a conception of legitimacy that has human security at its core. Concerns about the safety of Timorese civilians displaced the UN's habitual respect for sovereign autonomy and the norm of non-interference. Violations of international humanitarian and human rights law were used to justify forceful military intervention, and the security of the Timorese population assumed much greater importance as a criterion for evaluating the legitimacy of UN action. The norms and values of the human security paradigm helped to make a mission like INTERFET seem possible, desirable, and even necessary.

By 1 November 1999 Indonesia's armed forces, police, and administrative officials had withdrawn from Timor-Leste. Following an agreement between Indonesia and Portugal, full responsibility for administering the territory was transferred to the United Nations. In October 1999, the UN Security Council established an integrated, multidimensional peace operation, the UN Transitional Administration in East Timor (UNTAET), in order to manage East Timor's transition to independence. UNTAET's duties were extensive. The mission was tasked with providing security and maintaining law and order, establishing an effective administration, developing civil and social services, coordinating the delivery of humanitarian assistance, promoting sustainable development, and helping to build East Timor's capacity for self-government.[64] Resolution 1272 endowed UNTAET with "overall responsibility for the administration of East Timor," empowering the mission to "exercise all legislative and executive authority, including the administration of justice."[65] The was not the first time the UN had acted in a transitional capacity, but its responsibilities in East Timor surpassed all previous missions in both breadth and depth.[66]

The state of Timor-Leste achieved full independence on 20 May 2002. On that day, UNTAET gave way to the UN Mission of Support in East Timor (UNMISET). UNMISET was tasked with helping the new national government in several areas, including: core administrative tasks, interim law enforcement and public security, and developing the East Timor Police Service. Over the course of three years, UNMISET gradually handed over executive authority to the Government of Timor-Leste. The United Nations Office in Timor-Leste (UNOTIL) eventually replaced UNMISET in May 2005. However, violence erupted again in the spring of 2006. This led the President, Prime Minister, and President of the National Parliament to request that the Security Council deploy a new UN force capable of restoring calm. The Security Council agreed, and the UN Mission in Timor (UNMIT) was created through Resolution 1704 on 25 August

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[62] "UN Security Council Resolution 1264," United Nations Security Council, 15 September 1999, http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N99/264/81/PDF/N9926481.pdf?OpenElement (accessed 13 May 2013)
[63] Smith and Dee, op. cit., 46.
[64] "East Timor – UNMISET – Background," United Nations, op. cit..
[65] "UN Security Council Resolution 1272," United Nations Security Council, 25 October 1999, http://www.un.org/en/peacekeeping/missions/past/etimor/docs/9931277E.htm (accessed 13 May 2013)
[66] Smith and Dee, op. cit., 59.

2006.[67] UNMIT was tasked with helping Timor-Leste overcome the underlying causes of the 2006 violence. Its mandate included the following activities: enhancing a culture of democratic governance, assisting with preparations for the 2007 national elections, reviewing the future role and needs of the security sector, building institutional capacity, strengthening mechanisms for monitoring, promoting, and protecting human rights, and designing poverty reduction and economic growth policies.[68] After six years in the field, UNMIT completed its mandate in December 2012.[69]

Like many other post-Cold War peace operations, UNTAET, UNMISET, and UNMIT were guided by one dominant paradigm: liberal internationalism. Their extensive powers were used to pursue liberal goals and values including, democratization, pluralism, the rule of law, civil and political rights, and liberal forms of marketization.[70] These activities were considered legitimate because liberal norms and institutions were assumed to be intrinsically appealing, and because they were thought to provide the most effective means of preventing future conflicts. According to Caroline Hughes, no alternatives to the liberal peace were ever seriously considered in Timor-Leste. Instead, international peacebuilders dismissed local efforts to frame political goals in terms of group identities or collective action. Instead, interveners were driven by "a desire to remake Timor's people into self-centred, rationally choosing, utility-maximizing individuals," who could play the contractual roles required of them in a liberal society.[71] After an initial period of emergency aid, the post-independence government was also urged to streamline and privatize state services as quickly as possible. For example, the Asian Development Bank advised the government to install pre-paid electricity meters in homes around the capital, Dili. This was done in order to generate revenue from electricity that had previously been provided for free. Not surprisingly, this came as a shock to many residents, leading them to question the appeal of marketization.[72] These impulses make sense within a paradigm that takes liberal norms and institutions for granted as the best way to ensure durable peace. This attitude toward liberalism prevails among many UN personnel. For instance, General Michael Smith claims the litmus test for successful interventions should be "the extent to which they contribute to lasting peace and to the development of democratic and viable states."[73] He goes on to classify the UN intervention in East Timor as a success, noting that it could serve as a model for other peace operations.[74]

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[67] Oliver P. Richmond and Jason Franks, "Liberal Peacebuilding in Timor Leste: The Emperor's New Clothes?," *International Peacekeeping*, vol. 15, no. 2 (2008): 185.

[68] "Security Council Establishes New, Expanded UN Mission in Timor-Leste for Initial Period of Six Months, Unanimously Adopting Resolution 1704 (2006)," United Nations, 25 August 2006, http://www.un.org/News/Press/docs/2006/sc8817.doc.htm (accessed 9 March 2013)

[69] "UNMIT – United Nations Integrated Mission in Timor-Leste," http://www.un.org/en/peacekeeping/missions/past/unmit/ (accessed 15 May 2013)

[70] Oliver Richmond, "Beyond liberal peace? Responses to Backsliding," in *New Perspectives on Liberal Peacebuilding*, eds. Edward Newman, Roland Paris and Oliver P. Richmond, 54-77 (Tokyo: United Nations University Press, 2009), 59.

[71] Caroline Hughes, "'We just take what they offer': Community empowerment in post-war Timor-Leste," in *New Perspectives on Liberal Peacebuilding*, eds. Edward Newman, Roland Paris and Oliver P. Richmond, 218-242 (Tokyo: United Nations University Press, 2009), 219, 228.

[72] Ibid, 226.

[73] Smith and Dee, op. cit., 95.

[74] Ibid, 96.

There is also strong evidence that international peacebuilders in Timor-Leste saw expert knowledge as a source of legitimacy. According to Caroline Hughes, UNTAET was organized around two major assumptions. The first was that following the referendum in 1999, East Timor was a blank slate in terms of governance, with no local structures worth building on. The second assumption, flowing from the first, was that Timor-Leste represented "almost laboratory conditions in which to experiment with state-building."[75] Combined with the belief that instability was a product of Timorese dysfunction and "backward" attitudes, these assumptions created an environment where it was considered appropriate and necessary for experts to wield a high degree of influence over political and economic decisions.[76] Instead of prioritizing consultation with locals, UNTAET displayed "a strong predisposition towards solutions delivered by international technocrats possessed of international expertise."[77] Again, these tendencies make perfect sense when judged according to the legitimacy requirements of liberal internationalism. When liberal values are taken for granted and effectiveness is a priority, it seems logical to privilege expert knowledge and treat it as another source of legitimacy.

As Steven Bernstein and William Coleman note, legitimacy is rooted in societies and communities. The requirements of legitimacy often vary across audiences, and there is "no abstract mix of procedural, substantive, or performance criteria of legitimacy that can be known to produce legitimacy outside the context of particular political communities."[78] According to critics of UNTAET and its successor missions, the legitimacy requirements of liberal internationalism, and the peacebuilding practices that flow from them, do not resonate with the people of Timor-Leste. There are two respects in which the liberal internationalism's conception of legitimacy falls short. First, the appeal of liberalism cannot be taken for granted, nor can its status as a secure foundation for lasting peace. Second, liberal peacebuilders accord too much importance to expert knowledge and pay too little attention to Andrew Hurrell's fifth dimension of legitimacy: persuasion. These shortcomings are significant, but not irreparable.

Like many peace operations, UNTAET and its successor missions took liberal values and institutions for granted as the best foundation for lasting peace. Critics of the UN's work in Timor-Leste argue that this damaged the organization's legitimacy and undermined prospects for peace over the long-term. From a political point of view, UNTAET made several mistakes. First, it marginalized political structures that had been forged through conflict because they were considered dysfunctional, illiberal, and unlikely to advance the cause of peace. For instance, elements of the Timorese clandestine movement enjoyed a high degree of local legitimacy as agents of national liberation, but UNTAET refused to recognize or engage with the structures this group had established throughout Timorese society.[79] According to Hughes, this failure to work with internally organized village-level organizations and committees represents "a squandering of the legitimacy of the resistance struggle at a time when few other resources for

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[75] Hughes, op. cit., 223.
[76] Ibid, 229-230.
[77] Ibid, 223.
[78] Steven Bernstein and William D. Coleman, "Introduction: Autonomy, Legitimacy, and Power in an Era of Globalization," in *Unsettled Legitimacy: Political Community, Power, and Authority in a Global Era*, eds. Steven Bernstein and William D. Coleman, 1-29 (Vancouver: UBC Press, 2009), 7.
[79] Hughes, op. cit., 223.

mobilizing public support were available."[80] Concerns that local political structures were fundamentally dysfunctional also led UNTAET to favour returning members of the Timorese diaspora who were perceived as more liberal than those who had led the resistance against Indonesia.[81] In practice, most of these individuals were disconnected from village life in Timor-Leste. Many had been away for close to 25 years and had no direct experience with the occupation or its impact on Timorese society. UNTAET's decision to favour this group meant that those Timorese who did reach positions of power were often out of touch with public opinion.[82]

From an economic point of view, liberal peacebuilding has also failed to exert normative pull in Timor-Leste. Since achieving independence in 2002, there has been little socio-economic improvement in the day-to-day lives of the Timorese people. In 2008, life expectancy hovered around 55 years and close to 40% of the population lived on less than $0.55 per day. Poverty remains widespread and approximately half the population is illiterate. Unemployment is also very high, especially among urban youth.[83] When violence broke out again in 2006, a United Nations report found that the underlying causes were political and institutional, but also social and economic; according to the report, "poverty and its associated deprivations including high urban unemployment and the absence of any prospect of meaningful involvement and employment opportunities in the foreseeable future, especially for young people, have also contributed to the crisis."[84] Given these political and economic problems, it is understandable that some Timorese citizens question the appeal of liberalism and its supposed link to peace and prosperity.

According to Oliver Richmond and Jason Franks, many of the problems facing liberal peacebuilding can be addressed by shifting the focus away from liberal institutions. Instead, they argue, peacebuilders should make responsiveness and emancipation top priorities. In their view, focusing on everyday life and the overall welfare of host populations would deliver a much more sustainable form of peace.[85] Richmond and Franks describe the absence of welfare programs to alleviate poverty in Timor-Leste as a continuing structural problem that hampers the establishment of durable peace. They also note that instability is likely to persist because "the everyday experience of people living in poverty has been made secondary to institutional reform, meaning that they have little to gain from the new state." [86] These issues could be addressed by adjusting the criteria used to judge the legitimacy of UN actions. Instead taking the merits of liberal institutions for granted, the UN could bolster its legitimacy by remaining open to non-liberal forms of peace, and by treating the day-to-day welfare of host populations as requirement of legitimacy.

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[80] Ibid, 227.
[81] Ibid, 224.
[82] Ibid, 219-220.
[83] Richmond and Franks, op. cit., 189.
[84] United Nations, *Report of the Secretary-General on Timor-Leste Pursuant to Security Council Resolution 1690* (New York: United Nations, 2006), 9.
[85] Richmond and Franks, op. cit., 198.
[86] Ibid, 197.

Critics argue that the UN's reliance on expert knowledge also undermined its legitimacy in Timor-Leste, both directly and indirectly. First, the expert consensus around liberal norms and institutions precluded meaningful consideration of alternatives. As discussed above, promising local governance structures, many of which enjoyed a high degree of legitimacy, were dismissed out of hand. Second, the UN's reliance on special expertise helped exclude many Timorese from the peacebuilding process. For instance, Jarat Chopra explains that the planning phase of UNTAET involved "no genuine contact with, or participation by, East Timorese representatives."[87] The UN ignored proposals to include members of the National Council of Timorese Resistance, a local organization that enjoyed widespread support, in the Transitional Council. There was also little effort to integrate Timorese staff into the mission; international personnel were used to fill most staffing gaps. For the most part, locals were only hired to fill menial jobs, creating a large disconnect between the UN and the Timorese population.[88] According to Chopra, the role of the local population was "conceptually obscured" by a desire to resolve the underlying causes of conflict, and by the belief that most Timorese lacked the expertise necessary to guide the peacebuilding process. This is problematic because UNTAET's mandate gave the transitional administrators sweeping powers with little direct accountability to the local population. As Edward Newman observes, this type of approach tends to mask the political aspects of legitimation and marginalize anyone who might disagree with the practices of liberal peacebuilding.[89] Chopra echoes this concern, arguing that international peacebuilders were not accountable really to the Timorese people, and that an absolutist form of authority emerged that damaged the UN's legitimacy in the eyes of locals.[90]

A greater focus on persuasion and direct engagement with the Timorese population could have helped avoid this problem. According to Andrew Hurrell, persuasion is central to the construction of legitimacy. It is very important, especially for those in positions of power, that convincing reasons be provided to show that a rule, political order, or course of action is right and appropriate.[91] In order do this, the UN mission in East Timor would have had to make two significant changes. First, it would have had to make a more concerted effort to include Timorese citizens, including those who not particularly liberal, in the peacebuilding process. In practice this would have meant, among other things, hiring more Timorese staff and making a greater effort to stay in touch with the concerns of Timorese population. Second, the UN would have had to willingly engage in processes of persuasion where non-liberal opinions could be freely expressed, and where decisions could be publicly debated and justified.

In reviewing criticisms of UNTAET and its successor missions, it becomes clear that the legitimacy requirements of liberal internationalism lacked normative pull among many Timorese. International peacebuilders took the appeal of liberal values and the effectiveness of liberal institutions for granted, assuming that their promotion would be seen as legitimate. This led them to ignore or reject alternative norms and institutions that might have advanced the peacebuilding process and that might have enjoyed a higher degree of legitimacy in the eyes of

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[87] Chopra, "The UN's Kingdom of East Timor," op. cit., 32.
[88] Ibid, 32-33.
[89] Newman, op. cit., 42-43
[90] Jarat Chopra, "Building State Failure in East Timor," *Development and Change*, vol. 33, no. 5 (2002): 982.
[91] Hurrell, op. cit., 23-24.

locals. An excessive faith in specialized knowledge and expertise also damaged the UN's legitimacy on the ground. It led the organization to discount the potential contributions of the Timorese population, exclude the Timorese from many decision-making processes, and it created a situation where important political and economic decisions were being made with little input from the people affected. These shortcomings might have been resolved by remaining open to non-liberal forms of peace, and by making grassroots persuasion a requirement of legitimacy for UN actions.

Conclusion

According to Inis Claude, "the crucial periods in political history are those transitional years of conflict between old and new concepts of legitimacy."[92] This paper focuses on one of Claude's transitional periods, arguing that a relatively broad consensus about how UN peace operations should be conducted has given way to heated normative contestation. Since the end of the Cold War, changing beliefs about sovereignty, human rights, and armed conflict have led many people to adopt new criteria for evaluating the legitimacy of UN peace operations. Three distinct paradigms now guide judgments about the legitimacy UN actions. The first relies on a procedural conception of legitimacy where concerns about sovereign autonomy and non-interference are paramount, and where UN personnel must remain neutral in order to be seen as legitimate. The concept of human security is at the core of the second paradigm. Here, legitimacy depends on the achievement of humanitarian objectives. In order to be legitimate, UN personnel must apply the rules flowing from a limited international consensus about fundamental human rights. By focusing on the security of individuals, this paradigm makes it possible to justify practices like robust peacekeeping and military intervention on humanitarian grounds. The third paradigm is based on liberal internationalism. In this view, legitimacy is flows from the promotion of liberal values, their perceived effectiveness in addressing the root causes of conflict, and from special expertise in the area of peacebuilding.

The UN's involvement in Timor-Leste has, at one point or another, reflected the legitimacy requirements of all three paradigms. The first mission, UNAMET, conformed to a large extent with the statist paradigm's conception of legitimacy. Its mandate reflected concerns about non-interference, and a commitment to neutrality.[93] When violence broke out after the popular consultation in August 1999, the UN's response was largely in line with the norms and legitimacy requirements of the human security paradigm. INTERFET was driven by immediate humanitarian concerns, though these quickly gave way to efforts to build durable peace through social, political, and economic transformation. UNTAET and its successor missions followed a distinctly liberal template that mirrored the legitimacy requirements of liberal internationalism. Yet this conception of legitimacy failed to resonate with the Timorese population. Many of the UN's peacebuilding activities in Timor-Leste actually suffered from a legitimacy deficit in the eyes of locals. It seems likely that this could have been avoided. Instead of taking liberal values and institutions for granted, and dismissing useful alternatives in the process, the UN could have advanced the cause of peace by building on existing political structures and prioritizing the day-to-day welfare of the Timorese people. The UN could also have bolstered its legitimacy among

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[92] Inis L. Claude, "Collective Legitimization and the United Nations," *International Organization*, vol. 20, no. 3 (1966): 369.
[93] "UN Security Council Resolution 1246," United Nations Security Council, op. cit..

the Timorese population by embracing grassroots persuasion as an integral part of legitimation. Each peace operation is different, and the requirements of legitimacy will always vary from one audience to another, but it seems likely that these lessons could be fruitfully applied to future UN missions.

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