The "Empty-Shell" Approach: The Setup Process of International Administrations in Timor-Leste and Kosovo, Its Consequences and Lessons

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Abstract: *State-building under the aegis of international administrations has faced various hurdles and obstacles in Kosovo and Timor-Leste—failures that came to full light in March 2004 in Kosovo and in May 2006 in Timor-Leste. However, the international conception buttressing the set up of international administrations—I dub it the "empty shell" approach—is still present in certain policy circles. This article aims to analyze this international conception by clarifying how the UN came to impose its authority over the two territories in a very similar process. While the literature on each state-building experiment is vast and compelling, few authors have attempted to contrast the two case studies, especially regarding the mental conception informing the governance process of these territories since 1999. This article links the empty shell approach with the delegitimization process that came to be experienced by the UN in both cases. The article describes the international policies put in place by the UN to expand its control over the two territories, a mix of cooption of local elites and the marginalization of the local population. Finally, the article reveals some possible solutions in order to avoid the more blatant difficulties pertaining to state-building conducted from the outside-in.*

Key words: Timor-Leste, Kosovo, international administration, intervention, state-building.

Introduction

Ten years have passed since the United Nations and the international community proceeded to set up international administrations in Kosovo and Timor-Leste: the United Nations Interim Administration Mission for Kosovo (UNMIK) and the United Nations Transitional Administration in East Timor (UNTAET). In the aftermaths of these experiences, Kosovo is still under international tutelage and Timor-Leste saw a relapse into fragility in 2006, four years after the handover of crucial governmental functions to local authorities, which brought the UN back inside the country to perform executive policing functions. Moreover, from an economic perspective, these two countries are both in utter shambles. As it was made clear by Ad Melkert, assistant UN Secretary General and associate administrator of the UN Development Program, after a visit to Kosovo in 2007, "the situation in Kosovo can be compared to the circumstances in the poorest African countries: an extremely high mortality rate of newborn children (35 deaths to 1,000 births), a very high unemployment rate (42 percent), a poor educational system and a severely polluted environment" (Melkert 2007). It is an assessment that can be applied in general terms to Timor-Leste as well, where unemployment figures are believed to run as high as 80 percent, where the Human Poverty level is in decline and where almost half the population declared they did not have enough food to eat prior to the closure of the UN administration in 2002 (Elrich 2000; Fointuna 2002; Reuters 2002). Furthermore, the economic growth reported in Timor-Leste and Kosovo following the 1999 intervention was largely driven by the infusion of spending by UN personnel. As noted by Major General Raul Cunha, Chief Military Liaison Officer of UNMIK, "the European Union has spent in Kosovo 4,000 million euros, in different ways. From those 4,000 millions, 80 percent was spent in capacity building and consultancy, which means that 3,200 millions went back to the base (…) that base has been made by 2 or 3 countries" (ObservatorioBalcani e Caucaso 2008). According to Simon Chesterman, only around one-tenth of the UNTAET's budget actually reached the East Timorese (Chesterman 2007, p. 192). All of these issues have not only added to the lack of accountability of international officials and to the perceived foot-dragging regarding the transfer of competencies to local actors, but also have fuelled unprecedented resistance by local actors to the UN state-building agenda.

However, despite the political, economic, and social hurdles encountered in Kosovo and Timor-Leste, described by Vieira de Mello as a "perfect petri-dish for the UN" (Power 2008, p. 303) at the outset of the intervention, the idea of direct governance of war-torn or "dysfunctional" societies by an outside organization has retained a vast influence on certain segments of Academia and policy circles.[i] While the Brahimi report cast a dark shadow over tenants of international administration in 2000,[ii] there are still

pundits pleading the case for new international administrations to be deployed in post-conflict contexts in order to exercise direct governance on behalf of the local population (Weiner 2003; Poppen 2005; Ward 2006). In that regard, and despite the vast literature existing on the subject, there is a further need to clarify and revisit the experiences of these two international administrations, if only to better understand why the international community pushed for such a solution. As the King's College review of peace operations also notes, the UN's role in Kosovo and Timor-Leste "may have to be reassessed" (Conflict Security and Development Group 2003, para. 53). Mats Berdal and Richard Caplan also note that "'technical-administrative' dimension of international administrations has already been explored at great length, whereas comparatively less attention has been given to the *political* challenges involved (italics in the text)" (2004, pp. 2-3).

In this context, this paper will try to demystify the state-building experiences of Kosovo and Timor-Leste by specifically focusing on the particular relationship that was established over time between the international authority and the local actors. The process that led to the establishment of nearly identical international administrations in Kosovo and in Timor-Leste has to be analyzed in detail, as the process could shed light on the current state-building efforts by the international community in other fragile states. I will try to clarify the set up process of international administration by focusing on the concept of empty shell that came to represent the mental image practitioners shared concerning the local context following the two conflicts. Subsequently, the paper will analyze how the empty shell approach materialized itself in Kosovo and Timor-Leste, notably by a policy of co-optation of certain political elites and the marginalization of the local population.

The legitimacy gap under international administration in Kosovo and Timor-Leste

Two human-made catastrophes of gigantic proportions happened in 1999, only months apart,[iii] eliciting a similar, if not practically identical, response by the international community at that time. However, everything seemed to differentiate these two territories: Timor-Leste and Kosovo. Timor-Leste and Kosovo are geographically separated by nearly 10,000 kilometers and could not be more culturally distinct. Timor-Leste's local context presented, for the most part, an ethnically and religiously homogenous society, unified behind their leader, Xanana Gusmao, and the political umbrella that carried the cause of independence during the last part of Indonesia's occupation (CNRT—National Council of Timorese Resistance), whereas Kosovo's local setting was drastically different, its society being deeply divided over ethnical,

religious,and linguistic lines. Furthermore, the local Kosovar-Albanian leadership was divided between a pacifist political party led by Ibrahim Rugova, which assured a certain degree of health and education services in the Albanian language when Serbia's Milošević drastically restricted these services in the 1980s and 1990s, and Hashim Thaci's Kosovo Liberation Army (KLA), which proclaimed itself the victor of the liberation war against the armed and paramilitary forces of the Federal Republic of Yugoslavia (FRY). Both parties established their own institutional apparatus following FRY's withdrawal of Kosovo, as did Belgrade in the Northern part of Kosovo. Furthermore, in Kosovo, the final status of the territory was not clear from the outset, and there was intense international wrangling over the fate of the territory, led notably by Serbia but also by Serbia's traditional political ally and permanent Security Council member, Russia. In Timor-Leste, Security Council politics were not impeding the work of the international administration nor was the final status of the territory, which was clarified from the outset by an internationally-recognized referendum. Moreover, the former occupying power, Indonesia, recognized the referendum's result, even if its armed forces and associated militias proceeded to punish the Timorese population for rejecting its proposal of autonomy.

Notwithstanding these differences, the United Nations Security Council established a full-fledged international administration encompassing executive, legislative,and judicial powers over both territories. In these two cases, the international apparatus was headed by a Special Representative of the Secretary-General (SRSG), who acted as the legal head of state of these territories, enjoying "virtually unlimited powers" in the process (Mertus 2001, p. 28; Independent International Commission on Kosovo 2000, p. 259). The SRSG in Timor-Leste, Sergio Vieira de Mello, described his job as amounting to "benevolent despotism" (Vieira de Mello 2000, p. 4). Both missions affirmed their respective authority by enacting a nearly identical decree, stating that "all legislative and executive authority with respect to Kosovo [Timor-Leste], including the administration of the judiciary, is vested in UNMIK [UNTAET] and is exercised by the SRSG [Transitional administrator]." The similarities between the two international administrations were no coincidence. As noted by Samantha Power, "lacking familiarity with Timor itself, UN officials in New York took the plans they had developed for the Kosovo administration and virtually transposed them onto East Timor. (…) UN staff who felt sidelined joked that SCR 1272 was a 'delete Kosovo, insert East Timor' resolution" (Power 2008, p.300). As a participant to the East Timor planning team recalled, "the marching orders of the East Timor planning team were in short to 'take the Kosovo plan and reconfigure it to fit East Timor'" (Surkhe 2001b, p. 7). Lakhdar Brahimi, when approached to become head of the international administration in Kosovo and then a few months after in Timor-Leste, declined in both cases and made a telling comment: "I know

nothing about either Kosovo or Timor, but the one thing I am absolutely certain of is that they are not the same place" (Power 2008, pp. 300-301).

Deprived of a peaceful and democratic outlet within the system, opposition grew outside the system in order to express its complaints. The international administration's neglect of local social processes and sources of legitimacy led certain local actors to redeploy strategies to confront the UN international administration and tap into the popular wave of discontent among the local population. This is a process that is coherent with the "legitimacy approach" to state-building as defined in an earlier article (Lemay-Hébert 2009a). The fact that these international administrations are "exercising the sovereign prerogatives of a state" and "functioning exactly like a government" (Blair 2002, pp. 10-40) has had specific repercussions on the legitimacy of the interventions. Placed in the situation of a de facto government of Kosovo and Timor-Leste, the international administrations had to face the same requirements that any legitimate government has. If political legitimacy is "in the first place a belief, stated or implied, in the right of government to form policies"(Barker 1990, p. 28), or "the extent to which people consent to and even support the framework of rules within which political institutions function, either because the political institutions are seen as having gained authority through some legitimate process, and/or because they are seen to represent ideas or values widely supported" (Kaldor2000, p. 285), then the international administration will have to convince the local population of the legitimate character of its rule. In that regard, they have mostly failed in Kosovo and in Timor-Leste.

The delegitimization process pertaining to the exercise of authority by international administration is well-documented in Kosovo. Indeed, thanks to the Early Warning System conducted by USAID and UNDP, one cannot fail to notice the failure of UNMIK to secure popular legitimacy among Kosovars from all communities. From the highpoint of 63.8 percent satisfaction with UNMIK's performance during the period of September–October 2002, UNMIK'sratings have steadily decreased to 20.7 percent between January and April 2004 and now stand at 23 percent according to the latest polls (UNDP and UNSAID 2009, p. 1). Indeed, if the international military campaign rode on a wave of popular sentiment (King and Mason 2006, p. 79) and if during the initial months of the intervention UNMIK was able to justify and legitimize its presence to a certain extent, with its honeymoon over, UNMIK had a hard time convincing the local population of the legitimate character of its rule and administration. In the words of Anthony Welch, Coordinator of the International Security Sector Review for Kosovo, UNMIK simply failed to command the respect of the local population (Welch 2006, p. 225). As noted by Lesley Abdela, OSCE deputy director for democratization building in

Kosovo, "by the time I left Kosovo in December 1999, UNMIK had squandered its honeymoon period (…). By mid-October, it had become clear that the international community was fast loosing credibility" (2003, p. 209). The international administration quickly became the target of criticism across all communities in Kosovo. Hansjörg Strohmeyer, who played a prominent role in the UNMIK architecture, recalls the progression of the Albanian sentiment with a simple sentence,"just before the UN moved in, the Albanians were forced to give the three-finger Serb salute. When the UN arrived, they gave us the peace sign. And then after we'd been there a week, they gave us the middle finger" (Power 2008, p. 280).

It is harder to get an accurate picture of the delegitimization process in Timor-Leste, mainly because the Early Warning System was not reproduced in this country. However, accounts of the delegitimization process are abundant. Not unlike Kosovo, it is generally recognized that initially the local population openly welcomed the UN (Chopra 2000, p. 28; Dunn 2003, p. 367; Martin and Mayer-Rieckh 2005, p. 136), and similarly, the dissatisfaction with the international presence appeared early on in the process of administering the country. As noted by the former UNTAET official Anthony Goldstone, "by April 2000, six months into the mission, voices in the East Timorese leadership were calling for the UN's prompt withdrawal, and by early 2001 a consensus seemed to be forming that the relationship was not a healthy one and should be terminated as soon as possible" (Goldstone 2004, p. 88). Indeed, in March 2000, there were already calls within the CNRT for civil disobedience against the UN and talk of declaring unilateral independence from what was dubbed "another group of invaders" (Joly 2000). In May of the same year, the UN-appointed minister of Foreign Affairs, Jose Ramos-Horta, in a meeting with Annan, asked for the removal of all district administrators by August and their replacement with local leaders, as well as a fixed date for the UN's departure. He notably said in a public statement, "I told the Secretary-General there is a growing level of frustration and disillusionment with the UN in East Timor, particularly among the young" (Riley 2000b; Corcoran 2000) James Dunn reported "considerable discontent and criticism" among local population directed towards UNTAET in October 2000 (Dunn 2000), while members of the National Council, an organization created in July 2000 to advise the Transitional administrator,[iv] clearly stated in the middle of the "Timorization" process that "the UN transitional phase had been going on for too long, was neither efficient nor popular, and should be terminated quickly" (Dodd 2000e). In 2001, some of the violence was turned directlyagainst the UN. For instance, when Portuguese riot police roughed up a Dili taxi driver in February 2001, a crowd quickly gathered to pelt the police with stones, and only dispersed when shots were fired in the air (Murphy 2001). In March, a mob surrounded and stoned Jordanian peacekeepers in Baucau, the second biggest city in Timor-Leste (Suara Timor Lorosae 2001).

The empty-shell approach: Picturing the local context as a *tabula rasa*

The unprecedented powers devoted to the world organization in Kosovo and in Timor-Leste were directly related to the perception of these war-torn territories following the dramatic events in 1999. The state of the material and institutional destruction in Kosovo[v] and in Timor-Leste[vi] led commentators and experts at the UN and elsewhere to see the political situation in these countries figuratively as a black hole. As the UN official Hansjbörg Strohmeyer noted in an interview to James Traub, "UN officials in Kosovo used to refer to the bombed-out territory they administered as the 'empty shell'" (Traub 2000, p. 74). He explained the meaning of the expression elsewhere, stating that "one of the consequences of the violence was that practically overnight, both territories were stripped of their entire administrative and executive super-structures. (…) It was in this situation that the 'empty shell' metaphor later used so often to describe Kosovo and East Timor obtained its meaning" (Strohmeyer 2001b, p. 109). It was also a phrasing used by Kofi Annan himself to legitimize the UN's role in Timor-Leste (Crossette 1999). Along the same line, Simon Chesterman, like others, remarked that many of the expatriates working for the UN and non-governmental organizations tended to treat the political system as a *tabula rasa* or *tera nullius* (Chesterman 2001, p. 26; Surkhe 2001b, p. 13). Hence, the common view at the time was that the challenge of these missions could be described as taking these territories "from virtually nothing to practically everything in the next few years" (Priest and Graham 1999), given that these territories have "to be invented from scratch" (ABC 1999).

One could argue, along with Caroline Hughes and Vanessa Pupavac, that the notion of failed states, and *a fortiori* the notion of empty shell, "fixes culpability for war on the societies in question, rendering the domestic populations dysfunctional while casting international rescue interventions as functional"(Hughes and Pupavac 2005, p. 873). As Jarat Chopra astutely observes, "perceptions of a power vacuum (…) have drawn the world community in an ever more intensive role in the exercise of transitional political authority. (…) The project [global governorship] assumed a state-centric *terra nullius* and an open season on institutional invention" (2002, pp. 979-981). Thus, it served additionally as a convenient legitimization basis for the setting up of international administrations in these territories. Indeed, one of the assumptions made by advocates of direct international administrations was that the extent of destruction on the ground required the international community to take charge of the process of governance. Once the reconstruction process began to take hold, the international community would start a progressive withdrawal from the territory as the state infrastructure grew firmer and stronger. If there was "nearly nothing" in these countries for the UN to build on, as

Sergio Vieira de Mello posited, then, in his own words, "nearly everything had to be brought in" (UN 2000e; Surkhe 2001b, p. 14), which was an argument shared by certain academics. As Jürgen Friedrich states, "the justice system and the executive had to be *completely restarted and changed*. In other words, the objectives could not be pursued in practice without possessing full governmental powers (italics added)" (2005, pp. 241-242). However, as asserted by Chopra, this approach "missed the fact that population continues to exist, that market forces of whatever kind are always at work, and that the social structures of indigenous communities invariably generate sources of political legitimacy according to their own paradigm" (2002, p. 980).

When looking more closely at the debate surrounding the international interventions in 1999, it is clear that this particular institutional focus—which leads to a neglect of other social structures—actually appeared months before the adoption of the Security Council Resolutions on establishing the international administrations. For instance, as expressed by the International Crisis Group one month before the adoption of Resolution 1244, there was a general feeling that "conditions in Kosovo are right for a protectorate-style model of administration" (ICG 1999a, p. ii). The research group continues, stating that "given the scope of depopulation and destruction, and the difficulty of identifying local interlocutors who are neither too weak (Rugova) nor potentially too strong (Kosovo Liberation Army leaders), this may be the ideal time to try the Protectorate or Mandate model" (ICG 1999a, p. 21). The International Crisis Group stated more bluntly in a later report that "the role of the international administration will be to govern the country, in the *absence of indigenous authorities*, while at the same time developing indigenous structures which will in due course be capable of providing self-government (italics added)" (ICG 1999b, p. 2).

In the specific mention of the "absence of indigenous authorities" resides the main legitimizing criterion for the international administrations in Kosovo and Timor-Leste. Although this point of view was generally consensual, certain organizations thought to dissent. For instance, the World Bank's Joint Assessment Mission reported that 20–25percent of the civil servants had left Timor-Leste in the aftermath of the elections, which, from a strictly administrative standpoint, presented a slightly different assessment of the situation on the ground than the tenants of the empty shell perspective (World Bank 1999, para. 15). The fact that the World Bank was using Timorese to conduct its Assessment Mission was in itself a rebuttal of the empty shell perspective (Surkhe 2001b, p. 16). Furthermore, the UNDP stated clearly in 1999 that "East Timor should not be considered *terra nullis* insofar as the emerging UN Administration is concerned" (UNDP 1999, p. 5). The authors of the report argue that "this entails adopting a very cautious

attitude to applying any 'state of the art' type systems and facilities, as these will simply break down in the absence of significant foreign capital and skills input." Furthermore, forecasting the local resistance and contestation that will take place, the authors remark "for the people of East Timor there is not likely to be endless patience for yet another foreign administrative class managing their affairs. This should be seen against the background that this would be the fourth such group in the past 60 years. **This suggests most strongly that the UN Administration's prime objective in East Timor must be to make itself redundant as soon as possible** (emphasis in the text)" (UNDP 1999, p. 6). The UNDP report never got a hearing, according to AstriSurkhe (Surkhe 2001b, p. 16).

Actually, in both Kosovo and Timor-Leste, social institutions were still present and active despite the level of institutional destruction. In Kosovo, the Republic of Kosova, which existed since October 1991 under the leadership of Ibrahim Rugova, was carrying out basic governmental duties such as education and health care in the shadow of Serbia's authoritative rule over the territory. The parallel institutions were, if not dismantled, at least strongly weakened by Milošević's heavy-handed policies following NATO's intervention. However, the social fabric of the Kosovar society was brought back together with the rapid return of the refugees from neighboring countries in 1999 and early 2000. In the case of Kosovo, the restrictive institutional approach led the international administration to adopt top-down policies, sometimes unnecessarily reinventing the wheel where it could have tapped into the existing local expertise. However, this article will focus specifically on Timor-Leste's traditional structures, which predated and actually outlived the Indonesian's rule, which is a major social reference for the Timorese, organizing and influencing their daily life like no other social structures.

The limits of the empty shell approach: the difficulties of creating from scratch a system of justice in Timor-Leste

Hansjörg Strohmeyer, who was the acting principal legal adviser to the transitional administrator in Timor-Leste, noted how hard it was to build a system of justice when not "a single lawyer" was present in Timor-Leste (Strohmeyer 2001b, p. 114). He also saw his tasks as "a complete re-creation of the judiciary" and asks aloud the question "how can a justice system be administered when there is no system left to be administered?" (Strohmeyer 2001a, pp. 47-48) This "ground zero" approach, as Strohmeyer dubbed it, was also shared by certain academics or by the media (Chesterman 2002, p. 6; Kaminski 1999).

One of the first acts of the Transitional Administrator was to create a Transitional Judicial Service Commission, composed of three Timorese and two international experts. Its primary function was to recommend to the Transitional Administrator candidates for provisional judicial or prosecutorial offices. At the same time, the International Force in East Timor (INTERFET) volunteered to drop leaflets from airplanes throughout the territory, calling for legally qualified East Timorese to contact any UNTAET or INTERFET office or outpost (Strohmeyer 2001a, p. 54). It took more than a year for the UN to officially acknowledge the presence of the local systems of justice,[vii] although it appears that there was some amount of knowledge of the traditional system among officers in the political affairs or national security departments, as well as the Civpol or the Office of the Principal Legal Adviser (Mearns 2001, p. 6). What is believed to be the first report emanating from UNTAET that included references to the local systems of justice concluded that international police officials were acting pragmatically at the village level by encouraging some (often most) situations to be resolved through the village chief and a village council, conceding that the local justice system was operating and appeared to be the preferred system in many cases. Furthermore, both local people and international police officials recognized that the formal system of law was and will remain too remote, too expensive and too slow to resolve disputes at the local level (Mearns 2001, p. 7; Kerr and Mobekk 2007, p. 151). This was also the conclusion of the *Report on the National Constitutional Consultation in East Timor*, which noted around the same time a strong desire of the people to retain the system of traditional justice at the local level to overcome the problems caused by local disputes and crimes (Mearns 2001, p. 6).

Initially, UNTAET tried to build from scratch a Western model of governance. In that regard, the UN simply followed the global trend in post-conflict reconstruction— where 80 percent of the worldwide development assistance in the area of justice goes to the development of an institutional justice sector, while traditional and customary systems resolve around 90 percent of the conflicts (UNDP 2004, pp. 8-9). Early on, UNTAET officials declared that "judicial authority in East Timor shall be exclusively vested in courts that are established by law and composed of judges who are appointed to these courts" (UN 2000c, section 1). In this Regulation, the UN made no mention of local systems of justice. However, the UN's attempt to build a Westernized system of justice never gained any legitimacy in the eyes of the population. As Tanja Hohe and Rod Nixon state:

There was not even tension between the two systems—as they both operated in different universes. The international community never paid attention to the nature and relevance of local systems in the determination of strategies. It was taken for granted that new systems would be readily accepted by societies, though they do not match with local concepts and despite the negative experiences with the former Indonesian justice sector (2003, p. 2).

Hence, in a report mandated by the World Bank and UNTAET, Sofi Ospina and Tanja Hohe noted that despite the overt attempt to engineer a new local democratic basis for social development, customary leaders and the elders of the villages still retained considerable authority and influence (Ospina and Hohe 2001, pp. 8-9). Furthermore, a survey conducted in 2003 indicated an overwhelming support for traditional systems of justice: 84 percent considered the local systems as easier to understand than the court system, 86 percent considered them cheaper and requiring less traveling, 78 percent considered them as contributing more effectively to reconciliation, and 75 percent considered the local systems faster and more efficient than the courts (USAID 2004, p. 55).

In that context, UNTAET was forced to gradually change its position. For instance, a couple of months before handing over governmental authority to local institutions, UNTAET adopted the Regulation on the "establishment of a commission for reception, truth and reconciliation in East Timor," which allowed the new Commission to facilitate "community reconciliation processes" in relation to criminal or noncriminal acts committed within the context of the Indonesian occupation of Timor-Leste, thus more in accordance with local traditional structures. In doing so, UNTAET was recognizing a process that was already taking place on a local level. However, it proved a belated attempt to bring legitimacy to public institutions. The hybrid tribunals, involving international and local judges to prosecute serious crimes committed under Indonesian rule, were already seriously inefficient. The Public Prosecutor's Office was so underfunded and inexperienced that it did not call a single witness at any of its first 14trials, leaving David Cohen to ask if "a minimally credible tribunal is better than none" (Cohen 2002, p. 1). Furthermore, adding to the legitimacy crisis striking the Westernized justice system, in January 2005, all 22 Timorese judges failed their evaluations at the conclusion of their probationary period of more than four years, leaving only four qualified and certified international judges (Clausen 2005).

Taking into account local systems of political, social, and justice is not in itself a panacea for all the problems encountered by international administrations. Many reasons could be invoked to explain the international neglect of these social structures. In Timor-Leste, the traditional system of justice was perceived as going against certain basic human rights principles, especially concerning women's rights, whereas in Kosovo, the ethnic, linguistic, and religious cleavages and political rivalries forced the UN to be cautious concerning the local role in governance. However, one could argue that to ignore the local mechanisms, such as in Timor-Leste, does not make them disappear.

International strategy in Kosovo and Timor-Leste: between the co-optation of local elites and the marginalization of the local population

Interestingly enough, after the initial deployment phase, Timor-Leste and Kosovo went through very similar political developments, even if the local context was drastically different in these two cases. While the obligation to consult the local population was recognized by the UN in both cases, the UN, nevertheless, chose to enforce its authority to an unprecedented degree, showing a "preoccupation with control at the expense of the local community's involvement in government" (Chopra 2000, p. 30). If the underemphasis of local actors and social processes could be partially explained froma technocratic perspective owing tothe importance given to staffing and internal management in the first months of these two international experiments (Beauvais 2001, p. 1106; Caplan 2005, pp. 86-108; Surkhe 2001a), then one could also argue that the underemphasis was a specific by-product of the institutional logic and the empty-shell perspective, as argued earlier. Furthermore, this perspective caused UNMIK and UNTAET officials to rely quasi-exclusively on certain political elites in order to show a certain degree of openness toward the local population and to enforce top-down policies, which had unexpected effects on the state-building process.

While it was expected that the UN would quickly fill the institutional void during the immediate aftermath of the 1999 crises in Timor-Leste and Kosovo, the world organization faced stark difficulties in its deployment. The first actor on the ground was in both cases the military, NATO in Kosovo and the Australian-led military intervention force in Timor-Leste (INTERFET). In Kosovo, General Klaus Reinhardt clearly mentioned that the military "ran the country, not the civilian organizations. The military were the kings, they [made] it happen" (Zaalberg 2006, p. 443). Similarly, in Timor-Leste, faced with a "power vacuum frightfully similar to that in Kosovo" (Zaalberg 2006, p. 424), INTERFET progressively restored security in all districts, assuming de facto responsibility for governance and the rule of law until the UN's presence could be effectively reestablished (Smith and Dee 2003, p. 46). The military intervention in both

cases had to create space for the international civilian mission to operate. As the INTERFET commander Peter Cosgrove notes, INTERFET had to "get people back [and] allow the UN in" (Thompson 2007). This set the stage for a policy of imposing the international administration's authority in Kosovo and in Timor-Leste.

However, international administrators in Kosovo and Timor-Leste had few resources at their disposal from the outset. Bernard Kouchner had no more than thirty people on the ground when he came into office in Kosovo (Zaalberg 2006, p. 444). One year after the establishment of the mission, the UN Civil Administrative Component had 292 professional personnel deployed, out of its authorized total of 435 (UN 2000d, para.28), to implement the general strategy of the Secretary-General for Kosovo, the first phase being "establishment and consolidation of UNMIK's authority and creation of UNMIK-managed administrative structures" (UN 1999a). In Timor-Leste, after being redeployed from UNMIK, Vieira de Mello only arrived in Dili on November 16, nearly two months after the adoption of Resolution 1272. Vieira de Mello admitted that he arrived with "a bunch of generalists, people I knew and brought with me, but who had no experience with actual government" (Cristalis 2002, p. 266). Much of the staff was from Kosovo, an "inner circle from the Balkans, whose members projected a blunt, bullying style" (Chopra 2000, p. 33).

The international administration proceeded to extend its authority even if the local context in Kosovo and Timor-Leste widely differed. In Kosovo, the attacks by certain Kosovo Albanian groups targeting the Serbian community as well as the presence of competing parallel institutions, established by the KLA and Rugova, initially forced the UN to impose its institutional apparatus over the territory. However, the situation was different in Timor-Leste. After the international intervention in 1999 in Timor-Leste, the village and *suco*(cluster of villages) chiefs took part in cooperative efforts with the CNRT, the vast political umbrella revered by the Timorese population for its role in the resistance against Indonesia. As noted by Ospina and Hohe, "the clandestine and the traditional power system met, but it seems that in many ways they did not appear as a contradiction" (2001, p. 8). Rod Nixon similarly states that "this organization [CNRT] overlapped extensively with local administrative and ritual structures" (2006, p. 93). As early as the end of October, the CNRT began to constitute its structures through village elections. The CNRT appointed representatives at every level, establishing a de facto shadow administration.

While the efficiency and legitimacy of the CNRT as a political umbrella was recognized from the outset by UNTAET, senior officials at the international administration decided to make imposing their authority over the territory a priority. As a leaked report from UNTAET in the Ermera district (central) notes that "CNRT involvement in distribution of humanitarian assistance is being (sic) extremely important due to the fact that the NGOs have been incapable of organising food distribution." A similar report from the Liquiçá district (Northwest) notes that "CNRT have the strong support and trust of the majority of the population, and are highly coordinated and efficient in their management of programs." However, both reports recommend that UNTAET take over that role: "it is essential that civil affairs quickly develops a stronger presence in the district so that UNTAET is seen to be the administrative authority." The reporter also notes that reports from East Timorese and from other districts suggest that the approach taken in Ermera and Liquica is a national pattern (King 2000). Furthermore, the new administrative staff selected to represent the UN on the sub-national level was picked according to their educational background and not on traditional criteria. The discrepancy between the "modern" way of selecting staff and the local ideas about legitimate leaders in these positions "led local populations to reject the personnel. The result was that UNTAET-selected staff lacked local legitimacy" (Hohe 2004, p. 47; Knezevic 2005, p. 7) At both the national and local levels, Timorese leaders could have been part of the administration from the outset, but UNTAET's senior leadership decided otherwise.

Both in Kosovo and in Timor-Leste, international administrators proceeded to expand their authority by co-opting segments of the local political elite. In this regard, the cooption is a two-way process, where internationals use certain groups to fulfill their state-building agenda, while the international governance of Kosovo is "susceptible to local cooption, particularly where one group can adopt the language of the liberal peace and has strong support and credibility from the international community" (Franks and Richmond, 2008, p. 81). The creation of the Kosovo Transitional Council (KTC) by Sergio Vieira de Mello during his short stay as SRSG in Kosovo initially brought the local actors from various backgrounds around the same table. The Council, with only advisory and consultative authority, convened on the first day of Kouchner's arrival, but was plagued by serious logistical problems and eventually lost its usefulness. On December 15, 1999, Kouchner used a different approach and brokered an agreement between three Kosovo Albanian leaders, Hashim Thaçi of the KLA, Ibrahim Rugova of the Democratic League of Kosovo (LDK) and Rexhep Qosja of the United Democratic Movement (LBD) that led to the creation of the "representative structures of self-government in Kosovo," christened the "Joint Interim Administrative Structure (JIAS)". The objective was to create a "consultative body […] in order to incorporate individuals

who participate in parallel structures in the municipal administration" (UN 1999b, para. 35) In return for inclusion in the structures administering Kosovo, in particular a seat in the newly created Interim Administrative Council (IAC), the Kosovar leaders had to give up their earlier titles and claims, and dissolve all parallel structures by a deadline of January 31, 2000. The IAC was perceived by the population as a de facto executive committee for Kosovo. However, the Kosovar members of the IAC frequently complained that the "real decisions were made behind their backs and without them being consulted" (Brand 2003, p. 19) and similar recriminations were made concerning the administrative departments and municipal councils.

Thus, the whole process was quickly understood by Kosovo Albanians as a way for UNMIK to enforce its authority over the territory of Kosovo, at least South of the Ibarriver, rather than a genuine process of sharing competencies with them. The JIAS arrangement represented an effective instrument for the SRSG to dismantle existing parallel Kosovar Albanian structures while establishing a control mechanism for UNMIK to retrieve effective administrative authority (Narten 2006, p. 147). As noted by Shelley Inglis and David Marshall, the latter who acted as Head of the Legal Systems Monitoring Section for the OSCE Mission in Kosovo between 2000 and 2001, "despite vocal protest from all members of the JAC, regulations were provided to the JAC as a token gesture. By the end of 2001, it was clear that what had begun as one of the only high-level forums for international and local consultation and cooperation on legal issues had become an empty shell" (Marshall and Inglis 2003, p. 118). The authors also note that UNMIK's consultation with local actors on legislative reform and on the legislative reform agenda diminished rather than expanded over time. Even after the first municipal elections in October 2000, where the JIAS structure began to be replaced by elected Municipal Assemblies and Presidents, UNMIK retained all its discretionary powers.[viii]

The Constitutional Framework for Provisional Government, which created the Provisional Institutions of Self-Government (PISG) in 2001, reproduced the same political arrangement, this time at the national level. If it was a major step toward a transfer of certain competencies to local institutions, the Framework did not fundamentally alterthe architecture of power in Kosovo because UNMIK was still holding the keys of power. As the ICG comments, "the powers of the new institutions will be limited, and, despite the devolution of responsibility for the day-to-day running of affairs in many areas of government, the ultimate powers of the Special Representative of the Secretary-General are undiminished" (ICG 2001, p. ii). For King and Mason, the Constitutional Framework "did not endow its democratically members (sic) with ultimate authority in any area" (King and Mason 2006, p. 119) while a high UNMIK official

describes the transfer as "administration on behalf of and under the supervision of the SRSG" (Höfer-Wissing 2002, p. 11). Following the legislative election of November 17, 2001—even though the SRSG was under strong pressure from New York to avoid interfering in the affairs of the PISG—tensions between UNMIK and the local institutions grew and led to public clashes, fuelled by the gap between the "legitimacy [of elected bodies] and actual political power" (Brand 2003, p. 52; Knoll 2007, pp. 1-15). While UNMIK's interference was low compared to the situation in Bosnia and Herzegovina for instance, on several occasions the UN specialrepresentativedeclared an Assembly resolution "null and void." For example, when the Assembly in 2003 and 2004 tried unilaterally to amend the constitutional framework, UNMIK rejected the proposed changes (Tansey 2009, p. 158).

The policy of "Standards before Status" also frustrated domestic actors by showing UNMIK its propensity to control the political agenda. Introduced by SRSG Michael Steiner in April 2002, the new policy did not change much in Kosovo in terms of the power dynamic.[ix] As Jock Covey, who acted as DSRSG in Kosovo relates, "ambiguity about the goals that had to be met and the absence of a working partnership with the PISG to attain them created a widespread popular perception that this policy should really be called "Standards to Prevent Status'" (Covey 2005, p. 121). Only the violent incidents of March 2004,[x] which saw turbulent Kosovars taking on the ethnic minorities and the international presence, forced a radical change in the power dynamic in Kosovo: the UN downsizing its mission and presence in the Kosovar political landscape. The economic stagnation or the unfulfilled expectations for that matter, certainlyplayed a role in the March events, heightening tension between the UN and the local population. As Dominik Zaum notes "the UN administration had presided over a rapidly deteriorating economy providing thousands of young recruits for an army of dispossessed, unemployed and frustrated" (2004). After the events of March 2004, the level of satisfaction with UNMIK action was so low that, as King and Mason put it, "if UNMIK had been up for election, it would have needed to campaign hard to win votes from anybody in Kosovo other than its own staff" (2006, p. 220). The Secretary General subsequently dispatched the Norwegian Ambassador Kai Eide to conduct a "comprehensive review of the policies and practices of all actors in Kosovo," which would prepare a further report on the "comprehensive review of the situation in Kosovo." The first Eide report was clear: there should be an ambitious policy of transfer of authority to the institutions of Kosovo, coupled with a restructuring of UNMIK. Eide clarified in his second report that, "while standards implementation in Kosovo has been uneven, the time has come to move to the next phase of the political process" (UN 2005).Eide's report identified the Standards before Status policy as having contributed to "a period of political stagnation and widespread frustration"(UN 2005).It has to be noted

that while the Eide report argued for the substitution of the Standards before Status policy in favor of progressing to focus specifically on Kosovo's status, it did not suggest that the international oversight inherent in the standards process be amended in favour of local control. Eide's prescriptions, in fact, proposed an extended mandate for international oversight, albeit in a less direct form, with, as the process' final goal, a status for Kosovo that falls short of full sovereignty. The proposal increased the powers devolved to the Kosovo institutions but did not provide for the removal of ultimate international oversight and authority. Martti Ahtisaari, as Special Envoy of the Secretary General on Kosovo's future status, extensively built on Eide's assessment and recommended, after unfruitful negotiations between the two parties, "independence, supervised by the international community". How the new international presence, progressively assumed by the International Civilian Office, will be perceived remains an open question.

The option of consultation and co-optation of political elites, if it helped to bring a certain dose of legitimacy to the international administration especially in the first months, was not in itself sufficient. As correctly forecasted by the ICG in 2001, "the newly elected officials will be unlikely to accept for long the straightjacket imposed by the unelected international administration" (ICG 2001, p. ii). In effect, as the Independent International Commission on Kosovo states, "the UN administration retains (…) [what amounts to] vice regal powers, appropriate to a colonial dependency, rather than to a self-governing people" (2001, p. 25). As the author of the report, Justice Richard Goldstone, remarks, "the extensive powers accorded the SRSG mean that, instead of the substantial self-government promised the Kosovars under Resolution 1244, they will instead get very limited autonomy. They will have the illusion of self-rule rather than the reality." The Commission goes on as saying that "a pervasive distrust of the administrative and political capacity of the population appears to underlie the constitutional provisions. If the population is distrusted, it is likely to repay like with like" (2001, pp. 20-21). Underpinning the international approach to Kosovo is, similarly to Timor-Leste, the empty-shell approach. As Justice Goldstone states "Kosovo is effectively under colonial rule. During my most recent visit to Kosovo, the distrust of the administrative and political capacity of the Albanian population was palpable" (2002, p. 145). A UN internal document obtained in Pristina clearly stipulates that "Kosovo Albanians, largely excluded from public institutions during the decade before 1999, lacked sufficient expertise in modern government" (UN 2008, p. 2). Once again in a process that echoes the one described earlier in Timor-Leste, it seems that past experience of self-governance was largely ignored by the international administration; this time, the experience in establishing and keeping afloat parallel structures of governance in the face of blatant oppression did not seem to fit the bill for the governance of the territory. The "failure to learn about the history of Kosovar society and failure to listen to local leaders and to

learn about this history of the Kosovar parallel society has led internationals to overlook its potential (…)" (Mertus 2001, p. 30). Good arguments exist for ignoring the parallel structures, however, as Julie Mertus notes, "the parallel government did reflect a participatory ethos and efforts to build on it would have lent legitimacy and effectiveness to the international effort" (2001, p. 30).

In Timor-Leste as well, local elites soon felt marginalized by the UN administration. Gusmão explained on November 13,1999, before the arrival of Sergio Vieira de Mello, that "we don't feel very comfortable with some people acting like kings of East Timor, coming here to impose their models (…) we are strong enough to expel anybody from East Timor" (Norling 1999). The National Consultative Council (NCC), created in order to incorporate some of the leaders into the decision-making process, did not change much in terms of dynamics on the ground. Since the Security Council had authorized only the UN administrator to make law, the NCC had, as its title indicates, only consultative powers. As it was supposed to be a "unique means for UNTAET to hear and to respond to the needs of the East Timorese and for the latter to participate in important policy decisions" (UN 2000a, para. 70), it also became clear that it could be transformed into a mere Timorese chamber for legitimizing decisions taken by UNTAET. As UNTAET official Peter Galbraith notes, "the Timorese thought they had little choice but to ratify whatever was put in front of them. They were essentially told 'if you don't do this, there'll be dire consequences with no money to follow" (Steele 2002, p. 79). As recalled by Power, Ramos-Horta laughed off the UN's invitation to join the NCC. "I was powerless outside of ET for long enough," he told de Mello, "the last thing I need is to be powerless inside Timor." As Gusmãorecalled,"we felt we were being used. We realized we weren't there to help the UN make decisions or to prepare ourselves to run the administration. We were there to put our rubber stamp on Sergio's regulations, to allow the UN to claim to be consulting" (Power 2008, p. 307).

If from the beginning UNTAET was fond to describe its work as "not so much an interim administration as a co-architect, with the East Timorese people, of a national administration that would serve long after UNTAET's departure" (UN 2000b), local actors begged to differ. In fact, as James Fox notes, the forms of administration that were put into effect closely replicated the Indonesian system (Fox 2001, p. 7). In effect, many Timorese felt the centralization process was "a repeat of the way programs were carried out by the Indonesian government during the occupation. The local people always felt that they were only objects of the reconstruction process rather than actors determining reconstruction plans" (Dos Reis 2003). Adding to that, de Mello had not only to face growing criticism from the local representatives, but also from his own staff, notably

Jarat Chopra, Head of UNTAET's Office of District Administration. According to Chopra, in January 2000, Dili had 174 professional-level staff while only 17 officials had been deployed across the 13 regions; when new staff finally arrived, they were "retained in Dili to increase the influence of the Transitional Administrator's inner circle" (Chopra 2002, p. 988). Not only were they under-resourced, but the District administrators felt they lacked concrete authority to make decisions. This led to Jarat Chopra's resignation on March 6, 2000. His decision was out of frustration as he believed that the UN was not setting a meaningful timetable for the transfer of power to the Timorese. Chopra claimed that "Stalinist" and "colonialist" practices by senior staff members were jeopardizing the UN mission (Dodd 2000a; Riley 2000a). Following Chopra's resignation, no less than 13 UN district administrators complained in a protest note that "autocratic decision-making by a few UN senior officials could threaten the development of democracy in East Timor" (Dodd 2000b). Mirroring Chopra's resignation in March 2000, Pedro Bacelar de Vasconcelos, second in command of the Political, Constitutional, and Electoral Affairs Department, offered his resignation to Vieira de Mello, also on the ground of "profound differences" with senior UN officials. He expressed his discontent with "the Department Head's support for strategies that tend to place the Timorese, or mainly Timorese, political structures, created by UNTAET itself, on a secondary level" (Braga 2000).

To his credit, de Mello changed, or at least tried to change, UNTAET's policy inthe spring of 2000. With Timorese unrest boiling over, he sent a half-dozen trusted members of his staff on a two-day retreat and asked them to return with proposals for overhauling the mission (Power 2008, p. 328). They came up with a system of co-governance with Timorese officials, an idea that was quite revolutionary for the world organization. Thus, Vieira de Mello introduced in July 2000 what would be described as the First Transitional Government, comprising a National Council (NC) and a Cabinet, together with the office of the Transitional Administrator. While the Cabinet together with the office of the Transitional Administrator was meant to compose the executive power, the expanded Council, consisting of 33 members and later 36, was to constitute a sort of legislative forum, in order to provide a separation of power that Timor-Leste never experienced so far. The NC had the competence to initiate, modify, and recommend draft regulations as well as to amend existing regulations. The Transitional Administrator nevertheless retained final decision making authority. In explaining this change of policy, de Mello reportedly said that with a shared government, the UN administration would no longer "continue to play the unhappy role of punching bag," but would instead "share the blows" with the East Timorese administrators. This proposal was also backed up with other policies, such as recruitment of thousands of Timorese civil servants and appointment of Timorese middle-level managers in the new administration. Interestingly enough, this change of policy came amid a toning down of the rhetoric about so-called

Timorese's incapacities. Furthermore, the "Timorization" could be seen as "on-the-job training for the United Nations itself," since this was the "first time in United Nations history that international staff has worked under local nationals" and some members of the international staff were obviously not happy about it (Mydans 2000).

However the local leadership,spearheaded by Gusmão but who was sometimes overrode by those he led, continued to denounce UNTAET's still present centralizing tendencies. As reported by *The Australian*'s journalist, Peter Alford, Timorese leaders would not join Vieira de Mello in "the punching bag" mainly because "he still had overriding authority in all areas of the administration" (Alford 2000).One might add that by punching harder, the local leadership also avoided the responsibilities for any setbacks in the Timor-Leste state-building process. Thus, despite early reports by the UN that everything went admirably well between internationals and locals (Waran 2000), the local leadership took the path of contestation. Gusmão in an October 10, 2000 speech concluding the August CNRT congress, made the strongest indictment of the UN mission to date. He notably accused the UN of tokenism, adding that he "did not wish to inherit the heavy decision-making and project implementation mechanisms in which the role of the East Timorese is to give their consent as observers rather than the active players we should start to be" (Dodd 2000c). In December 2000, the four Timorese ministers of the Cabinet threaten to resign from the interim administration. One minister, João Carrascalao, explained the decision in these terms, "the members of the Timorese cabinet feel ourselves to be in the situation of second class ministers. We have no working conditions, no support staff, and most of the decisions are taken by foreigners who repeatedly interfere in the management of our affairs. This is totally inadmissible" (RDP Antena 2000). The Timorese ministers noted in a letter that "the East Timorese Cabinet members are caricatures of ministers in a government of a banana republic. They have no power, no duties, no resources to function adequately (Dodd 2000d). A prominent human rights lawyer, Aderito Soares, similarly denounced the fact that the "the U.N. is writing regulations for East Timorese without consulting them [East Timor Council and Cabinet]. They have little influence" (Dolinski 2000).Though admitting that the initiative of the Timorese ministers caught him by "surprise," Gusmão said he understood their concerns, underlining that "the simple appointment of local leaders to the administration does not mean the empowering of the Timorese" (Lusa 2000). The UN responded even more laconically, UN spokeswoman Barbara Reis stating "the concerns are legitimate and the frustrations are legitimate, but we didn't expect this letter" (Dodd 2000d).

With the August 30, 2001 Constituent Assembly Elections, the Government became all East Timorese; it was the beginning of the "second Timorization". The NC

and the Cabinet was supplanted by a Second Transitional Government, consisting of a Council of Ministers and an elected Constituent Assembly. The Council of Ministers was led by a Chief Minister and was tasked with the supervision of the East Timor Public Administration. The members of the Council were all appointed by the SRSG. Moreover, all decisions taken by the Council were subject to the review and approval of the Transitional Administrator, without which they had no legally binding effect. Sergio Vieira de Mello also reminded NC members before the elections that until independence he would retain ultimate executive authority under a UN Security Council resolution. For instance, he had the power to formally appoint the government, as he appealed the political parties to accept a government of national unity. "You won't be getting rid of me that easily," he joked to the NC. However, as noted by Mark Dodd with a tongue-in-cheek remark, "no-one in the national council laughed"(2001). On April 14, 2002, Gusmão, presenting himself as an independent, was elected President of Timor-Leste with an overwhelming majority of 82.7 percent. Timor-Leste declared its independence one month after, on May 20, 2002.

Conclusion

One of the lessons learned from the experience of the UN administration of Kosovo, according to an internal UNMIK document, is that "the Mission demonstrated a lack of cultural sensitivity and an insufficient understanding of the dynamics of the society, in terms both of power structures and of negotiations." Hence, "cultural sensitivity and understanding of local society must be the guiding principles for policy planning and implementation" for future civil administration mission (UN 2008). Certainly, cultural sensitivity, along with robust accountability mechanisms and a greater local ownership of the process can help the mission garner a certain degree of legitimacy. However, As Simon Chesterman states, "political structures created for foreign control (benevolent or not) tend to be unsuited to local rule. The reason for this, in part, is that the 'limited goals' of foreign control (benevolent or not) are generally determined with limited regard to local circumstances" (2004, p. 237). "Participatory intervention" (Chopra and Hohe2004), "local ownership" or "indigenous empowerment" (Lederach, 1995, p. 212) do not fit neatly with direct governance by an international administration, at least not following the perspective which led to the establishment of UNMIK and UNTAET. Concretely, it means at the very least a substantive normative shift in the conduct of state-building. In that regard, first, local actors have to be recognized as true partners in the state-building process rather than mere recipients of foreign aid. Hence, the empty shell perspective is antithetical to local ownership. Second, if one wants to allow space for local actors in a participatory framework, authority can hardly be monopolized by the international actors. Concerning the second aspect, as noted by

Carsten Stahn, "far-reaching reforms of the political and economic system should not necessarily be imposed by international administrations in the immediate post-conflict phase. They should rather be managed by newly established domestic institutions or mixed national-international organs, acting in concert with international administrations" (2005, p. 24). One of the lessons identified in the Timor-Leste and Kosovo experiments is that a certain restrain in the exercise of authority on the part of external actors in the state-building process can be positive and can contribute to an increase of legitimacy of the mission while allowing the local population "to learn from their experience and prevent the administrative equivalent of aid dependency" (Salamun 2005, p. 59). Kofi Annan also identified this point as a general lesson to be drawn from past experiences, stating "ultimately, no rule of law reform, justice reconstruction, or transitional justice initiative imposed from the outside can hope to be successful or sustainable. The role of the United Nations and the international community should be solidarity, not substitution" (UN, 2004, para. 17). Kofi Annan restated this view at the opening session of the new Peacebuilding commission:

> Peace building requires national ownership, and must be homegrown. Outsiders, howeverwell-intentioned, cannot substitute for the knowledge and will of the people of the country concerned. It is the latter who best know their own history, culture and political contexts. It is they who live with the consequences of the decision taken. And it is they who must feel that peacebuilding is their achievement, if it is to have any hope of lasting (UN 2006).

This article's main objective was to shed some light on the rationale behind the decision of setting up an international administration, linking policy prescriptions with international conception of the war-torn territories of Kosovo and Timor-Leste. Identified as the empty shell approach, to paraphrase the practitioners' own depiction of Kosovo and Timor-Leste, this mental image directly impacted the state-building agenda, conceived "from the outside-in" (Lemay-Hébert2009b). Furthermore, this article has argued that in this international conception liesome of the main hurdles for international intervention. The marginalization of local actors, a logical consequence of the empty shell approach, has led, on the one hand, international actors to monopolize authority, and on the other, these same local actors to express their frustration outside the main political channels. Legitimacy quickly withered away while international administrators had to face stark choices. This has led Sergio Vieira de Mello to drastically restructure the international presence in Timor-Leste in 2000, despite a certain degree of international resistance from UN headquarters. At the same time, the collapse of security institutions in Timor-Leste in 2006, and the subsequent return in force of the UN, highlights the limits of thestate-building project when conducted from the outside and with minimal participation from local actors. In Kosovo, the progressive handover of supervision competencies to the European Union and to the newly created International Civilian Office gave the chance for internationals to reflect on the international experiment so far.

Torbjorn Sohlstrom, Head of International Civilian Office Preparation Team, stated in 2007 that the new international presence "will have a very different relationship with the authorities of Kosovo." He further emphasized that "the international community will no longer seek to *govern* Kosovo. People often suggest that the ICO will be the successor of UNMIK. That is not the intention" (Sohlstrom 2007, p. 50). At the same time, Christina Gallach, Javier Solana's spokesperson, stated similarly that "the basic role will not be the one of supplanting the local authorities. The local authorities will assume fully their responsibilities and they will have to develop every single aspect of authority that is going to be given to them" (South East Europe TV Exchange 2007).In that regard, only time will tell us if European and ICO officials will be more successful than their predecessors in Kosovo. However, one has to bear in mind that if the international officials took the path of a more intrusive interpretation of their mandate, along the lines of the Bosnian experiment for instance, the solution risks being as fraught with problems as it was previously.

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[i] For the seasoned UN official Lakhdar Brahimi, the tendency to push for the "installation of UN governors with vast powers" has now become a trend (Brahimi 2005:305).

[ii] As a result of the deep divide between the members of the panel and mirroring the dissension among UN member states, the Brahimi report opens the door to the creation of a "dedicated and distinct responsibility centre" for international administration tasks to be created somewhere within the United Nations system, if the Secretariat anticipates "future transitional administrations as the rule rather than the exception." However, the Secretary-General did not address this issue in his response to the report and the Special Committee on Peacekeeping Operations clearly stated that "transitional civil administrations in United Nations peacekeeping operations have been undertaken on an exceptional basis," and that the "Secretary-General should prepare a more detailed plan of action only if the General Assembly has indicated its interest," which it did not.

[iii] The armed conflict between the Kosovo Liberation Army (KLA) and the Federal Republic of Yugoslavia (FRY) that took off in February 1998, proved to be the second main challenge posed to Western Europe and the United States in less than a decade. With the Rambouillet Agreement of 18 March 1999 being rejected by the Serbian leadership, military response took over from diplomacy in the Balkans and the NATO Operation *Allied Force* followed on 22 March 1999, with the aim of expelling the Federal Republic of Yugoslavia's forces out of Kosovo. In response, the Serb military and paramilitaries stepped up their campaign against Kosovo Albanians. At the end of June 1999, more than 10,000 casualties were attributed to Serbian forces in Kosovo, while in the meantime more than 1.5 million of Kosovo Albanians were forcibly expelled from their homes, which represented some 90 percent of the estimated 1998 Kosovar Albanian population. In Timor-Leste, Indonesia agreed on a consultation process whereby the population of East Timor would vote to accept or reject the idea of autonomy within Indonesia. Despite Indonesia's overt pressure on the Timorese, the result was overwhelming clear. The August 30, 1999 vote showed that 78.5 percent of East Timorese voters, in a 98 percent turnout, rejected the option of autonomy within Indonesia in favor of independence. However, following the vote, certain elements of the Indonesian armed forces, in collaboration with local militias, waged an operation called *Operation Clean Sweep*, a three-week campaign of scorched earth meant to punish the East Timorese for their decision. The operation in which an estimated 1,500 to 2,000 East Timorese were killed and led to the displacement of three-quarter of the total population of 890,000, including the exodus of 250,000 persons.

[iv] The National Council, consisting of 33 members and later 36, was to constitute a sort of legislative forum, in order to provide a separation of power that Timor-Leste never experienced so far. The NC had the competence to initiate, modify, and recommend draft regulations, as well as to amend existing regulations. The Transitional Administrator nevertheless retained final decision-making authority.

[v] According to the UNMIK, "preliminary results of an UNHCR-led survey of 141 villages show 64 percent of homes to be severely damaged or destroyed." See UNMIK website: http://www.unmikonline.org/chrono.htm [Accessed 1 June 2009] Furthermore, "UNICEF estimates that 40 to 50 percent of schools have been damaged" (Kifner 1999).

[vi] The World Bank estimated that about 70 percent of the territory's infrastructure and all governmental functions were destroyed in 1999 (Strait Times 2000).

[vii] According to a former UNTAET official, when the UN mission started to talk about the traditional system of justice, it was mainly to know "how to codify it" and "who were the representants." Interview with UNTAET official, 20 July 2008, Dili, Timor-Leste.

[viii] The Regulation stipulates that the UNMIK Municipal Administrators and the SRSG were to retain extraordinary powers and would only gradually transfer administrative power to the municipality as the local structure proved "capacity and capability to implement effective financial procedures and controls." Furthermore, even after the transfer of administrative power, the SRSG shall "retain in full the authority given to him pursuant to United Nations Security Council resolution 1244. He shall retain the final decision-making authority concerning any provisions of the present Regulation."

ix Steiner identified eight benchmarks that would have to be met by the PISG before the final status of the territory be addressed: functioning democratic institutions, rule of law, freedom of movement, sustainable returns of the displaced, minority rights, economy, property rights, dialogue with Belgrade, and the conduct of the Kosovo Protection Corps. These standards were further refined in December 2003, the UN specifying the threshold that would have to be met and providing indicators for measuring progress.

x The events are generally believed to have been triggered by two separate incidents. The first incident was the shooting of a Kosovo Serb youth in the village of Caglavica (Pristina region) on 15 March, which led to a blockade by Kosovo Serbs of the main Pristina-Skopje road just outside Pristina. This road is deemed essential to the Kosovar economy (especially for the Albanian community). The second incident, on 16 March, was the death of three Albanian children by drowning in the Ibar River near the Serb community of Zubin Potok. The story spread by word of mouth that the children were chased by Serbs before their death, which sparked Albanian attacks on Serb enclaves. Though the circumstances of that incident have not been established clearly, the cumulative effects of the two incidents precipitated spontaneous Albanian demonstrations. The demonstrations were quickly taken over by "organized elements", and intense fighting erupted between the two communities while the violence quickly spread to other cities. In the midst of the events, 19 persons died and more than 1000 were wounded.