

Do Democratisation and Global Justice go hand in hand? The case of Timor-Leste

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Abstract

Peace missions often focus on statebuilding policies, being statebuilding a key aspect in these interventions. However, beyond or parallel to the democratisation process, questions regarding global justice arise. In this paper we are going to analyse the situation in Timor-Leste. We are going to argue that, beyond the classic democratisation approach, there are a number of factors that still have to be addressed, and these can be intrinsically related to democracy. We will conclude that the focus of the international interventions, especially within multi-dimensional missions and, therefore, the priorities of the host state, should go beyond the formal democratisation aspect. Social and economic factors, much related to the idea of global justice, should also be present and be a key aspect and result of these interventions.

Keywords: Timor-Leste, peacebuilding, statebuilding, global justice

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Introduction

Peacebuilding interventions, particularly within the UN, focus mainly on statebuilding policies, with a great emphasis on democratisation and institution building, aiming at building a democratic state that could provide protection and proper living conditions to their citizens. As we are going to argue in this paper, this is not always the resulting outcome. In Timor-Leste, the UN intervention focused mainly on institution building and the creation of the liberal state democratic institutions. However, this has not necessarily led to global justice within the new state. The social situation in the country demonstrates that there are severe problems, especially regarding the social conditions of the population. We can therefore conclude that liberal state institutions do not, by themselves, lead to global justice. There is the need to put extra care in more substantial factors that just formal democratic institutions and formal democratic processes, in order to achieve the desired results.

Peace operations

Peace operations are one of the most important instruments to address violent conflicts after the Cold War period, being the UN its primary actor (Chandler, 2010: 166; Pushkina & Maier, 2012). In the document "An Agenda for Peace" (A/47/277 - S/24111) a solid framework for UN peacebuilding is provided. Peacemaking and peacekeeping are required to "halt conflicts and preserve peace once it is attained. If successful, they strengthen the opportunity for post-conflict peace-building, which can prevent the recurrence of violence among nations and peoples (A/47/277 - S/24111: 55). The UN Charter does not expressly mention peacebuilding. Its classic instruments for intervention are the diplomatic resolution of violent conflicts (Chapter VI) and the clause of collective security, foreseen on Chapter VII, which allows the use of force. However, peacebuilding has become one of the UN

most used forms of intervention in armed conflict situations.

Peacebuilding interventions often focus on statebuilding approaches. This can be seen as a recurrence from the phenomena of weak states (Chandler, 2010: 163), which, after the fall of the Soviet Union, and in the post-9/11 world, started to be perceived as a global security problem by the international community (Robinson, 2007). With the development of the Responsibility to Protect (R2P) doctrine, states are understood to have the ultimate responsibility in the international system to protect individuals (Chandler, 2010: 163). Statebuilding as an intervention instrument also derived from the Western perspective that violent conflicts are less likely to emerge in liberal democracies (Friis & Hansen, 2009) and became one of the priorities in international interventions.

There is no undisputable definition of statebuilding (Carton, 2008: 2). However, the most frequent approach, rather than focusing on people, focuses on building institutions of governance (Chesterman, 2004). Chandler defines the objectives of statebuilding as "constructing or reconstructing institutions of governance capable of providing citizens with physical and economic security" (2006: 1). Richmond notes that the rationale behind statebuilding is that "liberal democratic and market reform will provide for regional stability, leading to state stability and individual prosperity" (2009). This is achieved through the creation of entities that are in line with the dominant economic and social policies and also accountable to the international community (Carton, 2008: 6), being globalisation seen as the key propagator of peace (Richmond, 2004: 137). Market economy is also a key aspect on this process (Duffield, 2001; Paris, 1997; Pugh, 2005; Richmond, 2005). Therefore, one of the aims of statebuilding policies is to have states that are "able to deal with globalization, namely [states] that [are] flexible and able to draw on social resources to cope with change" (Robinson, 2007: 11). In this approach, statebuilding policies comprise institution-building (Carton, 2008),

which can be defined as ‘the creation of new government institutions and the strengthening of existing ones’ (Fukuyama, 2004). These institutions need to be sound and to be perceived as legitimate by the population, in order to avoid the risk of creating “phantom states” with resources but whose governing institutions might not have social or political legitimacy (Chandler, 2006: 9). A sustainable peace requires a broader participation in the peacebuilding and statebuilding process (Adekanye, 1998). Within this framework, the UN has carried out extensive mandates, which include the “organisation of democratic elections, guarantee of security, organisation of transitional governments, constitutional reform, development of civil society, humanitarian relief, rehabilitation, rebuilding infrastructure, reactivating agriculture, (...) in other words “international social engineering” (Korhonen, 2001: 496).

The primary role of the state and the concept of global justice

In the international scene the state is meant to be the primary actor. It concentrates political legitimacy, being also the main space where to seek for justice (Nagel, 2005: 1). However, when and where the nation-state for itself is not sufficient, questions of global justice and governance may arise (Nagel, 2005: 1).

The concept of global justice can have many approaches. Nagel (2005: 1) points out two different aspects: “the international requirements of justice include standards governing the justification and conduct of war and standards that define the most basic human rights” and “socioeconomic justice” on a world scale. Adopting a statist conception, he aims at establishing a relation between justice and sovereignty, focusing as well on “the scope and limits of equality as a demand of justice” (Nagel, 2005: 1). In this analysis, Nagel goes back to Hobbes and Rawls. Hobbes defended that justice could only be achieved within a sovereign state. Rawls argued that one of the components of justice would be the equality among citizens,

within a nation-state (Rawls, 2005). Justice would, therefore, rather be something internal and non comparable or applicable to members of different societies, that citizens would seek within their sovereign state (Nagel, 2005: 2).

Still in accordance to Hobbes, in the absence of a sovereign power that could provide assurance through some form of law, individuals would be left to their own resources, confined to the sole defensive objective of self-preservation, without being able to pursue justice for themselves (Nagel, 2005: 2). Sovereignty can therefore be seen as an “enabling condition” to grant stability to just institutions, through which individuals should be able to seek for justice (Nagel, 2005: 2).

The link between democracy and global justice: democracy as a normative standard for global governance

Dingwerth (2010) suggests that we should rethink the link between democracy and global justice and that in the concept of democracy we should rather emphasize the democratic values of inclusiveness, transparency, accountability and deliberation (Dingwerth, 2010: 21). Dingwerth departs from the concept of democracy and wonders how can it act as a normative standard for global governance (2010: 1). He argues that, despite the fact that a higher claim for global governance and global democracy exists, there is still a lack of both “*structural preconditions* for it to actually make a difference”, being these “rarely addressed by global democracy scholars and activists”. This is what Dingwerth calls the “*structural preconditions for realizing democracy* at a world scale” (Dingwerth, 2010: 14). This does not mean that we should not demand more democratic global governance, but rather that this should have a more substantial content. Dingwerth suggests that the core of global democratic governance should consist of three dimensions, namely “inclusiveness, democratic control and discursive quality” (Dingwerth, 2010: 3).

This author defines transparency as “the extent to which individuals who may be significantly affected by a decision are able to learn about the decision-making process, including its existence, subject matter, structure and current status” (Dingwerth, 2007: 44). However, an extremely important posterior step is that “those to whom information is made available can *do* something with that information” (Dingwerth, 2010: 13). As obstacles to it, and also to inclusiveness and discourse quality, the author points out that “illiteracy rates in some parts of the world exceeding 50 per cent, with Internet access virtually unavailable in others, and with language skills, economic knowledge and political education distributed extremely unevenly across the globe, realizing transparency in a meaningful normative sense is indeed a far-fetched dream” (Dingwerth, 2010: 13).

There would be three main areas with immediate relevance for the democratic process: subsistence, health and education (Dingwerth, 2010: 14). Democracy depends upon a minimum level of subsistence, so that people can have secured lives, that can afford them to engage in political life (Dingwerth, 2010: 7). This can also be understood as the freedom from want (United Nations General Assembly, 2005: 7), which was at the core of the Universal Declaration of Human Rights (United Nations General Assembly, 1948).

Health is also equally important, reinforced by the fact that, if the right to health is not generalized, it risks threatening the representativeness of some specific and vulnerable groups (Dingwerth, 2010: 7). This includes not only the right to access to health as well as the mitigation of health risks (Dingwerth, 2010: 15). The impacts of deficient access to health can also be seen in indexes such as the life expectancy at birth or the child mortality rate, which can have huge disparities from country to country.

Education is also an extremely important factor for democracy. Krishna (2008: 13) concludes that education has greater effects on democracy than wealth, as there is the trend of more educated people to have a greater demand for democracy and to

participate more. Literacy and primary education have here a great role.

Civil and political rights are important, but a democratic public law should also include “health rights, social and economic rights, cultural and pacific rights” (Dingwerth, 2010: 19). Held argues that “If any of these bundles of rights is absent from the democratic process, it will be one-sided, incomplete and distorted” (1995: 190). Political rights are not sufficient *per se*, as “unless other rights clusters are recognized there will be significant areas in which large numbers of citizens (...) will not be able to take advantage of these equally in practice” (Held, 1995: 191).

Krishna and Booth also underline the need to build institutional links, to promote and facilitate accountability between poor populations and the institutions of democratization (2008: 154). These should be widely known and accessible, as “political parties, local governments, NGOs, and other civil society organizations (...) are often weak to virtually nonexistent, especially in rural areas of developing countries, where large parts of the poorer populations reside. Under such circumstances, citizens are considerably handicapped in terms of access and information” (Krishna and Booth, 2008: 152).

Timor-Leste and the UN Missions

Timor-Leste has probably been the first state to be built from the beginning through a UN intervention (Gorjão, 2004: 1044), with a UN mandate that included even the control over the territory. It has been pointed out as a true test to statebuilding policies, in its different aspects (Richmond & Franks, 2007: 1). The United Nations Transitional Administration in East Timor (UNTAET) – from 1999 to 2002 (Security Council Resolution 1272) – constitutes an example of some of the most ambitious UN statebuilding missions (Carton, 2008: 4; Korhonen, 2001: 497). UNTAET was authorised under Chapter VII of the UN Charter and given a broader mandate than many of UN missions in the 1990s.

UNTAET was created in 1999, through the Security Council Resolution 1272(1999), of 25 October and lasted until May 2002. It had all the authority over the territory, including all the administration of the territory and all legislative and executive powers, including justice administration (Gorjão, 2004: 1044) and the maintenance of order (Richmond & Franks, 2007: 5). UNTAET exercised these powers in the period of transition to a *de facto* independence (Gorjão, 2004: 1044). It was building a state from the beginning (Pureza, Simões, José, & Marcelino, 2007: 20), where all big political options also gave rise to strong social conflicts. It is a model of post conflict reconstruction tout court (Pureza et al., 2007: 21). UNTAET was considered as having a great success, although this is still disputable (Alldén & Amer, 2007: 1055; Gorjão, 2004: 1055; Lothe & Peake, 2010).

After UNTAET's contribution to the independence of Timor-Leste, in 20 May of 2002 (Richmond & Franks, 2007: 2), UNMISSET (United Nations Mission of Support to East Timor) was established and lasted from May 2002 to May 2005. UNMISSET was established through the Security Council Resolution 1410(2002), by an initial period of 12 months, that was further extended. It intended to articulate the UN presence with the statute of independent country already achieved (Alldén & Amer, 2007: 6; Richmond & Franks, 2007: 5), keeping nevertheless a strong UN presence, as the maintenance of the Special Representative of the SRSG shows (Pureza et al., 2007: 21). UNMISSET addressed mostly institution building (Pureza et al., 2007: 20).

The UN presence was supposed to end with this mission. In 2005 UNOTIL (the United Nations Office in Timor-Leste) was created, in order to make the follow up of the remaining action, so as to smooth the end of its mandate in 2006 (Richmond & Franks, 2007: 2). However, a new situation of turbulence, arising from within the Timorese army, but quickly widespread to the whole country (Scambary, 2009), led to the creation of a new mission (Richmond & Franks,

2007: 2). This new mission will have the direct influence of these incidents, which left profound marks in the Timorese society and have strongly affected the statebuilding process so far going on (Richmond & Franks, 2007: 2).

UNMIT, the United Nations Integrated Mission in Timor-Leste, was the last mission to be created in Timor-Leste. It was established in 25 August 2006, through the Security Council Resolution 1704/2006 (UNSC, 2006). It was created by an initial period of six months and has subsequently been extended, and its mandate has terminated in 31 December 2012.

UNMIT had, for the first time, the objective of being an “integrated mission” and was expected to articulate the activity of all UN agencies in Timor-Leste (Pureza et al., 2007: 22). It was multidimensional and should have also addressed the causes of conflict, such as economic and institutional reconstruction, including the reform of the police, army, justice and electoral system (Hegre, Hultman, & Nygard, 2010: 3).

It was expected to “support the government on consolidating stability, on implementing a culture of democratic government and to facilitate the political dialogue between several Timorese sectors, in order to ensure a national reconciliation process and to promote social cohesion” (United Nations Security Council, 2011). It had as main targets the judicial system, the justice institutions, ensuring a true rule of law (Grenfell, 2009) and a true peace process with an effective transitional justice.

The UN intervention was initiated in the territory with the organisation of a referendum (1999), followed by elections for the Constitutive Assembly in May 2002. For UNTAET, the adoption of a Constitution was a prerequisite for the independence process (Ingram, 2012: 10). UNTAET had to decide when and how to hold elections and which positions should be elected (Galbraith, 2003: 211). It started with the Constituent Assembly, for which the electoral mechanism used narrowed popular

representation, by using an electoral mixed system, combining proportional representation with a circle of majoritarian representation, resulting in a lack of accountability (Ingram, 2012: 12). In 2007, following a violent conflict eruption, there were presidential and parliamentary elections and, in this context, a major reform of the electoral laws took place. In 2012 another electoral cycle, with both presidential and parliamentary elections, was held. It was precisely the 2012 electoral cycle, that served as a test to the maturity of the national institutions and, therefore, helped to determine the end of the UN peacekeeping mission (United Nations Security Council, 2012: 3).

Critical appreciation

An important aspect regarding the UN intervention and the new state of Timor-Leste was the need to ensure the soundness of the institutions created, to guarantee a true sustainability of the new state (Croissant, 2008). At the time of independence, there were barely any democratic institutions at the local level (Risley & Sisk, 2005: 26) and UNDP, along with the central government, have put in place the first local elections in 2004 and 2005 (Risley & Sisk, 2005: 26).

The setting of democratic institutions proved to be a challenge for the UN (UNTAET), as there was little information and it was also not clear whether the Timorese and international community preferences were the same (Risley & Sisk, 2005: 27). Therefore, many traditional structures were maintained from the previous regime. It was recognised, even by UNTAET officials that, in the beginning, the UN achievements in building democratic local structures below the national level were quite limited (Blanco, 2010: 187; Risley & Sisk, 2005: 27).

According to some authors, one of the flaws of the UN interventions in Timor-Leste was the lack of local realities' integration (Blanco, 2010: 185; Brown, 2009; Richmond & Franks, 2007: 4) from the beginning

(Gorjão, 2004: 1046), which led to a poor implementation and lack of soundness of the proposed model (Jones, 2010) and few security guarantees (Dougall, 2010).

As Richmond points out, Timor-Leste is a remarkable case of hybridism, where the local structures and hierarchies coexist, sometimes in parallel levels, sometimes even prevailing over the institutions of liberal peacebuilding (Richmond, 2011). Many local leaders and local institutions remain with their traditional legitimacy, with different levels of democracy and accountability (Risley & Sisk, 2005: 26). Although their legitimacy can be questioned (Risley & Sisk, 2005: 26), the fact is that local leaders are more accepted than the liberal state institutions, as tradition structures coexist and sometimes prevail over the state-building structures (Richmond, 2011).

In the international intervention that took place in Timor-Leste, the formal institutions of the liberal state were given a major importance and there was little consideration to reflect the social organisation of the country on these. The statebuilding model was adopted without taking into account the local experiences, being therefore distanced from the majority of the population, with an exception to the local elite based in Dili.

Timor-Leste in numbers

Despite the long presence of the UN missions in the territory and the big effort in the democratisation process, the social reality in Timor-Leste is still very challenging.

Timor-Leste is in the 147th place, out of 187, in the World Human Development Index 2012, with about 37,4% of the population living with less than \$1.25 per day (UNDP, 2012). According to UNICEF, 58% of the children suffer from malnutrition, a percentage that was of 54% in 2011 (IRIN, 2011). Timor-Leste is the third Asian country with more people suffering from malnutrition, despite the nutrition programme put in practice by the government since 2004 (IRIN, 2011). There is a "an inter-generational chronic and silent epidemic of malnutrition [stunting] as well as [a 2009-2010 national average of] 18.6 per

cent acute malnutrition [wasting]”, which also increases the risk of “premature death and irreversible mental and physical disability”, according to the World Health Organisation (IRIN, 2011).

According to the data available from “2009-2010 Demographic Data survey”, the numbers are striking. 38,8% of under-five children has anaemia, so do 21,9% of women. 18,6% of under-five children is acutely malnourished and 58% are malnourished chronically. 52% of under six-month old babies are exclusively breastfed and among stunted children, 64,7% ate very small at birth. 21% of the babies are acutely malnourished at birth and there is 64,5% of mothers of stunted children with BMI less than 18.5 (thin). There are 27,1% of women overall with BMI less than 18.5 and only 79,2% of children had consumed vitamin A rich foods in previous 24 hours. Only 35% of children had received de-worming treatment in previous six months (IRIN, 2011).

Tuberculosis is still the first main disease in the country and malaria and dengue are still very frequent (Alvarez, 2012). In 2012 the infant mortality rate was of 41.40, the 56th highest in the world, with a maternal mortality rate of 300 deaths/100.000 live births, as of 2010, the 37th highest in the world (CIA, 2013; WHO, 2013). According to the WHO, the infant mortality rate in 2010 was of 46 (WHO, 2013).

Timor-Leste comes in the 10th place in the list of countries at risk of a coup d'état in 2013 (Ulfelder, 2012b). This index is calculated according to an algorithm taking into account multiple factors (Fisher, 2013; Ulfelder, 2012a). In the case of Timor-Leste, the risk in the country increases due to “high poverty and hybrid political authority patterns”, as well as the past of social unrest and attacks to the former President of the Republic and Prime-Minister (Ulfelder, 2012b). Nevertheless, Ulfelder considers that if the country “makes it through 2013 without another coup attempt, though, its estimated risk should drop sharply next year” (2012b).

Despite these facts, Timor-Leste comes is the sixth world fastest-growing economy in 2013, according to *The Economist* (A., 2013). In February 2013 the oil fund reached US \$11.8 billions, according to Radio Timor-Leste. The World Bank representative said that the growth rate would likely stand on the two digits in 2014 and that there is the risk of creating an excessive oil-based economy, harming the remaining sectors. (Lusa & Dinheiro Digital, 2013) It has also called the attention for the risks of misusing those funds, which can lead to corruption and undermine the society (Lusa & Dinheiro Digital, 2013). According to the Corruption Perceptions Index 2012, Timor-Leste was in 113th place, in a total of 174 countries (Transparency International, 2012). A study by the Anti-Corruption Commission showed that 50% of the Timorese do not know what corruption is (Lusa & Dinheiro Digital, 2013).

In 2009, 41% of the population was below the poverty line and in 2007 the country was the world's 107 regarding the Gini index, which measures the degree of inequality in the distribution of family income in a country (CIA, 2013).

Conclusions

As we can see from the previous data, despite having had a UN peace mission for more than a decade, the situation in Timor-Leste is still very challenging. Areas like health, nutrition, child mortality, political stability or even corruption control still present really poor indicators. Inequality is also widespread, with almost half of the population living below the poverty line, with great income disparities, and despite the high rates of growth in the Timorese economy.

The outcome of the UN multidimensional peace mission, in this aspect, risks not being positive. The UN policies put in practice in the territory have, by themselves, and through the new state that has been created, produced an outcome that does not meet the requirements of global justice, or of a more composite notion of democracy, as

defined above. Extra care should have been put in more substantial aspects, also relevant not only for the citizens' daily life, but also necessary to build a more significant and richer democracy, in terms of citizenship and participation.

We have to conclude, therefore, that the statebuilding policies, aiming at creating democratic institutions, do not always achieve the goals of global justice. In the same way, it has to be said that UN statebuilding policies, as well as the new state created, do not necessarily lead to global justice, in the sense of more internal equality, nor do they mean a wider conception of democracy.

In the case of Timor-Leste, the UN presence, which lasted for more than a decade, is considered by many as an example of success. However, looking at more substantial indicators, as well as their trends, can prove to be disappointing. One should, therefore, rethink the concept of democracy that is being put in practice, as well as what should be the scope and outcome of the allegedly democratic institutions created.

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