

## 8. Transitional Governance

### UNAMET and INTERFET: Redemption and humiliation

This chapter diagnoses some successes and failures of the UN transitional government that was established in Timor. They lead us to contemplate how difficult it is for a peace operation to secure a democratic republic with a separation of powers. We conclude that beyond transition, the pursuit of governance that secures republican freedom from domination and women's rights can keep approaching closer to its final destination, but can never reach it.

INTERFET was an operational success. Much has been written about the splendid job INTERFET troops from 22 countries did in defusing many situations with disgruntled Indonesian soldiers and police who were preparing to pull out, with some militia members, especially near the West Timor border, and with some independence supporters who sought to victimise pro-Indonesia elements (for example, Cosgrove 2006; Martin and Mayer-Rieckh 2005; Ryan 2002; Smith with Dee 2003, 2006). We will not rehearse that literature here. Yet it is important to say that the contribution of General Cosgrove's soldiers was redemptive for an Australian conscience that was ashamed of some or all of the betrayals discussed in Chapter 3. On the other hand, Australia's leaders assumed too much of a sense of ownership of something that was an international accomplishment.

The UN Mission in East Timor (UNAMET) had been an operational success in the conduct of registration of voters for the election and a high-integrity ballot in difficult circumstances. But it failed in preventing the violence. There was little a few hundred unarmed UN police and civilians could do against thousands of armed militia backed by tens of thousands of Indonesian soldiers. Yet the little that could be done they did with great courage. This too was redemptive for Australia's shame over Timor, as the stories emerged of the courage of Australian police in, for example, standing between a militia member and an independence supporter he was about to shoot. Then there was the courage of the UNAMET members and journalists in the besieged UN compound into which 1500 desperate refugees had fled by 5 September 1999, even climbing over its razor wire to get in. When UN Headquarters ordered its staff to evacuate, leaving the refugees to their fate, UNAMET staff voted to stay to protect them as best they could. On 14 September, all 1500 people in the compound were successfully evacuated to Australia.

We interviewed several Australian, New Zealand and non-Australian peacekeepers who today suffer post-traumatic stress disorder, and are unable to work. They paid a heavy price for Australia's national redemption, which in 1999 and 2000 was a profound national emotion. Unfortunately, John Howard overcapitalised on it. His triumphalism in organising what seemed to Indonesians to be a victory march for the troops, and his nationalist bravado, even to the point of suggesting that Australia was now a kind of US 'Deputy Sheriff' in the region, seriously undermined goodwill in Australia's relationship with Indonesia (see Kelly 2009). This aspect of the pro-Indonesia network's warnings came true—at considerable cost to Australian diplomacy (Woolcott 2000:28–9).

Here we have a curious moment in our analysis of intersection with the realist international relations perspective we reject. The theoretical perspective we bring to peacebuilding makes reconciliation and restorative justice central; because war hurts, transition should heal. So national redemption in the wake of betrayal, triumphalism and humiliation is a consequential thing in international affairs. In contrast, realists give short shrift to emotion in international politics, which they see as overwhelmingly about national interests. In this context, it is unusual and perceptive for realists of the pro-Indonesia network such as Richard Woolcott to note John Howard's insensitivity to the healing needed to restore the dignity of the Indonesian people; it is important to recognise the perceptiveness of their analysis.

## **UNTAET and the Paradoxes of Centralised Power**

On 25 October 1999, the UN Security Council adopted a resolution to form the UN Transitional Administration of East Timor (UNTAET). The United Nations saw East Timor as a high-visibility peace operation and sent what Traub (2000:82) dubbed its 'A team'. A great UN diplomat, a charismatic leader, Sergio Vieira de Mello of Brazil, who had recently been a peacebuilding leader in Kosovo, was appointed Special Representative of the Secretary-General (SRSG) at the head of UNTAET. He died in 2003 when a bomb shattered the headquarters of the UN mission to Iraq that he headed.

The magnitude of the job facing UNTAET was daunting. On the positive side, it was not a Somalia with well-armed factions still fighting; the really formidable military protagonist had quit the field of battle. Yet there were residual security problems to fix, and, as we shall see in the next chapter, major new ones brewing. On 6 September 2000, three foreign UN High Commissioner for Refugees (UNHCR) workers were murdered across the border in West Timor. In the early years, the border tensions were a constant distraction from building the new nation (ICG

2006a; Kingsbury 2005). Timor-Leste was not a case of rebuilding a collapsed state. It had never had a state. For 24 years it had been a province of Indonesia effectively ruled by the military. Even the major export industry, coffee, was ruled by a military monopoly. Timorese were excluded for the most part from even the lowest levels of the retail sector of the economy, as they effectively had been by the Chinese during Portuguese colonialism. The professions in East Timor had been totally dominated by Indonesian immigrants who had now fled. Rule from Jakarta and Macau/Lisbon had served the development of Timorese human capital poorly in both commerce and government.



**Figure 8.1: Portuguese UNTAET soldiers accompanied by local children in Dili, March 2000**

Photo: Eskinder Debebe/United Nations Department of Public Information

Physical capital was also utterly looted or destroyed in 1999. There were no buildings the United Nations could use for offices or accommodation for its staff. Many lived in the cabins of a ship docked at a purpose-built jetty. Other publications have done a fine job of describing the nuts and bolts, the successes and failures, of how UNTAET went about building a new state in Dili. Our focus in this book is rather on one structural feature of the polity that emerged from the peacebuilding: the pluralisation of power for a populace that had been excluded from power by two successive colonial occupations.

UNTAET was a transitional administration. It was not there to support a government, but to be the government, and at the same time, build one to replace it. In the difficult circumstances we have just described, what it built was far too centralised in Dili. The way the United Nations built it was with too heavy an emphasis on consultation with one man, Xanana Gusmão, and too heavy a secondary emphasis on consultation with the survivors of the 1975 generation who fled mostly to Maputo, the pre-eminent members of which were Mari Alkatiri and José Ramos-Horta. Village leaders and youth who played leading roles from before Santa Cruz were excluded from the inner circle. While women ultimately achieved more voice than in many post-conflict governance transitions, they were not in that inner circle where power quickly concentrated.

There is a widespread feeling that the new state has marginalised East Timorese culture and customary life as sources of governance. The crucial misperception—made both by the external actors and by many in the Timorese political elite (who had often spent a long time in exile)—was seeing East Timor after the liberation from Indonesian occupation as a *tabula rasa*: a place void of governance institutions where state building could and would have to start ‘from scratch’ (see Boege et al. 2008:11).

One thing the *tabula rasa* outlook failed to see was that the clandestine network was a ‘resistance that ran parallel to the Indonesian governmental system, and the clandestine system itself was built on traditional socio-political structures’ (Caplan 2005:119; Hohe 2002). CNRT—enriched by embracing to it even wider elements of civil society—would have been an apt early vehicle for building on that existing governance capacity. UNTAET, however, eschewed the power sharing with CNRT that CNRT initially proposed (Harland 2005:3).

There was also a language divide. The student leaders of the 1990s had been educated in Indonesian universities. They spoke bahasa Indonesia and Tetum primarily. Many complained in their interviews with us that a measure of their exclusion from the inner circle who made the early decisions was that the language of government and the courts was settled as Portuguese. Court cases were conducted in a language that the youth leaders could not speak—one survey found 92 per cent of Timorese preferred to speak Tetum in court (Asia Foundation 2004:88)—and government documents were written in a Portuguese they could not read. Sergio de Mello was of course fluent in English, but, as a Brazilian, his first language was Portuguese. He was comfortable with a kitchen cabinet that did the deals that mattered face to face in Portuguese. The politics of language was therefore connected to the politics of centralisation; it always is in UN operations. Usually those of the local elite who can converse in English, or sometimes in French, with the UN leadership are the ones who dominate the

conversation. Timor-Leste was unique in the way the dynamics of linguistic centralisation of power, and disempowerment of the Tetum-speaking majority, were initially more Portuguese.

Jarat Chopra (2002:981) observed a lot of 'colonial-style behaviour' in a UNTAET in which the 'unprecedented powers to be assumed by the UN attracted the very type of individual who would be intoxicated by that thought':

Many felt that the Timorese could not be relied on, that they lacked skills and were not ready for self-government, that the UN should stay and its personnel could keep their jobs for longer. Some officials even attempted methodically to prevent the participation of Timorese in the transitional government of the country. They wanted to wield unfettered their newfound authority and spend the hundreds of millions of dollars committed by the world's donors. (Chopra 2002:981)

As a result, according to Chopra, UNTAET did not nurture the emergence of a separation of powers. Space was denied by UN powerbrokers for opposition to the transitional administration. Dissenters were placed on the outer and a culture of freedom of expression and disagreement was not encouraged.

Sergio Vieira de Mello was conscious of the separation-of-powers problem:

There is no separation of the legislative or judicial from the executive authority. There are no positive models on how to exercise such broad powers...The question remains open how the UN can exercise fair governance with absolute powers in societies recovering from war and oppression. (Vieira de Mello in Beauvais 2001:1101)

While Vieira de Mello was as trusted and revered a peacekeeping leader as the United Nations has had, he was still a child of the Security Council and the pressure it, and the United States, put on its agents to push the reset button on a society as quickly as possible, then get out.

In response to the United Nations' guiding ideology and UNTAET's primary 'constituencies' (the UN Security Council and donor countries), the mission's approach to state-building has been driven by the need to maintain centralized control, minimize the short-term risk of failure, and maximize short-term visible gains. Only under intense protest from the East Timorese did UNTAET begin to shift its approach toward more long-term development-oriented policies...

The Security Council's primary interest was to keep UNTAET's involvement 'as brief and tidy as possible' and to avoid the reemergence of hostilities. The emphasis, as with prior peace operations, was to resolve major security issues and move toward 'free and fair' elections

as an exit strategy within a defined time period... [Donor] constituencies provided incentives for UNTAET to minimize the short-term risks of failure (in the form of conflict or crisis) and maximize visible returns on donor investments. These interests militated strongly in favor of central control and allocation of resources to direct service provision. (Beauvais 2001:1106, 1166)

Structurally, the international community provided a lot of money for the United Nations to have transport, offices and other necessities in Dili, but little for the government in the early years. Vieira de Mello told the Security Council: 'Something is clearly not right if UNTAET can cost \$692 million, whereas the entire budget of East Timor comes to a bit over \$59 million' (Power 2008:314). David Harland concluded that reform of UN budgeting philosophies was a key lesson to be learned from UNTAET:

The UN assessed budget had no provision for budgetary support to Timorese state institutions. UNTAET was not permitted, under the budget adopted by the UN member states, to buy antiseptic for nurses, pencils for schools, or fix buildings for future Timorese ministries—that was planned to come from local revenues, or from external development assistance, or from a trust fund that couldn't operate without a treasury. But development assistance did not flow, and a stream of revenue could not be generated, and a treasury could not be established, for several months. The UN's inability to bridge the funding gap during this initial period was bad for Timor, and a major public relations failure for the Transitional Administration, which was widely seen by the Timorese as providing strongly for itself, but little for them. Future UN budgets must make provision for budgetary support for an initial period of at least six months in similar circumstances, to cover the period prior to the establishment of full national treasury and budget systems. (Harland 2005:10)

The accountability and institutional incentives encouraged rhetorical flourishes about 'decentralisation', 'Timorisation', 'participation' and 'capacity building', but only ritualistic implementation of such ideals. Until UN missions are subject to independent peer audit and public reporting against these ideals, such ritualism is likely to prevail. This logic likewise compromises concerted UN efforts to take concrete steps towards institutionalising a separation of powers. The best way for missions to be productive is with a period of central UN control, a quick election, then leaving the messy business of separating branches of governance to one of those branches: the elected legislature.

Vieira de Mello did come to concede that '[w]e should have moved more briskly in bringing national partners onboard from the very beginning in a more truly substantive fashion' (Caplan 2005:118). Beauvais (2001:1173) has proposed

holding UN peace missions accountable for phased construction of a separation of powers in which an indigenous civil service, news media, judiciary and independent security sector are put in place before the election of a legislature. This means a newly elected sovereign government has these institutional assets at its disposal when it starts work to clean up the national mess that exists after an armed conflict. Second, it means that newly elected politicians are less able to sculpt the civil service, the army, the police and the judiciary, the media and other powerful business interests as its patrimonial ciphers. Table 8.1 represents the four-phased constitution of a separation of powers that Beauvais (2001:1173) proposes as a remedy for the separation of powers UNTAET failed to institutionalise progressively.



**Figure 8.2: Sergio Vieira de Mello with José Ramos-Horta returning from exile in 1999**

Photo: Andrew Meares/Fairfax Media

**Table 8.1: Four-Phase Path Towards Institutionalising a Separation of Powers**

	<b>Political authority</b>	<b>Civil administration</b>	<b>Law and order</b>
Phase 1 (emergency intervention)	<ul style="list-style-type: none"> <li>• Consultative council</li> <li>• Community empowerment and local governance projects</li> <li>• NGO/civil society assessment and development</li> </ul>	<ul style="list-style-type: none"> <li>• Humanitarian aid and basic services</li> <li>• QIPs and TEPs</li> <li>• Preparation of Public Service Commission</li> <li>• Civil service skills assessment</li> </ul>	<ul style="list-style-type: none"> <li>• Applicable law defined</li> <li>• UN CivPol enforcement</li> <li>• Judicial Service Commission (identification and emergency training of judges)</li> </ul>
Phase 2 (stabilisation)	<ul style="list-style-type: none"> <li>• Transitional cabinet</li> <li>• National Council</li> <li>• District councils</li> <li>• Legislative Commission</li> </ul>	<ul style="list-style-type: none"> <li>• Establish decentralised line ministries hired on integrated 'dual-desk' concept</li> <li>• Civil Service Academy</li> </ul>	<ul style="list-style-type: none"> <li>• Establish local police academy</li> <li>• Establish Central Court (international/local)</li> </ul>
Phase 3 (transition)	<ul style="list-style-type: none"> <li>• Civic education</li> <li>• Electoral process</li> <li>• Constitution drafting</li> </ul>	<ul style="list-style-type: none"> <li>• Full recruitment of civil service</li> <li>• Mentoring and on-the-job training</li> </ul>	<ul style="list-style-type: none"> <li>• Establish district courts (local judges and international mentors)</li> <li>• Legal training centre</li> <li>• Local police gradually replace UN CivPol</li> </ul>
Phase 4 (independence)	<ul style="list-style-type: none"> <li>• Ongoing training and technical assistance</li> </ul>	<ul style="list-style-type: none"> <li>• Ongoing training and technical assistance</li> </ul>	<ul style="list-style-type: none"> <li>• Ongoing training and technical assistance</li> </ul>

Source: Beauvais (2001:1173)

## **Stages the UNTAET and UNMISSET Transition did Follow**

UNTAET’s mandate required consultation with the people of East Timor. Initially, CNRT was the vehicle for this consultation. The inner circle of 1975-generation leaders preferred more intimate forms of consultation. Fretilin broke from CNRT in August 2000 and Xanana Gusmão organised for CNRT to be shut down completely in advance of the 2001 elections. UNTAET was also unenthusiastic about CNRT because many of the UNTAET elite were fresh from Kosovo and prone to see CNRT as akin to the Kosovo Liberation Army (KLA), which sought

to dominate by excluding anti-KLA elements. It was a poor analogy given that there were no longer any significant elements in the East Timor polity that supported integration with Indonesia.

Paradoxically, marginalising CNRT allowed a small UN and 1975-generation clique to rule. The other early formal consultative mechanism was the 15-member non-elected National Consultative Council created in December 1999 with representatives of both UNTAET and local political factions. The National Consultative Council came in for much criticism for being insufficiently representative and transparent (Chesterman 2002:65). In April 2000, the SRSG announced appointments of local deputy district administrators to operate alongside the 13 international district administrators, and a proposal for new district advisory councils. How much citizen involvement was enabled by these district advisory councils varied from district to district, depending on how empowering individual district administrators were, but it was in general a picture of decentralisation followed by re-centralisation (Chopra 2002:991).

In principle, there was policy learning in this shift to decentralised dual-desk 'co-governance': district personnel reporting directly to their district administrator (who had a local deputy) compared with the situation with the UN Transitional Authority in Cambodia where district-level personnel reported vertically on a department-by-department basis to central administrators. In practice, the decentralisation was grudging, however, with more than 90 per cent of UNTAET positions continuing to be located in Dili (Beauvais 2001:1142). Timorisation was as limited as decentralisation, with Timorese occupying fewer than 10 per cent of management positions 15 months into the UNTAET mandate (Beauvais 2001:1144). The twin failures to decentralise and to Timorise resulted in a fall in UNTAET's local legitimacy once its first six months' honeymoon had ended. It became apparent to Timorese that devolution of political and administrative authority occurred 'in a very limited fashion and only where necessary to defend its [UNTAET's] own legitimacy' (Beauvais 2001:1163).

The World Bank and the Asian Development Bank Community Empowerment Project (CEP), begun in February 2000, was another decentralisation effort that did not succeed as well as the parent efforts in some provinces of Indonesia, including conflict zones such as Aceh (see Braithwaite et al. 2010a). The idea was provision of block grants to subdistricts that would decide development priorities based on proposals submitted by villages. It mostly failed because there was not a subdistrict infrastructure of governance to connect to in the way there was in Aceh. A World Bank official told us that it was planned to start in 1998 just when governance infrastructure was beginning to collapse. Some of the projects CEP supported when it did get going were characterised by waste, embezzlement and poor delivery. Second, Chopra (2002:993) argues that the central-control–personal-control impulses of UN officials frustrated an

Asian Development Bank push for CEP-elected village councils to be a base for elected subdistrict councils that would extend participatory transitional governance up to the district level and ultimately to the National Consultative Council.<sup>1</sup> Chopra and Hohe (2004:295–7) conclude that one reason the promise of the program was never realised was a failure to appreciate the importance of traditional power structures leading to a policy preventing traditional leaders from standing for election to CEP councils. This was perhaps well motivated by a desire to separate powers, but was misunderstood by excluded chiefs and their supporters as an attack on tradition and on them.

These lessons might have been learnt by the time of Law No. 2/2004 for the conduct of elections of *suco* [village] chiefs and *suco* councils (comprising the *suco* chief, the chiefs of all *aldeias* [hamlets] of the *suco*, two women, a ‘young person’ of each sex and a further *suco* elder). *Suco* elections were held in 2005. Government budgets, however, only go down as far as the subdistrict level. The UN Development Programme (UNDP) now funds a community facilitator in each *suco* who facilitates planning in each *aldeia* within the *suco* to spend \$60 000–\$80 000 a year on infrastructure projects. So the bottom-up governance killed off by UNTAET is coming back in the nation’s second decade.

On 14 July 2000, a broader National Council of 33 was appointed. In making these appointments and in appointing four local ‘cabinet’ members (including Mari Alkatiri and Ana Pessoa from Fretilin), Vieira de Mello relied heavily on the advice of Gusmão. The practical influence of these ‘ministers’ was minimal and progress towards Timorisation of the UN civil service continued to be meagre. The *Jakarta Post* gloated with the headline ‘The new Timor: a Xanana republic’ (Chesterman 2002:69). In this period Adérito Soares spoke out publicly on the need to change the ‘culture of command’ that had been acquired through the imperative to follow orders in the clandestine movement. One of the few areas where the Timorese cabinet did have influence was on land reform, but it was influence in the direction of the comfortable policy for UNTAET of persuading it to do nothing in this tricky area. Minister for Infrastructure, Joao Carrascalão, from the most powerful property-owning family in the country, ‘demanded and obtained control of the Land and Property Unit and then virtually suspended its activities’ (King’s College Report 2003:316). The post-UNTAET Prime Minister, Mari Alkatiri, was from another wealthy landowning family and the Deputy Prime Minister in the post-2007 administration was another Carrascalão, Mario. This failure left tensions to fester over occupation of properties in Dili by people who had never lived there. These tensions were to explode in 2006.

---

1 CEP was approved only after being rejected twice by UNTAET (Beauvais 2001:1126). ‘The CEP was unable to recover from the acrimonious negotiations leading up to its establishment. It continued to be effectively rejected by UNTAET internally, with the consequence that the transitional administration never had much of a presence below the district level, where 80 per cent of the population lives (Hohe 2002)’ (Chopra 2002).

Fretilin won 55 of the 88 seats in the Constituent Assembly in August 2001, which became the National Parliament at independence. As soon as the Constituent Assembly was elected, it started consulting on and drafting the Constitution. It was a speedy process, with a final version of the Constitution endorsed by the Constituent Assembly on 9 March 2002. It established a semi-presidential system that circumscribed the powers of the President compared to with those found in fully presidential systems. Smith with Dee (2003:440) describe the powers of the President as ‘mainly ceremonial, except in matters of defense, for which he was designated commander in chief of the defense forces’. Mari Alkatiri attempted to create a ‘dominant party system’ through the Constitution, with a weak parliament, a weak president and a strong prime minister atop a strong council of ministers (Shoesmith 2008).

The voting system is proportional, with only one single constituency corresponding to the entire national territory (Law 6/2006, Article 9). Voters select parties rather than individual candidates. This has had the advantage of guaranteeing at least one-quarter of the Parliament would be women by mandating that every fourth candidate on party lists are women (Law 6/2006, Article 12[3]). It achieved not only government dominated by the Prime Minister from the most successful party or coalition, but also one centred on Dili, indeed one where parliamentarians were reluctant to leave Dili, where their political fortunes were made or lost: ‘[Parliamentarians] have no compulsion to listen to an electorate that can vote them in or out of office; they simply have to persuade the party leaders to place them sufficiently high on the party list to gain a seat’ (Shoesmith 2008:80).

Xanana Gusmão won 82 per cent of the vote in the first presidential election, in April 2002. Fretilin formed a government headed by Alkatiri as Prime Minister from May 2002. ‘Thereafter, a single individual, Mari Alkatiri (to whom the Transitional Administrator now turned his attention, away from Gusmão), from a single party, Fretilin, was poised to control from the capital all aspects of legislative and executive life in the country, inevitably spawning opposition and divisiveness’ (Chopra 2002:994).

After the elections, on 20 May 2002, Timor-Leste became the first new independent nation of the twenty-first century and UNTAET ceased to exist as a transitional administration. The UN Mission of Support in East Timor (UNMISSET: May 2002 – June 2005) was a successor UN presence established by the Security Council to remain in Timor-Leste to assist the transfer of all operational government responsibilities to the new state. The UN Office in Timor-Leste (UNOTIL: June 2005 – August 2006) was a scaled-down version of UNMISSET without a peacekeeping component. Then in August 2006, the UN Integrated Mission in Timor-Leste (UNMIT) reintroduced peacekeepers following the 2006 street violence to be discussed in the next chapter.

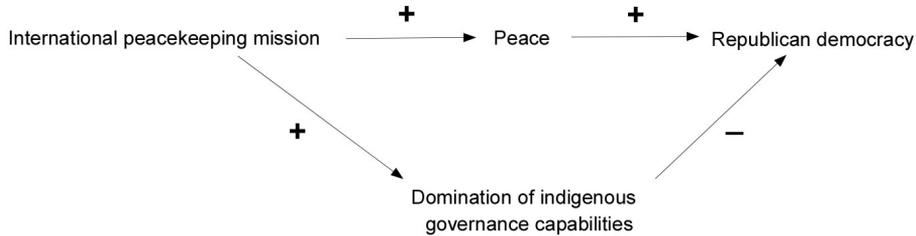
Very quickly, resentment became widespread among the young, the educated intelligentsia, church leaders and non-Fretilin politicians over 'Fretilin's exclusivist way of doing politics' (Simonsen 2006:582). Francis Fukuyama (2007:13) described it as 'the secretive and somewhat authoritarian mind-set that the Fretilin leadership acquired during the years of the independence struggle'. An example was the appointment of 65 subdistrict administrators, almost all of whom belonged to Fretilin. Another example was Prime Minister Alkatiri's announcement in February 2005 of a government boycott of the nation's biggest newspaper after it reported alleged deaths from famine in Ainaro District. The Prime Minister also attempted to have the newspaper evicted from its premises (Simonsen 2006:583).

There were many stories of this kind in our fieldwork notes, of Fretilin and the Prime Minister believing they were the law, arbitrarily acting to evict, arrest, dismiss and threaten individuals and businesses who were not to their political liking (see Federer 2005:111–15). The belief of many Fretilin cadres that Fretilin would be the natural party of rule in perpetuity was reinforced by a widespread view in the electorate as a result of the experience of the bloodshed between UDT and Fretilin in 1975 that competition between political parties was a bad thing. A 2003 poll found 45 per cent of the people believed this (Simonsen 2006:584).

## **The Tension between Peacekeeping and Republicanism**

Virginia Page Fortna (2008) has made a profound recent contribution to the peacekeeping literature. Like Doyle and Sambanis (2000, 2006), but on a somewhat different data set, she shows for 95 ceasefires or breaks in fighting (1989–99) that the presence of peacekeepers reduced the risk of recurrence of civil war by at least 59 per cent (all else being equal) in hazard analyses. Her data are also consistent with the common conclusion that when a civil war is still raging, it is difficult to build a democracy. At the top of Figure 8.3, this is the direct explanatory path from peacekeeping to peace to democracy. Data consistent with a peacekeeping-to-democracy path can also be found in Doyle and Sambanis (2006) and Pickering and Peceny (2006), and inconsistent data in Bueno de Mesquita and Downes (2006). But Figure 8.3 hypothesises a second dynamic in play that is well illustrated by our narrative of UN transitional administration in Timor. We have seen that UNTAET (in collaboration with the 1975 generation of three key leaders) dominated diffused indigenous governance capabilities, disempowering civil society leadership, youth leadership and traditional leadership. When Timorese were not genuinely accountable

for UN-dominated governance, the habit of blaming internationals for domestic governance failures set in early. Fortna's (2008) quantitative data are consistent with the model in Figure 8.3.



**Figure 8.3: Interpretative model loosely based on data in Fortna (2008) from 95 ceasefires or breaks in fighting in civil wars between 1989 and 1999**

Figure 8.3 is also consistent with our interpretation of the way compromised or captured governance that disables engagement of pluralised civil society with the republic arises in Barnett and Zürcher's (2009) analysis of peacebuilding. Fortna's (2008:45) account of this dynamic is that 'the very thing that can ensure lasting peace, outside intervention, often reduces the political space available for the emergence of home-grown, domestically legitimate and accountable political institutions'. Fortna interprets her quantitative data as suggesting that peacekeeping fosters conditions for the initial emergence of democracy, 'but at the same time undermines conditions for it to thrive over the longer term', because 'the large footprint of peacekeeping missions may trample and crowd out local democratization efforts as much as empower them' (Fortna 2008:45). Moreover, peacekeepers can implant 'an artificial political structure that collapses when they leave' (Fortna 2008:45). In Fortna's multivariate models, the positive effects of peacekeeping in sustaining a peace that is more fertile soil for democracy than war are cancelled out by other negative effects of peacekeeping on democratisation, freedom and rights. Her data show a very strong association between peacekeeping and peace, but a weak and complex set of relationships that connect peacekeeping to democracy. We hope our Timor narrative will give some context to how such a pattern in the peacebuilding data can make sense. The challenge ahead is to reform peacekeeping so it provides oxygen to the embers of a republic, rather than smothering them, while also maintaining the pacification virtues of peacekeeping.

## Paradox in Centralised Excess

Fretilin was formed by the educated youth elite of a rather feudal society in which few young people received an education. In their twenties, Ramos-Horta and Alkatiri were no shrinking violets; they were aware that they were extraordinarily talented young people in comparison with the older uneducated villagers they led. They had a sense that they were born to lead. Xanana Gusmão saw himself more as born to be a poet and forced by circumstances to turn his talents to rule. He used his firm hold on the leadership of the resistance in the 1980s and 1990s to pluralise the politics of resistance. We have seen that he embraced former UDT enemies. This even included the Deputy Prime Minister from 2007 to 2010 and (Indonesian) Governor of East Timor from 1982 to 1992, Mario Carrascalão. He was appointed as a 'silent' (secret) vice-president of CNRT inside Dili in April 1998. The reintegration of Carrascalão began long before this. When Xanana Gusmão met with the then governor to negotiate the 1983 ceasefire, according to a Douglas Kammen (2003:81) interview with Carrascalão, Gusmão proposed a strategic alliance: 'You take care of the people, I'll take care of the *Bapak-bapak* [the Indonesian military].' After Gusmão declared Falintil would be a politically neutral nationalist army and resigned from Fretilin in 1987, Mario Carrascalão said: 'When Xanana said that he wasn't Fretilin, only the commander of Falintil, that's when the war started to be won. Apodeti and UDT people who had been enemies of Fretilin could also join the movement' (Kammen 2003:81).

Ramos-Horta was at one with Gusmão in reconstituting the resistance as social democratic, pluralistic and inclusive. Others in the Fretilin leadership that fled to Maputo clung to the more authoritarian, one-party ideology of Fretilin as the only legitimate government of Timor-Leste. Roque Rodrigues continues to be ideologically Marxist. Mari Alkatiri and Rogerio Lobato were not Marxist in the way Rodrigues was, but were influenced by African revolutionary parties, such as FRELIMO in Mozambique, to believe that centralised control by a party vanguard was needed before people who had lived under feudalism would be ready to rule themselves. Alkatiri told us that he still believed that effective central institutions were needed to prepare people in the villages who were not yet ready for sophisticated participation in government.

On this view, Alkatiri could be said to be modelling his politics on the United Nations. Under UNTAET, sovereignty was placed in the hands of one

individual—Vieira de Mello (Chesterman 2002:46)<sup>2</sup>—on the theory that he would orchestrate a transition to a separation of powers into the hands of a plurality of Timorese institutions. One of the lessons of this book is that vanguard theories of political development of any sort are dangerous and require concerted continuous struggle for development of deliberative checks and balances in civil society. Alkatiri as Prime Minister ‘personally approved the overwhelming bulk of government spending, especially to the districts, and for amounts as small as hundreds of dollars’ (Kingsbury 2009:108). Early in the transition, Alkatiri and Lobato were tolerant of arguments from members of the Fretilin leadership that if Fretilin were defeated at an election, it would be necessary to retake power by force. This was a dangerous tolerance, which as we will see in the next chapter, allowed Rogerio Lobato to regard his secret arming of his police with more sophisticated firepower than the military (whom he saw as supporting his political opponent, Gusmão) as legitimate.

In contrast, Gusmão and Ramos-Horta always rejected such talk, being firm with Falintil members who saw their years of fighting in the mountains as granting a right to govern. Alkatiri’s embrace of more genuinely democratic politics came more slowly. As Timor-Leste’s first Prime Minister, from 2002 to 2006, he was profoundly centralist in the way he set about constructing a state, frustrated the development of a separation of powers, and abused his power to crush dissent. Alkatiri was also profoundly modernist, often scoffing at supposed virtues of customary law and governance. Xanana Gusmão won overwhelming support in the first presidential election and Fretilin won almost equally overwhelming support in the election for the Constituent Assembly. Gusmão was one of the people Alkatiri then sought to exclude from influence. He very effectively reversed the situation that had prevailed under UNTAET of Gusmão being the pre-eminent Timorese policymaker. Indeed, much earlier, Alkatiri and Fretilin, realising Gusmão was bound to be elected President, sought to use their numbers to make the presidency impotent in the process of drafting the Constitution.

After Alkatiri lost his prime ministership, and after Fretilin rioting in 2007 failed to destabilise the government, Alkatiri became impressively firm in renouncing violence as a means to power. Following the enormous setback to the nation from the 2006 political violence described in the next chapter, violence became a tainted means to power. Alkatiri lost the prime ministership to Ramos-Horta during the 2006 violence and lost the 2007 election to a coalition led by Gusmão (Ramos-Horta was elected President, so Ramos-Horta and Gusmão switched offices). As leader of the Fretilin opposition in the Parliament since 2007, Alkatiri

---

2 Chesterman (2002:49) points out that UNTAET was the first UN mission with primary responsibility for policing and security, executive power, legislative power, judicial power and treaty-making power, while its predecessor, UNAMET, added primary responsibility for a referendum. UNMIK in Kosovo from 1999 covered all these sovereignties except treaty-making powers and responsibility for a referendum. No mission before 1999 covered legislative and judicial power, except UNTEA in its limited legislative power in West Papua in 1962–63.

has become a democratic critic of the failures of Prime Minister Gusmão to make the separation of powers work. The paradox of Timor-Leste today is that Xanana Gusmão, who led the nation into a politics of democratic pluralism, fought back against his own exclusion by centralising power in his own office as prime minister, and failed to develop separated powers in the new polity. For example, we will see in Chapter 9 that he sought to order police, judges and prosecutors to do his political bidding rather than respect the separation of powers.

It is hard to build a republican democracy with a separation of powers on the ashes of a war. We should not be too critical of Alkatiri, Ramos-Horta, Gusmão and Vieira de Mello as we tell this story of how they created an excessive concentration of power in the hands of a few in Dili and failed at first to build on the institutional strengths that were resilient in the villages. The international community should view Timor-Leste as a learning experience, an experiment in how to do something that is extraordinarily difficult to do. No UN mission ever took on such sweeping sovereign powers as UNTAET to build a state from scratch, so of course there were large mistakes and large learnings to absorb.

While Vieira de Mello had a difficult task, he might have done better to privilege Gusmão rather less as the singular voice of the legitimate aspirations of the people of Timor-Leste. He might have prevailed upon Fretilin and Gusmão not to disband the CNRT so quickly, as this was a functioning transitional institution that embraced youth leaders, women and civil society more broadly. He might have had a more balanced interest in building governance capability up from pre-existing institutions in the villages to complement building governance capability top down from Dili. This is a general dilemma of post-colonial development that was the central issue in the third volume of *Peacebuilding Compared*, on Solomon Islands (Braithwaite et al. 2010c). Alkatiri might have done better by both the nation and Fretilin for the long run by resisting the temptation to dominate the Constitution-writing process to marginalise Gusmão. Gusmão might have done better by the nation to have worked as hard at reconciliation with Alkatiri as he did at reconciliation with the leaders of Indonesia, and to have resisted the temptation to settle the score with Alkatiri by centralising control of the polity in his hands as much as Alkatiri had done when he was Prime Minister. Ramos-Horta worked much harder than Gusmão as Prime Minister to embrace the Fretilin clique he had replaced.

Yet both Ramos-Horta and Gusmão failed to work at nurturing the next generation of leaders of the nation. Alkatiri was less guilty of this as he cultivated a capable second tier of younger leaders as potential successors to his command of Fretilin. His agenda was to build Fretilin as the second great institutional force at the grassroots of the nation alongside the Catholic Church. Notes from our interview with him in 2009 record:

There were two really well organized institutions in Timor-Leste, the Catholic Church and Fretilin. In 2005 the Catholic Church was able to bring 3 000 out onto the streets in a demonstration against the government. Fretilin decided to demonstrate that its capabilities to mobilize were even greater by holding a demonstration in which 75 000 people participated.

In sum, we have a saga for the most part of institutional centralisation under the charismatic authority of great men from Gusmão and Ramos-Horta to Vieira de Mello, to Alkatiri and back to Gusmão. Part of the greatness of these leaders was the way they mobilised networked influence that engaged civil society across East Timor and around the globe to liberate their nation. Partly because of competition among one another over their roles in shaping the history of Timor-Leste, partly because of centralising imperatives of an overwhelmed United Nations that preferred a narrow circle of interlocutors, CNRT was not expanded as the existing, effective consultative institution to include constituencies excluded from it and then was shut down prematurely before the August 2001 elections. The CEP was white-anted as a vehicle for engaging traditional village leaders to build the democracy from the bottom up as well as the top down. The younger generation was shut out and the cultivation of a robust separation of powers took second place to competition among the 1975 generation to dominate power.

## The Fight Back for Separated Powers

No setback is necessarily permanent in history. Good people resist when non-democratic forks in the road are taken. This has been true of the struggle for separated powers in Timor-Leste. Sergio Vieira de Mello, Mari Alkatiri and Xanana Gusmão—the three key players in our narrative of centralising and personalising power—all pluralised to varying degrees from the positions they defended when they were gripping the reins of power tightly. Sergio Vieira de Mello did this in the self-critical post-UNTAET speeches he made before he died. Since Mari Alkatiri has been in opposition, he has been a robust advocate of the separation of powers and as astute a critic of executive domination of the judiciary, the civil service and the security sector as one could hope for in any democratic leader. He is committed to contesting power through the ballot box and rejecting the path to power that Rogerio Lobato pursued of capturing the security sector as the supporter of ‘a natural party of government’. The younger generation of Fretilin leaders shares this view.

Prime Minister, Xanana Gusmão, and his government continue to breach the separation of powers in important ways on a fairly regular basis. As one senior civil servant put it in November 2006: 'Xanana and other leaders were not used to leading society through institutions. They led through direct interface between leader and community. The way the state works is different from the way a guerilla works.' At the same time, the enduring contribution of Gusmão as a leader who used personalised power to pluralise the resistance in an inclusive way shows signs of being reasserted. We see this in the appointment of a prominent Fretilin leader as Ana Pessoa to the critical independent office of Prosecutor-General in 2009. She is not the only Fretilin leader, and counts alongside many pro-integration leaders who Gusmão has embraced in his post-2007 administration. Notwithstanding that progress, we will see in the next chapter continuing separation-of-power deficits that have been in play since 2007.

One of the reasons the three leaders of whom we have been most critical on the centralised power issue have moved towards being more supportive of separations of powers is that they have come in for so much criticism from Timorese and international civil society on this issue. We say separations of powers because the Democratic Republic of Timor-Leste is constitutionally a republic and we interpret republican philosophy as requiring a much richer separation of powers than simply Montesquieu's tripartite one of legislature, executive and judiciary (Braithwaite 1997). It also means prosecutors being independent of the judiciary and the police; an ombudsman, an auditor-general and an anti-corruption commissioner who can call all these independent officers to account under a rule of law; an independent media and a broader business community that can also do so because they are not dominated by the executive government.

Politically, we conceive republicanism as a political philosophy of continuous struggle for more effectively separated powers (Barnett 2006). It is a struggle towards a polity where each separated power has sufficient clout to exercise its own functions with support to do so from other separated powers. A republic is a polity where no one centre of power is so dominant that it can crush any other separated power without the other separated powers mobilising to defeat that domination from the centre.

Republicanism does not require powers that are so diffused that separated powers cannot act decisively. The executive is empowered to declare war, the judge to declare guilt, the legislature to declare laws. Decisiveness for the judge is actually enhanced by the knowledge that only an appellate court can overturn her decision on an error of law; she cannot be dominated by a prime minister who demands the acquittal of a political crony. Decisiveness for a constable on the street is knowing that she is the one with the power to decide whether to arrest a judge who appears to assault his wife; then it is no longer in her hands

but in the hands of the separated powers of a prosecutor. Decisiveness for a general is knowing that once the executive declares war, she can conduct it in accordance with laws of war approved by the legislature, without interference from politicians who think of themselves as armchair generals.

Of course, a mature constitutional debate is needed to finetune separated powers to ensure that each can decisively perform its function without domination from any centralising power and without confusion as to who exercises each separated power, and under what norms. None of this is to deny that democracies must at times debate trade-offs between greater accountability and greater efficiency. Separated powers of civil society and the media to speak assertively during those constitutional debates are critical elements of separated powers that get the separation clear and effective.

Yet it is possible for civil society to become an overwhelming source of domination. We saw this during the tyranny of China's Cultural Revolution during the 1960s where judges, artists and intellectuals were pilloried by youth as class enemies. We saw it well into the twentieth century in parts of the US South, where the domination of the Ku Klux Klan meant it was impossible for a court ever to convict a white man for murdering a black citizen. In such contexts, UN and national human rights institutions, the law, the police and the judiciary should flex their muscles decisively to call such dominating civil forces to account.

We believe a healthy republican mobilisation, particularly from the younger generation of Timorese civil society, is under way in Timor-Leste. That is not to deny that it has a long way to travel towards establishing a deeply republican democracy in the new nation. Currents in civil society that support the further pluralisation of power and accountability have attracted financial support from international donors that have also been worried about separated powers. For example, the Government of Portugal provided support for the establishment of the Office of the Provedor (a Portuguese version of the ombudsman function regulating maladministration, human rights and corruption abuses by executive government) on 26 May 2004, with the first Provedor taking office on 16 June 2005. The *Civil Service Act* was also passed by the Parliament in June 2005 to underwrite the independence of the civil service (Report of the Alkatiri Initiative Review 2006:45–7). In 2000 the Office of the Inspector-General was established to monitor all civil service control actions for corruption. In February 2010, Adérito Soares was appointed by the Parliament as the first Anti-Corruption Commissioner. It is beyond the scope of this book to evaluate how well all these new separations of powers are beginning to function; because one of us is hands-on in that endeavour, it is all the more inappropriate for us to attempt it.

Rather we seek to connect an analysis of the error of misplaced realism to a profound new risk: that the networked civil society that defeats realist power can in turn be corrupted. It can be corrupted by the nodal actors of the very networks that allowed the republic to prevail over a former tyranny. We argue that this risk can be defeated by demands for accountability from those same civil society networks and with assistance from independent accountability institutions. We are not pessimistic that there will be an inevitable triumph of oligarchy. On the contrary, we believe the world has become somewhat less oligarchic during our lifetimes (Kenny 2011) and that UN peace processes have made a mixed, but on balance positive, contribution in that direction, including in Timor-Leste. At the same time, the Timor-Leste record is mixed rather than splendid. While new accountability institutions have been established, they have yet to demonstrate their long-run contribution to republican freedom as non-domination (Pettit 1997). Indeed, there is a danger of what Soares (2011) dubs institutional ritualism (see also Wilson 2010). This means creating on paper one accountability institution after another as a ritual of comfort to international society. Yet each in the succession of new institutions fails to deliver accountability substance in the same way as its predecessors. International society derives more comfort from the institutional appearance of accountability in the new democracy than from its substance.

## **The Analogy to Social-Democratic and Feminist Struggles**

Social democrats are people who struggle for a more equal distribution of wealth and power. It is a struggle that never ends. While it is theoretically possible by the lights of social-democratic theory to have too much equality—for example, such that people who work longer hours are not paid proportionately for it—in practice, too much equality is a problem that never occurs. This is because existing privilege in the long run is always so effective in using privilege to extend privilege. This is equally true of networks of male privilege and the imperative for unending feminist struggle.

We argue that the republican struggle for practically effective separations of powers has that quality as well. This is because the executive government (or the military high command at the moment of a coup) seeks to preserve and enhance its power by pushing back other branches of governance that might curtail it. The executive branch has more powerful levers at its disposal—guns, money, the power to hire and fire judges, and to close newspapers—compared with other branches of governance. The genius of republican theory in a long trajectory that comes to us from Greece and Rome to northern Italy and northern

Europe (Pocock 1975; Skinner 1983), to Montesquieu to Madison and Jefferson in the American Revolution, is that it institutionalises some limited resources that enable checks and balances from alternative branches to the executive government. These are never fully successful in securing for the people freedom as non-domination from executive tyranny (Pettit 1997). Hence, vibrant local civil society politics always has work to do in struggling for more practically effective separations of powers. And international civil society always has work to do in supporting local civil society so it can mount that challenge against expansive executive governments.

Moreover, all this is especially true post conflict. Michael Barnett and Christoph Zürcher (2009) argue that peacebuilders tend to deliver the rituals and symbols of a republic rather than its substance. This conclusion is reached by modelling the behaviour of three players: peacebuilders who want peace and democracy, state elites of the target country who want to preserve their power, and sub-national elites who want to maintain their power in the countryside without being pushed around by national elites. In the game of peacebuilding, according to Barnett and Zürcher, each of these three players depends on strategic interaction with the other two to achieve their objectives. Peacebuilders cannot deliver peace and agreement on a democratic constitution without national and sub-national elites signing on. State elites have some interest in playing ball with the peacebuilders because they bring resources that rich democracies supply; yet they also fear curtailment of their power by a republican constitution that actually works. National elites need sub-national elites not to be spoilers of their rule, just as peacebuilders need them not to be spoilers of the peace. Sub-national elites want resources that both the state and the peacebuilders can provide, but not at the price of a national constitution that greatly curtails the domination of local spaces that they were able to win during the war.

Barnett and Zürcher define four possible outcomes of this three-player game. *Conflictive peacebuilding* is the worst outcome, where national or local elites periodically return to violence, or threaten it, to achieve their objectives. *Captured peacebuilding* is the second-worst option, where peacebuilders give national and sub-national elites most of what they want to preserve their domination in order to preserve the peace (as in the case of Northern Alliance warlords in Afghanistan and relatives of President Hamid Karzai even being allowed local opium monopolies as part of the local domination package). *Compromised peacebuilding* is the second-best option, where national and sub-national elites live with a constitution that curtails their power on paper and

peacebuilders live with a lot of practical domination of local space by extant elites in order to nail down the peace and a democratic constitution. *Cooperative peacebuilding* sees all three players cooperating to build a peaceful republic.

Going slightly beyond Barnett and Zürcher’s analysis, we hypothesise that conflictive peacebuilding is the likely outcome in the common situation where the international community is simply not willing to put in the resources to motivate local elites to play ball with any of the other three outcomes (for example, Somalia, Rwanda in the mid-1990s). Captured peacebuilding is most likely in scenarios like Afghanistan and Iraq in the 2000s where peacebuilders put massive resources in, but where the peacebuilders never secure legitimacy for the peace and therefore also must call on national and sub-national elites to keep fighting off spoilers. Barnett and Zürcher deduce plausibly that, across a wide range of peace processes, a compromised peace will be the equilibrium outcome of their peace and democracy game.<sup>3</sup> What we hypothesise is that compromised peace is the likely equilibrium outcome in a case like Timor-Leste where the international community is willing to invest huge resources and where the intervention has local legitimacy, to complement the international legitimacy that delivers the staying power to keep the resources flowing.

The important point of Barnett and Zürcher’s analysis is that cooperative peacebuilding is not the best-case outcome that is possible; compromised peacebuilding is in the wide range of circumstances where cooperative peacebuilding is impossible. A reason that again goes beyond Barnett and Zürcher for why cooperative peacebuilding almost never happens is that if all the players were sufficiently committed to building a peaceful republic to make it work, it would actually be difficult to motivate the international community to pay to make that possible. We agree with Barnett and Zürcher (2009:48) that

compromised peacebuilding might not be such a terrible result...given the alternatives<sup>4</sup>...Symbols...can matter. They can provide new focal

<sup>3</sup> This equilibrium is based on the posited ordering of preferences of the three players in this table:

**Rank Order of Preferences of Different Actors for Different Outcomes**

	Peacebuilders	Target government	Rural elites
4	Cooperative	Captured	Captured
3	Compromised	Compromised	Compromised
2	Confrontational	Confrontational	Confrontational
1	Captured	Cooperative	Cooperative

Source: Barnett and Zürcher (2009:34)

<sup>4</sup> The inevitability of compromised peacebuilding is implicit in other work such as that of Eide et al. (2005:3) on dilemmas of integrated missions: ‘At least three dilemmas are raised in relation to integration. The *humanitarian* dilemma reflects a tension between the *partiality* involved in supporting a political transition process and the *impartiality* needed to protect humanitarian space. The *human rights* dilemma relates to the tension that arises when the UN feels compelled to promote peace by working with those who may have

points. They can become public commitments that even hypocritical reformers must take into account. They can be used by local and international reformers to continue to press for change.

This potential resides in changing Barnett and Zürcher's three-player game into a four-player game in which the fourth 'player' is actually a network of civil society activists.<sup>5</sup> This move is also consistent with Michael Barnett's (2006) earlier normative work on the virtues of a 'republican peace' compared with a 'liberal peace' (see also our concluding chapter). The fourth internationally networked civil society player makes it a less realist game in which demands to give real meaning to symbols of peace, democracy and republican separations of powers can be mobilised from below. We see this in Timor-Leste when the Catholic Church organised a huge demonstration against Fretilin corruption and domination of the nation in 2005. This was an important lesson to Fretilin whose members were so inexperienced in democratic politics that they thought a two-thirds majority in elections gave them a mandate to ignore civil society opposition.<sup>6</sup> If there is one thing the recent history of Timor confirms, it is the power of the crowd in history (Rudé 1964), for both good and ill. As in post-revolutionary France, there are weapons of the weak available to the republican crowd that over time might convert a compromised peace into progressively more meaningful republican separations of powers. This can happen when civil society advocates of genuine separations of powers manage to divide and conquer elites during a moment of weakness when one elite faction can be enrolled to deepen republican reform against the resistance of others. As Rudé (1964) points out, the crowd never prevails in history on its own, but it can when it persuades elite factions that directly pull levers of power to defect to its cause (especially the military in Chenoweth and Stephan's 2011 huge comparative study).

At another level, however, our analysis is more pessimistic than that of Barnett and Zürcher because Timor-Leste is a 'most likely case' (Eckstein 1975) of a compromised peace growing into a republican peace. This is because its two

---

unsatisfactory human rights records, while still retaining the role of an "outside critic" of the same process. The *local ownership* dilemma relates to the need to root peace processes in the host country's society without reinforcing the very structures that led to conflict in the first place.'

5 Of course, this is a shabby abstraction as the fourth player is actually a bundle of many players in the network. Our move to what might in reality be a 30 or 40-player game takes us beyond what we are capable of understanding through formal game theoretic logic. Nevertheless, it is an analytically helpful move to explain the limits of the three-player game and the prospect of transforming outcomes when many additional players demand that real meaning be given to symbols of peace and separated powers.

6 Allied to the Church were anti-Fretilin political groups, including former members of UDT, a significant proportion of the F-FDTL, former Fretilin members around Xanana Gusmão and José Ramos-Horta, and an unpalatable mixture of ex-combatants, ex-militia, quasi-criminals and youth gangs associated with CPD-RDTL, Colimau 2000, Sagrada Familia and various martial arts clubs... The government ignored this powerful if shifting combination of forces, noting that it had been elected to govern with a two-thirds majority and that these groups were ideological opponents rather than representing legitimate civil grievances' (Kingsbury 2009:114).

most respected leaders, the current Prime Minister and President, were not 'hypocritical reformers', as in the Barnett and Zürcher (2009:48) quote above. They were genuine pluralist democrats who dedicated their lives to a networked struggle for a republic with a separation of powers. And they had succeeded in uniting all the sub-national elites behind that project, as manifest in the 82 per cent vote for Gusmão in 2002. We learn from this case that pluralist networked struggle for republican separations of powers is quite likely to lead to those who control the key nodes of that network corrupting separations of powers in important ways.

This just takes us back to the fundamental point about social-democratic, feminist and republican campaigning against concentrated power. It never reaches an end point. Victory never arrives. Activists who think it has invite defeat of the very victory they point to. This insight is an old one that is repeatedly forgotten. Benjamin Rush complained in 1787 of those who confuse the struggles of the '*American revolution* with those of the late *American war*. The American war is over; but this is far from being the case with the American revolution. On the contrary, nothing but the first act of the great drama is closed' (Arendt 1963:300).

Networks can only govern themselves nodally (Drahos 2004; Johnston and Shearing 2003; Shearing et al. 2003). Inherent in that proposition is the fact that even sincere democrats like Gusmão who seize nodal control are at risk of corrupting the separation of powers to preserve their hard-won power. The remedy is never-ending struggle to establish new nodes that reorganise civil society to put checks and balances in the path of the old nodes. Our fieldwork reveals plenty of that among youthful activists on the streets of Timor-Leste. There are therefore grounds for hope for sustained peace in Timor based on rejuvenations of separations of powers. Equally, the next chapter shows how hard that road is when disappointed youth are also enrolled to new projects of violence by one member of the old republican elite against another. We might interpret the events we describe in the next chapter as arising from the fact that the United Nations went beyond compromised peacebuilding, in Barnett and Zürcher's (2009) terms, to being captured by the high command of Falintil on matters of defence policy.

This text is taken from *Networked Governance of Freedom and Tyranny: Peace in Timor-Leste*, by John Braithwaite, Hilary Charlesworth and Adérito Soares, published 2012 by ANU E Press, The Australian National University, Canberra, Australia.