
Occasional Paper #15

UNITED NATIONS AUTHORITY IN CAMBODIA

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FOREWORD

The Watson Institute is pleased to make available this report on the effectiveness of the United Nations Transitional Authority in Cambodia (UNTAC) to the readership of the Watson Institute's Occasional Paper series and the broader international community.

It represents the findings of a team of three researchers associated with the Watson Institute: Jarat Chopra, Larry Minear, and John Mackinlay. Their report draws on the resources of two major projects currently underway at Brown University.

Second Generation Multinational Forces, of which Jarat Chopra is Assistant Director and John Mackinlay Director, is reviewing current U.N. peacekeeping activities, with an eye to identifying ways of strengthening the U.N.'s role in international security affairs. The Humanitarianism and War project, co-directed by Larry Minear and me, is reviewing the experience of the international community in providing assistance and protection to civilians in settings of armed conflict, also with an eye to improving the effectiveness of such efforts.

The report is based on two research trips to Cambodia, in November 1992 and May 1993. The first visit included all three researchers and was undertaken under the aegis of the Norwegian Institute of International Affairs (NUPI) at the request of the Norwegian government. Preliminary conclusions were published by NUPI as a *Report on the Cambodian Peace Process* (Oslo, February 1993). In May 1993, Jarat Chopra returned to Cambodia to observe the electoral process specifically.

The team interviewed more than 150 individuals regarding UNTAC in and outside Cambodia. These included U.N. officials at all levels; Cambodian political authorities; members of the diplomatic community; the media; nongovernmental organizations (NGOs); and the International Committee of the Red Cross (ICRC). Team members traveled from Phnom Penh to Battambang, Siem Reap, Pailin, Sisophon, Samraong, and Kompong Thom.

Their research is noteworthy for three reasons. First, the team reviewed the entire spectrum of UNTAC's activities: in military affairs; civil administration; civilian police; elections;

human rights; repatriation; and rehabilitation. While there have been comprehensive reviews of UNTAC activities, this study represents the first to address the issue of United Nations authority and its relevance for future operations.

In this context, while reviewing UNTAC activities, the team looked for synergisms among the various components that amounted to an overall authority. They explored, for example, whether the presence of 22,000 military and civilian peacekeepers had positive effects on the U.N.'s effort to monitor human rights violations or to control local civilian administration. The team found that in practice synergisms existed but were somewhat limited. The goal of achieving results across a range of sectors, which were greater than the sum total of the individual parts, largely eluded UNTAC.

Second, the international initiative in Cambodia is significant because of the comprehensiveness of its terms of reference. Faced with a political situation in which Cambodia did not have a government accepted by all Cambodians, the Paris Agreements established a Supreme National Council (SNC), with representatives from each of the four factions, and gave UNTAC interim responsibility for overseeing governmental machinery in five essential areas: foreign affairs; public security; national defense; finance; and information. UNTAC represented an unprecedented degree of intrusiveness in the internal affairs of a country and, given the difficulties it faced, raised questions about whether its mandate was too sweeping.

The report gives UNTAC differential marks, depending on the individual component in question. Repatriation activities receive generally favorable comments, peacekeeping activities rigorous criticism, and the other components more mixed reviews. On the broader question of the viability of UNTAC's mandate, the report concludes that to the extent that UNTAC has not succeeded in accomplishing its objectives, the problem lies not in the terms of the mandate but in the manner of its execution.

Finally, the report is important because the UNTAC experiment has implications far beyond Cambodia. With the waning of East-West tensions and the arrival of a moment of international geopolitical convergence, the U.N. has become more the political, military, and humanitarian engine envi-

sioned in 1945. At a time of eroding national sovereignty and of growing challenges to the legitimacy of some governments, the U.N. is being given a range of assignments: from setting up and monitoring elections to negotiating peace agreements; from protecting people in the midst of civil strife to keeping the peace. Its responsibilities and personnel now stretch from Cambodia to El Salvador and from Yugoslavia to Angola.

But is it also overstretched? While the U.N. has had enormous difficulties turning down its recent assignments, there is much evidence that current expectations and demands exceed its abilities to deliver, both professionally and geographically. Within the context of the broader debate about the U.N.'s role in the post-Cold War world, the UNTAC experience looms large. Addressing some of the problems identified in this report could strengthen future efforts in international cooperation and improve the terms of existence for many of the world's citizens, whose countries and regions seek to rebound from the tragic effects of recent decades.

The situation in Cambodia is continually changing. However, several of the problems identified by the team have been confirmed by recent developments and remain in need of attention. We hope that this report will prove useful to other studies in international security and humanitarian affairs, published as work in progress in the Occasional Paper series (see the inside front cover for a full listing of titles). As always, we welcome comments from readers.

Thomas G. Weiss
Providence, R.I.
November 1993

MAP OF CAMBODIA



ABBREVIATIONS

The following list of acronyms is not intended to be exhaustive; it includes only terms used in this report.

United Nations (U.N.) and International Terms

ASEAN	Association of Southeast Asian Nations
CIVPOL	Civilian Police (U.N.)
FC	Force Commander
ILO	International Labour Organisation
JIM	Jakarta Informal Meeting (July 1988, February 1989, and February 1990)
PICC	Paris International Conference on Cambodia (August 1989 and October 1991)
SRSG	United Nations Secretary-General's Special Representative
SNC	Supreme National Council
UNAMIC	United Nations Advance Mission in Cambodia
UNBRO	United Nations Border Relief Organization
UNDP	United Nations Development Program
UNHCR	United Nations High Commissioner for Refugees
UNTAC	United Nations Transitional Authority in Cambodia

Phnom Penh Regime

CPAF	Cambodian People's Armed Forces
PRK	People's Republic of Kampuchea (1979 to 1989)
SOC	State of Cambodia (name since 1989)

Resistance Factions

ANS	Armeé Nationale Sihanoukiste
DK	Democratic Kampuchea (the Khmer Rouge regime 1975 to 1978)
CGDK	Coalition Government of Democratic Kampuchea (1982 to 1990)
KPNLF	Khmer People's National Liberation Front
KR	Khmer Rouge

INTRODUCTION: UNTAC¹

The Agreement on a Comprehensive Political Settlement of the Cambodia Conflict, which entered into force on October 23, 1991, invited the Security Council to establish the United Nations Transitional Authority in Cambodia (UNTAC) and to provide it with the mandate set forth in the Agreement. The Council fully supported the Agreement in its Resolution 718 of October 31, 1991, and requested the Secretary-General to prepare a detailed plan of implementation.

Under the Agreement, the Supreme National Council of Cambodia (SNC) was “the unique legitimate body and source of authority in which, throughout the transitional period, the sovereignty, independence and unity of Cambodia are enshrined.” The SNC, which was made up of the four Cambodian factions and was under the chairmanship of Prince Norodom Sihanouk, delegated to the United Nations “all powers necessary” to ensure the implementation of the Agreement. The transitional period commenced with the entry into force of the Agreement and terminates when the constituent assembly elected in conformity with the Agreement has approved the new Cambodian Constitution and transformed itself into a legislative assembly, and thereafter a new Cambodian government has been created.

Prior to the establishment and deployment of UNTAC, the Secretary-General had recommended on September 30, 1991 that the United Nations deploy a small advance mission in Cambodia to assist the Cambodian parties in maintaining the cease-fire. Based on this recommendation, the Security Council decided with its Resolution 717 of October 16, 1991 to establish the United Nations Advance Mission in Cambodia (UNAMIC) immediately after the signing of the Agreement. UNAMIC became operational on November 9, 1991. It consisted of civilian and military liaison staff, a military mine-awareness unit, and logistics and support personnel. On January 8, 1992 the Council expanded with its Resolution 728 the mandate of UNAMIC to include mine clearance training for Cambodians and the initiation of a mine-clearing program.

On February 19, 1992, the Secretary-General submitted to the Security Council a report containing his proposed imple-

mentation plan. The Council approved that report and, with Resolution 745 of February 28, 1992, established UNTAC under its authority for a period not to exceed 18 months. Upon becoming operational on March 15, 1992, UNTAC absorbed UNAMIC. UNTAC consisted of seven distinct components:

Human rights component: The Agreement gave UNTAC the responsibility during the transitional period of fostering an environment in which respect for human rights and fundamental freedoms was ensured. UNTAC's activities in this regard comprised three aspects: a human rights education program; general human rights oversight in all existing administrative structures in Cambodia; and a mechanism for the investigation of allegations of human rights abuses occurring during the transitional period.

Civil administration component: In order to ensure a neutral political environment conducive to free and fair general elections, UNTAC was to exercise direct control over existing administrative structures acting in the field of foreign affairs, national defense, finance, public security, and information. UNTAC, as determined in consultation with the SNC, exercised a lesser degree of scrutiny over other administrative structures that could have influenced the outcome of the elections. The component also comprised an office for training and an office for complaints and investigation.

The human rights and civil administration components consisted of specialists assisted by international support staff. They operated at the central level, from offices established at the 21 provincial and municipal centers and, particularly as regards dissemination of information and civic education, from offices at the estimated 200 districts in the country.

Electoral component: The Agreement entrusted UNTAC with the organization and conduct of free and fair general elections in Cambodia. UNTAC was to establish, in consultation with SNC, a legal framework, including an electoral law and regulations to govern the electoral process and an electoral code of conduct. Other aspects included civic education and training, registration of voters and political parties, and the polling

process itself. The Special Representative was assisted in these responsibilities by a chief electoral officer. An Electoral Advisory Committee was to be appointed by the Special Representative to ensure the prevention and control of election irregularities. International staff included electoral personnel at headquarters; personnel at the 21 provincial offices, responsible for electoral operations, information, training, communications, compliance and complaints, and coordination; and district electoral supervisors at approximately 200 district offices. Their number would be augmented by approximately 1000 international personnel, seconded from governments during the polling process.

Military component: The military component, headed by a Force Commander, was charged: verification of the withdrawal from Cambodia and non-return of all categories of foreign forces and their arms and equipment; supervision of the cease-fire and related measures, including regroupment, cantonment, disarming and demobilization of forces of the Cambodian parties; weapons control, such as monitoring the cessation of outside military assistance, locating and confiscating caches of weapons and military supplies throughout Cambodia, storing of the arms and equipment of the cantoned and the demobilized military forces; and assisting mine-clearance, such as training and mine awareness programs. In addition, the military component was charged with undertaking investigations, on complaint from one of the parties or on its own, of alleged noncompliance with any of the provisions relating to military arrangements, and to provide assistance in the release of prisoners of war and in the repatriation of Cambodian refugees and displaced persons.

At maximum strength during the peak of its activity, the military component of UNTAC would comprise about 15,900 of all ranks, including force headquarters and sector headquarters staff; military observer group; infantry; engineer element; air support group; signals unit; medical unit; military police; logistic battalion; and naval element.

Police component: UNTAC civilian police monitors would supervise or control the local civil police in order to ensure that

law and order were maintained effectively and impartially, and that human rights and fundamental freedoms were fully protected. The structure of the UNTAC civilian police component would comprise a policy and management unit at headquarters, 21 units at the provincial level, and 200 district-level units. There would be a total of about 3,600 UNTAC civilian police monitors.

Repatriation component: The repatriation and resettlement of Cambodian refugees and displaced persons was to be an inter-agency effort, with the Office of the United Nations High Commissioner for Refugees (UNHCR) designated as the lead agency. The effort would include the movement of returnees, the provision of immediate assistance and food, and a reintegration program. The component would be headed by a director for repatriation, appointed by the Secretary-General, and would be reporting to the Special Representative as well as to the High Commissioner.

Rehabilitation component: The rehabilitation effort would be headed by a coordinator, appointed by the Secretary-General, who would report to the Special Representative. He would ensure efficient coordination, regularly assess needs, and also ensure that they are being met without duplication or overlap. Particular attention would be given to food security, health, housing, training, education, the transport network, and the restoration of Cambodia's basic infrastructure and public utilities. In addition, the coordinator would be partly responsible for raising resources through donor contributions.

■ Part 1 ■

United Nations Authority

I. UNITED NATIONS OPERATIONS

Everywhere there is evidence of a *brave new world*. This is not a political order dominated by the New World, as proselytized by U.S. President George Bush,² nor is it “the end of history” envisioned by another cynical observer,³ nor merely “the rise and fall of great power.”⁴ The consequences of World War II receded with the demise of the Cold War, yet the startling revolutions of 1989 in Eastern Europe are only symptomatic of a much deeper shift. The Council of the Club of Rome refers to the “first global revolution,”⁵ incomparably faster and more geographically pervasive than the agrarian revolution, which took tens of thousands of years to complete, and the industrial revolution of two centuries ago, which remains incomplete in many places.

Despite persisting forces of parochialism, most insidiously expressed in the form of ethnic nationalism, the terms *globalization* and *interdependence* and the ideas behind them have entered the lexicon and consciousness of public opinion. They no longer refer only to the well-known phenomenon of a global economy and facilities of rapid transportation and instantaneous communication, but now refer also to social, cultural, and psychological phenomenon. Global political organization has lagged far behind. Cooperation between nations at the best of times had only begun to respond to challenges beyond the traditional paradigm of international relations based on military power. Only in January 1992 did the first summit meeting of the Security Council in U.N. history recognize the many kinds of threats to international security: “The absence of war and military conflicts among States does not in itself ensure international peace and security. The nonmilitary sources of instability in the economic, social, humanitarian and ecological fields have become threats to peace and security.”⁶

The United Nations also appeared brave and new, but its reforms had not matched the pace of change. Increased cooperation in the Security Council was described as a “new collegiality.” Settlements were negotiated for a number of outstanding conflicts, either because it was possible to do so with the removal of superpower competition-by-proxy in the

area or because there was direct interest in removing an issue from the superpower agenda that was inhibiting *collegial* relations. To guarantee these settlements, the Security Council authorized 16 new operations between 1988 and the beginning of 1993 as compared with 14 in the preceding four decades. In 1992 alone, the number of peacekeepers in the field increased from 10,000 to 60,000, and by the end of 1993, will approach 100,000.

A new Secretary-General, Boutros Boutros-Ghali, assumed office at the beginning of 1992 and was expected to chart a new course for the organization. He began restructuring the organization internally and streamlined the secretariat. A new public image of the U.N. developed: national recruitment posters depicted troops in blue berets—in one case holding a baby with the slogan, “give life a chance, join the armed forces”—or transport planes in-flight supporting humanitarian assistance missions; news reports referred to “U.N. troops” or “U.N. vehicles” and did not distinguish national origins; and the Secretary-General claimed there is hope in “the first truly global era” in a full-page advertisement in the Christmas 1992 issue of *Life* magazine.⁷ High hopes for the organization were raised nearly equal to the pitch that had followed the signing of the U.N. Charter in 1945, as it was said to be undergoing a “renaissance.”

However, by autumn 1992, it was clear that nearly all the new operations were beginning to unravel.⁸ In Somalia, troops were unable to deploy beyond the Mogadishu airport and the Secretary-General’s Special Representative resigned. In the Western Sahara, a recalcitrant Morocco had hindered the deployment and conduct of the operation, the election had to be postponed, and the Special Representative resigned. Elections conducted in Angola were overturned by Jonas Savimbi’s defeated party and civil war returned to the country. In El Salvador, both rebel guerrillas and the government were uncooperative and U.N. observers did not and—in some cases—could not exercise their available powers. In the former Yugoslavia, peacekeepers could not defend civilians in Croatia’s protected areas, nor prevent the spread of the conflict to Bosnia-Herzegovina and elsewhere. In Cambodia, incidents of violence increased as the registration process for

elections began. By 1993, the delays of U.N. troop deployment in Mozambique signaled another perilous beginning.

The reasons for these incongruous developments were two-fold. On the one hand, there was much in the U.N. Charter that had never been developed, utilized, or fulfilled due to Cold War disagreements between the superpowers. With the end of the Cold War there could be further development and strengthening of U.N. Charter provisions. Reference was made to reviewing the original scheme of the Charter. For some, in particular the former Soviet Union, this included the resuscitation of the Military Staff Committee and the conclusion of agreements referred to in Article 43 of the Charter, which called for the subordination of military assets to the organization on an on-going basis, and not only in the midst of a crisis. This was part of the ideal of collective security that had been sought for five centuries, and no less during the life of the U.N., but never achieved.⁹ The euphoria of a brave new United Nations rested on the opportunities afforded to the organization by the cooperation in the Security Council.

On the other hand, the Charter was designed for the world of 1945 and many of its practices were developed for the world of the Cold War, and while much has since remained the same, much has changed. In particular, the nature of warfare has been altered. With several notable examples, such as the territorial conflicts surrounding the boundaries of Israel, the Korean conflict and the Persian Gulf War, the majority of conflicts took place within states and much less between states. It became increasingly difficult to distinguish between internal and international conflicts, particularly when a state disintegrated, such as in the former Soviet Union or former Yugoslavia, or if there was outside involvement in an internal affair.

The concept of aggression, when finally formalized, was expanded to include acts other than conventional invasions and occupations.¹⁰ Significantly, the percentages of casualties in war became increasingly civilian between World War I and the 1991 Gulf War. Social conditions and forms of government came to be regarded as sources of conflict and would have to be addressed if war was to be prevented or its effects mitigated. To respond to these challenges, the Charter would have

to be applied beyond its original context, but the restrictive political atmosphere of the Cold War ensured that this would be done in only a limited way.

As a result, the narrowly constrained activity of *peacekeeping* developed. The conventional peacekeeping operation consisted of an interpositional force between two opposed state armies whose governments had decided to stop fighting and wanted a symbolic, confidence-building guarantor of the new status quo. The peacekeeper was a referee and did not have the means to express the will of the U.N. if the belligerents were unwilling to permit it. The experience of peacekeeping established several basic principles:¹¹

- (a) a force had to operate with the full confidence and backing of the Security Council;
- (b) a force operated only with the full consent and cooperation of the parties in conflict;
- (c) command and control of the force would be vested in the Secretary-General and Force Commander, under the authority of the Security Council;
- (d) the composition of the force would represent a wide geographic spectrum, consisting of contingents supplied voluntarily by member states on request from the Secretary-General—usually excluding permanent members of the Security Council;
- (e) forceful means would be used only in self-defense, although self-defense included defense of the mandate as well as the peacekeeper;
- (f) the force operated with complete impartiality.

As the global consequences of Mikhail Gorbachev's *glasnost* began to take shape, the U.N. effectively moved beyond peacekeeping. In 1988, U.N. observers supervised the Soviet withdrawal from Afghanistan and the separation of forces between Iran and Iraq. While these could still be categorized as conventional operations, the U.N. Transitional Assistance Group in Namibia in 1989 became the first decolonization operation since the Congo in the early 1960s. South Africa retained administrative control of the country throughout the process and the U.N. was responsible for supervising this and prepar-

ing the population for their first “free and fair” elections. It was a joint quasi-governorship in which the United Nations assumed as never before a wide range of civil tasks in addition to its still restrictive military responsibilities.

The operation was regarded as a great success, but this perception obscured a number of flaws that, while not fatal in the relatively benign environment existing then in Namibia, would be transferred to other operations with considerably less luck, facing more formidable conditions. This was the case in Central America, where flawed operations effectively succeeded and set a dangerous course for the United Nations. In 1990, the U.N. supervised in Nicaragua for the first time an election in a sovereign country. This was in the context of a larger mission in Central America, which essentially had an observation mandate but was expanded to include the disarmament and demobilization of the *contra* rebels. Also further to this process, the U.N. in El Salvador began in 1991 its operations to ensure minimum human rights standards. This was another fundamental precedent as it gave the U.N. extraordinary powers to inspect the judicial system and penal facilities and it was the first operation deployed before a cease-fire. It was a civilian operation until the conclusion of a peace agreement at midnight on December 31, 1991, when a military and civilian police unit were added to underwrite a new set of powers.

In 1991, the gap between the powers assumed on paper by the United Nations and its physical capacity to underwrite these powers was becoming too great; the luck of Namibia and Central America was running out. A mission was established to guarantee the expression of self-determination in the Western Sahara. The U.N. was to be an effective governor of the area, with the exclusive law and order powers, and it alone would be responsible for conducting a free and fair referendum to determine the status of the territory. However, this operation has yet to proceed due to the intransigence of the occupying power and the inability of the U.N. to challenge its authority. Also, the U.N. prepared to deploy to Croatia and elsewhere throughout 1992, where the limitations of U.N. operations as structured would be dramatically illustrated.

The essential problem was the continued application of

the peacekeeping formula to operations conducting tasks that were not strictly peacekeeping. The principles of peacekeeping were necessarily challenged. In particular, consent of the parties in conflict was not always forthcoming or effectively withdrawn once formally given. U.N. operations in response would have to consider using force, requiring the assets to do so and the inclusion in operations of armed forces of the Security Council permanent members. In turn, the issues of command and control of assets would become acute.

Impartiality would be defined as the objectivity with which the mandate was executed rather than the degree of U.N. submission to the will of the parties in conflict. This would give the Security Council an even more critical role in developing clear mandates, continually supporting the force in the field with the solidarity of its will and expanding mandates as changes in ground conditions required. These new assumptions reflected that a new set of operations had come into being, beyond peacekeeping but short of enforcement on the high-scale of the Gulf War, and that the United Nations had entered its "second generation" as an institution.¹² However, the U.N. in late 1991 had not devised the mechanisms to move beyond peacekeeping and match the powers it had assumed.

UNTAC was the product of this larger context, but was singularly experimental in its scope, size, and ambition, and provided critical lessons for later operations. UNTAC was to be a kind of quasi-governor-in-trust of an entire sovereign country. Although juridical sovereignty was vested in a council of the warring factions, the U.N. was to be the principal authority in the country until free and fair elections established a new government in Phnom Penh to which authority could be passed. This was predicated on the U.N. securing authority in the first place. However, reliance on a peacekeeping mandate meant this would have to be surrendered willingly by the local powers that retained it, and if this was not forthcoming the U.N. was limited in its capability to respond. UNTAC represented the widest powers ever assumed by a U.N. operation, but it did not have the physical means to underwrite independently its paper authority.

Nevertheless, the experiment of UNTAC will have signifi-

cant implications. It signaled the fact that if the U.N. undertakes another operation of this kind, as it has in Somalia or Mozambique, or even Bosnia, it must have the means to independently execute its powers. This already is proving to be the next stage of development in U.N. operations, which have been undergoing a critical reassessment since before the presentation in June 1992 of Secretary-General Boutros Boutros-Ghali's report, *An Agenda for Peace*. UNTAC is a historical watershed in the expanding scope of United Nations authority, which in its turn is the first exercise of *global authority* in all of history. UNTAC, with all its strengths and weaknesses, is a reflection of the point at which global organization has reached.

II. LEGITIMACY AND AUTHORITY

Given the complexity of multifunctional operations of the kind deployed to Cambodia, soldiers and civilians in the field were forced to pose an unfamiliar set of questions about the legitimacy of their tasks:

- Why can I demand that the Khmer Rouge cadre manning a road block on the Thai border let me pass and deploy troops in their territory?
- Why am I in a position to pass the road block regardless of permission to do so?
- And why am I allowed, when I get to the other side, to establish my own roadblock and guarantee or restrict movement?
- Why is it when I get all the way to Phnom Penh, I can enter a local government ministry, inspect its activities, judge whether they are right or wrong and dismiss personnel accordingly?
- Why can I go to a prison warden and tell him that he should not be detaining his prisoners and that he must release them?
- And at the same time why can I investigate a case, search for someone I consider a culprit, capture him, arrest and detain him, and then prosecute and punish this person, who is not one of my nationals or a national of a country my country is at war with?

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- Why is it I can protect an individual from a local authority exercising its powers in the area of its jurisdiction?
 - And why is it that I may have to do all of these things, acting on the orders of someone who is not from my country and who may be from a nation that is not an ally of my country, and I may have to do these things in a place with which neither of our countries have a direct link?

Consequently, observers asked whether or not it was acceptable to conduct second generation operations of the kind deployed in Cambodia. The answers to this and the other questions above were affected by different considerations, depending upon who was posing the question.

The national actor, whether the soldier deployed on the ground or the nation participating in the operation, considered:

- the strategic task to be performed and whether or not it was realistic and clear or too dangerous;
- the ultimate objectives of the operation and whether they served subjective national interests, or whether the nation was serving objective international concerns;
- the overall responsibility of the nation with regards to these objectives and whether or not this was equal to other nations;
- the division of labor within the operation and whether this was based on the specialized competence of a group of nations, or their special privileged position;
- the body or nation from which orders or instructions emanated, and whether or not the home capital would have enough say in the conduct of operations;
- the popularity of the operation and whether or not it would be condemned at home;
- the political costs of participating or of not participating;
- the human lives the operation may cost, either among the national armed forces or the local population;
- the number of lives at stake and the manner in which they may be lost, whether spectacles will be made of national soldiers' deaths or their captivity, or whether

national soldiers will be seen massacring innocent civilians;

- the response of the international and national press.

These factors were different from what the local population or armed faction used to measure the acceptability of the intervening force. They considered, for instance, who was involved in the operation:

- the nation, group of nations, or international body conducting the operation, and whether or not there were specific interests at stake that might have conflicted with local national interests;
- the mandating authority and whether it had or should have had the competence to dispatch the operation from a distance to the local area;
- the effectiveness of the operation and whether it was delivering the goods as the expected savior, or behaving like a god that failed;
- the major powers that were participating in the operation and whether or not they acted as protector or oppressor;
- the regional powers in the operation and whether they were part of the problem, having ulterior motives and interests in the results, or were suited to the task because they comprehended best the local problems;
- the nonregional states and whether they were outsiders with no business intervening, or impartial and therefore helpful.

They also considered the nature of the task being carried out, including:

- the rhetorical or genuine values underlying the operation and whether these were universal and matched local sentiments, or foreign and imposed;
- the stated or resulting objectives of the operation and whether this interfered with the interests of local actors or helped the people, or whether the force assisted a local authority at the cost of popular interests;

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- the results of the intervention and whether they should be criticized as ineffective or feared as too effective;
 - the resolution of the local problem and whether this constituted undue interference, or should be appreciated as assistance.

The international community, different again, had another perspective and considered:

- the nations conducting the operation and whether they were a group of renegade powers, or members of the international community in good standing;
- the interests of the participating nations and whether they were representative and acting on behalf of the international community as a whole, or only an interested part of it;
- the source of the mandate and whether it was the result of an independent coalition or authorized by the United Nations as a universal body, or a regional organization acting under the authority of the Security Council;
- the Security Council authorization and whether it was perceived to be the result of a core group of five countries hijacking the process, or considered to be great power cooperation, and if the former, whether or not this was preferable to unilateralism;
- the stated objectives of the operation and whether they were genuine or a fig leaf for ulterior motives, and whether a coalition, not acting independently of the U.N. and not accountable to the international community but considered to have genuine objectives, should be condemned or applauded;
- the legality of the operation.

Legal parameters, including the following, were considered from all of these perspectives:

- the authority under which the operation was conducted and whether the mandating body had the powers of authorization;
- the mandate and whether or not it was established

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- through recognized constitutional channels;
 - the legal provisions that had been relied on to authorize the operation and whether or not these had been interpreted logically and reasonably;
 - the application of law, not only at the authorizing stage but also throughout the conduct of the operation at the political and military as well as strategic and operational levels.

A distinction can be drawn between law and legitimacy. Law may be one of a number of considerations of legitimacy, but it is also true that legitimacy, as opposed to rights and obligations, may be only one aspect of law. *Legitimacy* is very much the result of a subjective process that questions the acceptability of something—either from a personal, national, or international perspective. Sometimes a military operation may be considered legitimate regardless of significant factors, such as its effectiveness or accomplishments; at other times its legitimacy may be determined by these factors. *Law* attempts to be objective—even if the creation of the law or its application in unclear cases may be subjective processes. Law should not be created in the grip of a crisis; it should only be applied in that situation. There should be a separation between the legislator and the interpreter, between the political process of law-creation and the legal process of its implementation. However, a crisis like the conflict in Cambodia may have fallout that will change the law or its interpretation, clarify or emphasize it.

III. ENFORCEMENT OF AUTHORITY

In the transition of U.N. operations from traditional peace-keeping to the second generation, conflicting interests of legitimacy have to be balanced. This is particularly the case when a U.N. force ceases to rely exclusively on moral authority but begins to exercise authority independently of the parties and enforce its will as representative of the international community.

In Cambodia, certainly by the latter stages of the process, interests of the international community and local population

were pitted against the armed factions, particularly concerning the conduct of the elections. Fear of escalation and a lack of military means to respond led the U.N. Force Commander (FC) to avoid armed confrontation. This eventually favored the interests of the factions, whose acts of violence went unchecked. It directly caused the failure of phase two of the operation, the disarmament and demobilization phase, and resulted in an armed election during which the U.N. was not in control of the security conditions.

However, just as UNTAC's military mandate was interpreted as *peacekeeping*, narrowly defined in one sense, yet applied to a set of tasks quite different from traditional peacekeeping, *enforcement* was interpreted conventionally and restrictively. Failing to appreciate the dimensions of enforcement and options beyond peacekeeping, but short of high intensity operations, led to consideration of only few courses of action. There were a number of possibilities short of intensive military engagement, but these required an understanding of the range of meanings of enforcement and extensive preparations to ensure decisiveness as a preventive means of enforcement rather than military action after the fact.

Early peace strategists acknowledged in their plans the paradox of enforcement: to raise arms to combat war, to check the advance of an aggressor, is itself to wage war.¹³ This paradox is no less problematic today, as the scale of the war waged in 1991 against Iraqi aggression illustrated. It is inherent in the U.N. Charter, which pits *order* against *peace*: to counter aggression is to pursue peace at the cost of disrupting order, either by altering an effective balance of power or crossing state boundaries and violating sovereignty. Conversely, to maintain the political order reflected in the U.N. Charter, countering aggressive challenges means breaching the peace.

A further conflict arises between *order*, *peace*, and *justice*. Conventionally, order and peace are pitted against justice. Fear of war and the desire to maintain order, which is perceived to guarantee peace, have shadowed the desire for justice at the U.N. for four decades. Consequently, Article 2(7), which prohibits U.N. interference in the internal affairs of states, has not been effectively challenged by human rights

provisions in Articles 1(2) and (3), 55(c), and 56. This was intentional on the part of the drafters of the Charter: the language of the former appears obligatory, while the latter has been interpreted as a statement of principle, a goal to be achieved. The two have been reconciled hierarchically, prioritizing order over justice.¹⁴

Recent practice, however, has pitted justice and peace against order. Violating the status quo to address claims for justice becomes acceptable because the absence of justice, it is argued, threatens international peace and security—the exception to Article 2(7). The maintenance of international peace and security was a justification for humanitarian intervention in Iraq;¹⁵ the documentation of war crimes¹⁶ as well as the establishment of a Commission of Experts,¹⁷ an ad hoc international tribunal¹⁸ in the former Yugoslavia, and humanitarian assistance in Bosnia-Herzegovina¹⁹ and Somalia.²⁰ This was partly the basis of UNTAC's Human Rights component and would have been the formula were an international court established to try the crime of genocide. In this manner, both justice and issues of collective enforcement are reasserted at the United Nations.

It is yet another question whether the international community will take the next step and pit justice against both peace and order. To defend human rights from abuse for their own sake and not because they particularly threaten peace is conceivable: human rights have been considered an international matter not exclusively within the domestic jurisdiction of states for some time and this was not conditioned by linkage to threats to peace.²¹ In such a case, in a somewhat circular fashion, justice and order would be pitted against peace. As the relation of peace, order, and justice evolve beyond conventional interpretation, appreciating the dimensions of enforcement becomes acute.

Enforcement has been interpreted variously and has taken several forms. Even within the United Nations system it has been construed narrowly and widely. Enforcement has been strictly confined to the use of armed force to counter threats to the peace, breaches of the peace or acts of aggression envisioned in Article 42 of the Charter. Enforcement may refer to any use of armed force, including the use of force to under-

write economic sanctions, a kind of Article 41 1/2 first employed during the oil embargo against Rhodesia²² and again against Iraq.²³ It may refer to any measures employed by the Security Council to give effect to its decisions, whether involving the use of armed force or other measures provided for in Article 41. It may be argued that an action under any part of Chapter VII or the Chapter as a whole may be considered enforcement. U.N. action in Korea was based on a recommendation under Article 39,²⁴ but it was certainly an enforcement action by any definition. The use of “all necessary means” to counter Iraqi aggression was based on Chapter VII as a whole.²⁵

Enforcement also can mean broadly any action or decision imposed on a violator without its consent. Such an action may be based on the U.N.’s implied powers not expressly provided for in the Charter but essential to the performance of its duties.²⁶ For instance, Article 1(1) provides for “effective collective measures” to guarantee the purposes and principles of the U.N. Also, emphasis recently has been placed on preventive action, including the stationing of troops on the territory of one state threatened by another with the consent only of the threatened party.²⁷ Taken to its logical limit, majority voting in U.N. bodies, in contrast to consensus decision-making in the League of Nations, amounts to a kind of enforced obligation.²⁸ Article 25 of the Charter, in particular, obliges member states “to accept and carry out the decisions of the Security Council.”

Enforcement has been restrictively confined to the classic doctrine of *collective security*.²⁹ That is, only the actions taken *collectively* to give effect to decisions made collectively constitute enforcement. *Collective* has a specific meaning in this context: it does not refer merely to cooperation between a group of states for a particular security end; it implies that at least the most powerful states have submitted their military assets to a decision-making mechanism before a crisis erupts. The mechanism responds automatically to the kinds of crises identified commonly among the participating members, such as breaches of the peace or acts of aggression. To function, this requires a coherent, collective decision-making process. This means that whichever body has been authorized before a crisis to make decisions, including the determination of the existence of a crisis in the first instance, continues to do so during

a crisis. Also required are resources and assets readily available to the decision-making body to enable physical action against violators.

The restrictive view above of Article 42 is similar to this concept, but lacks available resources. These were envisioned under Article 43, under which member states provided armed forces on a stand-by basis. These were never concluded due to the onset of the Cold War and the disagreement between the United States and the Soviet Union over the size of the armed forces that were to be made available. While U.N. action has never been based on Article 42 for this reason, it is a mistaken interpretation that Article 42 relies on the armed forces provided by Article 43 agreements since Article 42 does not refer to Article 43. A force raised by the U.N. in another manner may still be based on Article 42.³⁰ While technically this may not be considered a *collective security* arrangement, it would nevertheless be a *collective action* if properly constituted. This issue may become less problematic with the revival of efforts to conclude agreements for stand-by forces.³¹

Enforcement measures can fall considerably short of military action as the ultimate sanction. Implementing agreements negotiated by international organizations as third parties or giving effect to judicial and arbitral decisions may take a number of forms of pressure. Members of organizations may be expelled or their membership rights suspended.³² They may be censured through condemnation in the form of a resolution. The amount of support for the resolution can reflect the degree to which the recalcitrant party has been internationally isolated, as was the case with South Africa and Rhodesia. Condemnation and even institutional censure may not lead to isolation, however, if the violator is a dominant power whose links with the international community are too pervasive to sever. This gave the United States leeway to invade Grenada and Panama, with limited consequences arising from international disapproval. Economic pressures may include freezing financial assets and trade or other embargoes.³³ International conventions often outline implementation mechanisms for the laws they cover.³⁴ International organizations may attempt to alter the terms of agreements between parties to give effect to them.³⁵

Article 94(2) of the U.N. Charter provides for recourse to the Security Council in the event that a party “fails to perform the obligations incumbent upon it under a judgment rendered by the [International] Court [of Justice (ICJ)].” There is no appellate process in international law, unless parties before an ad hoc arbitral tribunal decide to take their case to the ICJ on the basis that they are treating it as a higher court. However, the ICJ can review its own decisions in the absence of the principle of *stare decisis*, or precedent.³⁶ It should be noted that international tribunals usually have a consistent record of compliance with their decisions by parties to cases before them because by the time parties accept voluntarily the jurisdiction of the forum they are psychologically prepared to accept the results.

The applicability of laws in specific cases gives effect to those laws and is a form of enforcement. This may mean the determination by a court or tribunal that it has jurisdiction to hear a particular case and apply the relevant law.³⁷ It may mean a restrictive interpretation of state immunity, submitting therefore an issue to adjudication and rendering it justifiable.³⁸ The ability of an entity to bring a claim to a court will denote both its capacity as a legal person to do so and the justifiability of the issue.³⁹ The creation of law, such as through custom or the conclusion of a convention, is to identify obligations as a category of enforcement. This includes the establishment of courts or tribunals on an ad hoc or standing basis, which by their creation and conduct give effect to law.

The sense of obligation, or so-called *opinio juris*, of states toward international laws by its existence is the basis for enforcement by voluntary compliance. The ICJ has tended to have a high standard of proof of *opinio juris* to distinguish law from some other practice, custom, or habit.⁴⁰ While seeming the least compulsory, self-enforcement is by far the most common form of implementing international law. Franck notes the curious fact that while international law can be broken because it is not underwritten by an enforcement mechanism, powerful states obey powerless laws because of their legitimacy.⁴¹ Unfortunately, the other side of self-enforcing law can be the perpetuation of self-help in the international system. While severely restricted in law, self-defense is per-

mitted in certain circumstances under Article 51 of the U.N. Charter, for example, when an armed attack has occurred. While originally intended as a defense mechanism for the weak, in the event that the powerful acted excessively through the U.N. Security Council,⁴² the right has been relied on much more by the powerful as an immediate means of enforcement, often exceeding the limits of self-defense, such as proportional uses of force.⁴³

The various understandings of enforcement can be summarized in four rudimentary categories: (1) voluntary compliance; (2) application of the law; (3) pressure; and (4) military or nonmilitary uses of force. Running through each of these categories are two domains of law: (a) the content of the law being broken, such as human rights, the prohibition against aggression, or limitations on warfare; and (b) the law underwriting enforcement actions, such as rules of proportionality, authoritative constitutional bases for uses of armed force and relations with third party states. The categories are not intended to be clear and distinct, but they illustrate two different spheres of enforcement. The first two categories are directly linked to the legal process; they are legal techniques of implementation. The latter two categories tend to be beyond the scope of the legal system and are more entrenched in a political process—even though the parameters of this process are defined by law.

As a transitional authority, the U.N. in Cambodia employed all four rudimentary categories of enforcement. However, the first three were both conceptually and functionally overwhelmed by the question of military enforcement in the negotiating, planning, and implementation stages of the operation, and were virtually still-born. Taking account of these earlier subtleties may have prevented the deterioration of the ground condition that occurred, leading to intransigence by the parties, an unwillingness by the U.N. to use military force, and a crippling of the operation.

(1) Voluntary compliance by the Cambodian factions was a critical means of implementation since the U.N. had been unable to secure the reigns of power to transfer them to a newly elected authority. However, to rely on the four factions as a means of implementing the will of the international

community meant that the U.N. had to be in control of the negotiations between the factions that constituted the balance of power in the country and the genuine, functional authority. It was not.

(2) The application of law as a means of implementation was based on the experimental control by the U.N. of local civil administration and its legislative capability to promulgate laws and apply them to areas such as human rights. However, the novelty of these components and the lack of previous experience regarding such tasks led to their importance being underestimated until it was too late and their effectiveness irreparably undermined.

(3) Pressure short of military action could have been exerted effectively by the civilian police element of UNTAC. This component, however, was rooted in the experience of earlier peacekeeping operations and was both conceptually and physically unprepared to exercise authority independently, and match and give effect to the administrative and legislative competence claimed by UNTAC's mandate.

Consequently, the limited capability of UNTAC to exercise its authority led the U.N. to perform the role of a technician in the elections, ensuring the electoral machine functioned. The context was controlled and the authority, under which the process would succeed or fail, was exercised by the local population itself. The social factor in the process of implementation increased with significance as the U.N. authority proved limited and the factional balance of power included a competition for degrees of popular support.

■ Part 2 ■

Transitional Authority
in Cambodia

IV. TRANSFERRING AUTHORITY

As an authority-in-trust of Cambodia, the United Nations was to transfer power to a government freely and fairly elected in May 1993. But transferred *from* whom? The Transitional Authority had not secured the reins of control to pass them to a new Cambodian order. A delayed operational deployment following the signing of the October 1991 Paris Accords failed to alter and became hostage to Cambodia's historical pattern of authority.

Violence intensified as the peace process accelerated and elections approached on May 23 to 25. One of the first in a series of lethal attacks by the Khmer Rouge on Vietnamese civilians occurred on December 27, 1992. Twenty guerrillas entered a fishing village on the Tonle Sap River and massacred 13 ethnic Vietnamese, including a small child, and 2 Cambodians. Than Theaun, a Khmer Rouge defector in UNTAC custody who took part in the incident, claimed directives came "from above." Another attack on January 27, 1993 claimed eight lives, including three policemen and an eight-year-old girl.

Increasing political violence against his supporters led Prince Norodom Sihanouk on December 14, 1992 to threaten resignation as chairman of the SNC—the all-party, interim authority that issues directives with UNTAC. In a letter dated January 4, 1993 to UNTAC chief and Special Representative of the U.N. Secretary-General in Cambodia, Yasushi Akashi, he stated: "In view of the extreme seriousness and the persistent and ignominious continuation of the crimes perpetrated against FUNCINPEC...I am compelled to cease cooperating with UNTAC and the party of the state of Cambodia."

Blue berets did not provide defense for peacekeepers. Between December 15 to 18, 1992 a total of 67 UNTAC hostages were taken. Another 11 were kidnapped on the 19th, and a message was sent that unless a Khmer Rouge leader ordered their release they would be killed. The Khmer Rouge prevented UNTAC's deployment in areas it controlled and, following this incident, they issued a statement listing categories of zones in which they were not responsible for the safety of uninvited peacekeepers.

Finally, as a U.N. deadline for Khmer Rouge participation in the elections passed on January 31, 1993, the Phnom Penh government launched an offensive in the five provinces of Battambang, Kampong Thom, Preah Vihear, Siem Reap, and Kratie. They recaptured territory gained by the Khmer Rouge since the start of the peace process and came within seven miles of Khmer Rouge headquarters in Pailin.

This followed increasingly provocative attacks by the Khmer Rouge. In Battambang province in December, daily mortar and artillery fire led 11,000 civilians, many recently repatriated refugees, to flee the area. On December 31, intense shelling in Siem Reap province forced 45 UNTAC personnel into bunkers before being airlifted during a temporary cease-fire to the town of Siem Reap.

Nevertheless, in an article published by the *Harvard International Review*, the Special Representative wrote: "Cambodia provides a new model of multi-faceted U.N. activity in an independent state. This experiment of Cambodian peace, if successful, will constitute a precedent that may well be followed in various situations around the world."⁴⁴

In the weeks following the signing of the Accords, representatives in Phnom Penh of the five permanent members of the Security Council, who had designed the overall plan, called for quick deployment of U.N. troops. The factions echoed this as they began to lose control of forces in the field that feared the consequences of U.N. control and loss of power and position. Analysts, witnessing a break down in law and order and already a dissatisfaction with the U.N. as unrealistic hopes for the advance mission (UNAMIC) were translated into pessimism, warned of impending disaster unless UNTAC arrived soon.

In New York, U.N. headquarter's preoccupation with the brewing conflict in Croatia, proverbial U.N. wrangling over the operation's budget, and a lack of responsiveness to planners in the field led to the approval of a blueprint only on February 28, 1992. At the same time, despite a number of U.N. infrastructure surveys since the 1989 Paris talks and an impending accord in the summer of 1991, coherent plans for preparation of the operation had not been developed. UNAMIC did not assess correctly civilian and military strengths re-

quired, nor did it appreciate the importance of a swift, effective deployment. Resources were still being identified well after the arrival of the force.

A diplomat involved in the drafting of the Accords was quoted in the *Far Eastern Economic Review* on February 27:

There was a major screw-up in this whole process—and that is UNAMIC...UNAMIC was only an afterthought when the peace accord was drawn up. No one believed it would take so long for UNTAC to be deployed and no one took this interim period as seriously as, in hindsight, we should have.

The factions had varying perceptions of their commitments under the Accords, which they felt they had been forced to sign by the Security Council permanent members—particularly following rapprochement between China and Vietnam in autumn 1991. Neither drafters of the agreements nor analysts expected full compliance with the Paris terms. In fact, Article 29 provided for Security Council action in the event of violations. U.N. planners on the other hand prepared for the best-case scenario, one reason for applying a traditional peace-keeping formula to a set of tasks considerably more complex than interpositional forces had faced earlier.

There was a window of opportunity following the October 1991 signing when factions were unsure of what to expect of the U.N.'s arrival. The last time a western power entered the country, U.S. B-52s carried out the largest bombing campaign since World War II. A decisive deployment by the U.N. would have overcome many of the hurdles that plagued the process thereafter.

Instead, the slow, fragmented arrival of U.N. contingents unprepared for the ground conditions signaled the factions that the international community was not fielding a formidable authority. Infantry units arrived before engineering and logistic units, in a reverse order of battle. In March 1992, Dutch marines expecting to deploy from Thailand into Sector 1, the area of the Khmer Rouge strongholds, were turned back without incident. A visit to Pailin by Akashi and the Force

Commander, Lt. Gen. John Sanderson, and their detention by the Khmer Rouge emphasized the restrictive nature of the U.N. operation.

There was neither an incentive nor a need for the Khmer Rouge to submit itself to this transitional authority. They realized that the most expensive effort in U.N. history could not stay in-country forever; a patient Khmer Rouge could outlast the U.N. presence. In the meantime they would gradually consolidate support and control in the countryside. Pol Pot is reputed to be the author of a document dated February 6, 1992 that outlined this strategy and that was publicized by a Khmer Rouge defector.

The Khmer Rouge were acutely aware of Cambodia's history since the fall of the Angkor civilization in the 14th century: Phnom Penh has never controlled the countryside. As one U.N. observer later realized, "No one in Phnom Penh ever decided the fate of Cambodia." A transfer of power in Phnom Penh through elections would not mean control of the country. The U.N. entered this pattern of authority and it was unable to supplant its own independent authority before the May elections.

V. ADMINISTRATIVE AUTHORITY

The ideology and character of administration differed under each of the Sihanouk, Lon Nol, Pol Pot, and Heng Samrin/Hun Sen regimes. This is reflected in the various Cambodian constitutions. In 1947, Sihanouk's constitutional monarchy provided, in principle, for bicameral legislation, an executive drawn from the legislature, and an independent judiciary. Lon Nol abolished the monarchy in his 1972 constitution and established a Republic. The 1976 Khmer Rouge constitution was a kind of radical Maoist code of conduct. The PRK/SOC constitutions of 1981 and 1989 were liberal-socialist: rights were conditioned by the public good; the judiciary was subordinated to the legislative branch; and the power of legal interpretation was reserved for the National Assembly. In practice, power always has been exercised exclusively by the executive and the Cambodian population has not been protected by checks and balances on authority.

Authoritative styles of administration were reflected in the areas controlled by each of the four factions. The SOC/PRK had to administer a country whose civil institutions had been entirely dismantled, without any international assistance for recovery, and face continuous insurgency. There was neither the time nor the resources to develop adequate institutions. Partly as a result of Phnom Penh's inability to maintain effective control over the provinces, extortion, murder, death squads, secret detention centers, intolerance of opposition, racial violence, and intimidation all have been facets of its *administration*. The Thai border camps were administered by the CGDK factions through coercion by soldiers acting under the will of camp commandants. Methods of ensuring compliance included murder, rape, assault, forced conscription for military service and various kinds of labor, denial of food and medical care, forced repatriation, and disappearances.

SOC was unable to rebuild the civil institutions dismantled by the Khmer Rouge. The skilled, educated sector of society still has not been replaced since its extermination in the late 1970s. There was little expertise in public administration and inadequate institutions of higher education. International isolation severed both aid and training. Decisionmakers often relied on external agencies, which depart leaving behind a vacuum of knowledge. Executive authority was resorted to in place of a functioning infrastructure.

The civil administration component of UNTAC, by the power of "direct control" under Article 6 of the "Comprehensive Political Settlement," was expected to dismember the abusive institutions in each of the factions' administrative structures by issuing binding directives and establishing codes of conduct. Since the SOC controlled the majority of Cambodia's territory—the smaller factions had little structure to speak of and the DK remained closed to UNTAC—the SOC became the principal focus of the component. "Control" was extended to five key *areas*, not ministries: foreign affairs, public security, national defense, finance, and information. The SRSG's authority to issue binding directives on the SNC provided the U.N. with a uniquely intrusive capacity.

However, there was no administrative leg of UNTAC that could ensure compliance with the directives. UNTAC relied

on the willingness of local authorities to comply with its decisions. According to the Civil Administration's component publicity brief, in terms of implementation, "UNTAC relies heavily upon codes of conduct and guidelines for management, especially regarding ethical conduct, measures to counter corruption, measures to ensure nondiscrimination and other principles of accountability including mechanisms to investigate complaints."⁴⁵ This mirrors the Secretary-General's Report,⁴⁶ but adds the word "heavily," effectively affirming the limitations of the component. In one case regarding the dismissal of a SOC policeman in Phnom Penh, requested by UNTAC, the civil administrator faced noncompliance by the appropriate minister. The issue was passed to the SRSG who raised it with Hun Sen. Further action was tied to the larger political landscape rather than to an objective exercise of administrative powers at the local level.

Nowhere do the Paris Agreements mention when U.N. control of civil administration was to begin, although the staff of 400 to 500 for the component, which had been earmarked by April 27, was supposed to be deployed in the first wave of UNTAC's arrival. Instead, it was delayed and full deployment was not considered complete until September 27, by which time a pattern of U.N.-SOC interaction had been set and it became impossible to penetrate offices to control them. One reason given at U.N. headquarters in New York for the delay was the lack of accommodation facilities on the ground. Civil administrators in the provinces felt this was not a sufficient reason to delay the process, particularly given that they were forced to manage without adequate facilities when they arrived months later. Nevertheless, they criticized UNAMIC, which was aware of the civil administration accommodation requirements, but did not prepare for their arrival. The civil administration component had been given a low priority in the planning phase and, throughout the operation, it was relegated to fifth priority in terms of access to helicopter flights and resources. One U.N. official cited the Australian proposal for UNTAC that estimated effective control of civil administration would require not 500 but a staff of 500,000.

Success varied in each of the five areas under control. In the area of *public security*, the promulgation of a criminal

justice code on September 10 was a significant achievement. Its passage overrode the DK's nonacceptance of Article 61, forbidding "Incitement to Discrimination." The code established the independence of the judiciary and mechanisms for appeal, and it outlined codes of conduct for the police and the courts in handling criminal procedures for crimes and punishments. However, without effective control of the police forces, the interior ministry, and court system, there was greater success in training SOC officials according to these principles than actively changing the relevant structures.

The area of *finance* was a less successful part of UNTAC. Despite apparent prosperity in the main cities, little of this was Khmer. Businessmen from Thailand, Malaysia, and Singapore established concerns in Cambodia and benefited from UNTAC's presence, but many expected to depart if this source of revenue ceased upon UNTAC's withdrawal or if the security climate worsened. They imported labor on the pretext that Cambodians take too long to train. The result was that the Khmer working force did not benefit and in fact suffered as a result of widespread inflation, which stood at 130 percent by August 1992. Also, little of the wealth reached rural areas, and this could create a scenario resembling the Sihanouk-Lon Nolas. UNTAC should have established guidelines for foreign investment in Cambodia that could have taken account of these problems.

The promulgation of an immigration law was an achievement in the area of *foreign affairs*. However, it did not establish guidelines for Cambodian citizenship, which was left for a new government to determine. Consequently, bearing a passport did not entitle the bearer to vote in the elections. The definition of the electorate did not correspond to the passport-holding population. Part of the reason for this was that the DK and the SOC issued different passports. While a special SNC passport was instituted, it was available only to SNC officials. Another problem was the transfer of consular functions to the ministry of national security, while other decisions were reserved by the Council of Ministers. This was a deliberate attempt by SOC to obfuscate separation of administrative powers to avoid UNTAC control.

Information was successfully propagated and awareness

about UNTAC, and about its limitations, were communicated to the population. Despite few televisions in the country, Cambodians that had access favored this as the most effective device for explaining UNTAC. Control, here too, relied on the voluntary compliance of the factions. Objectionable material broadcast by the DK was dealt with merely by a letter from the SRSG to its nominal leader, Khieu Samphan.

Despite regular intercomponent meetings in the provinces, chaired by the civil administrator, the administrator did not have authority over the other components. Each component was responsible to its own headquarters in Phnom Penh, which undermined coordinated approaches to problems in the field. It was difficult for the administrator to achieve control of SOC government offices if he did not have an administrative structure supporting him. Furthermore, officials from different countries brought their own styles of administration to each of the provinces. If Civil Administration was to develop structures with a long-term effect, this factor exacerbated the fragmentation characteristic of Cambodian administration. This might have been alleviated had each nation been asked to take on a single task throughout all the provinces.

One senior Civil Administration official concluded:

‘Control’ was a relative term. There was an effective balance of power between the parties we found difficult to challenge. To recover control at any stage was difficult. On June 13, 1992, disarmament was a *sine qua non* of the process—that was clear; by November 15 the DK had pulled out. There was supposed to be disarmament, demobilization and control so order could be organized. What was the Paris objective? It was to write a global accord for Cambodia, a multi-component settlement so ‘free and fair’ elections could be organized. While they could be ‘organized,’ what was the meaning of ‘free’? Was this an absolute? We couldn’t control effectively. ‘Control’ is not assistance. If the fruit is so rotten and you keep

looking for good fruit, there will be nothing left. Civil Administration was a good idea, but it was never implemented. We had our hands in our pockets and we didn't watch. We needed to control.

He added:

In June 1992, the KR decided to go along with the process; in November 1992 there were sanctions—this was the turning point between UNTAC 1 and UNTAC 2. The goal in UNTAC 1 was demobilization and a politically neutral environment; in UNTAC 2, the goal was reduced to elections only. There was pessimism about the Cambodian leaders accepting 'control' because they were pushed into it. There was no aid or recognition if they didn't sign. The Cambodian problem is complex: no one feels responsible. There are three words to describe our Mission:

(i) Rape: someone was forced to do something without their consent; some U.N. officials were forced to do things to the Cambodians they didn't want to do or would do with difficulty;

(ii) Suffering: the Khmer people; but also the U.N., as it was caught in a situation it could not get out of and which it could not solve;

(iii) Irresponsibility: no one accepts the blame for the situation.⁴⁷

The official pointed out that:

The definition of U.N. 'Authority' was written in diplomatic language; it is very ambiguous and not precise. The Khmers thought that the U.N. would take administrative control, but it was not detailed in the Agreements. Everyone had their own idea of what this meant. Was control administrative or supervisory? To be

'administrative' required an independent capacity to administer; as opposed to supervision which could mean not more than observation.

He further identified a number of specific problems:

- the problem of time: there were only 18 months and deployment of personnel was not complete until September 1992;
- the problem of no consent;
- the conflict of the Khmer and the Occidental: it is very difficult for Westerners to understand the Khmer;
- the problem of the planners: there was nothing in the plans that gave tools to Civil Administration, which had been given the power on paper;
- one group concluded the Agreement, the Paris Accords, and another group tried to implement it;
- therefore the Cambodian parties understood one thing and the P5 understood another;
- a lack of distinction between what was political and what was technical. Technical actions were viewed as political and not explained to the parties. In future, it is not so much what has to be done differently, but that what is done must be clearly understood.

Finally he explained the reason for deciding to go ahead with the elections:

In 10 years no one will remember how the game was played, they will just remember the results in the simple equation that in Cambodia there were elections. Therefore they would be able to hold something up to history. They would remember elections in Cambodia, but

they wouldn't remember whether they were free and fair. They would remember if elections were not held in Cambodia.⁴⁸

VI. LEGISLATIVE AUTHORITY

The formal legal system of Cambodia was destroyed by the Khmer Rouge. In 1978, only six to ten legal professionals remained. In 1980, the PRK began to rebuild the court system, but this was a low priority in the face of widespread famine and renewed insurgency. No concept of an independent judiciary developed, partly for ideological reasons—it is not an inherent principle of socialist conceptions of law—but also because in the absence of a body of law *justice* was relegated to political expediency. There was no objective system of prosecution nor any concept of appeal. There was no framework in which international standards of human rights could take root. Individual rights were subordinated to the public good and national security. The National Assembly, not the judiciary, retained the right to interpret laws. Legal education was limited to a six month, later two year, course at the University of Phnom Penh.

In the absence of a functioning legal system, abuses of power were unrestricted. The SOC police operated under the direction of the Ministry of the Interior and outside the control of the judiciary. In the provinces, police and security forces acted independently or under the direction of local warlords. The general population, which is still suffering grave psychological effects from the experience of the Pol Pot era, were neither aware of international human rights standards nor had any recourse in the defense of their rights. In the past, survival has meant keeping quiet and not challenging authority. One effect of marauding factions had been a population concerned more with survival and the protection of family members from rape or forced recruitment than with the quality of legal rights.

The human rights mandate was the legacy of excluding from the Agreements, for the sake of achieving a “comprehensive” final settlement that included the Khmer Rouge, any reference to prosecution of offenders. Trials would be left for

a newly elected government to carry out if it wished. On the day the Agreements were signed, U.S. Secretary of State James Baker stated: "Cambodia and the U.S. are both signatories to the Genocide Convention and we will support efforts to bring to justice those responsible for the mass murders of the 1970s if the new Cambodian government chooses to pursue this path."⁴⁹ During the operation some UNTAC officials raised the issue internally, but were not supported by others who felt that without a clear mandate no efforts should be made in that direction.⁵⁰

The process of exclusion occurred gradually. The final communiqué of the first Jakarta Informal Meeting of July 28, 1988 referred to preventing a return to "the genocidal policies and practices of the Pol Pot regime." A U.N. General Assembly Resolution of November 3, 1989 generically noted "the universally condemned policies and practices of the recent past." The February 1990 Australian proposal referred to "the human rights abuses of a recent past." Finally, the Perm-5 developed in August 1990 the formula that eventually appeared in the Agreements: "the non-return to the policies and practices of the past." This would be the basic task of the Human Rights component.⁵¹

According to the Paris Agreements⁵² and the February 1992 Report of the Secretary-General,⁵³ the Human Rights component fostered "an environment in which respect for human rights shall be ensured in order to prevent a return to the policies and practices of the past and to enable free and fair elections to be held."⁵⁴ The component was active in three main fields: (1) human rights education, training, and information specifically for government officials, judicial officers, Khmer police, law students, school teachers, and nongovernmental organizations, and generally through a publicity campaign for the entire Cambodian population; (2) promotion of adherence to international human rights instruments and review of legal, judicial, and penal standards in the light of these instruments; and (3) investigation of human rights complaints and, where appropriate, corrective action. In the event that legislation or conditions of detention were not in conformity with international human rights standards, or if the outcome of investigations warranted corrective measures, the

Human Rights component contacted “the relevant authorities,” including the SNC, and recommended “appropriate action.”

While human rights officers interpreted their powers widely, they recognized the physical limitations placed on the component. The power of the component was not merely to *recommend*. According to the Secretariat’s interpretation of the Agreements, “UNTAC would naturally retain the right to order or to take corrective action, as appropriate.”⁵⁵ The problem was that the operation did not have an independent capacity to take corrective action, such as releasing unlawfully detained prisoners or arresting, prosecuting, and punishing human rights violators. It had no independent procedure for prosecution nor any mechanism to take corrective action other than raising the issue with local officials.

UNTAC could have responded earlier to noncompliance with some high-visibility investigations, but this would have been a decision of the SRSG and not the component. By September, a pattern had emerged in which *corrective action* relied on consent of the factions. For instance, squatters at the Cambodiana Hotel in Phnom Penh were forcibly removed and beaten by SOC police as powerless UNTAC observers protested. Also, harassment of opposition politicians was largely unchallenged. About half of the complaints received and responded to were concerned with land claims, civil and not criminal cases.

The planning stage envisioned minimal human rights staff. Eventually 50 officers were deployed very slowly. Some provinces never received a full complement of human rights officers and often only one had to contend with the component’s mandate. UNTAC did not have the human rights personnel to follow up on released prisoners to prevent their harassment. Methodically investigating abuses took time and this was exacerbated by the CIVPOL, who were unwilling to press the local police or conduct their own investigations when local police found nothing. Some human rights officers in the provinces had a diplomatic and not human rights background, and were not accustomed to challenging authority. But those that did have a human rights background bore the burden of UNTAC’s investigation mandate.

The Human Rights component was a critical experiment and its marginalization in the preparation phase was mistaken. Its authority was unprecedented in the human rights field. Investigators have always had to rely on the good will of an administering authority for access and the only available weapon to redress abuses has been international public outrage. However, in Cambodia, human rights investigators were vested with the complete right of access and the authority to take corrective action, such as the dismissal of officials. Education of the population with regards to their rights and the training of legal professionals provided the demand for an accountable system of government. While the time frame was insufficient, it was suggested that a human rights presence would remain beyond 1993. It could not have existed initially outside the larger UNTAC framework, but it is likely that it can continue in some form. It could still have a role should the Constituent Assembly wish to pursue a trial of crimes against humanity during the Pol Pot era. The appointment of an official from the U.N. Human Rights Centre will provide some continuity after UNTAC's withdrawal.

The absence of an independent capability in UNTAC to take corrective action was not sustainable. As the registration process proceeded through November and December 1992, incidents of politically motivated violence increased and led to 20 deaths. The principal target of the attacks was FUNCINPEC, the royalist party headed by Prince Norodom Ranariddh, son of the SNC Chairman, Prince Norodom Sihanouk. The inability of UNTAC to address adequately the violence had led to Sihanouk's refusal on January 4, 1993 to continue cooperating with UNTAC or SOC. Ranariddh stated on January 10 that "We have got no results from UNTAC or investigations of political violence. We know very well...the names of the SOC officials who are behind it."⁵⁶ Sihanouk rejoined the peace process following a meeting with SRSG Yasushi Akashi on January 8 in Beijing, but "his threats made it clear to UNTAC that they must institute concrete measures to address the deteriorating situation."⁵⁷

On January 11, Akashi announced the creation of a special prosecutor's office and court system designed to indict, prosecute, sentence, and imprison individuals responsible for

political crimes. This would be in addition to Akashi's powers under the Paris Agreements to dismiss officials accused of violence and intimidation. Despite new powers, there was still reliance on local authorities for enforcement and prosecution. Akashi attempted to remove the governor of Battambang province, Ung Sami, not only for his part in attacks against opposition party workers and offices, but also for a long history of human rights abuses and corruption in the area. A SOC spokesman responded on January 12: "If UNTAC insists on removing him it will have to remove Prime Minister Hun Sen and the SOC won't cooperate with UNTAC anymore."⁵⁸ Akashi still effectively relied on Hun Sen to remove Ung Sami since he could not afford to alienate SOC, which controlled 80 to 90 percent of the population and territory of Cambodia in the run-up to the May elections.

The first arrests took place in January 1993. UNTAC apprehended on January 11 a member of the ruling Cambodian People's Party who was destroying a FUNCINPEC office with an ax. Unfortunately, the suspect was placed in the custody of the SOC police, who later released him. An UNTAC spokesman said U.N. police would try to rearrest the suspect.⁵⁹ On January 15, a SOC policeman, Em Chan, was arrested and formally charged on January 21 with killing FUNCINPEC party official Kier Sarath in the southern port city of Kampot. The hearing, however, was delayed while UNTAC searched for a suitable magistrate. An UNTAC official said, "The problem is finding the right court mechanism and finding the right judge."⁶⁰ The problem was exacerbated by the arrest of a defecting Khmer Rouge guerrilla, Than Theaun, for his part in the December 1992 massacre of 12 ethnic Vietnamese and two Cambodians. A Phnom Penh court refused to hear the case. According to UNTAC officials, SOC wished "to avoid setting a precedent in Theaun's trial which could be used against Em Chan and other government defendants."⁶¹ The government claimed that UNTAC did not follow proper procedures in either case as the incidents occurred outside the jurisdiction of the Phnom Penh court. UNTAC had no independent recourse.

Weaknesses of the powers of arrest also were illustrated. On February 5, FUNCINPEC officials accused the Phnom Penh government of arresting six of its members. One was

released, but UNTAC admitted it did not know the whereabouts of the others.⁶² Warrants were issued for the arrest of seven government soldiers, including a captain, who would be charged with murder, causing injury, illegal confinement, and infringement of human rights. On March 8, a special U.N. prosecutor accompanied by Malaysian troops failed to make any arrests. According to an UNTAC spokesman, "Despite advance notice that the team was coming, [none of the seven] accused of the abduction of FUNCINPEC members were present." A government spokesman rejected the legality of the U.N.'s prosecutorial powers: "We believe this kind of power of UNTAC is a violation of existing rules and is also in violation of human rights...If UNTAC continues to insist to apply these rules of law, then the [government] would find it very difficult to cooperate with UNTAC in this field." A U.N. spokesman stated: "Without the cooperation of the existing administrative structures in the process of bringing the alleged offenders to justice there is nothing more UNTAC can do."⁶³

This SOC-UNTAC confrontation intensified later in March. FUNCINPEC reported one of its members was tortured to death after being summoned for talks with government authorities at a district office in Kompong Cham. The mutilated body of Hou Leang Bann was found in a sack after seven days. UNTAC questioned suspects and raided two SOC district offices, but made no arrests. Hun Sen was enraged by what he considered abuses by UNTAC in its investigation. On March 19, he sent a letter to Prince Sihanouk, U.N. Secretary-General Boutros-Ghali, and UNTAC leaders stating: "We consider recent acts by the UNTAC supervision group as abuses of its control powers...It constitutes a disgusting act which reminded me of those committed by the Pol Pot regime while in power." He went on to say, "We cannot endure the...terror of our people, who are suffering by threats and oppression from foreigners excessively abusing their powers like colonialists in Cambodia."⁶⁴

In spite of these problems, there have been calls for tribunals to be established to prosecute those responsible for the massacres of ethnic Vietnamese, which have plagued the process since its beginning. For instance, on March 10, 1993, at least 33 ethnic Vietnamese were killed and another 29 wounded in a fishing village in Siem Reap province. Among those killed were 8 children and a baby. "There were babies with their

hands shot off...[Attackers] got into one houseboat and shot the kids in the head. It's that savage," said a U.N. investigator. Khmer Rouge guerrillas under the command of the infamous General Ta Mok were suspected of committing the massacre.⁶⁵

In response, U.N. officials raised the possibility of genocide trials. "In human rights terms these are crimes against humanity and may well be considered acts under the genocide convention," said an UNTAC human rights officer. "Those responsible for authorizing or who fail to take steps to prevent such acts may well be charged if not for genocidal acts then for complicity in genocidal acts." In his confirmation hearings on March 31 before the U.S. Senate Foreign Relations Committee, Winston Lord, President Clinton's appointee as Assistant Secretary of State for East Asia and the Pacific, stated: "There is a real concern here [regarding ethnic violence] that we may see another example of ethnic cleansing taking place, and we know the Khmer Rouge's history on this matter. We have urged the U.N. to look into this matter, to appoint special people to judge whether war crimes and other atrocities are being committed that should be brought before a future Cambodian government for possible prosecution."⁶⁶

The Special Prosecutor, Mark Plunkett, was very critical of the organization of the office under UNTAC senior headquarters staff. He said that "the U.N. in Cambodia is trying to establish the notion of the independence of the judiciary locally when within its own operation it would not accept it." Internally, there was a conflict between the legal expert and the U.N. high official, between the diplomatic and legal subculture. He said they were leaving behind a bad legacy. He felt he was stopped at every step in developing his position and had little support from headquarters for his operations. He identified requirements for similar future efforts:

- a U.N. Criminal Code for peacekeeping operations, like the Law of Vienna or the Law of Geneva. He cited the UNBRO laws in the camps as a useful, simple model;
- a criminal procedure with a panel of retired judges;
- CIVPOL which can make arrests;
- a justice package;
- detention facilities.

VII. LAW ENFORCEMENT

The lacunae between UNTAC's administrative powers and its enforcement capacity could have been mitigated somewhat by the CIVPOL component of the operation, but it failed to meet the challenge. U.N. CIVPOL usually do not maintain law and order independently but supervise law enforcement by local police forces.⁶⁷ Concerning policing powers—reporting, investigation, search, seizure, arrest, and detention—CIVPOL conventionally are restricted to reporting⁶⁸ or reporting and investigation.⁶⁹ UNTAC CIVPOL had not only a supervisory function, through reporting on and investigating incidents, but also the power of control.⁷⁰ This last provision was particularly significant since local police forces, which had become largely politicized institutions with little discipline and weak links to Phnom Penh authority, would be subject to laws drafted by UNTAC.⁷¹ This put CIVPOL in a powerful position to challenge abuses of power and direct law and order.

Despite many good officers in the field, there were endemic problems. CIVPOL did not seem to understand the legal powers available to it as part of UNTAC. The criminal justice code had not been applied proactively. It was the tendency of policemen to rely on local laws as final rather than realize that their objective was to establish neutral institutions as a departure from existing administrative structures. CIVPOL interpreted its own powers of reporting and investigation very narrowly. It tended to report more and investigate less. The power of investigation could have been interpreted widely, though still within the existing mandate, to alleviate some of the problems resulting from the absence of an administrative leg of UNTAC. By the middle of November, 3,392 police officers from 31 countries, representing 95 percent of the planned complement of 3,600, had been deployed. However, as the registration period opened, two CIVPOL officers were reallocated to each of 800 registration sites. This worsened its already minimal role in assisting the civil administration component.

CIVPOL did not even attempt to carry out its control tasks. Its publicity brief did not refer to control as one of its func-

tions.⁷² In comparison to the human rights officers, it was a poor investigator. The subculture of the police used to a familiar environment, with knowledge of the local language and laws, and used to underwriting authority, not challenging it, meant that CIVPOL required special training for international service. Nevertheless, even if CIVPOL had taken full advantage of its available powers, it would still have lacked the manpower and authority to conduct independent policing functions, including the removal of policemen or the arrest of serious offenders. Although U.N. CIVPOL is currently ill-suited to the task, they provide the basis for developing an independent law and order capability.

Several basic hurdles highlighted by the Cambodia experience will have to be overcome if U.N. forces are going to conduct law and order tasks successfully. The basic aim of apprehension, for instance, is to secure custody of the offender. This raises practical problems such as:

- It may be difficult to find offenders. They will probably know the area—whether urban, rural, desert, or jungle—better than the newly arrived U.N., and will be able to hide, move clandestinely, and perhaps escape. In this they may be assisted by sympathetic members of the local population, other unknown offenders, or armed forces loyal to the accused;
- Local officials may not cooperate out of principle, even if they are opposed to the offender, for they may be against U.N. activities. Local officials also may have direct interests either in the safety of the accused or severe retribution;
- U.N. forces may inadvertently assist an offender who is disguised as a demobilizing soldier, who may then be assisted by a U.N. repatriation or rehabilitation component to relocate within the country or emigrate elsewhere;
- It may not be known who carried out a particular offense, and U.N. investigations may be hampered by fear of victims and witnesses or ulterior motives of others in the area;
- It probably will be difficult to determine the scope of

culpability: principal offenders may be notorious, perhaps even mythic, but it would be difficult to establish who directly or indirectly assisted in the crimes—such as subordinates, local civilians, or political organizations locally or in a neighboring state—and who tolerated the crimes—such as superior military officers, political parties, or government officials. Consequently, there may be too many offenders to reasonably apprehend all or even most of them;

- It may be that individuals or political parties known to be guilty of offenses are afforded effective immunity through their key role in a peace process;
- It may be that guilty individuals or criminal organizations move and act freely because the political cost of apprehending them may jeopardize other U.N. activities or endanger the personal security of U.N. officials;
- It may be that the U.N. is unable to enter certain areas, usually strongholds of recalcitrant forces.

By far less complicated, the aim of detention is to hold in custody an accused individual until a system of prosecution has been established and a sentence passed. Facilities for this purpose will have to be located within daily commuting distance of the place of prosecution. It is unlikely that such a facility would be an entirely international venture and would require significant assistance from the host state or a group of interested states. The bulk of the resources for a detention facility should be provided by the territorial host state where a court is established or tribunal is sitting, but the facility should be controlled by the U.N. Control in this sense means to direct the overall process of detention while the host state would physically maintain the premises. To ensure that prisoners are treated equally, that international minimum standards of detention are maintained, and that the host state fulfills its obligation of detention, strict supervision would be required, particularly if the facility is located in the place where the crime was committed. Supervision should not be limited to occasional inspection; continued international presence should be guaranteed.

The aim of punishment is to execute a sentence passed by

a competent court or tribunal. Capital punishment should not be, and is unlikely to be, authorized collectively as a general human rights issue. The value of punishment is not exacting retribution; given the gravity of the offenses, there is unlikely to be a punishment to fit the crime. Rather, punishment should be conceived as a means to affirm the unacceptability of the offenses and to create confidence in a local population as well as the international community that offenders will be tried. Consequently, incarceration for life will be the most likely sentence.

VIII. ESTABLISHING AUTHORITY

Cambodians had not experienced free and fair elections modeled on Western liberal-style democracies. Few can remember Sihanouk's electoral exercises and the PRK/SOC elections were not multiparty. The population had not been exposed to political tolerance and had never been presented with a choice of governments. It is difficult for Cambodians to distinguish between factions and political parties. In the past, the latter have either been crushed or survived by force of arms as a faction, as in the case of the Khmer Rouge under Sihanouk's regime. Political views have been expressed by force or not at all, and there has been no mechanism to express an opinion anonymously in the manner of a secret ballot. Given the historically encroaching neighbors of Thailand and Vietnam, coupled with the exercise of executive power by an ethnically Khmer authority, the state is perceived as synonymous with the Khmer community. Minorities are not considered part of this community and were not considered part of the electorate.

Power in Phnom Penh has never represented the population of the provinces. While Sihanouk was personally regarded as a legitimate leader for historical reasons, legitimacy has not been accorded to authority merely because it resides in Phnom Penh. The concept of elections is not necessarily linked with legitimacy as it is intended in Western democracies. Elections in the past have been methods of affirming the status quo, not transferring power. There is no understood correlation between the population, election results, and government.

The electoral component established an early presence in-country and was well-prepared throughout the process. It had previous experiences such as Namibia to draw on. It developed a structure that included: a Training, Education and Communications Division; an Operations and Computers Division; an Administration Division; a Complaints, Compliance and Enforcement Division; and an Advanced Electoral Planning Unit. By October 27, 1992, 11 political parties, but not the DK, had registered and on November 20, the *Electoral Component Newsletter* reported that registration had reached one million.

On August 12, 1992 an electoral law was enacted. It was largely based on the Namibia model, but with some Cambodian peculiarities. Article 55(2) provided for polling stations to be established in Europe, North America, and Australia, although registration had to take place in Cambodia. Article 3 defined a “Cambodian person” entitled to vote under Article 5: “(a) a person born in Cambodia, at least one of whose parents was born in Cambodia; or (b) a person, wherever born, at least one of whose parents is or was a Cambodian person within the meaning of paragraph (a).” In other words, persons born in Cambodia had to have a parent who was born in the country and persons born outside Cambodia had to have a parent *and* a grandparent born in Cambodia. This was a compromise provision between the SRSG and the SNC, which unanimously wanted an ethnically defined electorate. While the SRSG had exclusive authority in this area and could have overridden the SNC, it was his personal choice to negotiate an electoral law. Akashi wished not to be the “MacArthur of Cambodia,” forcing his decisions on the population, but many U.N. officials in the components would have liked him to be more assertive with the factions.

The decision to proceed with the electoral phase of the operation, despite the failure of the demobilization and cantonment process, was perilous at best. A neutral environment was not established and this raised the question of what is free and fair—the measurement of a legitimate election that can be internationally recognized. In the minds of the electoral component, free and fair under threatening conditions meant not much more than a secret ballot. Particularly problematic were

the areas surrounded by DK forces: anyone seen registering or voting, let alone campaigning, would be targeted since the DK did not participate in the elections. While registration was successful in the areas where the U.N. was able to deploy, despite several violent incidents and attacks on UNTAC election workers, there was greater fear for the campaigning and balloting periods.

Nevertheless, failure is not part of the institutional memory of the United Nations. In its sanitized documents, final results are painted as initial objectives and lessons are left to be learned only from successes. Obscuring mistakes has meant they have been repeated. Reluctance to keeping U.N. history honest has slowed the development of more effective operations. At the same time, it is such lucky strikes recorded as organizational accomplishments that have led the U.N. to assume more challenging tasks.

The U.N. has been heading toward a disaster, as UNTAC nearly illustrated. This could be averted in the future with an accurate appraisal of operational successes and failures. However, a self-congratulatory mood in Phnom Penh and at U.N. headquarters in New York following the balloting process threatened to obscure the valuable lessons to be learned from UNTAC's mistakes.

Security conditions on the eve of elections were precarious. The town of Stoung in the central province of Kompong Thom was shelled by Khmer Rouge artillery throughout the night before balloting began until 6:00 a.m. the morning of May 23. Three days earlier in Stoung, the Khmer Rouge hunted for some hours a U.N. civilian electoral worker and several military observers.

According to a conservative report issued by UNTAC's Human Rights component, there were over 100 violent incidents during the campaigning period between March 1 and May 14 for which responsibility could be imputed. Casualties included 200 deaths, 338 injuries, and 114 abductions. This culminated in a large scale attack on Siem Reap on May 3-4 by 400 Khmer Rouge cadre and 300 recruited youths. Following further attacks on May 19, hundreds took refuge in the temple complex of Angkor Wat.

U.N. officials in Phnom Penh and New York prepared an

observant international community for electoral disruptions. Secretary-General Boutros-Ghali issued on May 3 a fourth progress report on the situation in which he stated: "It may well be, in the light of the sobering experiences of the last 13 months, that the expectations originally entertained for ensuring that the election is free and fair and for the success of national reconciliation were overly optimistic." The Special Representative publicly conceded that the objective of a "neutral political environment" had not been achieved. He warned that the Khmer Rouge had increased their strength by 50 percent, from 10,000 to 15,000. It was stated that the "freeness and fairness" of the elections would be measured according to "acceptable minimum standards"—effectively, UNTAC's ability to ensure a secret ballot.

Days before the election, dependents of U.N. agency officials were ordered out of the country by U.N. headquarters in New York. Security concerns canceled 300 polling sites in the trouble spots of Siem Reap and Kompong Thom. The Security Council issued in a resolution a final warning to the parties that it would "respond appropriately" should they fail to honor their obligations.

Others forecasted doom as well. International press reports were gloomy, as were the views of local diplomats. British Ambassador David Burns expected "intensive, low-level military acts and one to two high-profile acts designed to frighten people from voting."

Under these threatening conditions, Cambodians voted in their first technically free and fair election. Despite monsoon rains, 42 percent of 4.7 million registered voters cast their ballots on the first day; by the end of the process more than 90 percent had voted. In the face of months-long intimidation and violent threats, voting became a heroic act. Even in the areas of bitter fighting in Kompong Thom, where voters were shelled and killed on their way to polling sites, the turnout was about 80 percent.

Perhaps UNTAC's greatest achievement was enabling a population to participate in the struggles for power, which it had never done in its entire history. Likely, the most lasting effect of UNTAC will be a sense in the population that it can demand accountability from those who govern. It is to

UNTAC's credit that it ensured a secret ballot, which significantly built confidence in the process. UNTAC civilian, military, and police officials and workers, as well as locally and internationally recruited staff, displayed courage and dedication in the conduct of elections and that must be recognized.

Despite the resilience of U.N. personnel, the conditions of duress were the consequence of not recognizing military lessons of the past. The low level of violence during the election was in spite of UNTAC and not because of it. The fragility of the process was historically remarkable. In an interview with UNTAC's own media services before the election, Akashi stated the decision had been taken that if one more electoral worker was killed, the U.N. Volunteers—the principal electoral organizers in the field—would be withdrawn and it is unlikely the elections could have been carried out. On May 20 in Stoung this nearly happened.

Reasons why the Khmer Rouge did not disrupt the election are speculative. Was the Khmer Rouge under diplomatic pressure, particularly from China? Did local commanders, lacking the means to do so, simply refuse orders from the leadership to attack? Did the leadership decide it was not in their interest to destroy the elections, since they would have a better hand to play in the new government if they did not alienate irrevocably the population or the other parties with which they would have to cooperate in a coalition?

Whatever the answer, the critical issue is that the will of the warring factions should not have been in a position to decide the fate of the elections, during and after. It should have been a U.N. accomplishment that violence was minimal during the balloting. Similarly, the U.N. could not guarantee the finality of an election with a winner, a loser, and a transfer of power. Instead, Cambodian factions considered defeat or nonparticipation as inconsequential to their role in the new order. For this reason, Prince Norodom Sihanouk—who it was decided earlier would become head of state regardless of election results—could reasonably award the same position to the winner and loser in his first, premature coalition formula.

Election results shifted a balance of forces between the factions, but it was this balance that would determine the new authority in Cambodia and not the election. Therefore nego-

tiations following the balloting regarding a coalition arrangement were as significant as the elections themselves, although international attention quickly focused elsewhere. The U.N. did not alter the historical nature of power in Cambodia, but it did seem to help empower the people, with whom Cambodia's hopes can rest for the first time. This highlighted the significance of support by the local population in the exercise of authority and emphasized the need to address social needs in any peace process.

■ Part 3 ■

Social Authority

IX. CAMBODIAN SOCIAL AUTHORITY

The focal point of international concern during the 1980s had been the Cambodian population in camps along the Thai border, administered by the two non-Communist resistance factions—FUNCINPEC and the KPNLF—the Khmer Rouge, and UNHCR. Having fled in the wake of the violent Pol Pot years (1975 to 1979), when more than a million Cambodians lost their lives, the camp population numbered an estimated 360,000 at the time of the Paris Accords. More than half were children under the age of fifteen. Since 1982, they had been assisted by UNBRO.

Another part of the population requiring attention was Cambodia's internally displaced. Some had been uprooted early in the decade, and fighting in late 1989 and 1990 created massive upheaval in western Cambodia's Battambang and Banteay Meanchey provinces. After a lull during the final months of 1990, rekindled hostilities in January 1991 caused further displacement. Fighting in the northern provinces of Kompong Thom and Preah Vihear also displaced large numbers. In central and southern Cambodia, the problem was less acute.

By August 1990, almost 150,000 Cambodians in nine provinces were displaced within the country's borders. By the time of the Paris Accords, the number was revised to 180,000.⁷³ Some had swollen the populations of Phnom Penh and provincial capitals; others had stayed in the countryside but moved away from the fighting. Some were housed in camps for the internally displaced established by the respective political authorities; others had sought shelter with relatives.

A third group in need of special attention were soldiers who, with the advent of peace, would require reintegration into civilian society. Estimates placed the combined troop strength of the armies of the four factions at about 200,000 at the time of the Paris Accords. The Accords called for the demobilization from each of the armies by the end of September 1992 of at least 70 percent of their troops, or a total of 140,000.

According to a survey carried out in early 1992 by the International Labour Organisation, a majority of the soldiers

(56.2 percent) planned to farm, while about a third (30.6 percent) intended to seek other employment—more than half wishing to venture into business. A smaller group (13.2 percent) was undecided. Among those seeking employment, some 85.8 percent expressed the need for training; only about half the would-be entrepreneurs had employable skills. Most of the soldiers (74 percent) planned to resettle in their home provinces, many rejoining families already experiencing war-related hardships.

The three groups—returnees, internally displaced persons, and demobilized soldiers, totaling between two-thirds and three-quarters of a million people—would need reintegration into a Cambodian society of about nine million, itself in need of rehabilitation. In continuous upheaval since the Vietnam War in 1970, Cambodia had for a generation been wracked by international and internal strife, natural catastrophes, and international economic sanctions. Its unfinished human agenda was monumental.

Cambodia at the time of the Paris Accords had a dismal economic and social record. Its per capita GNP placed it among the poorest countries in the region and the world. It had the world's lowest life expectancy (49.7 years), and the highest birth (40 per 1,000) and fertility rates (4.5 births per woman of reproductive age). Tangible evidence of the ravages of war and the presence of somewhere between four and ten million land mines, Cambodia had the world's highest percentage of physically disabled people. Reflecting the killings of the Pol Pot years and the recurring political violence of the 1980s, almost two thirds of the adult population was female, with more than one third of all households headed by women. Women constituted 70 percent of the rural labor force; female child labor was a major problem.

Fewer than half of Cambodia's population had access to health services; per capita access to physicians was the worst in Asia, except for Nepal. Only one in eight in rural areas and one in five in urban areas enjoyed access to potable water. Malaria affected half a million and claimed 5,000 to 10,000 deaths annually. In addition to the world's highest rate of tuberculosis, Cambodia also suffered from widespread dengue fever and diarrhea. One tenth of the population of Phnom

Penh and one in five in the countryside were reportedly malnourished.

Among the major casualties of the recent past was the cadre of trained professionals, many of them targeted by the Pol Pot regime. A UNDP survey in 1989 found only 360 Khmer with managerial skills. A U.N. team concluded in 1990 that there were as few as 3,000 individuals with education at the post-secondary school level, none of them with experience in the kind of macro-economic planning essential for rebuilding the country.

Some indicators were more positive. Food production seemed stable, despite short-term fluctuations linked to droughts and floods. In the education sector, literacy stood at 70 percent among adults and 82 percent of school age children enrolled in schools. However, Cambodia ranked 140th of 160 countries on UNDP's Human Development Index. In the summary judgment of the World Bank in mid-1992, the picture was "extremely bleak [with] adverse health conditions caused by poverty, war, lack of health care, and very poor household hygiene" constituting a major problem.⁷⁴

As a new chapter in Cambodia's history opened, many observers were shocked by these statistics. Because the inter-governmental community had severed aid and trade with Cambodia between 1982 and November 1991, most United Nations organizations and donor governments had been unable to form their own picture of the extent of human need or to contribute to its alleviation. Many spent valuable time after the Peace Agreements learning rather than acting.

"A great deal of work must now be launched," concluded one recent analysis, "to gather basic data about the economy...in order to be able to conduct the kinds of agriculture, transport, and other sector analysis that are the routine stuff of development planning."⁷⁵ The intergovernmental community also lacked personnel with first-hand experience in Cambodia who could speak Khmer and were knowledgeable about the social and economic conditions. Like Cambodia itself, most governments and U.N. agencies were starting from scratch.

NGOs, particularly the dozen or so that had maintained a presence in Cambodia following 1979, had a much clearer although still not comprehensive picture of the battered hu-

man landscape. A NGO study in 1992, reflecting on the experience of private organizations during the 1980s, concluded that Cambodian civil society, "is, if anything, even weaker than state and party structures. Political formations outside the four main parties are embryonic. Independent human rights organizations are just beginning to form....There are no independent trade unions, professional associations, or environmental organizations."⁷⁶

More attuned to the pulse of life in urban and rural communities, NGOs were also aware of less visible scars of conflict and neglect. The war had taken a deep psychological toll, undercutting even the preexisting sense of solidarity at the community level. "The basic units of Khmer society have been the family and the village," observed an NGO workshop in mid-1991, "both of which are in need of repair along with roads and bridges."⁷⁷

One Cambodian NGO reported a pronounced lack of solidarity at the village level. An expatriate doctor found hospitals less sought after at the district level because the safety of children and belongings could no longer be assured when parents left their villages to seek medical care.⁷⁸ NGOs grasped, perhaps better than UNTAC itself, the magnitude of the human challenge it confronted, with Cambodian institutions of every sort shattered, from family to nation.

In the brief span of eighteen months, UNTAC would seek to reunite the immediate Cambodian diaspora with its country, to rehabilitate essential economic institutions to lay the groundwork for longer term development, and to nurture the seeds of reconciliation. It was an ambitious social undertaking, with high stakes not only for Cambodia and Cambodians but also for the United Nations.

X. UNITED NATIONS SOCIAL AUTHORITY

The major social task outlined by the Paris Agreements was the *repatriation* of some 360,000 Cambodians along the Thai border. According to Article 19, "Every effort will be made to create in Cambodia political, economic and social conditions conducive to the voluntary return and harmonious integration of Cambodian refugees and displaced persons."

References to UNTAC's mandate in Article 19 and in the more detailed Annex IV did not include the 180,000 internally displaced but only refugees outside the country. Facilitating their safe and orderly return was the first priority.

Rehabilitation of the internally displaced, demobilized soldiers, and the country as a whole was clearly a lesser objective, both in priority and in sequence. The Declaration on the Rehabilitation and Reconstruction of Cambodia stated:

It is now possible and desirable to initiate a process of rehabilitation, addressing immediate needs, and to lay the groundwork for the preparation of medium- and long-term reconstruction plans....In this rehabilitation phase, particular attention will need to be given to food security, health, housing, training, education, the transport network and the restoration of Cambodia's existing basic infrastructure and public utilities.

The Paris Agreements set clear limits on attempts to be made at rehabilitation during the transition period under the joint auspices of UNTAC and the SNC. "The implementation of a longer term international development plan for reconstruction should await the formation of a government following the elections and the determination and adoption of its own policies and priorities." To coordinate the longer term effort and ensure "a smooth transition from the rehabilitation to reconstruction phases," an International Committee on the Reconstruction of Cambodia (ICORC) would be formed, comprised of the Cambodian authorities, the U.N., and the donor community.

In the organization of UNTAC, U.N. planners separated repatriation and rehabilitation into two components. This arrangement reflected the prevailing institutional division of labor at the global level. Resettling refugees and meeting their immediate needs were the responsibility of UNHCR, whose special envoy, Mr. Sergio Vieira de Mello, arrived in January 1992 to serve also as the director of UNTAC's repatriation component.

The needs of the internally displaced and of refugees once resettled, as well as the restoration of basic infrastructure, were the focus of the rehabilitation component, whose director, Mr. Bernt Bernander, arrived only in March. He would concentrate on resource mobilization and coordination, while operational activities were to be carried out by established U.N. organizations and NGO partners. UNTAC was not organized to provide for reconstruction, which would await the outcome of the mid-1993 elections.

Between November 1991 and March 1992 UNAMIC did not focus any attention on social problems. It was the U.N. specialized agencies, and not UNTAC, that took social initiatives. UNHCR, which had followed closely the negotiations preceding the Paris Accords, had been resettling spontaneous returnees through its Phnom Penh office since the early 1980s and by mid-1990 had drafted a detailed plan for repatriation. UNDP, which established resident presence in Cambodia in October 1990, led the U.N. planning for rehabilitation.

Some U.N. organizations suspended activities during the Khmer Rouge occupancy of Cambodia's seat at the U.N. UNICEF and WFP were, like UNHCR, exceptions. They maintained in-country presence throughout the 1980s and were well-situated to plan for UNTAC's work in their respective areas. Their ability to transfer knowledgeable staff from the Thai border also gave their activities greater direction. Other U.N. agencies were less prepared.

The promotion of *reconciliation* was an overarching purpose and guiding theme of UNTAC. In his "Consolidated Appeal for Cambodia's Immediate Needs and National Rehabilitation" issued in May 1992, the Secretary-General noted that the U.N.,

acting for the world community, is not limited to the role of the Blue Helmets in keeping the peace. We are committed to cementing the peace through genuine reconciliation. In Cambodia, this means reaching the long-neglected vulnerable groups in society with succor and support. It also means providing economic and social technical assistance to former an-

tagonists. Technical assistance is not just to build roads and dredge harbors. It must also serve to promote democratic processes and human development.⁷⁹

Reconciliation was a recurring theme of the SRSG. Arriving in Phnom Penh on March 15, Akashi noted that his presence marked the formal beginning of UNTAC's deployment. Having reviewed the tasks of the seven components, including "the repatriation of Cambodian refugees and displaced persons and the rehabilitation of essential infrastructures during the transitional period," he pledged to work closely with the SNC, "the forum in which the Cambodian parties can resolve their differences and achieve a genuine national reconciliation."

Reconciliation was also a watchword of the two social needs components. At a ceremony at the Sisophon Reception Center on March 30 to mark the arrival of the first refugees from Thai border camps, Vieira de Mello pledged that UNTAC in the area of repatriation would help bring about "la reconciliation du peuple cambodgien tout entier." Bernander in a statement to the SNC on June 10 noted that rehabilitation projects should "give concrete expression to the concept of national reconciliation." Both hoped that cooperation between the various factions and the U.N. would foster durable relations among the factions. In a broad sense, the other five UNTAC components also were seen as serving the reconciliation process.

XI. REPATRIATING SOCIAL AUTHORITY

As of November 13, 1992, there were 40,949 Cambodian families, comprising 175,697 individuals, who had returned to their country since the first convoy on March 30. Of these, 37,154 families and 161,635 individuals moved through reception centers to their destinations. Another 3,742 families and 14,040 individuals received transport to reception centers within Cambodia and were awaiting processing and further transport.

Still another 5,161 individuals—"spontaneous return-

ees”—had left the border camps and arranged their own transport, and 2,697 of them reached one of UNHCR’s reception centers in Cambodia. They accepted food available to UNHCR-transported returnees: two hundred days’ supply for those who settled in the Phnom Penh area, four hundred days for others. UNHCR also repatriated small numbers of Cambodians from Australia, Indonesia, and Malaysia, and a small number of ethnic Khmer from Vietnam.

The repatriation process, however, did not proceed as planned. The goal of returning the entire externally displaced population from the border camps within nine months was not reached. It was not completed until April 1993. As a result, alternate arrangements were needed to allow those who were not back by the electoral registration deadline of December 31, 1992 to be enrolled. On balance, the delay was not a serious short-coming. Complete repatriation by year’s end reflected UNTAC’s deadline for electoral registration rather than UNHCR’s realistic assessment of the time needed for the task.

More problematic was UNHCR’s promise of two hectares of land to individual returnees. While it was correctly assumed that more than two thirds of the returnees were from rural areas, most did not opt to return to their areas of origin where land might be found. About two thirds of those in the camps declared their intention to settle in fertile Battambang province, from which only one third had come. The other three northwest provinces of Banteay Meanchey, Siem Reap, and Pursat were also highly sought after.

Recognizing that arable land was scarce, land mines plentiful, and life harsh, UNHCR on May 20 introduced a range of additional options. While those who wished to wait for agricultural land could do so (Option A), others could receive land for a dwelling and some help with building materials (Option B), cash to facilitate reintegration (Option C), or employment (Option E). Food rations accompanied each option. The result of UNHCR’s policy change both expanded choices and quickened the pace of repatriation. Earlier miscalculations in planning were balanced by a pragmatic and flexible approach to evolving conditions.⁸⁰ As of late October 1992, most returnees had selected Option C (75.8 percent), followed by Options B (15.3 percent), A (5.9 percent), E (3.1 percent), and F (0.2

percent). (There was no ongoing Option D. Option F involved transportation to a family reunion point and some initial food and cash.)

UNHCR arranged with its various NGO partners to facilitate the reception process. At the Tuol Makak and Otaki reception centers in Battambang province, for example, basic camp management—including registration, feeding, and allocation of living quarters for as many as 2,000 residents at a given time—was provided by the Cambodian Red Cross. Health and sanitation were the responsibility of Christian Outreach, onward transport of CARE, and social services of Holt International and Help the Aged. The International Federation of Red Cross and Red Crescent Societies played an advisory role. Returnees arrived at the centers from the border camps in convoys organized by UNHCR and escorted by UNTAC military, who also provided security in the centers. UNTAC civilian police accompanied funds to the camps and were present for their distribution to families.

Given the number of people arriving several times a week at each center in convoys of as many as one thousand, the reception, processing, and onward transport system functioned reasonably well. Logistics, transport, supply, and distribution difficulties were largely solved by the fourth or fifth month, enabling officials to devote greater attention to special needs and to counsel families. “In the earlier days of the operation,” said Vieira de Mello in November 1992, “we focused on refining the logistics process and ironing out difficulties that occurred as the operation stepped up. Since July and August,” he continued, “our field officers had more time available to...visit the returnees that had been repatriated during the first months.”

Even in the eighth month of operation, however, follow up was seriously limited. The return of people every forty days to centers to collect food rations prevented assessments of the effectiveness of the system in place. Nor was a system set up, whereby the thousands of other UNTAC personnel would identify for UNHCR problems they encountered among returnees. Instead, UNHCR briefed UNTAC’s 2,500 civilian police and distributed forms to U.N. officials in other components to encourage information-sharing. However, the de-

sired synergism between repatriation and other UNTAC components did not materialize.

Several factors affected the success of the repatriation effort, among them the relative importance of logistics. The movement of people from the Thai border camps through reception centers in Cambodia to local communities was the single major social needs preoccupation of UNHCR throughout most of 1992. It commanded the majority of available personnel and resources. The movement of such an enormous group of people could not have been accomplished without a major resource commitment, particularly given the unique geographical and political terrain. In confirmation of a misplaced priority, however, some returnees stated, "We walked on our own to the border; we could have walked our way back as well."

In fairness, the convoys organized by UNHCR did more than provide transport, itself critical for the more vulnerable. The U.N. also offered safe conduct against bandits and contending armies, assistance in clearing customs, protection from extortion, counseling about safe areas of return, and help in family reunification. The relatively small number of those who returned on their own suggests that UNHCR's assistance was welcome. The results of repatriation, if not of resettlement, were the most positive of any of the seven UNTAC components.

Two years earlier, UNHCR had anticipated three operational goals. The first was logistics. The second was assistance: to provide for returnees' immediate survival needs with a "package designed to enhance their food-production and income-generating capacities without creating a privileged category among the local population." The third was reintegration: to "maximize the reintegration chances of returnees to congested provinces and districts through farming aid, development of clean water resources, upgrading of health and education systems and the general sanitary environment."⁸¹ As the situation evolved, UNHCR did progressively less well in each of the three goals.

The second factor affecting the success of the repatriation effort was the challenge of reintegration. Neither social services to vulnerable groups nor transitional assistance for the

able bodied beyond that provided in the various options was a regular feature of the resettlement program. Preliminary figures for actual disbursements show minimal expenditures on the reintegration of refugees, in stark contrast to substantial expenditures on repatriation.

Recognizing the problem, UNHCR in May 1992 eased the overtaxed communities in which resettlement took place by funding several Quick Impact Projects (QIPs). The first QIP involved a two-week project, employing local labor on bridge repair in Siem Reap province, with an NGO called the Danish Cambodia Consortium acting as UNHCR's implementing partner. Later projects expanded access to potable water with World Vision and constructed clinics with Catholic Relief Services in Battambang province, improved drug production in Kompong Cham with Médecins sans frontières-France and established mobile health units in four provinces with the International Federation of Red Cross and Red Crescent Societies. However urgently needed and precisely targeted, as of the end of 1993, approved QIP projects were few and far between and had only modest levels of expenditures of \$3.5 million.

Relocated communities in Rattanak Mondul district in Battambang province provide a dramatic example of the problem. Returnees, bringing with them the benefits of exile and internationally sponsored repatriation, joined internally displaced from nearby lands who did not flee the country. The returnees put additional pressure on already densely crowded land where resident populations were pressing against heavily mined areas. Returnees increased demand for virtually nonexistent social services and fueled latent tensions between themselves and those who remained in the country throughout the 1980s.

A third factor affecting the success of the repatriation effort involved political parties that influenced the timetable of repatriation. In response to criticism that repatriation reflected the political timetable of the Security Council's Permanent Five and of UNTAC rather than the situation and needs of Cambodians, UNHCR officials argued that the U.N. needed to assure that the benefits of the Paris Agreements were shared by all Cambodians and were reinforced by real changes in

their lives. With most of the refugees on the border prepared to return in any case, the issue was not if and when they would return but whether the world would help them do so safely and orderly.

While the pace of repatriation may have been accelerated by the timetable set by the Agreements, evidence suggests that the support provided by UNTAC served more as a safety net than an incentive. Moreover, there was a positive link between a faster paced resettlement timetable and the peace process. The decisions of tens of thousands of returnees and their presence back in Cambodia represented visible votes of confidence in the peace process.

Repatriation as administered by the U.N. had other benefits as well. Refugees from camps controlled by a given faction on the Thai border did not necessarily return to territories controlled by the same faction within Cambodia. Convoys assembled at stabilized areas by the U.N. drew from inhabitants from several camps, rather than from a single settlement. In fact, surveys found that returnees exercised considerable independence of choice. The unhappiness expressed by the two non-Communist resistance factions concerning the U.N.'s insistence on repatriating and resettling individuals and families rather than groups of thousands suggests that the process of resettlement loosened the holds of factions on *their* respective populations.

Evidence also suggests that few people from DK or other camps resettled in DK enclaves in Cambodia. In the absence of DK assurance that international aid staff would be allowed unimpeded access to returnees, the U.N. located neither reception centers nor onward food distribution points in areas under DK control. Some settled in such areas on their own, either foregoing their rations or returning on occasion to distribution points outside to collect food, but their numbers were small.

In sum, the repatriation process was generally well managed by UNHCR. Functioning in a highly politicized situation in which each of the four factions sought to control humanitarian activities for its own purposes, officials used the resources at their disposal to undermine factional divides and to open areas under factional control to international presence and

accountability. Respecting what the SNC had affirmed as the "cardinal principle of free choice of final destination inside Cambodia," UNTAC through its management of returnee flows, structuring of incentives, and counseling of individuals did its best to assure a viable reentry for Cambodians into the next chapter of their lives.

XII. REHABILITATING SOCIAL AUTHORITY

The primary tasks of the rehabilitation component were identifying needs, mobilizing resources, and ensuring coordination. U.N. officials formulated the elements of what became the Secretary-General's Consolidated Appeal for the Rehabilitation of Cambodia, issued during his April 1992 visit. The call for \$595 million in international contributions was based on assessments of needs in late 1991 and early 1992 by the World Bank, UNDP, and various intergovernmental and governmental missions. A ministerial conference on Rehabilitation and Reconstruction of Cambodia, held in Tokyo June 22 to 24, generated \$880 million in pledges, exceeding the target by almost \$275 million.

Meanwhile, the Rehabilitation component established consultative mechanisms with the SNC, whose approval was needed for grants and loans. In May 1992, a SNC/UNTAC Technical Advisory Committee on Rehabilitation, composed of the four factions and chaired by the director of rehabilitation, was formed to address policy issues and review aid proposals.

The breadth of governmental interest was reflected in the variety of development projects: Japan, agricultural inputs; Denmark, ferry facility rehabilitation; the Netherlands, fertilizer; Sweden, roads; India, vocational training and rice; Thailand, rice; Austria, hydropower; Italy, water treatment and power generation; Finland, improved standards of worker safety and health; France, research institutions; the United States, roads and health care; and the European Community, rice. In addition to designing and implementing some of these projects, U.N. and other intergovernmental organizations initiated programs from their own existing budgets.

To facilitate coordination, the rehabilitation directorate

established a Donor Consultative Group composed of bilateral donors; multilateral organizations, including the Economic and Social Commission for Asia and the Pacific; regional groupings, such as the European Union and the Mekong Committee; and NGO representatives. The group met monthly in Phnom Penh and occasionally in Bangkok.

The Group formed subcommittees in Transport and Communications Infrastructure, convened by UNDP, and Energy and Power, convened by the Asian Development Bank. In turn, sectoral subgroups were established, such as the Transport Group subgroups on roads and bridges, railways, civil aviation, telecommunications, and on ports and inland waterways. The rehabilitation directorate also created and maintained a database charting donor commitments and disbursements.

The rehabilitation process faced serious macro-economic problems. Cambodia had a large budget deficit due to the curtailment of Soviet assistance.⁸² Its links to international and regional financial institutions such as the International Monetary Fund (IMF) and ASEAN were moribund. UNTAC attempted to assume control over key functions, including finance, to assure, through the presence of UNTAC economic advisors at the national and provincial levels, that consideration was given to providing funds within the national budget for support of repatriation, resettlement, and rehabilitation activities. Given the difficulties that international assistance efforts frequently experience in generating local counterpart resources, the opportunity of the U.N. to work from inside to assure support of outside resources was unusual.

At the provincial level, a number of rehabilitation projects were launched. UNDP's Office for Project Services created a special unit called Cambodia: Resettlement and Reintegration (CARERE). Through support, CARERE served as a creative and effective nexus for coordinating, enabling, and programming multilateral, bilateral, and NGO activities, with particular attention to the district, commune, and village levels. In partnership with UNHCR, CARERE provided overall support for QIPs resettlement projects.

Other promising ventures included one funded by the Dutch government in collaboration with UNDP that was

designed to rehabilitate rural roads and irrigation infrastructure through training Cambodians to manage labor-intensive public works projects in Battambang and Siem Reap provinces. Work was to be given to internally and externally displaced populations and demobilized soldiers, all of whom were to receive literacy training as well.

Rehabilitation efforts on behalf of the soldiers have been affected by difficulties encountered in the demobilization process itself. Few of the 140,000 soldiers from three factions—the NADK did not participate—were cantoned. Nevertheless, CARERE in conjunction with UNESCO and the International Catholic Migration Commission trained Cambodians to train other soldiers in teaching literacy, who were in turn to train other soldiers. Literacy and numeracy skills were designed to help demobilized soldiers find employment and participate in elections.

UNTAC troops also conducted several projects with the cantoned soldiers they supervised. For example, 24 driver training instructors completed a course in Phnom Penh before training new drivers throughout the country. They in turn assisted voter registration and in the elections. “All the UNTAC battalions throughout Cambodia,” UNTAC reported, “have been involved in Civil Action Programs with the local community. These projects have included health and medical programs, minor engineering works, and education programs.”

Despite these efforts, the rehabilitation record was distressingly inadequate. Five major factors affected its success.

First, the nature of rehabilitation was complex. Repatriation and reintegration into local communities was far less complicated than re-establishing essential services. Providing food security, health care, and sanitation, as well as restoring public utilities and averting spiraling inflation, was an intricate and time-consuming challenge. It was in the nature of things, explained a rehabilitation official, for progress on such matters to take time.

Second, the overwhelming response at the June 1992 meeting in Tokyo to the Secretary-General’s appeal proved misleading. Commitments to rehabilitation were at least \$100 million less than the \$880 million tallied. Governments included in their pledges commitments already made to

UNTAC's repatriation phase, which the Secretary-General had indeed included in his rehabilitation appeal. Also included were funds to be spent beyond the end of the transition period. Moreover, while some of the funds could be called forward from existing budgets, others involved elaborate processes of preparation and approval by the recipients and donors.

The preparation mission for a World Bank emergency rehabilitation project loan of \$75 million, for example, did not arrive until September 1992. The special rehabilitation assistance loan of \$67.7 million from the Asian Development Bank pledged at Tokyo was not to be approved until early December 1992. Most importantly, in the critical area of disbursements, only a modest amount had been disbursed in 1992, and mostly for repatriation and reintegration of refugees rather than for rehabilitation.

Third, rehabilitation raised sensitive domestic political questions. SNC procedures encouraged unanimity among the four factions but provided the chairman with final decision-making authority, which he used with some regularity. While there was general unanimity on repatriation matters among the four factions, agreement on rehabilitation activities was rare. Believing that aid strengthened the State of Cambodia faction, which controlled the administrative apparatus in most provinces and districts, the DK routinely refused to agree to program and project requests. It obstructed the work of the SNC/UNTAC Technical Advisory Committee on Rehabilitation so successfully that proposals had to be evaluated with the factions individually rather than discussed before the Committee as a whole, a more time-consuming process.

Fourth, donors themselves were ambivalent about the kinds of economic reforms that were needed and sustainable. The Paris Agreements distinguished between rehabilitation activities to be pursued during the transition and reconstruction and development matters to be deferred until after the elections. The distinction proved tenuous, arbitrary, and dysfunctional. The lack of visible improvements in the quality of life of ordinary Cambodians during UNTAC's first six months cast a shadow over UNTAC's broader political objectives.

Reflecting deepening concern about worsening economic

conditions, the Security Council on October 13 encouraged donors “to make available as soon as possible the contributions they had already announced during the Tokyo Conference on June 22, 1992, giving priority to those which produce quick impact.” Governments acknowledged too late the need to establish an economic framework during the transition that an elected government would then review. As a result, international financial commitments to rehabilitation were delayed for the space of a year, during which valuable time and energy was sacrificed. The problem at the international level, however, was more political than economic. As one observer noted, “Political considerations have precluded any long-term planning for Cambodia’s reconstruction.”⁸³

Finally, the rehabilitation component adopted an altogether too relaxed approach to coordination. The component did not exercise, and may not have had, the authority to harness external resources for UNTAC’s rehabilitation plan. It had a headquarters staff of only seven professionals and was the only component without its own personnel deployment at the provincial level.

The coordination challenge faced by the U.N. was daunting. Donors favored Phnom Penh and the northwest provinces. They also were biased against critical sectors such as essential drugs, vaccines, the rural water supply, and education. Donors preferred to assist refugees rather than the impoverished population as a whole. At a time when Cambodia’s rehabilitation required “thousands of projects, each costing several hundred dollars, rather than dozens of projects needing hundreds of thousands of dollars,” donors tended to do precisely the opposite.⁸⁴ The request of \$111 million for public sector financing, designed to address problems of budget deficit, balance of payments, and disarray in the civil service, fell far short of requirements.

As time passed and problems mounted, the rehabilitation component became more assertive. It established a Cambodia Trust Fund and appealed for contributions that the component itself would have the authority to allocate. It initiated a Declaration, approved by the Technical Advisory Committee on the Management and Sustainable Exploitation of Natural Resources and by the SNC, that had wide-ranging political

and economic implications. In an effort to halt the flow of natural resources from DK areas into Thailand, the measure imposed a moratorium on log exports in 1993 and placed cut timber exports under UNTAC control.

In August 1992, Bernander appointed a roving coordinator to improve relations between headquarters and the provinces. In November 1992, 44 experts were deployed to identify projects and foster rehabilitation at the provincial and district levels. Nevertheless, such changes came too late to revitalize languishing rehabilitation activity. "Had reconstruction been given higher priority sooner," said one U.N. official managing various projects, "we could have been doing what we are doing now six months ago."

XIII. RECONCILING SOCIAL AUTHORITY

UNTAC sought not only to repatriate Cambodians and rehabilitate Cambodian society at the same time, but also tried to force reconciliation of political differences. The SRSG did not hide his disappointment with the results in this area. "I'm sorry to say that the process of national reconciliation is taking a lot of time," he told the authors. The factions remained deeply suspicious of each other, he observed, particularly because of the view that the State of Cambodia would benefit disproportionately during the transition. UNTAC's objective, nevertheless, remained a valid one: "It is UNTAC's task to start the ball rolling, to be a catalyst, a bridge," concluded Akashi. "We must encourage the Cambodians to talk to each other."

Several factors contributed to difficulties in promoting reconciliation. First, the Paris Accords and UNTAC underestimated the depth of distrust between the factions. One senior official reflected that what UNTAC had to confront was "more than a lack of mutual trust among factions. It is mutual hate." The lack of understanding among most UNTAC personnel of Cambodia's history and culture, combined with UNTAC's 18-month forced-pace timetable, represented complicating factors. It took Europe more than a generation after World War II to achieve significant reconciliation, Akashi pointed out.

Second, the positive changes that UNTAC introduced

sharpened already existing divisions within Cambodian society. Returnees who benefited from years of health care, education, and nutrition in the border camps and arrived with newly acquired cash or other resettlement aids, often met hostility in the communities where they resettled. They were considered to be misguided people who “took the wrong path.” “Wait until UNTAC leaves,” they were told. “The land UNTAC has given you will be reclaimed.” As noted earlier, UNTAC programs did not defuse such tensions by bringing need assistance to non-returnee populations.

Third, residual Cold War attitudes among outside governments complicated reconciliation efforts. The creation of the SNC enabled governments to interact directly with Cambodia while insisting that the SNC was not a government and that Cambodia had none in the transition period. However, residual favoritism of the non-Communist resistance factions continued, even though SOC controlled 85 percent of Cambodia’s territory and 90 percent of its people. While the Cambodian transition polity was theoretically comprised of four political factions, in practical terms there were three factions and a government. Favoritism was expressed by individual donor governments. The United States built roads designed to help reknit the country but used Thai rather than Cambodian contractors and did not provide road maintenance. Doing so would require working directly with the SOC.

Finally, healing is a participatory process. Society requires mending at those points at which it has been shattered: among individuals, families, and communities, as well as at the national level.

A Cambodian official, who was also a military officer, described repatriation as an “acceleration agent” in the reconciliation process. The presence of 22,000 United Nations personnel, however, was a blunt instrument, particularly given the preponderance of military over civilian officials. NGOs were among those most critical of the effects of such a massive U.N. presence. “An operation so large and so time limited,” observed one NGO official, “may pass over the small essential steps...at the community level” necessary for reconciliation and development.⁸⁵ In this sense, the socio-economic impact of a presence of UNTAC’s size may have hindered its overall success.

On the reconstruction side, some UNTAC-related activities have sought to enlist the participation of the people themselves. Here, too, however, there are few indications that international efforts have done much to energize Cambodians in the task of reconstructing their own society. A singular exception is the Cambodian Mine Action Center, an institution launched in November with a governing council composed of representatives of the SNC, UNTAC, U.N. organizations, the ICRC, and NGOs. A four-year plan is under discussion for the period beginning July 1, 1993. During the next eight months the groundwork will be laid for Cambodian management of the Center to commence in mid-1993.

Difficulties notwithstanding, there have been significant demonstrations of the reconciling potential of human needs activities, creatively conceived and carefully managed. In keeping with its structuring of the repatriation process, UNHCR's approach to resettlement has also encouraged the erosion of internal frontiers. Underwriting the reopening of roads linking areas controlled by various factions with the ostensible purpose of reaching people with food, UNHCR's strategy has encouraged far broader interaction. "If people drive back and forth on such roads," observes AID mission director Lee Twentyman, "they start doing business with each other. Soon they have a stake in keeping the road open and the peace process alive."

UNDP/CARERE staff on a recent field visit were invited to a lunch where they were joined by the province governor from the SOC, the area's DK General, and the regional head of the KPNLF. Chatting informally, those gathered decided to create a small working group to discuss projects to improve the quality of life in their respective areas. As a result, U.N. resources are now being used to repair roads passing from SOC to KPNLF areas through a DK zone, benefitting civilians throughout the region. The example illustrates the validity of one CARERE objective. Rather than favoring one faction over another and thereby "contributing to the existing climate of mistrust," CARERE seeks to "benefit the communities as a whole, thus providing an element of reconciliation."

Creative and reconciling ways are also being found to press into service within the national health care system the

skills of Cambodians trained in the border camps or overseas who lack the proper Cambodian credentials. On April 20 with U.N. encouragement, the SNC adopted as a principle the “recognition and equivalency of diplomas and qualifications.” The aim was “to harness all the human and natural resources for the rebuilding of the Cambodian nation.” The action sought to overcome suspicion between some in the existing Cambodian health system of those who had, technically speaking, committed a crime by leaving the country.

Notes

¹ This basic definition of the operation in Cambodia is what the U.N. Department of Public Information presented in May 1992 in U.N. Doc. DPI/1217.

² Steve Brinkoetter, "The Role for Ethics in Bush's New World Order," *Ethics and International Affairs*, 6, (1992), 69-79.

³ Francis Fukuyama, *The End of History* (New York: Avon Books, 1992).

⁴ Paul Kennedy, *The Rise and Fall of the Great Powers* (New York: Random House, 1987).

⁵ Alexander King and Bertrand Schneider, *The First Global Revolution: A Report by the Council of the Club of Rome* (New York: Pantheon Books, 1991).

⁶ "Note by the President of the Security Council," U.N. Doc. S/23500 of January 31, 1992.

⁷ *Life*, December 1992, 91.

⁸ Thomas G. Weiss and Jarat Chopra, "U.N. Should Enforce Peace," *The Christian Science Monitor*, February 2, 1993; Michael S. Serrill, "United Nations Under Fire," *Time*, January 18, 1993; Paul Lewis, "U.N., Busier Than Ever Globally, Struggles With Peacekeeping Role," *New York Times*, January 25, 1993.

⁹ Inis L. Claude, Jr., *Swords Into Ploughshares* (New York: Random House, 1964), chap. 12; F. H. Hinsley, *Power and the Pursuit of Peace* (Cambridge: Cambridge University Press, 1963).

¹⁰ "Resolution on the Definition of Aggression 1974," UNGA Res. 3314 (XXIX) of December 14, 1974.

¹¹ "Report of the Secretary-General on the Implementation of Security Council Resolution 340 (1973)," U.N. Doc. S/11052/Rev. 1 of October 27, 1973.

¹² John Mackinlay and Jarat Chopra, *A Draft Concept of Second Generation Multinational Operations 1993* (Providence, R.I.: Thomas J. Watson Jr. Institute of International Studies, 1993).

¹³ Cf. Dubois, Dante, Crucé, Sully, Penn, Bellers, and Saint-Pierre in Hinsley, *Power and the Pursuit of Peace*, chap. I and II.

¹⁴ See further Leland M. Goodrich and Edvard Hambro, *Charter of the United Nations: Commentary and Documents*, 2nd ed. (Boston: World Peace Foundation, 1949), 95-97, 110-121, and 319-324.

¹⁵ UNSC Res. 688 of April 5, 1991.

¹⁶ UNSC Res. 771 of August 13, 1992.

¹⁷ UNSC Res. 780 of October 6, 1992.

¹⁸ UNSC Res. 808 of February 22, 1992. Also see below Section V(c).

¹⁹ UNSC Res. 770 of August 13, 1992 and 776 of September 14, 1992.

²⁰ UNSC Res. 794 of December 3, 1992.

²¹ Martin Dixon and Robert McCorquodale, *Cases and Materials on International Law* (London: Blackstone Press Ltd., 1991), 165.

²² UNSC Res. 221 of April 9, 1966.

²³ UNSC Res. 665 of August 25, 1990.

²⁴ UNSC Res. of June 25 and 27, 1950.

²⁵ UNSC Res. 678 of November 29, 1990.

²⁶ *Reparation for Injuries Suffered in the Service of the United Nations* Case. Advisory Opinion, *I.C.J. Reports* 1949, 174; *Certain Expenses of the United Nations* Case. *I.C.J. Reports* 1962, 151; and see generally, Rahmatullah Khan, *Implied Powers of the United Nations* (New Delhi: Vikas Publications, 1970).

²⁷ Compare the aide-mémoire circulated at the U.N. in September 1988 by the Soviet Union, "Towards comprehensive security through the enhancement of the role of the United Nations," U.N. Doc. A/43/629, Annex (1988), and the Secretary-General's Report of June 1992, *An Agenda for Peace*, U.N. Doc. A/47/277, which envisions "preventive deployment."

²⁸ Cf. Krzysztof Skubiszewski, "Enactment of Law by International Organizations," *British Yearbook of International Law* 41, (1966), 198-274.

²⁹ See for instance Inis, *Swords Into Ploughshares*, chap. 12; and Hinsley, generally.

³⁰ D. W. Bowett, *United Nations Forces: A Legal Study* (London: Stevens & Sons, 1964), 276-279.

³¹ A Stand-by Task Force was established by the U.N. Secretary-General in December 1992 in his Military Advisor's Office pursuant to *An Agenda for Peace*. Its mandate is "To develop a system of stand-by forces, able to be deployed as a whole or in parts, by the beginning of 1994, anywhere in the world, at the Secretary-General's request, within an agreed response time for United Nations' duties, as mandated by the Security Council."

³² D. W. Bowett, *The Law of International Institutions*, 3rd ed. (London: Stevens & Sons, 1975), 344-352; C. Wilfred Jenks, "Some Constitutional Problems of International Organizations," *British Yearbook of International Law* 22, (1945), 25-27.

³³ Compare economic sanctions on Southern Rhodesia (UNSC Res. 217 of November 20, 1965), South Africa (UNSC Res. 418 of November 4, 1977), Iraq (UNSC Res. 661 of August 6, 1990) and Serbia (UNSC Res. 757 of May 30, 1992).

³⁴ Cf. Section IV below.

³⁵ In the reports by the Secretary-General on "The Situation Concerning Western Sahara," note attempts to alter the criteria for voter eligibility in the proposed UN-supervised referendum on self-determination: U.N. Doc. S/21360 of June 18, 1990, para. 61; U.N. Doc. S/22464 of April 19, 1991, para. 20; U.N. Doc. S/23299 of December 19,

1991, Annex; U.N. Doc. S/25170 of January 26, 1993, Annex.

³⁶ Cf. *South West Africa Cases (Ethiopia v. South Africa, Liberia v. South Africa)*, Preliminary Objections. *I.C.J. Reports* 1962, 319; *South West Africa Cases (Ethiopia v. South Africa, Liberia v. South Africa)*, Second Phase. *I.C.J. Reports* 1966, 6. Due to a change in the composition of the Court, the rejection of South Africa's objection to the lack of Ethiopia's and Liberia's material interests in the case in 1962 was reversed in 1966.

³⁷ Eg. *Military and Paramilitary Activities in and against Nicaragua Case. I.C.J. Reports* 1986, p.14.

³⁸ *Trendtex Trading Corporation Ltd. v. Central Bank of Nigeria Case. 2 Weekly Law Reports* 1977, 356; *I Congreso del Partido Case. 2 All England Law Reports* 1981, 1064; *Alcom Ltd. v. Republic of Colombia Case. 2 All England Law Reports* 1984, 6.

³⁹ Eg. *Reparations for Injuries Suffered in the Service of the United Nations Case. I.C.J. Reports* 1949, 174. This case affirmed the international legal personality of the United Nations.

⁴⁰ *The Lotus Case. P.C.I.J. Reports, Series A, No. 10, 1927, 28; Asylum Case. I.C.J. Reports* 1950, 266.

⁴¹ Thomas M. Franck, *The Power of Legitimacy Among Nations* (Oxford: Oxford University Press, 1990).

⁴² Goodrich and Hambro, 299.

⁴³ For instance, note the abuses of and justifications for intervention based on the right of protection of nationals abroad: Cf. D. W. Bowett, *Self-Defence in International Law* (Manchester: Manchester University Press, 1958), chap. V and generally; Natalino Ronzitti, *Rescuing Nationals Abroad Through Military Coercion and Intervention on Grounds of Humanity* (Dordrecht: Martinus Hijhoff Publishers, 1985), chap. II and generally.

⁴⁴ Yasushi Akashi, "To Build a New Country: The Task of the U.N. Transitional Authority in Cambodia," *Harvard International Review*, XV, no. 2, (Winter 1992/93), 68.

⁴⁵ "Civil Administration's Five Areas of Control," UNTAC Spokesman's Office, Phnom Penh, September 18, 1992.

⁴⁶ S/23613, para. 95.

⁴⁷ Field interview, May 1993.

⁴⁸ *Ibid.*

⁴⁹ *New York Times*, October 24, 1991.

⁵⁰ UNTAC Civil Administration and Human Rights officials, Phnom Penh, November 1992 and May 1993.

⁵¹ This material is drawn from Ben Kiernan, "The Cambodian Crisis, 1990-1992: The U.N. Plan, the Khmer Rouge, and the State of Cambodia," *Bulletin of Concerned Asian Scholars*, April-June 1992, 19.

⁵² "Agreement on A Comprehensive Political Settlement of the Cambodian Conflict," Article 15; "Annex 1: UNTAC Mandate," Section E.

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- ⁵³ S/23613, para. 8-22.
- ⁵⁴ "Activities of UNTAC Human Rights Component," Human Rights Component brief, Phnom Penh, July 1992.
- ⁵⁵ S/23613, para. 19.
- ⁵⁶ *Far Eastern Economic Review*, January 21, 1993, 12.
- ⁵⁷ *Ibid.*
- ⁵⁸ *Ibid.*
- ⁵⁹ *Indochina Digest*, January 22, 1993.
- ⁶⁰ *Ibid.*
- ⁶¹ *Indochina Digest*, February 5, 1993.
- ⁶² *Ibid.*
- ⁶³ *Indochina Digest*, March 12, 1993.
- ⁶⁴ *Indochina Digest*, March 19, 1993.
- ⁶⁵ *Indochina Digest*, March 12, 1993.
- ⁶⁶ *Indochina Digest*, April 2, 1993.
- ⁶⁷ Exceptions include the United Nations Operation in the Congo (ONUC) 1960-1964 and the United Nations Mission for the Referendum in Western Sahara (MINURSO) 1991-present.
- ⁶⁸ Cf. the United Nations Transition Assistance Group (UNTAG) in Namibia 1989-1990.
- ⁶⁹ Cf. United Nations Peacekeeping Force in Cyprus (UNFICYP) 1964-present.
- ⁷⁰ "Annex 1: UNTAC Mandate," Article 5; S/23613, para. 112-127.
- ⁷¹ Cf. S/23613, para. 126; in particular, "Provisions Relating to the Judiciary and Criminal Law and Procedure Applicable in Cambodia during the Transitional Period," September 10, 1992.
- ⁷² "Civilian Police Component," UNTAC Spokesman's Office, November 13, 1992.
- ⁷³ For a more detailed discussion, cf. Cambodia Displaced Persons Working Group, "Internally Displaced Persons in Cambodia: Needs Assessment Report." Privately printed: Phnom Penh, March 1991, 18-22.
- ⁷⁴ The World Bank, *Cambodia: Agenda for Rehabilitation and Reconstruction*. The World Bank: Washington, D.C., 1992, 129. Cf. also Grant Curtis, *Cambodia: A Country Profile* (Swedish International Development Authority: August 1989); Asian Development Bank, *Economic Report on Cambodia* (Bangkok: December 1991); and UNDP, *Comprehensive Paper on Cambodia* (New York: April 1992).
- ⁷⁵ Robert J. Muscat, "Rebuilding Cambodia: Problems of Governance and Human Resources," in Frederick Z. Brown, ed., *Rebuilding Cambodia: Human Resources, Human Rights, and Law* (Washington, D.C.: Johns Hopkins Foreign Policy Institute, November 1992).
- ⁷⁶ Joel R. Charny, "NGOs and the Rehabilitation and Reconstruction of Cambodia." Cooperation Committee for Cambodia: Phnom Penh, July 1992, 8.

⁷⁷ “Pilot Training Workshop on Buddhism and Community Development” [May 20-June 14, 1991] Amherst, Mass.: Khmer Educational Assistance Program, 1991, 7.

⁷⁸ Cited in Charny, *op.cit.*, 4.

⁷⁹ United Nations Transitional Authority in Cambodia, “The Secretary-General’s Consolidated Appeal for Cambodia’s Immediate Needs and National Rehabilitation.” May 1992, ii.

⁸⁰ Iain Guest, “The Story of Tuot, or...How UNHCR changed its mind.” *Refugees*, July 1992, 24-27.

⁸¹ UNHCR, *Draft Report: Inter-Agency Mission on Repatriation of Cambodian Refugees and Displaced Persons*, May 16-June 10, 1990, 2.

⁸² For a discussion of the reconstruction and development issues from the viewpoint of Cambodian authorities, see “Statement by the Cambodian Delegation, International Roundtable on Vietnam, Laos and Cambodia: The Path to Economic Development.” (Tokyo: The Sasakawa Peace Foundation, forthcoming.)

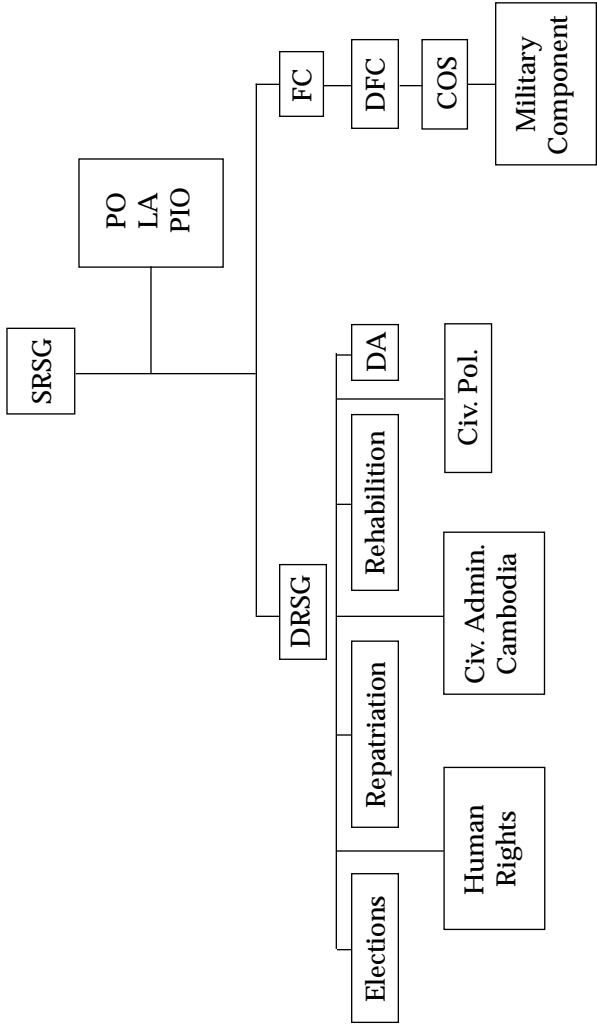
⁸³ Grant Curtis, “Cambodia: Rehabilitation and Reconstruction Process.” (Tokyo: Sasakawa Peace Foundation, forthcoming), 10.

⁸⁴ *Ibid.*, 6.

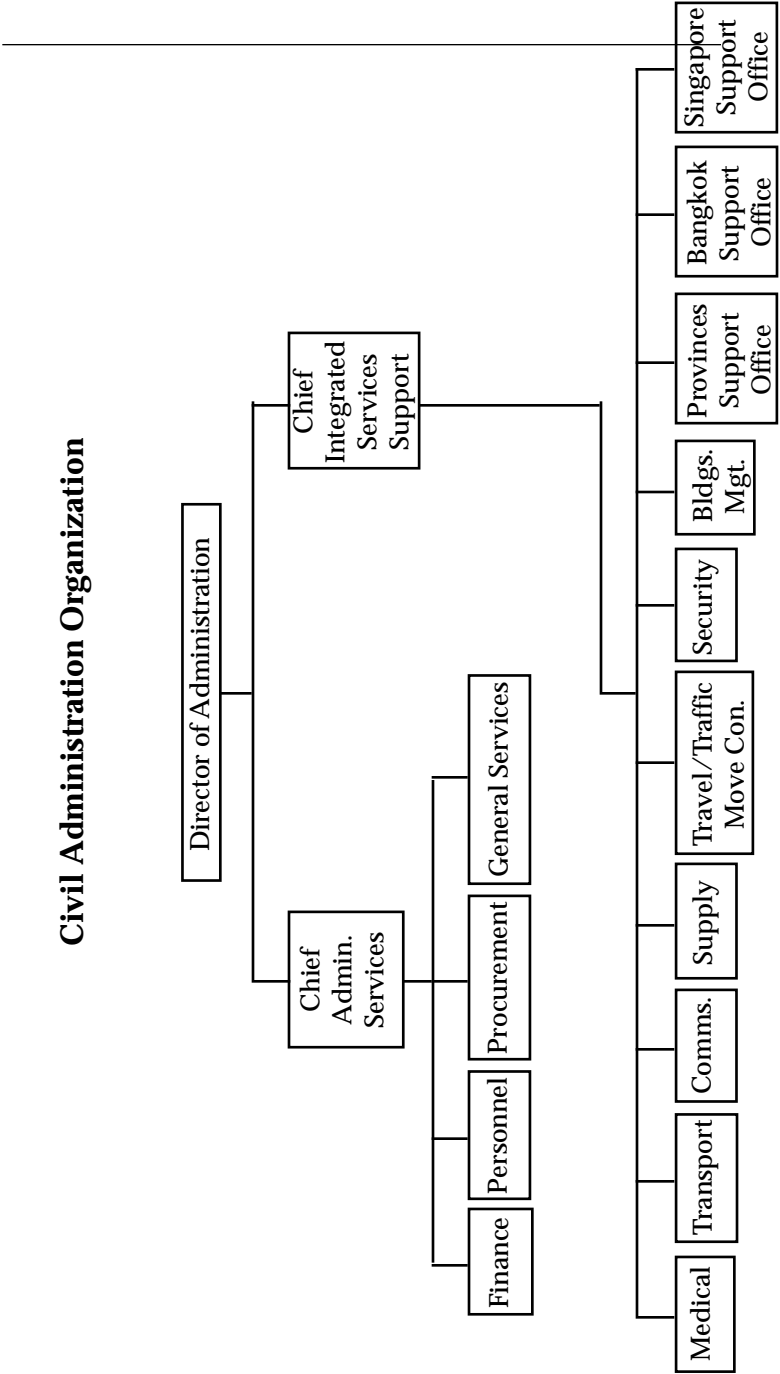
⁸⁵ Joan Healy, Overseas Bureau [Australia], “Towards Understanding.” Battambang: Sept. 28, 1992, 1 [privately printed].

Annexes

UNTAC Organization



Civil Administration Organization



ANNEX 3

UNTAC Election Calendar

Activity	1992												1993				
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	
Preparation of legal framework																	
Civic education program																	
Conduct civic education campaign																	
Recruit international staff (3 waves)																	
Train/field international staff (3 waves)																	
Organize headquarters																	
Organize regional offices																	
Deploy international teams at district level																	
Final location of registration places/routes																	
Prepare training programs																	
Select trainers																	
Instruct trainers																	
Select national registration officials																	
Train national registration officials																	
Register voters																	
Temporary registration of political parties																	
Challenges (+ reserve time for registration)																	
Train party observers																	
Formal registration of political parties																	
Register candidates																	
Electoral campaign																	
Cooling-off period																	
Select national polling officials																	
Train national polling officials																	
Election																	◆

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