CHAPTER IV

ROLE OF THE UNITED NATIONS IN CAMBODIA

Immediately after the Vietnamese military intervention in 1978, the ousted government of Pol Pot called upon the UN to condemn Vietnam for its 'aggression' against Cambodia.¹ In response, the Kampuchean National United Front for National Salvation (KNUFNS) indicated to the President of the Security Council that the overthrow of Pol Pot was 'an internal affair of Cambodia, to be settled by the Cambodian people themselves'.² Further, it claimed to have full control of the territory and that any attempt to hear the representatives of Pol Pot would be viewed as a violation of the UN charter and an interference in Cambodia's internal affairs.³

One of the primary debates which raged within the United Nations immediately after the Vietnamese intervention

¹ Keesing's Contemporary Archives, vol. xxv, no.1674, p.29615.
² ibid.
and the setting up of the People's Republic of Kampuchea (PRK) was the question of Kampuchea's representation in the UN. The objective of the Heng Samrin regime was to assert its legitimacy as the rightful rulers of Cambodia for which it required international recognition. This proved to be difficult since the immediate action of the Security Council was to move a resolution denouncing the Vietnamese intervention and calling for the withdrawal of troops from Cambodia.

Within the Security Council there was a diplomatic impasse between China and the Soviet Union. China defended Democratic Kampuchea and was backed in its opposition to the Vietnamese intervention by Kuwait, Jamaica, Gabon, Zambia, Bolivia, Bangladesh, Thailand, Indonesia, Malaysia, the Philippines, Singapore, USA, UK, France, Portugal, Norway, Australia, New Zealand, and Japan. On the other hand the Soviet Union was supported by Czechoslovakia, Cuba, Mongolia, Poland, Bulgaria, East Germany, Hungary and Vietnam. Though vetoed by the Soviet Union, it clearly defined the mood prevailing within the Security Council. This made the question of granting representational rights

4. ibid., p.532.
to the PRK even more difficult.

For its part the PRK's stand was that it was the only authority within Cambodia and that the situation in the country could not be changed under any circumstances. In fact, in a Joint Communique on the First Anniversary of the People's Republic of Kampuchea in January 1980, the Indochinese states declared that, "all the crafty designs of the Peking hegemonists, U.S. imperialists and other international reactionaries were aiming at destroying the independence and sovereignty of the People's Republic of Kampuchea, misused the United Nations to find political solution for Kampuchea in order to transform the situation in favour of themselves are in vain and useless. The situation in Kampuchea is irreversible." 5

The question of the representation within the United Nations was linked to several factors which determined a states right of recognition. These have been categorized as effectiveness of control, continuity, territorial integrity, human rights and democracy. 6 Effectiveness refers to the


control of territory and the administrative capability. Continuity is related to the preference given to the previous government. The third factor, territorial integrity deals with the issue of intervention and the mood opposing such an act. Finally, the issues of human rights and democracy play an important role as they concern the legitimacy of a government which has committed human rights violations. 7

With regard to gaining international recognition and the right to represent Cambodia within the UN, the PRK seems to have been at a disadvantage. The most important criteria which was effectiveness, included issues relating to control of territory and possession of state machinery; whether a government had established control without any opposing threat to its existence, and the public acceptance of its authority. 8 If this factor had been considered in isolation, the representation should have been granted to the PRK. Effectively it was the only authority in Cambodia, controlling most of the territory in terms of cities and

7. ibid.
It is important to bear in mind that the forces which opposed the Heng Samrin regime—the Khmer Rouge, the United National Front for an Independent, Neutral, Peaceful and Cooperative Cambodia (FUNCINPEC) and the Khmer People's National Liberation Front (KPNLF), which later became the CGDK, did not meet this particular clause for recognition. There was no territory under their control and yet they were recognized by the United Nations. Moreover the CGDK did not offer a viable political alternative since it was linked to the Khmer Rouge whose past record had 'left a deep scar in the Cambodian psyche'.

What dominated the UN psyche, however, was the question of the Vietnamese military action in Kampuchea and the PRK's dependence upon Vietnam which outweighed the issue of effectiveness of control. This became the mainstay of denial of representational rights to the Heng Samrin regime. Refusal on these grounds seem somewhat unjustified as several observers of the Cambodian scene believed that despite the initial dependence upon the Vietnamese, the 'PRK

10. ibid.
began to assume a more independent stance after 1986 with
the leadership becoming more non-pro-Vietnamese.11

Another factor which the UN did not give preference to
was the clause relating to human rights and democracy which
questioned the legitimacy of a government that had indulged
in human rights violations. During the Khmer Rouge period
the UN had been unable to interfere as it was handicapped by
Article 2(7) of the charter. This was particularly
restrictive because it precludes UN action in a member
country since it cannot intervene in matters which
essentially fall within the domestic jurisdiction of a
state. Article 2(7) states that,

"Nothing contained in the present charter shall
authorize the United Nations to intervene in matters
which are essentially within the domestic jurisdiction
of any state or shall require the members to submit
such matters to settlement under the present charter;
but this principle shall not prejudice the application
of enforcement measures under chapter VII".12

As a result of this, the UN was unable to take
effective measures when a state violated certain fundamental
and basic rights of its own citizens. Despite its past

11. Interview with Prof. Tim Huxley, National University of
Singapore, 5 August 1994, Singapore.

12. Article 2(7), The Handbook of the Charter of the United
Nations and the Statute of the International Court of
record, Democratic Kampuchea gained representational rights. This was because the UN gave priority to the right of Democratic Kampuchea as the legal government of Cambodia while the PRK was denied this since its inception had occurred as a result of foreign intervention. The fear which loomed large was that the Vietnamese action in Kampuchea would set a 'precedent for the justification of foreign invasion due to political and social considerations.' 13

This clause highlighted the inviolability of a state's sovereignty and handicapped the UN from interfering in matters which were considered to be domestic in nature. In reality, this was used as an excuse for lack of UN action in Cambodia. It is imperative to be cogniscent of the fact that the Cambodian debate preoccupied the UN at a time when the cold war was at its zenith. As such, the UN itself was an arena of cold war politics which resulted in its ineffectiveness. In contrast the UN action in Yugoslavia offers valid proof of its ability to take active measures.

The conflict in Yugoslavia had witnessed 'massive and systematic violations of human rights'. 14 In response to the

'ethnic cleansing' which had occurred, the United Nations had passed a 'series of resolutions and Presidential statements' which condemned this and other human rights violations. By the Security Council Resolution 764(1992) passed on 13 July 1992, it reaffirmed that 'all parties were bound to comply with the obligations under the International Humanitarian Law and with the Geneva Conventions of August 1949'. The situation in Cambodia under the Khmer Rouge did not evoke such a response inspite of the numerous refugee accounts.

Moreover, the UN was actively involved in the developments which were taking place in Yugoslavia almost since the conflict broke out in June 1991. From around March 1992 UNPROFOR (United Nations Protection Force) was deployed. UNPROFOR'S mandate included military, civil affairs and civilian police, public information and administrative components.

15. ibid., p.66.


17. n. 14, p.3.
The mandate was first restricted to Croatia and later extended to Bosnia-Herzegovina, and then to the Yugoslav Republic of Macedonia, and had an operational presence in Serbia, Montenegro and Slovenia. The UN efforts in Yugoslavia is an important precedent to the role which the world body can play in conflicts in the post-cold war period. In the Cambodian situation, however, the UN itself was a victim of cold war politics which resulted in the ineffectiveness of its policies.

The United Nations in its efforts to reach a solution to the conflict passed several resolutions. This became a kind of annual ritual which condemned the Vietnamese occupation of Cambodia. In November 1979, the United Nations General Assembly (UNGA) passed a resolution which continued to recognise Democratic Kampuchea. It called upon all parties to cease hostilities and asked for immediate withdrawal of all foreign forces from Kampuchea and requested the states to refrain from all threats of aggression and all forms of interference in the internal

18. ibid., pp. 2-3.

affairs of the states in Southeast Asia. This resolution was passed with ninety-one votes in favour, twenty-one against and twenty-nine abstentions.

The following year, in October 1980, Democratic Kampuchea's credentials again found support in the UN. The UNGA Resolution 35/6 of 22 October 1980, called for the following:

- Prompt implementation of UNGA resolution 34/22 which required immediate and total withdrawal of Vietnamese forces from Kampuchea.

- Reaffirmed the need of all states to adhere strictly to principles of the UN charter, which calls for respect for national independence, sovereignty and territorial integrity of all states; non-interference in the internal affairs of states; non-recourse to the threat or use of force and peaceful settlement of disputes.

- Reaffirmed UNGA resolution 34/22 and called for an international conference with a view to reaching an agreement on the total withdrawal of foreign troops from Kampuchea within a specific time-frame to be viewed by the United Nations. This was passed with ninety-seven votes in favour, twenty-three against and twenty-two abstentions.

The UNGA resolution 36/5 was passed with hundred votes in favour, twenty-five against and nineteen abstentions, in


21. ibid.

October 1981. Recalling the UNGA resolutions 34/22 and 35/6, the resolutions salient points requested the withdrawal of all foreign troops from Kampuchea, the restoration and preservation of its independence, sovereignty, territorial integrity and the right of the Kampuchean people to determine their own destiny and the commitment by all states to non-interference and non-intervention in the internal affairs of Kampuchea.23

Thus, for the first three years of the conflict, the Democratic Kampuchea regime retained its seat within the United Nations. With the formation of the CGDK in June 1982, the debate on recognizing the Khmer Rouge gained a great deal of credibility. The formation of the CGDK had a dual purpose. While giving the non-communist factions international legitimacy it helped the Khmer Rouge gain respectability.24 Moreover, the Khmer Rouge handled the Foreign Affairs of the CGDK and therefore it continued to represent Cambodia within the UN.25

23. ibid., pp. 130-131.
25. Interview with Saroj Chavanaviraj, Deputy Permanent Secretary, Ministry of Foreign Affairs, Bangkok, 4 October 1994, Bangkok, Thailand.
The UNGA Resolution 37/6 of October 1982 recalled the earlier ones and reiterated its conviction that the withdrawal of all foreign forces in Kampuchea, the restoration and preservation of its independence, sovereignty, territorial integrity, the right of the Kampuchean people to determine their own destiny and commitment by all states on non-intervention and non-interference in its internal affairs, were the principle components of a resolution of the conflict.\textsuperscript{26} In the following years the voting patterns remained much the same with the representational rights going to the CGDK. Even upto 1988 the UNGA resolution approved of the CGDK representation with hundred and twenty-two votes in favour and nineteen against.\textsuperscript{27}

With the move towards a political settlement, the view of keeping Cambodia's seat in the UN vacant got increasing support. Another opinion was to have the seat occupied by the Supreme National Council which would have to be a symbolic representation, where it would have the right to

\textsuperscript{26} n.20, pp. 132-133.

\textsuperscript{27} UNGA Resolution 43/19: The Situation in Kampuchea, 3 November 1988, Reproduced in Gary Klintworth, Vietnam's Intervention in Cambodia in International Law (Canberra, 1989), pp. 180-182.
speak in the debates within the UNGA but could not vote.28

According to Ramses Amer, the debate over the right of representation in the United Nations had far reaching implications. First, the effect of the western democracies support for the non-communist resistance had led to the sustenance of the Khmer Rouge in which the UN also shared responsibility. Second, non-recognition of the PRK prevented the UN from giving developmental assistance, as a result of which, reconstruction in the post-1979 period was slow and hazardous. Third, both UNBRO (United Nations Border Relief Organization) and UN humanitarian assistance to the CGDK along the Thai-Cambodian border had led to the viable sustenance of the factions opposing the PRK which had increased the time for its stabilization.29

The question of representation played quite a significant role in determining the outcome to the conflict. With hindsight, it probably is simple to state that, had the UN given representation to the PRK then the conflict could


have been resolved. The issue of the PRK's creation as a result of the Vietnamese intervention dominated the views of a section of the international community. The continuity and legality of the Khmer Rouge therefore won preference. The United Nations position in this issue could have been more balanced. A worthwhile option was to leave the Cambodia seat vacant. Despite this initial soft attitude, the United Nations emerged as the actual broker of peace in Cambodia.

The most significant aspect of the UN involvement in the Cambodian conflict has been the peace process. With the objective of finding a solution to the 'long standing political conflict' the United Nations came to 'represent an unparalleled international diplomatic effort.'

The role of the UN in the peace process was envisaged in late 1989 when the Australian Foreign Minister, Gareth Evans, endorsed a plan for the settlement of the Cambodian conflict. This was based on the suggestions of Prince Sihanouk and US Congressman Stephen Solarz, which were endorsed by the Five Permanent Members of the Security Council and the political factions involved in the conflict.

There were several preludes to the actual acceptance of this plan. These included meetings of the Cambodian factions at Jakarta in February 1990 and at Tokyo in June 1990; and meetings of the Five Permanent members of the Security Council. 31

At the February 1990 meeting the Australian Red Book was modelled as the blueprint for the Cambodian settlement and was attended by the JIM participants, the co-chairs of the Paris Conference and Australia as a resource delegation. 32 Japan, meanwhile, convened the Tokyo conference on Cambodia on 4-5 June 1990, its first major effort to become involved in the Cambodian peace process. Tokyo's initiative unfortunately backfired when the Khmer Rouge failed to attend the conference. 33

The Permanent Five approved of the details of the UN involvement in its August 1990 meeting in New York. 34 This

31. These meetings have been discussed in chapter II.


ensured an enhanced UN presence in the settlement of the Cambodian conflict. Five basic tenets that were indispensable for a political settlement were kept in mind. These included,

i. transitional arrangements regarding the administration of Cambodia during the pre-election period,

ii. military arrangements during the transitional period,

iii. elections under UN auspices,

iv. human rights protection,

v. international guarantees. 35

In the following month the plan received its final seal of approval when the Cambodian factions accepted the framework for a comprehensive settlement in its entirety. The significance of this meeting was the agreement on the formation of the Supreme National Council (SNC), which was to be the 'unique legitimate body and source of authority in which throughout the transitional period the independence, sovereignty and unity of Cambodia was to be enshrined.' 36

The SNC was to have representatives from each of the Cambodian factions and would represent Cambodia in all

35. ibid.

36. ibid., p. 93.
international forums during the transitional period. The SNC was to act as the supreme governing body and would delegate authority to the UN in order to implement the various provisions of the settlement.37

Between this meeting and the signing of the Paris Accords in October 1991, there were several diplomatic moves which were taken to ensure the success of the Paris Peace Treaty. With the acceptance of the plan by the political factions the actual settlement came into view. The Paris Peace Treaty of October 1991 formalised the settlement and also elucidated the role which the UNTAC (United Nations Transitional Authority in Cambodia) was to play. Held at Paris from 21-23 October 1991, it included the participation of nineteen signatories, Australia, Brunei Darussalam, Cambodia, Canada, the People's Republic of China, France, India, Indonesia, Japan, Laos, Malaysia, Philippines, Singapore, Thailand, the Soviet Union, the USA, United Kingdom, Vietnam and Zimbabwe in its capacity as Chairman of the Non-Aligned movement.38 The co-presidents of the

37. ibid.
conference were H.E. Mr. Roland Dumas, Foreign Minister of the French Republic and H.E. Ali Alatas, Foreign Minister of the Republic of Indonesia. The United Nations Secretary-General and Prince Sihanouk, as Head of the SNC were also present. 

The October 1991 peace initiatives endorsed the implementation of three basic premises. First, an agreement on a comprehensive political settlement to the Cambodian conflict. Second, an agreement concerning the sovereignty, independence, territorial integrity and inviolability, neutrality and national unity of Cambodia, and third, a declaration on the rehabilitation and reconstruction of Cambodia. In essence these three elements were the main components of the settlement. It came into effect upon the signing of the two agreements, which had treaty status while the Declaration on Rehabilitation was not legally binding.

The first of these agreements laid out certain

39. ibid.
40. ibid., p.4.
41. ibid., p.4.
arrangements for the transitional period prior to the holding of free and fair elections. It accepted the commencement of the transitional period with effect from the time of entry into the agreement.

The treaty consisted of several parts and was related to certain issues which were of primary concern to the settlement. The most important angle to this seems to have been the functioning of the UNTAC and the SNC, and their respective roles during the transitional period.

The first of these concerned UNTAC, which was to be established 'under the direct responsibility of the Secretary-General' with a 'special representative designated by the Secretary General to act on his behalf.' 43 Second, it discussed the role of the SNC as the 'unique legitimate body,' in which 'authority, sovereignty, independence and the unity of Cambodia was enshrined'. 44 Thus, the SNC, as envisaged by the Permanent Five Settlement, would not only act as the 'legitimate body' and 'source of authority,' but also represent Cambodia in 'international organisations'.45

43. Article 2, n.38, p.9.
44. Article 3, ibid., p.10.
45. Letter dated 30 August 1990 from the Permanent Representatives of China, France, USSR, UK and USA to the UN Secretary-General, n.30, p.88.
The SNC was to delegate the supreme authority to the UNTAC for implementing the treaty. In order to ensure that a neutral political environment prevailed, the UNTAC was to take over certain administrative functions which included handling of foreign affairs, national defense, finance, public security and information departments. Even though it was not the government of Cambodia and had no territorial control, it was accepted by the international community as the 'single voice' which would ensure the will of the nation.

The third task was to verify the complete withdrawal of foreign forces along with their stacks of ammunition. This was followed by implementing the ceasefire among the factions who were required to demobilize and disarm seventy per cent of their forces, thus enhancing the stability and confidence necessary for a conducive political environment. In order to implement the above task the Mixed Military Working Group (MMWG) was formed, comprising of senior military representatives of each faction. The MMWG

46. Articles 3 to 7, n.38, p.10.
47. Findlay, n. 32, p.12. See also, Ratnar, n.42, pp.10-11.
48. Articles 8 to 11, n.38, p.11.
was to be chaired by the Chief of UNTAC's military component, with the assistance of a secretariat. 49

Recognising the need to give the Cambodian people the right to determine their own political destiny, the fourth task of the UNTAC was to ensure the conduct of free and fair elections. The UN supervised elections was to result in the formation of a Constituent Assembly which would draft and approve a new Constitution for Cambodia and then transform itself into the Legislative Assembly of the newly elected government. 50

UNTAC's fifth task was its commitment to respect and ensure human rights and fundamental freedoms. The preservation and sustenance of such rights was to be ensured by the United Nations Centre of Human Rights. 51 In February 1993 the UNCHR adopted a resolution by which its presence was extended beyond the UNTAC mandate period. 52

49. Findlay, n.32, p. 15.
50. Articles 12 to 14, n.38, p.12.
This resolution also laid down various measures and stipulations by which human rights would be ensured.

Another area of UNTAC's focus was related to the issue of refugees and displaced persons. The UNTAC had to ensure that a conducive environment existed within Cambodia for the repatriation of the civil war refugees. The Thai-Cambodian border had become a buffer zone which had been occupied by over 300,000 refugees. Standards of safety, security and dignity, freedom from intimidation and coercion was to be provided, which would ensure 'the voluntary return and integration' of these people into the mainstream of Cambodian society.53

Other provisions of the UNTAC mandate included the release of all political prisoners of war and civil internees. In this the International Red Cross was to assist the UNTAC chief.54

The above mentioned tasks were the main elements of the UNTAC's mandate in Cambodia. These were a part of the first agreement on a comprehensive political settlement. The second agreement was to guarantee the sovereignty,
independence, territorial integrity and inviolability, neutrality and national unity of Cambodia. This specific agreement tried to assure that the above mentioned elements would not be compromised in any manner. As such the political leadership which was to emerge in the post election period and the signatories of the treaty were to give due regard to these principles.55

The third and final feature of the treaty was a declaration on the rehabilitation and reconstruction of Cambodia. Realising that stability and continuity were dependent upon reconstruction in the post election period, the international community pledged to assist Cambodia in its efforts. This was done by an appeal for international aid; a need to ensure candid relations between the Cambodian government and any bilateral, regional and international contributors', and aid from organisations which would lead to development of the economy, thus stabilizing the infant democracy.56

The above discussion of the various provisions and clauses of the treaty has been attempted with a view to

55. ibid., pp.41-46.
56. ibid., pp. 48-49.
define the actual scope of the treaty. It is necessary to understand that the October 1991 Paris Peace Treaty, formulated a blueprint which was to be the basis of a comprehensive political settlement. What stands out distinctly in this Peace Process is the role that had been assigned to the United Nations. In the words of the Secretary-General the task has been described as 'massive in size, comprehensive in scope and precise in its mandate, the UNTAC set a new standard for peace-keeping operations undertaken by the international community.'

It goes without saying that the task was something the world body had never attempted before. Depending upon its success, it would serve as a model to other international and regional problems. However the peace process had to face several challenges. The actual success or failure of the UNTAC mandate is hard to evaluate. It is significant to bear in mind that the eventual outcome of the UNTAC mission was the holding of elections. The path to the elections was a hazardous one.


UNAMIC: A Prelude to UNTAC

Immediately after signing the Paris Peace Treaty it was decided, on the request of Prince Sihanouk as President of the SNC, that a team of UN observers should be placed in Cambodia to maintain the fragile ceasefire. On recommendations from the Secretary-General a United Nations Advance Mission in Cambodia (UNAMIC) was formed. This was to be headed by Ataul Karim of Bangladesh along with the French Brigadier-General Jean-Michael Loridon who was in charge of the military component. It was established in Phnom Penh on 9 November 1991 with the arrival of Karim.

The task of UNAMIC was to assist in the ceasefire with a team of about fifty officers who would act as liaison between the various factions and the SNC. This would also comprise of twenty personnel who would conduct and train civilians in mine awareness. Recognising the urgent need to give mine clearance the highest priority, the UNAMIC began to train Cambodians in mine clearance programme using

61. ibid.
a specialized international military unit. These efforts of UNAMIC were to be focussed on repatriation routes, reception centres and settlement areas. The UNAMIC was to merge with the UNTAC on the latters arrival.

The delay in the deployment of UNTAC was to prove difficult, since UNAMIC's role in Cambodia was both unscheduled and uncoordinated. As such during the UNAMIC tenure the situation in Cambodia deteriorated and it seemed as if the UN mandate was in jeopardy. Several events occurred which significantly added to the already existing instability. The return of Sihanouk as Head of the SNC and as Head of the State were significant. Following this he effectively called for a distancing of the 'Khmer Rouge' and for a 'prosecution of their leaders for crimes against humanity'. Another factor was the attempt to form a Coalition Government which included Sihanouk's FUNCINPEC and Hun Sen's CPP. But by December 1991, it became evident that this would not materialize. Moreover, the return of Khieu Samphan witnessed riots which was another cause for the

63. ibid., p.11.
64. Keesing's Record of World Events, vol.37, no.11, p.38573.
65. ibid., See also Findlay, n.32, p.24.
instability. These early infractions led to an increase in lawlessness and uncertainty. Further, it was probably the beginning of the Khmer Rouge's isolation from the political process which later resulted in their non-compliance and withdrawal from the elections.

Taking into consideration the extent and magnitude of the task at hand, UNAMIC's success lay in its ability to set up a viable UN presence in Cambodia and alert the UN on the ground realities.

**UNTAC and the Peace Process**

The actual UNTAC operations began in Cambodia only by the end of April 1992 and included approximately 15,900 troops, 3,600 civilian police and one thousand international staff. There was additional strength of about one thousand international election monitors and 56,000 local recruits during election time (See Table I). The UNTAC mission was led by Yasushi Akashi of Japan and the Military Commander was Lt. General John M. Sanderson of Australia. The actual cost of the operation was placed at approximately two

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billion dollars which was received as contributions from member states. This budget was small considering the real scope of the mission.

The challenges which UNTAC had to cope with were many. First, the most alarming feature was that in Cambodia, 'almost everything had to be started from scratch, including basic facilities such as roads and communication systems'.

Second, the issue relating to the repatriation of refugees had to be handled carefully. There were about 360,000 refugees of whom two thirds had been engaged in agriculture. The plan for repatriation had to include measures of rehabilitation as well. In this regard, the refugees had to be provided transport to the place of their choice; immediate assistance, in terms of housing and food had to be given for a minimum of one year; to ensure reintegration, quick-impact projects (QIP's) and medium to long-term development projects were to be initiated.

As far as this task of the UNTAC was concerned, it met with a large degree of success since by February 1993 almost 310,000 had returned to Cambodia and were registered for

elections. By April 1993, approximately hundred per cent of this task had been achieved (See Table II).

Third, the actual threat to the peace treaty came from the demobilization of forces. According to the UNTAC's mandate, it was supposed to assist in a 'phased and balanced process' by which seventy per cent of the forces would be demobilized prior to the registration of voters.\(^7^0\) The demobilization programme was divided into two phases; the first was the observance of a ceasefire, while the second would comprise of regroupment, cantonment, disarming and demobilization of the forces.\(^7^1\) Moreover, it was expected that the four factions would give access to UNTAC personnel, assist UNTAC in locating mines and also provide information on arms, ammunition and troops under their control.\(^7^2\)

With regard to this particular task of UNTAC, the opposition came from the Party of Democratic Kampuchea (PDK) or the Khmer Rouge. The KR were unwilling to participate and were the first to back out of the demobilization process.

\(^7^0\). ibid., p.16.

\(^7^1\). Discussions with Dr. Benny Widyano, Special Representative of the Secretary-General of the United Nations to Cambodia, 26 October, 1994 at Phnom Penh.

\(^7^2\). ibid. See also, Blue Book, vol.II, n.30, p.17.
Once the Khmer Rouge refused to demobilise, the other groups were also not willing to comply. In fact, in the process the only other troops who accounted for some strength were those of the State of Cambodia. In the disarming process they willingly laid down old arms and weapons while the new ones remained with the troops. The PDK's non-compliance continued to challenge the second phase of the UNTAC period which was after June 1992. Ignoring the various pleas of the sponsors, Khieu Samphan, the nominal Khmer Rouge leader stated that his party would not participate in the elections under the prevailing conditions.

The Khmer Rouge cited two reasons for its non-compliance. It claimed that the Vietnamese forces had not been withdrawn and several regions of Cambodia's eastern tracts were the home of the Vietnamese. The UNTAC's efforts to check for foreign forces along the Cambodian-Vietnamese border did not satisfy the Khmer Rouge. The KR continued to claim that UNTAC failed to ensure the withdrawal of foreign

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73. ibid.

forces. In an attempt to destabilize the peace process the PDK started a policy of violence against the Vietnamese civilians. These Vietnamese had settled in Cambodia over a period of time and they were targeted by the PDK which led to an outbreak of severe violence. Several of them were forced to move back to Vietnam in search of safety.

Another factor which the Khmer Rouge cited was that the administration had not been taken over by the UNTAC. The Khmer Rouge expected that the State of Cambodia (SOC) would be completely dismantled prior to the elections. This was, however, contrary to the provisions of the Paris Agreements. The PDK's expectations that the SOC would be disassembled did not materialize, which seemed as though UNTAC was helping them. It was unrealistic to expect the UNTAC to completely undo the SOC administration since even the five ministries under UNTAC could not be totally controlled. Since the SOC's administrative structure


76. *Blue Book*, vol.II, n.30, p.34.

77. Discussions with Dr. Benny Widyano, n.71.

78. Amer, n.75, p.55.

79. ibid.
permeated to all levels of governmental set up, any attempt to entirely restructure this would have been improbable.

The UNTAC resorted to two ways of dealing with the intransigence of the Khmer Rouge. First, it tried to use diplomacy, which met with little success. Second, it attempted to impose limited sanctions. Any considerations of economic sanctions did not seem very likely since it involved the cooperation of the Thai Government. The Khmer Rouge controlled a region rich in timber and gems. This offered them their economic viability, in exchange for which they received oil. Despite the adoption of a moratorium on this, and the Thai government's assurance of cooperation, private business interests within Thailand have kept the illegal trading alive by the use of unofficial channels.

Despite these drawbacks the UNTAC proceeded with the plans for the elections. As the elections drew closer, the intransigence of the Khmer Rouge completely threatened the

80. Discussions with Peter Schier, Permanent Representative to Cambodia for the Konrad-Adaneur Research Foundation, 28 October, 1994 at Phnom Penh.

81. Discussions with John Scott Halloway, Former Australian High Commissioner to Cambodia and Special Advisor to the Ministry of Foreign Affairs, Phnom Penh, Cambodia, 29 October 1994 at Phnom Penh. See also Amer, n.75, p.55.
process. The polling was scheduled between 23 to 27 May 1993. There was approximately ninety per cent votes polled. Reports and complaints of coercion and violence were checked by the UNTAC. These were proved to be false and the UNTAC announced the results on 10 June 1993. The FUNCINPEC had won 45.47 percent of the votes polled; followed by the CPP with 38.23 percent and the Buddhist Liberal Democratic Party (BLDP, formerly known as the KPNLF of Son Sann) with 3.81 percent. The remainder of the vote was shared among seventeen other political parties. 82

The FUNCINPEC had won by a seven percent majority over the CPP. Since a two-thirds majority was required for the formation of a Constituent Assembly, no party had the upper hand. The result was a coalition between the FUNCINPEC and the CPP. After the drafting and the approval of the constitution, this became the legislative assembly. The country adopted a constitutional monarchy with Sihanouk as King and Prince Ranariddh and Hun Sen as the First and Second Prime Ministers respectively. The end of the elections ushered in a new phase in the transition from a state of war to a period of reconstruction. Thus UNTAC's

greatest achievement was the holding of the elections. Its success was in convincing the majority of the electorate of their right to determine their own political destiny and to ensure a secret ballot. 83

Whether the elections were the means to an end or the end in itself, has been debated. While no clear cut pronouncements can be made on UNTAC's success or failure, it is significant to bear in mind that the UNTAC mandate allowed the Cambodian people to express for the first time, in over twenty years, their choice in the country's leadership. The problems in the aftermath of the elections are manifold. But the transition to democracy has been initiated. The factors which will determine the future political course of Cambodia are the strength of the coalition, the nature of the leadership and the will of the Cambodian people.

83. Discussions with John Scott Halloway, n.81. Also, Interview with Julio Jeldres, Director, Khmer Institute of Democracy, 28 October 1994 at Phnom Penh.
Table I

UN Member States contributing uniformed personnel  
*(number of personnel at peak strength, June 1993)*

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<th>Military Component</th>
<th>Civilian Police Component</th>
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<td>Algeria</td>
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<tr>
<td>Argentina</td>
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<tr>
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<td>Uruguay</td>
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**Total** 15,991 **Total** 3,359

Table II

Cambodia Refugees: Repatriation and Relief

Returnees: monthly and cumulative flows
(From start of repatriation in March 1992 through conclusion of operation in April 1993)

<table>
<thead>
<tr>
<th></th>
<th>Number of convoys</th>
<th>Number of returnees</th>
<th>Number of returnees (cumulative totals)</th>
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<tr>
<td>1992</td>
<td></td>
<td></td>
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<tr>
<td>March</td>
<td>2</td>
<td>928</td>
<td>928</td>
</tr>
<tr>
<td>April</td>
<td>11</td>
<td>4,777</td>
<td>5,706</td>
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<tr>
<td>May</td>
<td>23</td>
<td>13,068</td>
<td>18,773</td>
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<td>June</td>
<td>35</td>
<td>19,830</td>
<td>38,603</td>
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<tr>
<td>July</td>
<td>42</td>
<td>31,021</td>
<td>69,624</td>
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<td>August</td>
<td>44</td>
<td>30,935</td>
<td>100,559</td>
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<td>September</td>
<td>46</td>
<td>31,865</td>
<td>132,424</td>
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<tr>
<td>October</td>
<td>41</td>
<td>28,992</td>
<td>161,416</td>
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<tr>
<td>November</td>
<td>44</td>
<td>34,010</td>
<td>195,426</td>
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<tr>
<td>December</td>
<td>42</td>
<td>34,454</td>
<td>229,880</td>
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<td>1993</td>
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<tr>
<td>January</td>
<td>45</td>
<td>39,776</td>
<td>269,656</td>
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<tr>
<td>February</td>
<td>32</td>
<td>39,890</td>
<td>309,546</td>
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<tr>
<td>March</td>
<td>31</td>
<td>32,038</td>
<td>341,584</td>
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<td>April</td>
<td>18</td>
<td>20,625</td>
<td>362,209</td>
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</table>

Source: UNHCR

Repatriation: assistance options chosen by returnees

<table>
<thead>
<tr>
<th>Option</th>
<th>persons</th>
<th>families</th>
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</thead>
<tbody>
<tr>
<td>Agricultural land</td>
<td>10,261 (2.8%)</td>
<td>2,435 (3.0%)</td>
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<tr>
<td>Building with housing plot</td>
<td>24,147 (6.7%)</td>
<td>9,177 (11.1%)</td>
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<tr>
<td>Cash</td>
<td>317,442 (87.6%)</td>
<td>69,080 (83.9%)</td>
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<tr>
<td>Employment with UNTAC/others</td>
<td>4,214 (1.2%)</td>
<td>937 (1.2%)</td>
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<tr>
<td>Family reunion (transport plus cash)</td>
<td>462 (0.1%)</td>
<td>112 (0.1%)</td>
</tr>
<tr>
<td>No information</td>
<td>5,683 (1.6%)</td>
<td>575 (0.7%)</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>362,209 (100.0%)</td>
<td>82,316 (100.0%)</td>
</tr>
</tbody>
</table>