

## **The United Nations and International Conflict Resolution**

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There is something very sad about what happened to the United Nations' Transitional Authority in Cambodia (UNTAC), 1992-1993. The initial elation which sprung from UNTAC's success in enabling the majority of eligible Cambodians—almost five million people—to vote for the first time in history gave hope to other contemporary, multidimensional peacekeeping missions.<sup>2</sup> No more than five years after the mission withdrew, however, UNTAC's vision of establishing a "system of liberal democracy, on the basis of pluralism" was dispelled with the 1997 coup. Here, Hun Sen's Cambodian People's Party (CPP) announced to the world that the UN's so-called triumph had, in fact, failed to achieve the lasting and progressive democracy it had hoped for.<sup>1</sup>

The central focus of this analysis is to establish to what extent the mandate, resources and political will of the Cambodian factions as well as the members of the UN, influenced UNTAC's ability to achieve peace with justice. These three focal points divide the paper. Inevitably they intersect, weaving a fluid discussion of the ways in which they effect the measure of success throughout the entire rumination. UNTAC's major failures include its inability to maintain a cease-fire; canton and disarm the main factions' armed forces; and achieve control over the civil administration. This led to a breakdown of law, order and political neutrality and finally progressive democracy. UNTAC saw success in key operational components of the electoral process and the repatriation of refugees. These successful elements will be acknowledged although not examined at length. Suggested improvements which may have prevented the disintegration of UNTAC's efforts to fulfil their mandate will be offered, including recommendation for future UN peacemaking, peacekeeping and peacebuliding operations.

### ***Political Will***

#### *Paris Agreement: Was there really an agreement?*

One cannot sufficiently examine UNTAC's inability to maintain a cease-fire or achieve lasting political pluralism without firstly analysing the Paris Agreement on which the mandate was based. It is necessary to look at the extent to which the political will of the feuding parties existed beyond the pressure imposed on them by their benefactors. This issue of consent, or lack thereof, may be the key to the ultimate success of a second-generation peacekeeping operation.

After almost 20 years of civil war with the Vietnamese backed Cambodian People's Party and the Chinese backed Khmer Rouge (KR), not to mention other rival factions, the traditional patrons lost their momentum to continue to fuel the Cambodian political struggle after the Cold War ended.<sup>3</sup> This instigated international efforts to reach a peace agreement which the warring factions could not oppose. This semi-coercive approach to administering a peace treaty may shed some light onto the incomplete reconciliation which saw the participants breaching the agreements. It suggests that the problem of power-sharing was merely mitigated by the UN rather than resolved. It thus seems that it is necessary for the UN to find other strategies to gain indigenous consent for their mission in order to truly engender stable political solidarity. A suggested alternative will be explored under the "Mandate" section.

#### *Level of enforcement verses political will*

The UN seriously addressing the way in which the negotiations of the Paris Agreement were conducted may have led to them reevaluate the level of force which was to be stipulated in UNTAC's mandate. In other words, if there was a strong suspicion that the parties were pressured by their patrons into agreeing to the treaty then the mandate would require greater powers to ensure the compliance of the signatory parties – more than perhaps multi-dimensional PKOs had been given hitherto. UNTAC's mandate fell under Chapter VI of the UN Charter which dictates that UN forces can only fire in self-defence. Of course a pure Chapter VII mandate would be too severe for the Cambodian climate as the situation was not an imminent threat to international peace and security. However, in response to the challenges UNTAC faced in keeping the peace between rival factions, some demanded a need for greater military

capabilities. This struggle to keep the peace exposes the dangerous assumption which the UN made on basing its mandate on the trust of the parties' desire for peace. It also highlights the need for the UN to build as many avenues to peace as the parties will tolerate to avoid the failure of an entire mission due to their non-compliance.

Looking at this issue from a different viewpoint, one detects that the Paris Agreement did indeed provide UNTAC with the broad legal authority to enforce its mandate, stating the UN would be given "all powers necessary to ensure the implementation of the Agreements."<sup>4</sup> Doyle criticised UNTAC for lacking the political will to enforce the mandate and has been said to have acted too cautiously in the way it responds to "spoilers".<sup>5</sup> He stated:

We don't have the will to apply the peace accords. This absence of firmness with the Khmer Rouge was a sort of signal for the other parties who saw there the proof of UNTAC's weakness towards the group that from the start eschewed all cooperation.<sup>6</sup>

It has been argued that the UN's reluctance to introduce an element of enforcement into the mandate can be traced back to the fear of repeating the missions in the Congo and Namibia, where peace enforcement resulted in serious political costs.<sup>7</sup> Based on this premise, it seems that UN member states would only endorse further enforcement capabilities if their vital national interests were at stake, as the risks are significantly higher with such peace operations.

*Late deployment diluted the will of factions*

Late deployment was a major component contributing to the breakdown of the cease-fire between the KR and CPP. Delays in deployment resulted in the evolution of the situation from one of motivated signatories, to one of despondency. The KR and CPP's loss of will to uphold a neutral political environment arguably prevented UNTAC from holding free and fair elections.

The gap between the signing of the Paris Agreement and the deployment of the majority of UNTAC's units was nine months.<sup>8</sup> The *Brahimi Report* states:

The first six to 12 weeks following a cease-fire or peace accords are often the most critical ones for establishing both a stable and credible new operation. Opportunities lost during that period are hard to regain. The Panel recommends that the United Nations define "rapid and effective deployment capacity" as the ability to fully deploy traditional peacekeeping operations within thirty days of the adoption of a Security Council resolution establishing such an operation, and within ninety days in the case of a complex operation.<sup>9</sup>

This questions the extent of UN bureaucracy which seemed to have caused a breakdown in communication between the Headquarters in New York and the United Nations Advanced Mission in Cambodia. The latter would most likely have been relaying the urgency of a rapid deployment back to New York, yet this message was either not received by the relevant personnel or simply ignored due to the absence of will or resources. It invites us to consider the difficulty the UN faces in mobilising its members states' resources. It also asks why the mobilisation of at least UNTAC's military and police contingency were not being prepared for a prompt deployment at the final stages of the Paris Agreement. The UN should have understood the extent to which the signing of the Accords was a radical political step for the Cambodian factions and thus should have stressed the urgency for a rapid deployment.

*Election: The "make or break" of the operation*

As the election was the major determining factor of the measure of success of UNTAC and the "focal point of the comprehensive settlement" as stated by the Secretary-General, Boutros Boutros-Ghali, the UN's commitment to executing them effectively and ensuring they were adequately resourced was their top priority. Indeed the Secretary General's Special Representative, Yasushi Akashi, acknowledged the UN's own investment in the operation saying "I cannot afford not to succeed."<sup>10</sup> As

such, UNTAC installed more than 1,400 fixed polling stations; had 50,000 Cambodians trained and 1000 international polling officers.<sup>11</sup> This was the first time in history Cambodians were given the opportunity to vote for their future. Viewed in this light, it was a notable UN feat in enabling the Cambodian people to participate in a “quasi-democratic” procedure even if it did not create lasting change. Perhaps UNTAC’s gift to the Cambodians was showing them the UN’s vision of positive peace - based on international standards. Therefore, the ordinary Cambodian became aware of the potential for plural, democratic governance for his / her country.

*Elections do not mean peace with justice*

The extent to which the elections were indeed free and fair is an issue of contention. The campaign was marred by violence and the CPP did undoubtedly enjoy an unfair advantage as it used state resources for its campaign.<sup>12</sup> It can be argued that this opportunity for the Cambodians to demand accountability from their leaders was futile. This is because FUNCINPEC (the French acronym for National United Front for an Independent, Neutral, Peaceful and Cooperative Cambodia), the party that was legitimately elected by the Cambodian people to form a coalition government was overthrown by the CPP in 1997. However UNTAC can take credit for a number of successes of the electoral component of the mission which made it a resounding technical success. They can be praised for ensuring key operational components of the process ran smoothly such as registering voters, secret ballots and protecting the polling sites.<sup>13</sup> Further, UNTAC managed to advertise the election beyond Phnom Penh and into the more isolated districts.<sup>14</sup> Therefore they were able to directly communicate their message to the Cambodian people without tainting their desired image of impartiality by using government resources. The element which enabled the success of this component of the PKO was that they did not have to rely on the consent of the rival faction which is an important element of any UN PKO as will be discussed further herein.

Although a free and fair election was undoubtedly an important step in the democratising process of Cambodia, the importance placed on this element of the mandate seemed far too parochial to engender political reconciliation. The need for UNTAC to extend its tenure, which the

Cambodian populous desired in order to monitor the newly formed coalition government between CPP and FUNCINPEC is even further highlighted by examining Cambodia's lack of experience with this sort of participatory government.<sup>15</sup>

Elections, regardless of whether they are free and fair, would certainly not change the nature of Cambodia's socio-political problems which are entrenched in centuries of intolerance of political opponents. The UN's strategy on conducting elections and withdrawing thereafter seemed inappropriate for such a complex climate. It seems rather short-sighted of the UN to assume that CPP/FUNCINPEC partnership would cooperatively merge their agendas and use the interest of the Cambodian people as their compass. If UNTAC had actually remained within the country after handing authority over to the CPP and FUNCINPEC, the 1997 Hun Sen coup may not have occurred. Therefore, if this meticulous management of the election had been combined with: an early deployment; the political will to use all available measures to enforce the mandate; better equipped Civilian Police and a UN installed judicial system as well as an extended peacebuilding mission, it would have been more likely that UNTAC would ensure lasting positive peace.

### ***Mandate***

#### *Needs of the warring factions*

It is worth considering the extent to which the parties' needs were actually met in the Paris Agreement which may explain why UNTAC's mandate was not respected. The satisfaction of parties' needs is essential in establishing a lasting conflict resolution. John Burton, one of the pioneers of this theory, says:

From the perception of conflict studies, the important observation is that the needs will be pursued by all means available. In ontological terms, the individual is conditioned by biology, or by a primordial influence, to pursue them. It follows that unless satisfied within the norms of society, they will lead to behaviour that is outside the legal norms of society.<sup>16</sup>

Perhaps an interests-based approach where the parties pursue innovative solutions that address the underlying issues of the conflict may be more helpful than the power-based approach employed in the Accords.<sup>17</sup> The outcome of the power-based approach saw that the Khmer Rouge lost on most levels. This made life very difficult for UNTAC as the KR refused to disarm in protest to CPP's military wing remaining active.<sup>18</sup> This attempted exclusion of the KR would have undoubtedly had something to do with its history of genocide under Pol Pot. However the tragic past must be put aside in order to create the possibility of political settlement. As UNTAC could not coerce the KR to disarm, it had no choice but to continue with the election despite the absence of political neutrality and negative peace. In shifting conflict resolution approaches, the outcome of the agreement may have been to canton and disarm all factions including the CPP and install a UN defence forces. This would have undoubtedly been a desired outcome for the KR and would have seen the UN acting in a truly impartial manner in addressing the needs of all participants in the conflict.

*What did the Cambodian's actually want?*

The essence of UNTAC's mandate may have been very different had the UN conducted a fact-finding mission prior to the Paris Accords. The framework of this mission would go beyond the strictures Boutros Boutros-Ghali placed on his description in the *Agenda for Peace* to an examination of how the people of Cambodia actually envisaged their government. The UN may have, in fact, discovered an avid desire to restore a monarchy with Prince Sihanouk, who the people saw as the "Father of all Khmers" and the "God-king,"<sup>19</sup> as the sovereign King, as the will of the populous. This hypothesis is justified in recognising that there has never been a compromise or reconciliation between parties in conflict in Cambodia.<sup>20</sup> Therefore, the whole concept of a democracy and political tolerance ignores the traditional rules of Cambodian culture which is based on a client-patron relationship and favours a monarchical leadership. This challenges the pluralist democratic template the UN applies to most failed states of the universally ideal political system. The idea of restoring a monarchy may not be a feasible outcome as the Cambodian constitution, on which the Paris Accords were based, stipulates that the king shall reign but not rule. Moreover, it is unlikely the CPP

would have ceded power to a king.<sup>21</sup> However, the recognition of the Cambodians' trust in and loyalty to Prince Sihanouk, may have changed the element of its mandate in relation to the Supreme National Council (SNC) to which the Prince was inextricably linked. That is, the existing mandate avoided any obligation on UNTAC's part to consult with the Council regarding the electoral process.<sup>22</sup> Granted the SNC was a rather fractured and impotent body, however, the UN could have acted as a mentor or appointed a representative from an NGO to assist in forming a cohesive unit. Therefore, it seems essential that the UN, when embarking on a PKO, addresses the needs of the parties as well as the desires of the populous—after all, the Charter does begin “We the peoples of the United Nations....”

*Refugee Repatriation: who takes the credit?*

Interestingly, the paradox of UN mandates lies in the reality that the planners must assume that the parties will not be able to uphold their commitment in the field and thus engineer a mandate which contains goals that require as little involvement/consent of the warring factions as possible.<sup>23</sup> To their credit, the planners of UNTAC's mandate were able to recognise this and attempted to conduct the PKO accordingly. The UN's relatively successful effort to introduce positive peace was evident with its repatriation program.

The United Nations High Commission for Refugees (UNHCR) managed the repatriation component of the mission, which perhaps says more about its capabilities as a self-sufficient and highly effective UN agency rather than its function as an arm of UNTAC's operation. In other words, the UNHCR would have carried out a successful assignment—provided UNTAC's mandate allowed for it—regardless of the cohesive make-up of the PKO. It resulted in more than 370,000 refugees being peacefully repatriated from camps in Thailand.<sup>24</sup> It has been noted that the separate status of UNHCR from UNTAC may have caused the Cambodians to view the refugee effort as more impartial than other UNTAC activities.<sup>25</sup> Nevertheless, the repatriation process was, to some degree, a collaborative effort between UNTAC and the UNHCR. This feat cannot be ignored as an important validation of UNTAC's desired peace process.

*Civilian Police Component—the mandate rendered them impotent*

It was extremely difficult for the Civilian Police Component (CIVPOL) to ensure a neutral political environment at the time of the election while working within the “existing administrative structure” as dictated by their mandate. UNTAC simply could not rely on the support of the CPP’s courts, prisons, and police to protect human rights and maintain political neutrality.<sup>26</sup> The need for an independent judicial framework was an essential factor to enable UNTAC to fulfil the civil component of its mandate. CIVPOL could also not rely on UNTAC’s military component for, as already established, they lacked enforcement capabilities. It seems that the only way to keep the peace and effectively prosecute human rights violators rested on this enforcement potential. Of course, if UNTAC’s heightened power to enforce had, in fact, been one of the conditions of the Paris Agreement, the key parties may not have signed; although this seems unlikely considering the pressure that was placed upon them by powerful international actors. There is also the idea that even if UNTAC were authorised to impose punitive measures against a dissident faction, there would be no side that was unequivocally right. We can see this mistake in the UN’s experiences in Somalia and Bosnia.<sup>27</sup> Perhaps if the mandate were more flexible in that it was given enforcement potential after the elections were held to maintain cooperation of the coalition government, it may have in turn prevented the 1997 coup. However, there is the issue of infringing on the sovereignty of Cambodia by changing the mandate mid-way would have inevitably perturbed some of the parties and further inflamed the situation. On the other hand, however, in *An Agenda for Peace*, Boutros-Ghali wrote: “The time of absolute sovereignty ...has passed; its theory was never matched by reality”.<sup>28</sup> Considering this statement of authority, it gives the possibility of a flexible mandate in this context more weight.

**Resources**

*CIVPOL - deprived of needed resources*

A vacuum of essential resources became apparent when examining CIVPOL as well as the senior management personnel within UNTAC. CIVPOL’s task of motivating the CPP’s police into working towards the UN’s mission was largely unsuccessful as the police were mostly politi-

cally tied to Hun Sen's government.<sup>29</sup> Ideas to overcome these sorts of issues surrounding upholding the law in PKOs can be found in the *Brahimi Report*. It is recommended that there are on-call civilian police in sufficient numbers to prevent situations like in Cambodia where the police were too few and insufficiently skilled to adequately perform their duty.<sup>30</sup> The idea of creating an on-call repertoire of UN personnel from a variety of backgrounds, almost like a "peacekeeping package" would be a valid solution in addressing the issue of the quantity and quality of personnel that UNTAC and other UN missions have had to face. However, the issue of resources is an inevitable obstruction which often hinders such much needed reforms.

#### *Senior management - leave much to be desired*

It has been argued that UNTAC's staff were neither sufficiently trained nor experienced to fulfil the responsibilities in the mandate.<sup>31</sup> Key decision makers who were skilled in specific areas were also lacking which is an enigma considering the highly specialised professionals who are associated with Non-Government Organisations which the UN could potentially seconde. The problem with UN personnel, within CIVPOL specifically, is not unlike the current problem the UN operation is facing in Iraq. In this case, the UN was recently criticised for employing incompetent staff who were partially blamed for the breakdown in security which allowed the bombing of the UN headquarters in Bagdad.<sup>32</sup> Further, the UN's administrative culture does not seem to value the need for culturally sensitive personnel which would have arguably helped prevent UNTAC's failure to establish a "neutral political environment" and perhaps resulted in them persuading the local police to assist them fulfil their mission.

#### *Judicial System*

Mark Plunkett, UNTAC's Special Prosecutor, asserted that UNTAC, indeed all UN post-conflict peacebuliding missions, require a 'justice package' (perhaps this could be part of the 'peacekeeping package'?) in order to maintain lasting peace with justice. It was extremely difficult for UNTAC to uphold law and order, which is essential for a neutral environment and a truly free and fair election when the Cambodian criminal law under the CPP was seriously deficient and there was an

absence of functioning courts. Notwithstanding these shortcomings, it is important to recognise that UNTAC's mandate for rehabilitation was limited to short term assistance, leaving the rebuilding of Cambodia to the next government.<sup>33</sup> It seems almost absurd to expect UNTAC to impose punitive action on human rights perpetrators when the current Cambodian judicial system was so inept. Indeed it seemed unlikely that the new coalition government, over which the CPP enjoyed significant influence, would transform the justice system to one of international standards after UNTAC's withdrawal. Plunkett's justice package includes prosecutorial, police and judicial capacities among other useful assets.<sup>34</sup> The former Australian Minister for Foreign Affairs Gareth Evans stated:

The building of a functioning criminal justice system is a particularly crucial priority if the gains of a peace keeping operation are to be consolidated and a relapse into conflict is avoided. Basic as all these requirements may be, no viable government or social order can be built without them, and there will be situations where only the authority of the UN is capable of delivering them.<sup>35</sup>

In order to achieve public security during and after UNTAC's tenure, the current eroded Cambodian judicial system should not have been relied on. Alas, in an international environment where the political will of the UN member states largely determine the extent of UN involvement, such a vision would arguably not be realised in countries outside of Europe where the powerful members have stakes invested. The UN's negligence in addressing this aspect of the operation seriously impacted on CIVPOL's ability to fulfil its duties. This failure, like most of UNTAC's, can be attributed to the UN's insufficient inexperience in peacebuilding missions and its lack of resources and political will.

*Why are UN resources always an issue?*

Although it is easy to criticise the UN for its poor planning, delayed deployment and inadequate CIVPOL, we must consider the complex factors preventing it from achieving the ideal mission. Due to the reality that the need for PKOs is increasing, the costs are now met by a standard

compulsory payment from member states under Article 17 of the UN Charter. Nevertheless, members often fail to pay in full or on time which increases the resources burden in operations.<sup>36</sup> As there is no UN army or police force, the UN is reliant on its member states to contribute forces to each operation. Considering that during the early 1990s there were demands on the international community to provide assistance in conflict ridden countries such as Somalia, Angola and the former Yugoslavia,<sup>37</sup> traditional contributors found their strategic interests and resources were being siphoned by such demands and, therefore, were less likely to prioritise UNTAC's requests. In fact, the Secretary-General at the time, Boutros Boutros-Ghali defined this as a crisis of "overcredibility", where the Security Council committed to increasingly multifaceted missions with little concern for budget constraints.<sup>37</sup> Also, due to the fact that second generation peacekeeping is unique to each conflict, there is no formula the UN employs, making "trial and error" a common strategy for PKOs which often results in resources being wasted.

To address the issue of financing PKOs, incentive schemes such as interest rewards for early payments have been put forth; although it seems that this would only entice poorer countries. Their failure to uphold their financial contribution is not the main problem here. Therefore it seems wise to enforce punitive measures on those states that violate the legal obligation of Article 17, which would have the greatest impact on Permanent Five Members (P-5) of the Security Council who do not fulfil their obligation. This would mean the strict enforcement of Article 19 which prevents members from voting in the General Assembly should they fail to meet payment unless this failure is "beyond the control of the Member." Alternative suggestions have been made to address the ubiquitous problem of funding for operations such as a tax on international currency exchange<sup>38</sup> or taxing arms exports. These may or may not work, but what is clear, however, is that other avenues of guaranteeing resources and financial contributions are essential to ensure more peace operations are conducted and those to which the UN has already committed have the funds and materiel to engender a successful mission.

### **Conclusion**

The Paris Accords eventually rolled out into UNTAC's mandate, stressing the lack of political will of the rival parties and UN members and the scarcity of resources and lack of adequate planning, as contributing to this PKO's failure to achieve lasting peace with justice. This discussion recognises that UNTAC was one of the UN's first multidimensional PKOs and that the notion of peacebuilding was a relatively novel concept. As such, UNTAC seemed incapable of looking beyond its successful electoral performance towards a genuine concern for maintaining positive peace after their withdrawal. Indeed, they failed to enforce the cease-fire and, henceforth, conduct a free and fair election. It seems that this failure was not necessarily due to the absence of military leverage in the mandate but rather the UN's lack of political will, more specifically that of the P-5, to apply the Peace Accords and enforce the mandate. The UN's failure to sufficiently analyse the extent to which a pluralist democratic government was foreign to the Cambodians removed the necessity to conduct a long-term peacebuilding mission which may have ensured the lasting positive peace the Cambodians were expecting. UNTAC did manage, however, to build positive peace which did not rely on the consent of the rival factions in repatriating a significant number of refugees from Thailand. This was an important validation of UNTAC's desired peace process.

The mission saw severe shortcomings within CIVPOL, the absence of highly skilled personnel and an inadequate judicial system which resulted in a breakdown of law and order. This prompted the suggestion of establishing an on-call 'peacekeeping package' which would have helped ensure lasting democracy and the respect of human rights during and perhaps after the mission withdrew. This reform would be resourced by member states' financial contributions. They would be responding to new incentives and punitive measures introduced to guarantee their compliance. Such major UN reforms would curb the current interest-based contributions of member states towards a more equal distribution of assistance and resources. This is a utopian vision unless the P-5 recognises the importance of all stages of peace operations, that is, peacemaking, peacekeeping and peacebuilding and the need to devote the same attention to each segment, regardless of the location of the conflict, in order to achieve peace with justice.

## Notes

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3. Doyle, Pp. 31.
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6. Doyle, Pp. 85.
7. Doyle, Pp. 59.
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21. Suntharaligam. Pp 92.

### *Alternate Routes*

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24. Heinger, J. *Peacekeeping in Transition: the United Nations in Cambodia* (New York: 20<sup>th</sup> Century Fund Press, 1994) Pp 39.
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26. Mellor, W.J.A. *Command and Control of UN Operations* in Smith. Pp 162.
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