



## Preventing Humanitarian Crises Through Peace-Building and Democratic Empowerment: Lessons From Cambodia

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With the publication of *An Agenda For Peace* in 1992, the United Nations officially incorporated "post-conflict peace-building" into its mission, alongside the more familiar tasks of peace-keeping and peace-making. While usually difficult to separate from peace-keeping in practice, peace-building is an intervention into the affairs of a sovereign state, at the invitation of the parties to a peace agreement, for the purpose of repairing and restructuring the society once that agreement has been reached. In Cambodia, in 1993, a UN transitional authority supervised democratic elections, the drafting of a new constitution, repatriation of refugees, promotion of human rights, and other peace-building tasks. While UN peace-building in Cambodia was only partly successful, the effort stands as the most ambitious model to date for intervention to prevent future conflicts and the humanitarian crises that follow. [M&GS 1994;1:208-219]

The collapse of entire societies as a result of internal conflict, often characterized in the post-cold-war period by ethnic hostilities and by long suppressed cultural, political, and religious divisions, has placed an unprecedented burden on the peace-making and peace keeping roles of the United Nations. In many instances -- Bosnia, Somalia, Rwanda, and Haiti have had, perhaps, the highest profiles -- the UN has had to

struggle to define not only an appropriate response to the humanitarian crisis, but also an effective method of intervention. How to stanch the bleeding, begin the healing process, and establish conditions for political stability once the international forces have left, is a daunting problem that has met with only partial success.

One of the overriding goals of the international community must be to develop a UN "peace-building" process [see accompanying glossary for a description of "peace-building" and related terms] that can effectively prevent new outbreaks of hostility once the parties to the conflict have agreed to negotiate a settlement. In fact, one of the most difficult challenges for peace-building, as will be shown, is that it must often take place in a setting of continued conflict.

A great deal depends on acting quickly, with adequately trained and knowledgeable

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personnel who are prepared to work on a variety of fronts, within the context of a comprehensive political settlement, and under the full authority of the UN Security Council. To the extent that any of these elements are missing, the prospects for a long-lasting peace are diminished. The interrelated elements of peace building and their relative successes and failures in the recent past, are the principal focus of this article. Following a brief general discussion of the international context for UN peace building, the specific "post-conflict peace building" mission in Cambodia in the early 1990s is presented as a case study of how this new model, albeit a flawed one at this early stage, can be implemented with some hope of a positive outcome.

### **Intervention in the UN Context**

The failure of local institutions to respond adequately to humanitarian emergencies such as famine or civil strife, places the survival of whole populations in jeopardy. International responses to such situations have loosely been called "humanitarian intervention." Intervention, in this general sense, has occurred primarily through voluntary relief agencies such as the International Committee of the Red Cross (ICRC) and Medecins sans Frontieres, and through UN agencies and programs, such as the United Nations High Commissioner for Refugees (UNHCR) and UNICEF. When these agencies have come under attack, the Security Council has departed from previous practice and authorized troops to protect those providing humanitarian relief.<sup>1</sup> These UN efforts, for instance in Somalia and Bosnia, attract considerable attention, pitting the embodiment of good (providers of food and health) against the embodiment of evil (warlords, dictators, and murderers). Intervention for such purposes is dramatic and urgent but, as recent experience demonstrates, it may prove to be only a temporary palliative, leaving the underlying causes of the emergency unaffected. The resurgence of the crisis, under these circumstances, is likely. A different and less

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1. In Bosnia, for example, the Security Council, through Resolution 770, called on states to "take nationally or through regional arrangements all measures necessary to facilitate, in coordination with the United Nations, the delivery of humanitarian assistance to Sarajevo and wherever needed in other parts of Bosnia-Herzegovina." The Council also decided, through Resolution 794 citing Chapter VII of the UN Charter, to "authorize the Secretary General and Member States...to use all necessary means to establish as soon as possible a secure environment for humanitarian relief operations."

dramatic response to humanitarian emergencies -- the UN "peace building" function as a strategy of "intervention" -- attempts to address causes so as to prevent the recurrence of the emergency.

### **What Is Intervention?**

The word "intervention" is problematic, because it has a specific meaning in international law as "dictatorial interference" by an external power in the affairs of a state, with the purpose of altering the conditions of that state. As so defined, intervention usually involves the violation of the political independence or territorial integrity of the state. According to a well-established principle of international law, neither states<sup>2</sup> nor the UN<sup>3</sup> may intervene in the internal affairs of a state. Only UN intervention is addressed here.

The range of action by the UN to respond to humanitarian emergencies without violating this Charter principle has expanded over time in three directions, referred to in what follows as "soft" intervention, "hard" intervention, and intervention in the service of "peace building."

### **"Soft" Intervention**

UN action may be authorized to promote human rights. The domain of "unauthorized" intervention for the purposes of UN action to promote human rights has contracted while, at the same time, the obligation of every member state (and of the UN through collective action) to cooperate in the achievement of universal respect for and observance of human rights for all has expanded [1]. Numerous UN actions that would have been deemed "intervention" by most states a few years ago, such as investigations of abuse, the adoption of resolutions explicitly denouncing certain abusive practices, the employment of special envoys, and the addressing of complaints to a government, are now common practices of the UN and its various organs.

Moreover, at the same time as the balance was tipping from the strict principle of

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2. The principles that "States shall refrain in their intentional relations from the threat or use of force against the territorial integrity or political independence of any State" and have "the duty not to intervene in matters within the domestic jurisdiction of any State" are reaffirmed in the Declaration on Principles of International Law Concerning Friendly Relations and Co-operation Among States in Accordance with the Charter of the United Nations, General Assembly Resolution 2625 (XXXV), October 24, 1970.

3. The UN Charter, Article 2 (7), stipulates that the organization is not authorized "to intervene in matters which are essentially within the domestic jurisdiction of any state."

non-intervention toward a call for action to promote and protect human rights expressed by the General Assembly, the Economic and Social Council, and the Commission on Human Rights, the Security Council was also coming to understand that its peace and security responsibilities included some concern for human rights and humanitarian issues. Actions in this grey area, where security and humanitarian responsibilities intersect, and where involvement or intervention is neither clearly prohibited nor clearly authorized, may be termed "soft intervention."

### "Hard" Intervention

The use of coercive measures under Chapter VII of the United Nations Charter [see sidebar] is another significant evolution in UN responses to humanitarian emergencies. These measures may be thought of as "hard intervention." Enforcement action under Chapter VII, through sanctions or use of military force, is an explicit exception to the prohibition of intervention in domestic affairs.<sup>4</sup> Therefore, when the Security Council, in response to the crisis in Haiti, authorized "Member States to form a multinational force under unified command and control and...to use all necessary means to facilitate the departure from Haiti of the military leadership" [2], it was acting under Chapter VII.

Prior to the Haiti resolution, which was arguably enacted for other than purely humanitarian purposes, "hard intervention" was not a humanitarian tool. Despite its finding that the flow of Kurdish refugees across Iraq's borders was a threat to international peace and security, the Security Council did not authorize military protection of the Kurds, but insisted only that Iraq allow immediate access to international humanitarian organizations offering assistance to all those in need in all parts of Iraq [3]. As one commentator pointed out, the debate over this resolution "was both a response to urgent human needs and a wide ranging philosophical discussion of the purpose and limits of the Security Council, including the "meaning and contemporary significance" of the non-intervention principle [4]. The eventual establishment of no-fly zones and Operation Provide Comfort were not, at least as far as the UN was concerned, based on the Security Council resolution.

In Haiti, to the contrary, the Security Council did invoke Chapter VII and authorized military action with respect to a purely

internal situation [2]. Although the resolution stressed the "unique character" of the Haitian situation, it was, nevertheless, a precedent for military intervention to redress a humanitarian crisis resulting from an anti-democratic coup and massive human rights violations.

### Peace-Building: Neither "Soft" Nor "Hard" Intervention

A third response to humanitarian crises -- as illustrated by the Cambodian case study to follow -- is intrusive action based on either invitation or consent by the territorial state to restore or establish the conditions for a peaceful society -- the so-called "peace-building" function. When consent is given by the territorial state to a multi-component peace operation, the role of the UN is couched in terms of "cooperation" with a sovereign state, rather than "intervention." But the form of action -- regardless of consent to the agreement and to the presence of the international officials -- is clearly intrusive and affects some of the most basic matters of domestic jurisdiction, including the functioning of the government and the security forces.

Thus, the UN has resorted to intervention in humanitarian crises, otherwise precluded by normal rules of state sovereignty, either through "soft" intervention to express international concern with a human rights situation, through "hard" intervention under the peace enforcement exception of Chapter VII, or through the peace-building exception based on consent. The rest of this article addresses the peace-building exception.

### The Timing of Intervention for Peace-Building

Peace-building, including the "good governance" function described by Secretary General Boutros Boutros-Ghali [see glossary], has been a little-understood part of several recent multi-component operations. In the sequential logic of Boutros-Ghali's *An Agenda for Peace*, peace-building is supposed to take place in a post-conflict setting [5]. In practice, however, peace-building can begin with pre-conflict prevention efforts, often in the areas of development cooperation, technical assistance, and human rights consultation. If conflict breaks out despite these preventive efforts, peace-building can be part of an international effort to prepare for the end of conflict or to assist in the implementation of a peace agreement. Several authors, including Gareth Evans, the Australian Foreign Minister and the main architect of the Cambodian peace settlement, refer to election monitoring, human rights protection, and civil administration functions as "expanded peacekeeping." In his 1994

4. According to the UN Charter Article 2 (7), the non-intervention principle "shall not prejudice the application of enforcement measures under Chapter VII."

report to the General Assembly, An Agenda for Development, the Secretary-General said, capacity-building steps should not await the formal termination of hostilities, but must begin to be performed alongside urgent wartime services. Conflict, terrible as it is, can provide opportunities for major reform and its consolidation. The ideals of democracy, respect for human rights and measures for social justice can begin to take form at this stage [6].

The report continues with an explicit reference to peace-building:

Peace-building means action to identify and support structures which will tend to strengthen and solidify peace in order to avoid a relapse into conflict....Only sustained, cooperative work on the underlying economic, social, cultural and humanitarian problems can place an achieved peace on a durable foundation. Unless there is reconstruction and development in the aftermath of conflict, there can be little expectation that peace will endure. Peace-building is a matter for countries at all stages of development. For countries emerging from conflict, peace-building offers the chance to establish new institutions, social, political and judicial, that can give impetus to development [6].

The UN is gaining experience in peace building, with some successes, large and small, and some mistakes, minor and serious. The United Nations Transitional Authority in Cambodia (UNTAC), similar to past multi-dimensional peace operations in some regards and different in others, serves as an example of intervention for peace-building.

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5. Among the numerous books about this period, see Becker E. *When the war was over: the voices of Cambodia's revolution and its people*. New York: Simon and Schuster. 1986; Vickery M. *Cambodia 1975-1982* Boston: South End Press. 1984; Chandler D, Kiernan B. *Revolution and its aftermath in Kampuchea: eight essays*. Yale University Southeast Asia Studies, Monograph Series No. 25. New Haven: Yale University Press. 1983; Kiernan B. *Genocide and democracy in Cambodia: the Khmer Rouge, the United Nations and the international community*. Yale University Southeast Asia Studies, Monograph Series No. 41. New Haven: Yale University Press. 1993; Jackson KD. *Cambodia 1975-1978: rendezvous with death*. Princeton: Princeton University Press. 1989.

## **Cambodia: Building a Peace Amid Persistent Conflict**

Massive denial of the right of survival provoked a major humanitarian crisis in Cambodia, especially during the period of domination by the Party of Democratic Kampuchea (the "Khmer Rouge") from 1975 through 1978.<sup>5</sup> From the end of World War II Cambodia had been ruled first by Norodom Sihanouk as king under French protectorate; then by Sihanouk as prime minister after he abdicated in favor of his father in 1955; then by Lon Nol under the Khmer Republic, which took power in a coup in 1970. Lon Nol was overthrown by the Khmer Rouge in April 1975. Under the Khmer Rouge reign of terror, hundreds of thousands of Cambodians died from starvation, disease, and execution. All infrastructures, including financial and educational institutions, were destroyed.

The Vietnamese invaded Cambodia on December 25, 1978, swept into the capital on January 7, 1979, and set up a communist-style government headed by Khmer Rouge defectors. After a decade of occupation and some efforts at reconstruction, the occupying forces left in 1989 as negotiations among the resistance factions and the Phnom Penh government were under way in Paris, Jakarta, and elsewhere.

During the late 1980s, communist control loosened in Central and Eastern Europe. China -- the principal supporter of the Khmer Rouge -- moved toward a Western-oriented market economy. This new era of cooperation on issues of peace and security opened the way for large-scale UN participation in transitions in Cambodia, Namibia, El Salvador, and elsewhere. In this context the five members of the Security Council, the four Cambodian factions and the regional powers, on October 23, 1991, signed the Paris Agreement -- a comprehensive peace settlement under UN control that contained the most extensive peace-building component of any recent UN operation.<sup>6</sup>

### ***Peace-keeping and Peace-building in Cambodia***

In the documents establishing this political settlement, the UN was called upon -- as it had been previously in El Salvador -- to manage the political and economic restructuring of a member state. The Paris Agreement vests

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6. This agreement, comprising four documents, is published with a background note in: United Nations. *Agreements on a comprehensive political settlement of the Cambodia conflict*. DPI/1180-92077. January 1992. The first of these documents is referred to throughout this article as the "Paris Agreement."



legitimacy and sovereignty in the Supreme National Council (SNC), but also provides, in Article 6, that the SNC "delegates to the United Nations all powers necessary to ensure the implementation of this Agreement." The words "all powers necessary" suggest that UNTAC had extensive powers beyond those of a "verifier," "monitor," or "observer" -- the role of its counterparts in Namibia and El Salvador. The Paris Agreement, Security Council resolutions, and reports of the Secretary-General established a combined peace-keeping and peace-building mandate. To carry out this multi-dimensional mandate, UNTAC deployed more than 20,000 international staff, mainly military, organized into seven components: military, civilian police, civil administration, electoral, human rights, repatriation, and rehabilitation.

Most of the peace-keeping tasks were the responsibility of the military component. These tasks were:

1. Withdrawal and non-return of foreign forces;
2. Implementation of the ceasefire,
3. Cessation of external military assistance to all the factions;
4. Re-groupment, cantonment, disarmament, and demobilization of armed forces; 5. Release of all prisoners of war and civilian internees.

Of these tasks, only the first, third, and fifth were carried out relatively successfully. Ceasefire violations and continued operations of the armed forces of the factions were not prevented by UNTAC. The armed forces of the Khmer Rouge continue today to fight against the national army and to murder government officials, ethnic Vietnamese villagers, and Western hostages. These failures of the peace-keeping tasks of UNTAC can be explained, in part, by a) the political will of the two main factions (the Phnom Penh regime and the Khmer Rouge) to maintain their armed forces, b) the reluctance of the head of UNTAC to request, and of the Security Council to grant, authority to use enforcement powers under chapter VII, c) the uncertainty of the outcome of a UN Khmer Rouge military confrontation, and d) relatively weak command and control structures and practices.

The peace-keeping failures also had an impact on the peace-building functions. As Human Rights Watch explained, UNTAC's inability to bring about the peace it had promised made the other components of the mission exponentially harder to achieve. A "neutral political environment" for the elections could not be established; in the absence

of cantonment, the country continued to be rife with heavy weaponry, and armed gangs, party gunmen, common criminals and off-duty police all freely committed murders and other acts of violence [7].

In complex peace operations, the peace keeping and peace-building functions are necessarily related. The UN's peace-building role is exercised on the basis of an agreement that puts only a theoretical end to the conflict. The Cambodian factions legally ended their conflict on paper with the signing of the Paris Agreement, but the military and political conflicts continued. Therefore, peace-building should be understood as "post-conflict" only in the sense that it is the forward-looking part of a larger multi-component mission to oversee a comprehensive political settlement to end a conflict.

Peace-building through multi-component field missions can rarely be carried out in a genuine "post-conflict" context since the Security Council is unlikely to provide the necessary resources in the absence of a humanitarian or security crisis. Peace-building in the absence of such a crisis depends on programs of development cooperation (through international financial institutions and specialized agencies) and on technical assistance through such units as the Centre for Human Rights and the Crime Prevention and Criminal Justice Branch. Peace-building in this sense takes place wherever the UN Development Program (UNDP), the World Bank, USAID, and all the other multilateral and bilateral development agencies implement projects. It ceases to be a response to a humanitarian emergency and, if successful, may prevent emergencies from arising.

Peace-building in Cambodia was hampered by the defective implementation of the peace-keeping tasks with which it was merged. UNTAC carried out six basic peace-building tasks, the successes and failures of which will be considered in sequence:

1. Conducting a free and fair election of the constituent assembly;
2. Protecting and promoting human rights;
3. Controlling civilian administration and police;
4. Drafting a constitution;
5. Repatriating refugees;
6. Supporting rehabilitation and economic recovery.

### *Conducting a Free and Fair Election of the Constituent Assembly*

While election supervision has been part of traditional UN peace-keeping, it has taken on particular importance in "second-genera-

tion" or "expanded" peace-keeping and, in the case of Cambodia, had several features that place this function within peace-building. The UN was entirely responsible for the organization and conduct of the election, including voter registration and education, vote counting, and determining whether the election was free and fair.<sup>7</sup> The election was the first of three steps of formal democratic transition, the others being constitution drafting by the elected Assembly and formation of a new government. In addition, UNTAC was charged with preparing the population for democratic participation, which has long-term implications beyond the one UN-run election.

From October 1992 through January 1993, UNTAC registered 4.6 million Cambodians, nearly all estimated eligible voters, in accordance with the electoral law it drafted. On May 23-28, 1993, elections took place and 4,267,192 voters -- 9.56% of those registered -- participated. On June 10 Yasushi Akashi, the Special Representative of the Secretary-General to Cambodia, declared that the elections had been free and fair and on June 15 the Security Council endorsed the results [8].

The election took place under threat of violent disruption by the Khmer Rouge and under conditions that fell short of the "neutral political environment" required by the Paris Agreement. Nevertheless, hundreds of Cambodians were employed by UNTAC and learned first-hand some of the mechanics of conducting a free and fair election. More important, the Cambodian people, through their courage and enthusiasm, learned that their faith in the process was not misplaced. Their experience with democratic empowerment is likely to prepare them for periodic elections. They acquired a sense that they can have a say in their political future and that the international community will support them.

### *Human Rights Protection and Promotion*

The human rights mandate given UNTAC had perhaps the most far-reaching significance for peace-building and democratic empowerment. The effectiveness of human rights work derived in large part from the collaboration among UNTAC and local and international NGOs. It was a modest beginning, the long term impact of which has yet to be measured. Yet the transitional period provided a mandate, resources, and a window of opportunity for an extraordinary amount of human rights education conceived

to empower Cambodians to build structures and practices of humane governance.

The Paris Agreement set out major obligations for the Cambodian parties and for the other signatories, spelled out by the Universal Declaration of Human Rights and other relevant international human rights instruments. UNTAC was given three tasks designed to accomplish its mandate of "fostering an environment in which respect for human rights shall be ensured":

1. Human rights education;
2. General human rights oversight;
3. Investigation of complaints and corrective action.

These are quintessential peace-building functions insofar as they prepare for the establishment of the rule of law, an independent judiciary, accountability for human rights violations, a professional police respectful of rights of the accused, and the development of an understanding, through formal and non-formal education, of the place of human rights in the future Cambodian society.

1. Human rights education: A priority was given to the civil society and UNTAC sought especially to empower human rights and women's organizations. Human rights was introduced as a required component of primary, secondary, post-secondary, and professional education. A network of Khmer human rights educators was trained to carry on UNTAC's work in all 21 provinces. One project especially worth noting is the ongoing human rights training program for health professionals run by Physicians for Human Rights and the American Refugee Committee, which has been used as a model in Zaire.

2. General human rights oversight: Supervision of prisons and the courts did not eliminate unacceptable conditions of detention or establish an independent judiciary and a functioning judicial system. The oversight role, however, did allow UNTAC to denounce effectively the justice and correctional systems as incompatible with minimal international standards and to outline the fundamental reforms that would be necessary to secure these elements of a democratic society based on the rule of law. The human rights component of UNTAC successfully argued for the release of all persons detained without charge or trial, and for the closing of secret detention centers. These changes reduced the level of institutional violations of human rights, but did not and could not transform the institutions themselves. Such a task would take generations of professional

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7. These responsibilities are set out in Articles 12-14 of the Paris Agreement, Section D of Annex 1, and Annex 3.

training and the allocation of substantial resources. Nevertheless, alerting the general population, the international community, and local officials to the need for fundamental reforms was a major peace-building step made by UNTAC in the short transitional period. The peace-building concern has continued after the departure of UNTAC through the work of the Phnom Penh office of the UN Centre for Human Rights and the work of the Special Representative on human rights in Cambodia, Justice Michael Kirby.

3. Investigation of complaints and corrective action: Hundreds of cases were opened and violations of human rights, particularly those relating to political violence, were investigated by UNTAC's human rights component, with the assistance of the civil police component. Although UNTAC has been criticized for its unwillingness to publicize the results and its inability to correct the abuses found, UNTAC investigations "did ensure a new level of transparency for Cambodia; the rise in political violence could not be hidden" [7]. From the peace-building perspective, official impunity ceased to be automatic under the UN's watch and Cambodia was exposed to the principles of accountability and corroboration of evidence through fact-finding. Although the new government established after the elections has not created many effective remedies against human rights abuses, investigation of complaints has become a practice of the Committee on Human Rights and the Reception of Complaints of the National Assembly, in part because politicians and NGOs learned that impartial investigation of complaints with a view toward corrective action is to be expected in a democratic society.

A final human rights accomplishment of UNTAC was the ratification of seven major human rights treaties. At UNTAC's initiative, the SNC signed these texts, thereby creating a legal basis for further action by Cambodians to hold the authorities accountable for their actions. Ratification was valuable for human rights education as well since the international texts could be disseminated as standards legally binding on Cambodia. Moreover, the validity of these texts was reaffirmed in the new constitution.

### *Control over Civilian Administration and Police*

UNTAC supervised or exercised direct control over administrative institutions, organs, and services that might influence the outcome of the election. These responsibilities were particularly heavy with respect to foreign affairs, defense, finance, public security, and information. Since the Khmer

Rouge, for the most part, provided no access to UNTAC and the other two parties had no administrative services to speak of, this area of UNTAC's mandate almost exclusively concerned the Phnom Penh government (called the State of Cambodia or SOC), which controlled 80% of the territory.

UN control over the administration was limited by the Paris Agreements to preventing the SOC from abusing its privileged position as the de facto government to sway voters in its favor. The civil police component of UNTAC was supposed to supervise the SOC police force to ensure that it respected the neutral political environment. There has been much controversy over the extent of UNTAC's powers and whether it carried out effectively even the minimal level of control. The presence of international officials in the administrative and police offices did, in fact, produce some valuable outcomes, along with some unfortunate mistakes and oversights. UNTAC's principal weakness was its inability to prevent or remedy abusive practices.

From our perspective of peace-building, some timid steps were taken in the direction of providing the first stages of administrative and police reform, based on the principle of accountability of public servants. The experience could be helpful in future missions where the UN could have a constructive role in preparing the administration to function under conditions of democratic governance.

### *Constitution Drafting*

The Paris Agreement called for the Constituent Assembly emerging from the election to draft a new constitution containing a declaration of human rights, consistent with the Universal Declaration and other relevant human rights texts. The constitution was to provide for effective enforcement of those rights through the courts, and was to explicitly declare Cambodia to be a "liberal democracy, on the basis of pluralism" and provide for genuine periodic elections with universal suffrage and an independent judiciary. The Agreement listed at least twelve specific human rights as belonging in the constitution.

This was a remarkable element of peace building, although the main responsibility was that of the elected Assembly and not UNTAC. Because a constitution with major implications for peace and reconciliation was the *raison d'être* of the Assembly, UNTAC devoted most of its human rights education effort after April 1993 to "constitutional literacy." The eventual constitution was far from perfect, but the degree of democratic empowerment that occurred in the process was promising. The author has recently studied



the new Cambodian constitution and concluded that:

The promise of a Constitution that would guarantee human rights with effective enforcement has not been kept, although the new Constitution reaffirms most human rights and calls for some basic institutions necessary for a liberal democracy respectful of human rights. In the last analysis, it is not much better than previous communist or republican versions on which it is largely based. Power, however, is beginning to be exercised more broadly and certain checks are being placed on the arbitrary exercise of power [9].

The very fact that the process was successfully completed, defects in the text notwithstanding, is a major achievement in peace-building.

### *Repatriation of Refugees*

The Paris Agreement called for the repatriation of refugees and displaced persons, who have the right to live in safety and dignity in Cambodia. A component was established for this purpose with a high UNHCR official at its head. The ambitious repatriation program ran into major problems, but the flexibility shown by the UNHCR ensured that more than 370,000 refugees returned home by April 1993, in time to register and vote. Preparing the former refugees to participate in the economy and to overcome years of dependency on the international community was a vital peace-building task. Many had received an education in the refugee camps and had acquired skills they could use on their reintegration. The principal problems of reintegration related to the land to which they returned (often seeded with landmines), their work opportunities, and continued risks of political violence.

### *Rehabilitation and Economic Recovery*

The reconstruction dimension of peace building ranks among the most vital to establishing the economic and social conditions that will stabilize society and mitigate against the return to civil strife. According to An Agenda for Development,

"countries in transition can use peace-building measures as a chance to put their national systems on the path of sustainable development...Decisions made at this stage can have an immense impact on

the course of their societies and the international community for future generations" [6].

The Paris Agreement requested that the international community provide the economic and financial resources necessary for Cambodia's recovery. Boutros-Ghali called for \$593 million in assistance aid to Cambodia; at a pledging conference in Tokyo, donor nations promised \$880 million in reconstruction aid. Very little of this money reached the country during the transitional period. World Bank support was also difficult to attract.

The UNDP took the lead as coordinator of reconstruction and development assistance after UNTAC's departure. Most international donors and lending agencies preferred to wait prudently until the new government was formed. Therefore, while this essential dimension of peace-building was part of UNTAC's mandate, it was not advanced significantly during the transitional period.

### **Peace-Building in Cambodia: Flawed Success or Promising Failure?**

Each of the peace-building tasks implemented in Cambodia ran into difficulty due to weaknesses in planning, preparation, and training, lack of cooperation from the Cambodian parties or from the international community, and defective administration. Nevertheless, in their cumulative effect they stand as the most ambitious peace-building effort of the post-Cold War era. A few tentative conclusions may be proposed regarding peace building as a preventive strategy for humanitarian crises in the future.

#### **1) Peace-building usually requires the support of peace-keeping.**

Although peace-building is a long-term enterprise, it should be undertaken simultaneously with a peace-keeping operation, since the short time frame of the latter may be all that is available to ensure a solid foundation. Political will and financial resources are usually lacking for a long-term international presence with extensive peace-building powers. The window of opportunity offered by a peace operation is not likely to exceed two years. Furthermore, the security of the civilian components of a peace-building mission can be in jeopardy if there is no armed peace-keeping presence.

#### **2) Peace-building should be integrated into a comprehensive political settlement.**

In a situation where international or



internal conflicts have rendered a society ungovernable, peace-building functions should be included in a negotiated comprehensive settlement of those conflicts. Given setbacks in Bosnia, Somalia, Rwanda, and elsewhere, the UN Security Council is justifiably disinclined to engage in massive field operations to transform societies. The Somalia and Bosnia experiences show that massive deployment of troops might stave off large-scale catastrophe, such as starvation. Using an international presence to put an end to an internal conflict is futile, however, without a carefully negotiated and truly comprehensive political settlement among antagonists having the political will to compromise. The experience of UNTAC suggests that peace-building may usefully be combined with peace-keeping if the relations of both functions to the comprehensive plan are respected.

### **3) Peace-building can cover a broad range of tasks.**

Depending on the situation, a multi-component international presence should organize, supervise, or otherwise oversee and assist in a broad range of peace-building tasks. Among the tasks worth including in the peace-building element of any comprehensive plan that is part of the UN mandate are the following:

- \* disarming the previously warring parties and placing their weapons in custody or destroying them;
- \* restoring order with an effective civil police;
- \* repatriating refugees with UNHCR taking the lead;
- \* providing advisory services and training security personnel;
- \* monitoring and running elections;
- \* protecting human rights through investigation and corrective action;
- \* implementing human rights education at all levels;
- \* reforming or strengthening governmental institutions, particularly through constitutional reform;
- \* promoting formal and informal processes of political participation;
- \* supporting the transformation of deficient national structures and capabilities and the strengthening of new democratic institutions.

### **4) Adequate training and preparation are essential.**

Despite the time constraints that characterize humanitarian crises, the UN and troop-

contributing countries should deploy civilian, police, and military personnel adequately trained in the skills required for the various peace-keeping and peace-building tasks. The UN is currently exploring new training programs to supplement existing experience, with the assistance of the UN University and the UN Institute for Training and Research, among others. Much less has been done to upgrade training specifically for peace-building tasks. This gap should be filled to enhance the efficiency and effectiveness of peace-building operations.

### **5) UN authority should be exercised from the startup of the mission.**

Various components arriving in the mission area should immediately establish their relations with local official and non-official segments of society and maintain full use of the authority to which the parties have agreed, rather than begin timidly and attempt to work up to the full level of responsibility in their mandate. In addition to being essential for peace-keeping functions, this exercise of authority is essential to create the "space" that makes democratic empowerment possible. The receptivity of officials or factional leaders and elites to "intrusive" UN efforts is at its highest in the first months of a mission. Characteristically, failed states have corrupt, armed, and authoritarian leaders, to the extent that there are any leaders at all. Every hesitation in utilizing the authority provided in the mandate leads to a loss of the UN's margin of action that is extremely difficult to regain.

The local population often has exaggerated expectations, bordering on veneration, of what the UN personnel -- military and civilian -- can do. Tragedy is an almost foregone conclusion when UN personnel show cultural insensitivity, engage in immoral behavior according to local customs, break local laws, cause vehicular accidents, and fail to stand up to abuse of the population by local officials. Loss of faith in the UN can lead to a reversal of attitudes to the point that the population is anxious to see the UN depart. Therefore, authority must be exercised responsibly, with due regard to local sensitivities. But it must be exercised firmly from the outset to maintain the mission on course.

### **6) Democratic empowerment should be integrated into peace-building functions.**

The capacity of citizens to participate effectively in self-governance requires a vibrant civil society in which freedom of expression and association are enjoyed by those who seek to influence the political process. Political parties, trade unions, reli-

gious organizations, and public interest groups must function free of undue government control. Democratic empowerment requires that democratic laws, policies, and institutions be in place, including electoral laws and commissions, genuine and periodic elections, an independent judiciary and bar, a professional police separate from the military, and accountability and transparency in public service. Each of these changes can be broken down into measures on which a peace-building mission can make progress. Obviously, most of these prerequisites of a fully democratic society will be totally or nearly totally lacking. Democratic empowerment, therefore, is essentially an effort to bring the official and civil societies to understand and seek these long-term changes.

**7) Democratic empowerment cannot be achieved by dealing exclusively with elites.**

The peace-building mandate of a UN field mission runs the risk of supporting democratic institutions without ensuring democratic empowerment. The UN might support NGOs as a means of empowering civil society. But if the support goes to well-connected members of the elite who do not have links to the population at large or programs that inform, mobilize, and enhance opportunities for ordinary people, then empowerment will not occur. Similarly, the UN might hold courses for judges, prosecutors, police, and public servants without effectively guiding them to function within a democratic society. Training these officials to respect democratic practices is meaningless unless the power structure is changed in ways that eliminate abuse of power.

As an example of such a failure of empowerment, UNTAC established a special prosecutor's office in Cambodia, where criminal cases were prepared against abusive state and faction agents. The courts continued to take instructions from party leaders in the Ministry of Justice, however, so that a fair trial was impossible.

**8) Peace-building can be the occasion to put in place machinery for implementing international human rights standards.**

The ratification of human rights treaties and the adaptation of legislation to comply with international human rights obligations can be promoted by a UN mission as part of its peace building role. In doing so, the human rights component of the mission must assist lawyers, human rights NGOs, and other sectors of civil society to seek redress on the basis of these international standards.

## 1945 United Nations Charter

### Chapter VII (Excerpts) Action With Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression

#### Article 39

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

#### Article 41

The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

#### Article 42

Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

#### Article 48

1. The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.

2. Such decisions shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies of which they are members.

#### Article 49

The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council.

#### Article 51

Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations...

### Chapter IX (Excerpts) International Economic and Social Cooperation

#### Article 55

...the United Nations shall promote: ... (c) universal respect for, and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

#### Article 56

All Members pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55.

### **9) Mobilizing economic and financial resources for post-conflict development is an essential part of peace-building.**


From the earliest stages, the components responsible for reconstruction should explore channels within the local society, as well as external sources of financial and technical assistance, in order to put in place, by the end of the mission, ongoing and sustainable programs that can attract other sources of funding and that can contribute to the coordination of development planning. Democratic empowerment can be part of this peace-building effort by taking seriously the right of affected populations to participate in the planning and implementation of development projects. By the end of the mission, UN monitoring of the continuation of the peace-building functions should be formally established and a web of collaborative non-governmental and international development assistance projects should be in place. Arrangements can be made during the mission for a post-mission operational presence, as was the case with the human rights unit of UNTAC.

### **Strengthening the Peace-Building Option**

Many of the peace-building tasks recommended in *An Agenda for Peace* were tested by UNTAC, with limited and modest success. Nevertheless, with improvements, these tasks can indeed "support structures which will tend to strengthen and solidify peace in order to avoid a relapse into conflict." The fact that relevant peace-keeping or peace-building tasks were not implemented or were implemented inadequately has been a contributing cause to the continuing conflict and weak democratic institutions in Cambodia. Credit for what was accomplished can be attributed in part to UNTAC and in large part to the Cambodian people's determination to end an intolerable cycle of violence and repression.

In urging peace-building and democratic empowerment, let us keep in mind that the UN's attitude toward the state is, by necessity, paradoxical: actions by despotic or misguided people, acting under the cloak of state sovereignty, are responsible for the problems the UN is called upon to resolve. At the same time the UN is the guardian of a world order based on respect for state sovereignty. The increasing support for intervention -- whether in the "hard," "soft," or consent-based peace building modes discussed above -- is arguably eroding the concept and practice of sovereignty [10]. In the introduction to *An Agenda for Peace*, Boutros-Ghali said of this "changing context":

The foundation-stone of this work is and must remain the State. Respect for its fundamental sovereignty and integrity are crucial to any common international process. The time of absolute and exclusive sovereignty, however, has passed; its theory was never matched by reality. It is the task of leaders of States today to understand this and to find a balance between the needs of good internal governance and the requirements of an ever more interdependent world [5].

The UN's action in Cambodia during the transitional period, when peace-building and democratic empowerment were tested with mixed results, is an example of such a balancing act. Peace-building and democratic empowerment could be potentially transformative processes in other humanitarian crises where human security needs to be ensured and sustained. 

### **Acknowledgment**

The author is grateful to the John D. and Catherine T. MacArthur Foundation and the Center of International Studies of Princeton University for supporting the research and writing of this article.

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## Making and Keeping the Peace: A Glossary of UN Terms

At its first summit meeting, on January 31, 1992, the UN Security Council requested the Secretary General to analyze and recommend ways of strengthening and improving 1) preventive diplomacy, 2) peacemaking, and 3) peace-keeping by the UN. Boutros Boutros-Ghali, in his report *An Agenda for Peace*, issued the following July, covered these three areas and added the closely related concept of "post conflict peace-building."

The four terms refer to four stages of conflict formation: pre-conflict preventive diplomacy, peace making at the outbreak of conflict, peace-keeping after agreement to cease fighting, and peace-building in the post-conflict phase. While the conceptual effort to be comprehensive is laudable, UN operations rarely fit neatly into any one of these overlapping phases. Nevertheless, to appreciate the concept of peace-building and its potential as a preventive strategy for humanitarian emergencies, the term "post-conflict peace-building" should be seen in relation to the three other types of UN peace operations.

### 1. Preventive Diplomacy

"Preventive diplomacy" consists of measures taken "to ease tensions before they result in conflict -- or, if conflict breaks out, to act swiftly to contain it and resolve its underlying causes." [All quotes from *An Agenda For Peace* unless otherwise noted.] Preventive diplomacy includes confidence-building measures and early warning and may involve preventive deployment (ie. establishing a UN presence at the request of, or with the consent of, the territorial government to limit or control violence or to alleviate suffering) or demilitarized zones.

### 2. Peace-making

Should a conflict break out, the UN's task becomes that of "peace-making," that is, employing the full range of conflict resolution mechanisms at its disposal, such as mediation, negotiation, and adjudication, as well as the enforcement procedures under Chapter VII -- namely sanctions and the use of military force.

### 3. Peace-keeping

Traditional "peace-keeping" refers to a range of actions "involving military personnel but without enforcement powers, undertaken by the United Nations to help maintain or restore international peace and security in an area of conflict" [United Nations. *The blue helmets: a review of United Nations peace keeping*. 2nd edition. New York. 1990:4]. Peace keeping operations also serve both to prevent conflict and to assist peace making. Typical peace keeping tasks include fact finding, border monitoring or observation of buffer zones set out in an armistice, verification of force disengagement or withdrawal supervision of disarmament or demobilization of local forces, and maintenance of security necessary for elections.

### 4. Peace-building

Finally, "post-conflict peace-building," or simply "peace-building," refers to "comprehensive efforts to identify and support structures which will tend to consolidate peace and advance a sense of confidence and well-being among people." In *Cooperating for Peace: The Global Agenda for the 1990s and Beyond* [Allen and Unwin: 1993], Gareth Evans defines the term as "action taken after a conflict or crisis in order to help ensure that there is no recurrence of the problem: it may invoke rehabilitation and reconstruction assistance generally, support for various kinds of institution building and specific practical programs like de-mining." Peace-building tasks should involve, in the words of the Secretary-General, "disarming the previously warring parties and the restoration of order, the custody and possible destruction of weapons, repatriating refugees, advisory and training support for security personnel, monitoring elections, advancing efforts to protect human rights, reforming or strengthening governmental institutions and promoting formal and informal processes of political participation" "Peace-building" also can entail "support for the transformation of deficient national structures and capabilities, and for the strengthening of new democratic institutions."

The Secretary-General explained the basis for such UN action as follows:

There is an obvious connection between democratic practices -- such as the rule of law and transparency in decision-making -- and the achievement of true peace and security in any new and stable political order. These elements of good governance need to be promoted at levels of international and national political communities.

The concepts of *An Agenda for Peace* have been reviewed critically in Roberts A, *The United Nations and international security, survival*. *IJSS Quarterly*, 1993;3S: 3-30; Weiss TG *New challenges for UN military operations: implementing an agenda for peace*. *The Washington Quarterly*. 1993;5 1-66; and Cox D. *Exploring An agenda for peace: issues arising from the report of the secretary-general*. *Aurora Papers* 20. Canadian Centre for Global Security. 1993.