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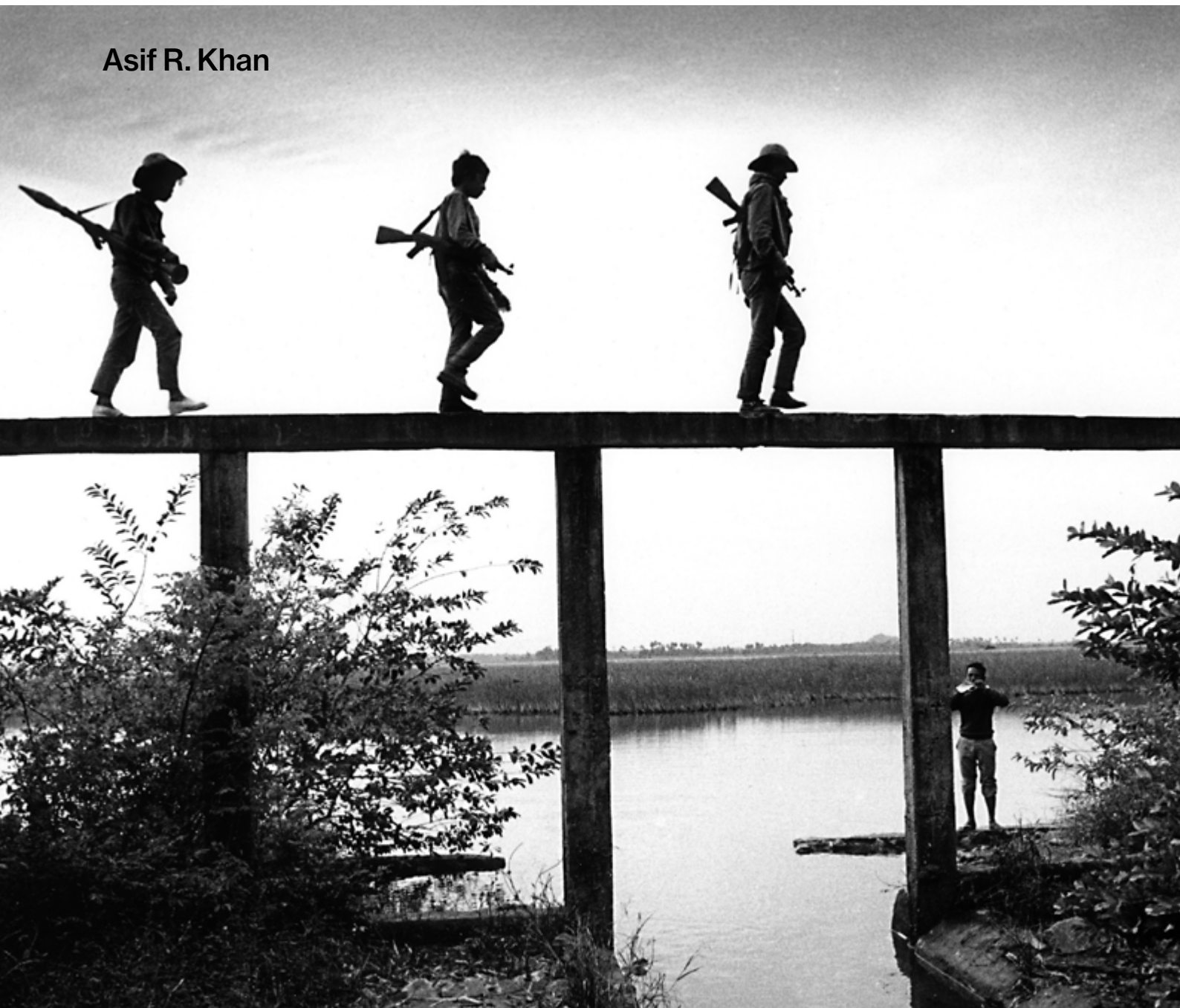
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When great powers behave

Mediation lessons from the Cambodia peace process

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Cover photo: Jan Benning/Panos

Soldiers from the Cambodian government army cross the remains of a dam, built in the 1970s by the Khmer Rouge

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“ | Abbreviations

ASEAN Association of Southeast Asian Nations

CGDK Coalition Government of Democratic Kampuchea

ECCC Extraordinary Chambers in the Courts of Cambodia

ICK International Conference on Kampuchea

JIM Jakarta Informal Meetings

OIC Organisation of Islamic Cooperation

NAM Nonaligned Movement

“ | Acknowledgements

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Asif R. Khan is Officer in Charge of the Policy & Mediation Division in the United Nations Department of Political and Peacebuilding Affairs. Over more than two decades, he has served in assignments with UN political missions and peacekeeping operations in Haiti, the Democratic Republic of the Congo, Israel-Palestine, Kosovo and Bosnia-Herzegovina. He has worked in New York in the office of the UN Secretary-General, the Department of Political Affairs and the Department of Peacekeeping Operations, and in Geneva in the Office of the Special Envoy for the Balkans. He was also an adjunct lecturer at Columbia University and most recently a visiting fellow at NUPI in Oslo.

1 Introduction



The proliferation of peacemaking and peace agreements in the late 1980s as part of the end of superpower rivalry created a new era of opportunity and fresh thinking in the multilateral arena. The great liberal peace, as some called it, arguably lasted until the early 2000s, when the US intervention in Iraq shattered the seeming multilateral consensus, although its demise can also be traced to the wars in the former Yugoslavia in the 1990s. This ambitious peacemaking period often followed a relatively simple formula: diplomacy featuring negotiations and mediation by external interlocutors, followed by a peace agreement broadly supported by the regional and major powers. This in turn was followed by a large international peacekeeping operation that could hold free elections and propound international norms and accountability.¹ This left in place a post-war dispensation, however unfair or exclusionary the new terms.²

We are now living through the end of, or have exited from, the post-Cold War era, whose two or three decades were marked

by a certain consensus in the UN Security Council. A new era of profound instability beckons. The current breakdown in multilateral unity and its impact in terms of stalemates in peace processes is likely to make agreement in most wars difficult or impossible. This is why it is important to look anew at past conflicts that were viewed as having ended successfully or resulted in peace agreements.

This paper examines conflict resolution issues in Cambodia through the lens of mediation as it is practiced today, even as we benefit from the hindsight of a world three decades after the signing of the peace agreement that comprehensively ended the conflict. Extracting lessons from that time, it attempts to illustrate how insights from the end of the Cold War can be edifying as we embark on a dangerous path towards another era.

The blood-soaked events in Cambodia remained prominent in world news headlines from the 1970s to the mid-1990s. The resolution of the conflict offers one of the

1 Gowan, R. & Stedman, S.J. (2018).

2 This was the case at different times, and with varying levels of success, difficulty and inventiveness, in countries such as Namibia, Mozambique, Angola, Cambodia, Bosnia-Herzegovina and Sierra Leone, even while, in other places, only a few or limited aspects of this type of intervention were carried out.

most pertinent peacemaking examples from the end of the Cold War and the way three great powers – the US, USSR and China – decided to pursue their state interests differently. While much of what happened in Cambodia is attributable to Cambodian actors, there is also the story of how the lessening of great-power rivalry brought the conflict parties to the negotiating table and contributed to the conclusion of a deal in 1991.

Some ambitious peace accords – even when tempered by time and events – can still be considered successes. While the Agreements on a Comprehensive Political Settlement of the Cambodia Conflict (or Paris Peace Agreements, as they are commonly known) may not have delivered the peace and prosperity the signatories wanted, they did conclusively end the conflict. The agreement may not have brought about the type of democracy and rights that Cambodians deserved, but the country did begin to develop, in however skewed a fashion, and it began to know a peace denied to it for decades. Cambodia was also able, somehow, to put behind it the gruesome and tragic history of the genocide perpetrated by the Khmer Rouge.

The mediation case is interesting because so many different actors, Cambodian and non-Cambodian, domestic, regional and international, were involved. While, at the same time, multilateral fora and entities – including the United Nations General

Assembly, Security Council and Secretariat, the Association of Southeast Asian Nations (ASEAN), the Organisation of Islamic Cooperation (OIC) and the Nonaligned Movement (NAM) – continued to give the conflict their highest attention. Various meeting formats – such as an International Conference on Kampuchea at the UN in the 1980s and the series of Jakarta Informal Meetings convened by Indonesia between 1988 and 1990 (originally dubbed the “cocktail party”) overlapped with different countries and organisations trying to take the lead. This led to significant complexity, confusion and often lack of progress, even as different formulas were tried. Success was eventually achieved both because of, and despite, this high level of actors, attention and creativity.

“**An examination of the Cambodia case can generate lessons and insights for a broad contemporary audience of mediators, diplomats, peace process actors and researchers**”

Inevitably there are pitfalls in trying to apply ideas and themes out of historical context. The need to check and cross-reference easy conclusions is imperative. While mediation practitioners working on today’s conflicts can judge the potential salience of historical parallels, an examination of the Cambodia case can generate lessons and insights for a broad contemporary audience of mediators, diplomats, peace process actors and researchers.

Beyond a description of the diplomatic process from around 1986 onwards, this paper considers a few critical framing issues in mediation and uses these to examine the Cambodian process and extract lessons and conclusions from it. These framing issues are: i) geopolitics and the international and regional scene that catalysed the resolution of the conflict; ii) the mediation and negotiation lead; iii) diplomatic creativity; and iv) the motivation for respecting global norms such as human rights.

A few broader conclusions emerge from this work and are outlined in detail at the end. They include the sense that politics (domestic and regional as well as overall geopolitics) matter the most. Aligning political power players – both those within a peace process, and those supporting the major players – is critical. Great powers can link issues when dealing with conflict and this can be a positive thing. Treating issues separately, or de-linking them, is not necessarily the only productive approach.

At the same time, great powers, including permanent members of the Security Council and those who often prefer pursuing bilateral approaches will, under some circumstances, resort to the UN to seek multilateral solutions. It is self-evident that national interest drives this approach.

Regional mediation efforts sometimes work – but this often requires regional actors to be less a vested player and more of an impartial mediator. This shift of gears is not easy.

Similarly, sometimes multiple parallel efforts in peacemaking are a good thing, but not always. Slow, patient tending of the process is key. At some points, actors should consider stepping back and removing themselves from the scene. A peace process for the sake of a peace process, something we often see nowadays in the major peace processes, can be useless or even counterproductive.

Despite any difficulties, mediators must always push for more emphasis on the normative agenda, even if this is done at the risk of the process. Neglecting norms, or the avoidance of justice and accountability in peace agreements and implementation, always leads to future problems if not a return to conflict. It makes normative as well as political sense to pay attention to human rights.

2 The politics and the geopolitical situation



In any mediation or peace process, the political motivations of the main actors, both internal and external, are of paramount significance and determine the success or failure of that process.

The process leading up to the 1991 Paris Peace Agreements that ended the Cambodian conflict is complicated and relatively long compared to other processes. Many tried and failed to resolve the war in Cambodia. Ultimately there was not one single actor or entity – but several – that succeeded in bringing about the agreement to end the conflict.

It is therefore important to understand the motivations of the main countries and actors, what made them decide to act the way they did and how this played out in the multilateral arena. This includes the way in which the UN acted and positioned itself in the peace process leading up to 1991.

2.1 War, genocide, invasion and occupation: Cambodian tragedies

An estimated 21% of the population of Cambodia (1.7 million Cambodians) were killed by the Khmer Rouge regime after it took power in 1975 amid a general bloodletting that had few parallels. The Khmer Rouge not only slaughtered the civilian population (especially in the cities), but also, as time went on, those among its own ranks. Millions were uprooted in massive population movements out of cities to the countryside to internment camps and work farms. The new regime focused on killing and displacing those in cities and, in particular, Muslim Chams, Chinese and Vietnamese citizens as well as other inhabitants.³

The Vietnamese invasion and occupation of Cambodia in 1978 and the installation of a government sympathetic to Hanoi ended the genocide but continued the conflict. A resistance against the Phnom Penh regime emerged and was composed of various factions: the factions included

3 For a detailed account of the dynamics of the genocide, see Kiernan, B. (1998), pp.461–466. Kiernan notes that the term “genocide” does not apply to the regime’s treatment of all of Cambodia’s ethnic groups if one is to be precise in terms of the intent of the International Genocide Convention of 1948. Regardless, looking back, we can certainly assess the nature of the regime as genocidal and murderous considering the overall cost of human suffering.

those sympathetic to the royalists, led by Prince Norodom Sihanouk; those more attuned with a nationalist agenda, led by Son Sann; and those who were most militarily able if also murderous, the Khmer Rouge. It is not within the scope of this paper to detail the complicated histories of the various resistance factions, but it is worth noting that at different times different parts of this resistance received aid from the US, China, Thailand and others, while the regime in Phnom Penh received support from Vietnam as well as the Soviet bloc, principally the USSR.

The context and process of decolonisation for the countries of Indochina (Viet Nam, Laos and Cambodia) was also important. Their struggle to control their destinies and political fates translated into fierce resistance to control or influence by outside powers.

Key developments in the Cambodian peace process are outlined in the following sections.

2.2 Warming Sino-Soviet ties and the rise of Gorbachev

The first development is the gradual decline in tensions between the Soviet Union and China after almost three decades of hostility. In high-level meetings between 1989 and 1991, the USSR and China agreed on a withdrawal of forces from the Sino-Soviet border as well as assurances that the Soviet Union would pressure Viet Nam – even if its influence was on the decline – into ending its troop presence in Cambodia. This was preceded by another Chinese demand, the withdrawal of Soviet forces in Afghanistan.⁴ At the time, some argued that China, in its eagerness to improve ties with the Soviets and to achieve its goals, was not overly concerned about the eventual impact on its allies in the Cambodian resistance (including the Khmer Rouge).⁵ It was concerned above all with one thing: the exit of Vietnamese forces from Cambodia and, concurrently, ensuring that Viet Nam did not again dominate Indochina. Support for the Khmer Rouge was part of this logic rather than the result of ideological kinship.

4 The Russian withdrawal from Afghanistan and the disastrous consequences there for Moscow's allies – with the Mujahideen resistance eventually deposing Moscow's chosen strongman Najibullah, who resorted to taking refuge on UN premises in Kabul for the next four years and was later brutally killed by the Taliban – clearly had an impact on considerations around Vietnamese withdrawal from Cambodia even if, with the benefit of hindsight, one can see that the Vietnamese-backed Hun Sen government had far more staying power than that of Najibullah in Afghanistan.

5 See Kristof, N. (1989).

The assumption of leadership by Mikhail Gorbachev in 1985 led to new approaches in Soviet foreign policy. Gorbachev was severely critical of past Soviet policy, but first tried to increase economic support for Viet Nam and Cambodia.⁶ At the same time, he was clear in wishing to end three decades of Sino-Soviet hostility. China's engagement with the Soviet Union and talks between the two countries throughout the late 1980s clearly played into the Kremlin's strategic calculation to reduce support for Viet Nam's Cambodia incursion.

2.3 China-Viet Nam talks and the Vietnamese exit from Cambodia

The second, and perhaps the most important, development in the Cambodian peace process was the gradual normalisation of ties between China and Viet Nam, and the eventual withdrawal of Viet Nam from Cambodia. Secret meetings between China and Viet Nam in 1989 and 1990 led to Viet Nam first announcing its unilateral withdrawal from Cambodia and subsequently agreeing to do it. There is clear synchronicity between the Soviet pressure on Viet Nam and Chinese demands of Hanoi. It is not a coincidence that the withdrawal announcement was made just before Soviet Foreign Minister Eduard Shevardnadze visited China that spring.

While relatively little is known about the talks between China and Viet Nam, these talks successfully delivered the withdrawal of Vietnamese troops as well as overall support by Viet Nam and its ally, Phnom Penh, for both the peace plan and the UN transitional administration that eventually emerged from later talks led by the five permanent members (P5) of the UN Security Council.

2.4 The great powers adjust their strategies in Indochina

The third main development around the Cambodia peace process was the common desire of the three great powers – the US, USSR and China – to disengage from Indochina. However, the nature of that disengagement varied among them. While the US wanted to move on from its decades of involvement, it also wanted to strengthen US allies such as Thailand and Singapore. The Soviet Union, while wanting to lessen expenditure and entanglements in the region, nonetheless wanted to see a strong Viet Nam as well as a continuing role in Cambodia for those that controlled the country in the 1980s. Finally, China was successful in its efforts to ensure that a Cambodia without the Khmer Rouge in power would remain aligned with Beijing's interests.

In 1987, the Vietnamese, in the face of global censure, had told the UN they

6 For Gorbachev's motivations, see Westad, O.A. (2005), pp.379–383.

would be eager to work towards a solution in Cambodia through an improvement in relations with China. However, the Chinese had informed the UN that the resolution of the conflict in Cambodia was a bilateral matter between China and Viet Nam, and would require a broader, more comprehensive solution. In the end, Viet Nam announced it would withdraw from Cambodia in April 1989 even though a comprehensive solution had not been finalised.

All of this happened, of course, in a context of the changes that lead to the fall of the Berlin Wall in November 1989 and the perceived end of the rivalry between the Soviet Union and the US. The United States, under the Reagan administration, had identified Cambodia as one of the regional conflicts worsening East-West relations; at the same time, it was happy to allow China to take the lead in rolling back Soviet influence, in support of the Cambodian resistance to the Vietnamese occupation.⁷

2.5 The region asserts influence

The fourth main development around the Cambodia peace process was the assertion of regional influence. Since 1979, the UN

General Assembly, with the diplomatic engagement of the five ASEAN member states,⁸ had overwhelmingly voted against the Vietnamese intervention in Cambodia.

Indonesia notably led the contact with Viet Nam on behalf of ASEAN.⁹ Outsiders viewed Indonesia as not being directly involved in the conflict, and perhaps as one of the moderates on this issue within ASEAN (along with Malaysia), in contrast to the perceived hardliners (Thailand and Singapore).

Thailand was critical of the Vietnamese occupation and supported the Cambodian resistance through material and territorial support for training of combatants. Thailand's eventual realisation that a political solution would be necessary was one of the factors which increased momentum towards the Paris Peace Agreements.

The crisis in Cambodia may, in fact, have given ASEAN its initial *raison d'être*. Cambodia was its first big success in peacemaking, although how pivotal a role it played as an institution in the final, successful phase preceding the 1991 agreement is debatable.¹⁰

7 See Acharya, A. et al. (1991), p.XXXII.

8 Indonesia, Malaysia, Philippines, Singapore and Thailand.

9 Indonesia had always enjoyed relatively strong relations with Viet Nam and was the first of the ASEAN members to establish diplomatic relations with Hanoi in 1964. It had already had informal ties with North Viet Nam since the 1940s.

10 Indonesia played a dominant role in guiding the relationship with Viet Nam, and its role as co-convenor (with France) of the first Paris conference was significant. But much of the credit for this role is arguably due to Indonesian foreign policy and its skilled foreign ministers, rather than to ASEAN and any multilateral position it agreed.

2.6 The role of Sihanouk

Resistance leader and former Head of State Sihanouk continued to treat the Vietnamese occupation as his single biggest preoccupation, and this manifested in his desire to negotiate directly with the Vietnamese, a position the Chinese supported. It was only in 1987 that he agreed to hold direct talks with Hun Sen in a series of meetings in France. This followed the growing realisation that Viet Nam was by now under Soviet pressure to withdraw troops from Cambodia and faced a poor economic situation.

At the same time, Sihanouk – who often changed tactics – was consistent in never going against the interests of his principal benefactor, China.¹¹ He told many of his interlocutors that without Chinese support he could not have survived politically after the 1970 coup which deposed him. Similarly, he deliberately sought out a role for France, which was traditionally viewed with suspicion by ASEAN members, if only to balance Chinese and ASEAN influence on him and the process itself.¹²

2.7 The role of the UN: from outsider to pivotal player

It is against this backdrop that the careful but sure-footed Javier Pérez de Cuéllar as UN Secretary-General operated through his Special Representative for Humanitarian Affairs in South-East Asia, Rafeeuddin Ahmed. The history of UN Secretariat engagement on this issue is long and began during the late 1970s, although a serious role – that is, actively coming up with innovative diplomatic formulas – only gained traction in the second half of the 1980s.

Diplomacy by UN officials, based on the good offices role of the Secretary-General, had evolved over time since the founding of the United Nations. Previous Secretary-Generals had brought their own style and approach to the work of peacemaking. While it was not a given when the UN was established that the Secretary-General would have an independent voice or role, it became clear that the most senior civil servant of the new entity would need to consider the wishes of the great powers and the amount of space they would grant.¹³ Up to the 1980s, Dag Hammarskjöld had most vigorously tested this paradigm. It was clear that Pérez de Cuéllar, sometimes regarded by his critics as underwhelming, would have far more

11 French Foreign Minister Claude Cheysson, according to Claude Martin, saw Sihanouk as a Khmer Rouge accomplice and puppet of China, even as President François Mitterrand later made a commitment to the Prince that France would never recognise the Vietnamese-installed Phnom Penh government. See Martin, C. (2018), pp.429–430.

12 Bartu, P., manuscript on the UN and Cambodia (unpublished), chapter 1, p.6.

13 See Lauren, P.G. (1994). 'The diplomats and diplomacy of the United Nations'. In Craig G. & Lowenheim F.L. (eds) (1994).

opportunity, as the Cold War waned, to fulfill the dream and promise of the UN Charter by employing a diplomatic role that was quietly persistent, probing and unprecedented.

Not all welcomed this enhanced role. The International Conference on Kampuchea (ICK) was convened in July 1981 based on ASEAN diplomacy but failed due to lack of engagement by the three Indochina governments as well as the Soviet Union and its Warsaw Pact allies. They simply stayed away from the event as the Cold War political climate persisted. Nonetheless, Pérez de Cuéllar dispatched Ahmed, his Special Representative, to Southeast Asia in 1982 to explore the idea of a different type of international conference that could bring together the principal protagonists. In Ahmed's words, the Secretary-General was "looking to see whether we could get the UN in the act".¹⁴ Initially, this low-key initiative was also backed by ASEAN members and, even more in the background, by China. In the UN view, such a conference could include regional countries, including China, plus Security Council members and countries such as India. The plan, according to Ahmed, seemed to gain momentum until the Phnom Penh regime, Viet Nam and Laos came out publicly against it. He explained: "That was the kiss of death, as soon as that came out then the ASEANs said No, they objected to both forms. That was a rather bitter disappointment, because if they had only let

us know quietly, then we could have worked it out and the Paris conference ... ten years later, may have taken place earlier."¹⁵

2.8 The Cambodia peace process as viewed today

The resolution of the Cambodia conflict, achieved as it was through a decisive and united plan put together by the five permanent members of the UN Security Council (P5), seems almost too good to be true. The conflict ended even as others raged and even as rivalries between the powers were suppressed rather than ended. While such co-ordinated action between the great powers may not be repeated soon, the Cambodia case does show that peace processes can produce conclusive results. This successful conclusion assumes the powers and players involved are able to consider pragmatically where they need to cut losses, where they need to play the long game, and where they need to build certain relationships as they ditch others.

It is often said, particularly considering the divisions between the great powers in the Security Council, that to achieve progress towards peace, it is preferable to isolate conflicts from each other and treat each conflict on its own merits, rather than linking them. Cambodia offers an example of the opposite. It was only when the issues were linked that there was movement: the growing

14 See Interview of Rafeeuddin Ahmed, Yale-UN Oral History Project.

15 Ibid.

China-USSR détente and China's demands that the Soviets took action to improve ties. China demanded three things of the Soviets: first, withdraw its troops from Afghanistan; second, drawdown its troops on the China-Soviet border; and third, ensure a withdrawal of Vietnamese troops from Cambodia. Linkages in this case worked.¹⁶

The 1980s and early 1990s were a period of profound shifts in Asia – both in terms of geopolitics but also (and perhaps much more so) in terms of the political economy, away from the immediate post-colonial chaos, civil wars, and economic policies of self-sufficiency (in especially China and India) and towards the explosive growth of later decades. The end of China's isolation and crafting of new global supply chains that

connected China to Japan, Korea, Thailand, Singapore, Malaysia, and Indonesia all gave important momentum to the diplomacy around Cambodia.¹⁷

Cambodia benefited tremendously from the overall change in the global temperature, but the success seems inevitable only with the benefit of hindsight. It did not necessarily appear so then.

The following chapter highlights how amidst these massive geopolitical shifts, the most remarkable since decolonization changed the face of the region, different types of mediators tried to craft or influence the peace process to end the Cambodian conflict.

16 Chester Crocker, in his book about the Southern African peace processes, argues the same. See Crocker, C. (1993).

17 Thant Myint-U (2019) has covered some of these issues.



Security Council members vote unanimously in favour of Resolution 718 (1991), calling on all Cambodian parties to fully comply with the ceasefire agreement (UN Photo/Milton Grant)

3 Leadership of the process and diplomatic creativity



According to the UN Guidance on mediation “it is generally preferable to have a lead mediator from a single entity based on a strategic partnership and coordination with other mediating entities” as it allows for greater coherence and clarity in the pursuit of peace.¹⁸ However, the Cambodia case illustrates that a multiplicity of mediators and negotiators, facing huge obstacles in a context of global political upheaval, can still surmount those obstacles. The fact that we live in a time when several mediators are often trying to work on the same process makes the multifaceted Cambodia case particularly pertinent for today.

“**The fact that we live in a time when several mediators are often trying to work on the same process makes the multifaceted Cambodia case particularly pertinent for today**”

3.1 The region in the lead — (1981–1987)

For the purpose of this paper, the Cambodia peace process began after the failure of the International Conference on Kampuchea (ICK) in 1981 and culminated in the Paris Peace Agreements of 1991.

In 1980 and 1981 there were calls by ASEAN for a broad international conference, a goal attained in July 1981 in the form of the ICK. Viet Nam had wanted a more limited conference restricted to regional players and stayed away from the conference, which ultimately ended in failure.

The UN, under Pérez de Cuéllar, had proposed a regional conference “plus” that would include the permanent members of the Security Council, as well as countries that could play a useful role and provide perceived balance. These included India and Laos (as allies of Viet Nam) on the one side, and Japan (allied to the ASEAN states) on the other.

On a tour of the region in 1982, the UN Secretary-General's Special Representative Ahmed proposed the regional conference “plus” idea to the ASEAN countries individually. All, according to him, were amenable; Viet Nam was in listening mode but did not reject the idea.¹⁹ Later in 1982, the Indochinese foreign ministers met and endorsed the UN idea (for a conference which was broader than simply the Indochinese countries but more restricted than the ICK) as their own proposal.

¹⁸ United Nations (2012). *United Nations guidance for effective mediation*, p.18.

¹⁹ See Ahmed, Yale-UN Oral History Project. p.7.

However, a subsequent public rejection of this idea by Viet Nam, despite an initial positive signal, led to its immediate rejection by the ASEAN countries, much to the UN's disappointment. At that time, ASEAN was opposed to any proposal associated with or supported by Viet Nam. However, ten years later the same idea became the Paris Conference of 1991.

Timing matters. Sometimes the right idea, or an innovative idea, is not ripe or lands in the wrong place or ends up being adopted by those who give it the "kiss of death".²⁰ While some diplomatic truths are self-evident to us now, they are so with the benefit of hindsight. But they are also reminiscent of what prevails in most diplomatic processes, which is the inability to control or influence all the variables and actors – and the dangers of unintended consequences.

At least until 1987, it was the regional players, led by ASEAN (and within ASEAN, mainly by Indonesia and Singapore) that tried to shepherd and retain control over the process. But ASEAN was, through the

roles of some of its members, also viewed by Phnom Penh and Hanoi as partially a protagonist in the conflict. Through Thailand (perhaps the most hardline of those opposed to the Vietnamese invasion of Cambodia) and Singapore, ASEAN and its allies in the UN General Assembly skillfully gathered a diplomatic majority against Vietnam. At the same time, Thailand also hosted much of the armed resistance and Cambodian refugees along the Thai-Cambodian border. Such efforts restricted the space for any one of these countries to pursue a more mediative or impartial role.²¹

Ahmed, in regional meetings in 1987, tried to find a bridge between an eight-point proposal by the coalition government in exile (the Coalition Government of Democratic Kampuchea or CGDK) and the Vietnamese position. This eight point proposal later became known as the ASEAN plan. A refashioned UN proposal, Ahmed told Vietnamese Foreign Minister Nguyen Co Thach in 1987, consisted of a partial withdrawal by Viet Nam, a ceasefire by all, a formation of a governmental entity even

20 Ibid.

21 It is worth noting that, as regional organisations go, ASEAN's 'corporate identity' (in as much as it identified as a group beyond its individual members' interests) was relatively weak at this point. Thailand and Singapore were more forward-leaning on the opposition to Viet Nam, while Indonesia and Malaysia more moderate, and the Philippines was at more of a distance, literally and figuratively.

as the Vietnamese withdrawal was being completed, followed by elections and a return of refugees. Finally, an international conference on the thorny issue of national reconciliation would be held.

The competing international initiatives clearly caused headaches among the various mediators. One plan was pushed by one side even as others were being put on the table. While such a proliferation of initiatives can cause confusion it was unlikely that only one entity or person could have remained mediator. This was true then and it is much truer now, of course, when the mediation landscape is littered with well-meaning actors.

On a positive note, one could surmise that a profusion of ideas and proposals is sometimes required for the best ones to emerge, even if this may not be the most efficient way. It is also sometimes impossible for one mediator to see all the possibilities and to mastermind everything. However, as the process moves into formal sit-down negotiations, having one lead mediator who has the support (and the legitimacy that derives from that) of the network may become an advantage again. This was certainly the case with Cambodia.

3.2 Cocktail diplomacy, or the Jakarta Informal Meetings (1988–1990)

As early as 1985, Prince Sihanouk had proposed (initially to France) to host a “cocktail party” for the Cambodian factions.²² The idea was embraced by Indonesia, which felt that ASEAN should express its sympathy and support for Prince Sihanouk’s efforts. Seizing on its continuing relationship with Viet Nam, Indonesia proposed a meeting of the Cambodian factions as well as regional countries, referring to it as an internal meeting of Khmer personalities in their personal capacities as a preliminary step towards national reconciliation.²³ Such a meeting would be immediately followed by a meeting of the four factions with Viet Nam, if the first stage was successful. This concept – later rebranded the Jakarta Informal Meetings (JIM) – gave a new impetus to the process. Between July 1988 and September 1990, four JIM meetings were organised by Indonesia with the agreement of the parties and their regional backers. These allowed for first encounters of many kinds and for many of the issues being discussed elsewhere to be elaborated on further in this forum.

Indonesia was hopeful that ASEAN’s strategy would be linked to the process of normalisation of ties between Hanoi and Washington. A core idea in the strategy was

22 Chanda, N. (1985), p.31.

23 Indonesia first proposed the idea to Viet Nam when Foreign Minister Mochtar Kusumaatmadja visited Hanoi in June 1987. There was initial agreement on the idea although the first Jakarta Informal Meeting did not take place until a year later.

to involve the United States to ensure that Hanoi saw the Cambodia issue as part of the process towards normalisation of ties with the United States (which, in Vietnamese eyes, would signify support for its eventual economic reconstruction).

Having begun in 1988 and continuing into 1990, the JIM meetings continued alongside the first Paris conference, convened by France and Indonesia, in July 1989. This conference may be perceived to have failed, but important proposals were nonetheless put on the table in Paris that were the product of years of talks by ASEAN member states (the Indonesians in particular) and the UN. The JIM served as a useful avenue for these discussions. The process also showed how different strands of the peacemaking process could be utilised by the various mediators to ultimately serve one goal, cobbling together one deal on the country.

However, at the same time, questions were raised about the JIM by diplomatic partners. These included whether the JIM gave undeserved recognition to the Phnom Penh regime even before it or Viet Nam had made any concessions. The skill of the mediators and, in this case, the Indonesian-led diplomats, was a notable factor: both

Mochtar Kusumaatmadja as Foreign Minister until 1988 who began the process and broke the impasse around Cambodia, and then his successor, Ali Alatas.²⁴ The success of a mediation depends on who is mediating. This is the case even in large, sprawling processes like Cambodia where there were many different actors and entities sometimes working together and sometimes at cross-purposes.

With close ties to Sihanouk and an open channel with Hanoi, at this point France decided to be more active and eventually hosted talks in Paris.²⁵ Claude Martin, the leading French diplomat on Cambodia throughout this period, recalled later how, in 1987, France again began to think of Cambodia as a place to reassert its influence.²⁶ Martin faced considerable questioning from ASEAN interlocutors as to why France, with its colonial past, was getting involved.²⁷ The French persisted. In 1989, Alatas told Martin that the French needed Indonesia for the Paris conference to be a success.²⁸

Sihanouk's intentions towards the French were complicated: he publicly, and in writing, often praised France's role in the process in florid terms. At the same time, he also

24 Alatas had developed a valuable relationship with Pérez de Cuéllar and Ahmed while Permanent Representative of Indonesia to the UN in New York prior to becoming Foreign Minister in 1988.

25 Sihanouk also remained under the impression that, with France involved in the process, there would be a French military deployment in any post-agreement peacekeeping operation.

26 See Martin, C. (2018).

27 Ibid.

28 Ibid. Following on from this logic, French Foreign Minister Roland Dumas told Martin to "flatter" the "touchy/susceptible" Alatas.

worried that Paris would try to force him to join Hun Sen in the Phnom Penh government. Separately, even as Sihanouk was encouraging the UN and specifically Ahmed to continue to pursue the ideas put forward by Pérez de Cuéllar in his report to the General Assembly in 1985 (recirculated in 1988) he was also nurturing French interests in a peace conference as well as speaking regularly to all the regional countries.²⁹

A web of diplomatic activity continued to expand: the UN, through Ahmed, was talking to the parties, but also staying back when sensing that there would be opposition by the parties or regional actors to proposals put forward by the UN. In Tokyo in 1987, Pérez de Cuéllar developed his ideas further with his Japanese interlocutors but, to the chagrin of the Secretary-General and the consternation of ASEAN interlocutors, the Japanese press publicised the ideas as a UN “four-point plan” – probably due to a leak from the Japanese Foreign Ministry. In subsequent meetings, Ahmed pulled back and called them mere ideas that would need further development. In terms of diplomatic practice, the UN and others such as Indonesia were collaborating closely, in step with each other’s initiatives. They kept each other informed of their actions even as the UN persisted in putting on the table more developed ideas, such as what form or shape a future UN operation would take, and what kind of monitoring would be required were there to be a ceasefire.

Ahmed’s small team was also working with the UN High Commissioner for Refugees to develop the refugee return and repatriation plan in an effort which took place two years in advance of the Paris Accords. The document they developed was adopted in its entirety as the relevant annex on refugee return in the final accords.³⁰

When the first Paris International Conference on Cambodia in July 1989 failed to arrive at an agreement, a certain paralysis emerged. The contours of a deal (withdrawal of troops, ceasefire with monitoring, a transitional administration of sorts, elections etc.) were already clear but the politics were still in flux. Viet Nam and China were not yet agreed on what kind of power-sharing there could be in a post-agreement dispensation, including before the elections. The Khmer Rouge and what to do about them was the most significant and problematic issue, as it had been throughout the process. At the end of the conference, when it was appearing clear that there would be no agreement, the French tried to persuade Sihanouk to accept a power-sharing arrangement. In this arrangement, Hun Sen would be Prime Minister, Sihanouk would be Head of State and the process would commence with a partial withdrawal of Vietnamese troops. Sihanouk openly castigated the French when they pressed him to enter into this power-sharing deal with Hun Sen, and refused to compromise.

29 United Nations (1985).

30 Interview with Sergio Vieira de Mello, Yale-UN Oral History Project.



Cambodians returning from refugee camps aboard a UNHCR train, August 1992
(UN Photo/P Sudhakaran/CC BY-NC-ND 2.0).

3.3 Enter the Permanent Five and the UN (1990–1991)

At this juncture, the idea of a UN operation in Cambodia, to provide some level of overall administration before elections, came into its own. Sihanouk supported this idea, and the US fully adopted it in the autumn of 1989, in the next stage of the process. The US, having held back in previous years and allowed China and ASEAN to lead the process, now led with a suggestion by US Secretary of State James Baker at the UN General Assembly in September 1989. The

suggestion was that the five permanent members of the Security Council, aka the P5, convene as a group.³¹ From this point on, the US drove the process by putting ideas on the table, while the French worked closely to try to “own” the process even as China had a virtual veto on how the process could develop (particularly in relation to the future role and participation of the Khmer Rouge).

Beginning in January 1990, a series of P5 meetings (initiated by Baker in a letter to the P5 at the turn of the year) were alternately held in Paris and New York.³² They aimed

31 See Solomon, R. H. (2000).

32 Six P5 meetings took place alternately in Paris and New York between the 17th January and 28th August 1990.

to take what was almost agreed at the first Paris conference and jointly come up with a new framework agreement.

The US was motivated by ensuring not only P5 unity but also unity among countries like Thailand (strongly against Hun Sen and his regime), China (trying to ensure that the Khmer Rouge stayed in the game and Viet Nam out) and Australia (with an activist Foreign Minister, Gareth Evans, who the US complained was conducting diplomacy and announcing Cambodia-related initiatives without properly co-ordinating with others, or at least the US).³³

The first meeting of the P5 was able to produce a set of issues on which the five countries could debate and work together for the rest of the meetings. Prior to the second meeting, Pérez de Cuéllar and Ahmed comprehensively briefed the US delegation on issues relating to managing a settlement process.³⁴ During these P5 meetings, the idea of the UN playing a central role in the implementation phase became more concrete. Even as the P5, and especially the US, led the process, the UN provided key inputs on how to

undertake planning for the framework document ultimately produced by the P5 in August 1990.³⁵

Several critical developments had an impact on the P5 meetings, including domestic developments in the US Congress and the announcement by Baker that the US would withdraw recognition from the Sihanouk-led “government” in exile. It is not in the scope of the paper to go into these and it is also difficult to shed light on the secret parleys conducted by Hanoi and Beijing, where the latter successfully encouraged Viet Nam to continue to change its posture on Cambodia. A confluence of factors – with the US in the lead, the Chinese conducting separate talks with the Vietnamese as well as with the Soviets (on the overall normalisation of Sino-Soviet ties) and the UN continuing to provide more inputs on UN operational detail – nonetheless resulted in the announcement, on the 28th August 1990, of the P5 framework agreement for Cambodia. This would largely form the basis of the Paris Agreements signed a year later.

The UN provided inputs to the United States and the French, including entire draft

33 Solomon, R. H. (2000).

34 In parallel to this process, the UN had earlier on set up a task force on Cambodia, which had conducted extensive planning on a range of areas including refugee return, military aspects as well as developmental and reconstruction issues. The UN had also sent a few planning missions to Cambodia during this time.

35 The Australian Foreign Minister and his staff also produced an Australian ‘Red Book’ – a series of working papers outlining in detail roles for the UN in civil administration, in organising elections, and in maintaining a secure environment – and it is a matter of some debate as to how useful this was to the process. According to Gareth Evans, it was significant and was used across the region in the planning efforts for UNTAC, the future UN operation in Cambodia. Hédi Annabi, in his recounting of events, was more circumspect and did not think that the Red Book was that influential.

annexes, with this role far more significant in 1991 than at the first conference in 1989.³⁶ As Hédi Annabi, then a young assistant to Ahmed, explained many years later: “the French asked us to write all of the annexes, and we wrote all the annexes for them, and they practically fitted them in there, lock, stock, and barrel – the annexes on the military aspects, the annex on the election, the annex on refugees... All of the annexes were written entirely by us.”

The UN role throughout was discreet, marked by the kind of expert diplomacy for which Pérez de Cuéllar was already well-known. For the first time in its history, the UN had as Secretary-General a figure who already had mediation experience, including specifically UN mediation.³⁷ Ahmed, as representative of the Secretary-General, had no real mandate but continued based on the Secretary-General’s good offices role.³⁸

The key innovation in the run-up to the second Paris conference was the idea of creating a Supreme National Council (SNC), circumventing the question of whether the Phnom Penh regime or the opposition CGDK constituted the legal government of Cambodia. The SNC would include Phnom Penh and the three opposition groups: the

royalists, the nationalists and the Khmer Rouge. The SNC, in embodying Cambodian sovereignty, could delegate it to the UN in the form of the head of the UN operation (known as the United Nations Transitional Authority in Cambodia or UNTAC). This formula thus successfully skirted different problems of sovereignty, which had been posed earlier by Viet Nam.

A version of the P5 framework in August 1990 had recommended that the SNC should be composed of “individuals representing the full range of Cambodian public opinion”, rather than proposing anybody specifically and thereby bypassing the Khmer Rouge. In effect, the agreed formula accommodated the factions, the Hun Sen government and the idea, or fiction, that the individuals on the SNC were nominated in their personal capacity. Sihanouk’s position in this structure was unique.³⁹ In August 1991, he committed to Ahmed that, while the SNC members had given him the power to decide if no consensus was reached within the SNC, Sihanouk never intended to take a final decision on any matter without first seriously consulting the head of the UN presence in Cambodia. The UN would, perhaps, never again be trusted in such a fashion by an incoming head of state, however whimsical.

36 Solomon, R. H. (2000), pp.41–43.

37 See Thant M-U. & Scott, A. (2007), p.70.

38 At one point, Ahmed sought the counsel of UN lawyers about the “Peking formula” (Dag Hammarskjöld’s patient diplomacy with Zhou Enlai in 1958 which was above and beyond any mandate that the UN membership may have provided the then Secretary-General through the Security Council or the General Assembly). See Urquhart, B. (2006), pp.15–22.

39 Hong, M. (1995), pp.93–98.

By the time the second Paris conference was convened in October 1991, the agreement was mostly complete, and Paris served as a culmination of a decade of efforts by the peacemakers. As far as the UN was concerned, perhaps its most singular achievement was the dedication by a Secretary-General to a process even as he remained relatively hands-off and allowed his representatives to continue the work intensively. Pérez de Cuéllar would carry out the same style of peacemaking practice – of attention *and* an arm's length, trusted delegation – in other parts of the world, like Central America, which would also result in several UN mediation successes in the same era.

It is also useful to reflect on the opportunities and challenges presented by inclusivity in a process.⁴⁰ In talks at the ICK, the JIM, and the two Paris conferences, there is no reference to inclusivity, to women, to minority groups, or to victims – unless on the latter it is in reference to the crimes committed by the Khmer Rouge. This was an elite process

dominated by men, be they the conflict parties or the mediators.⁴¹ None, or close to none, of the processes associated with that time featured women as mediators or conflict party actors.⁴² This is a hard fact to take in today – but it is reflective of the times.

It is fair to say that it is likely to have been easier to negotiate the elite bargain that was the Paris Agreements than make it a multi-track, many-tiered one. But it is not difficult to foresee that the implementation of the Agreements would have gone differently had there been more respect for inclusion, or if the main players had considered the democratic deficit for which Cambodia would suffer in the decades to come.

The Paris Peace Agreements were notable at the time for their attention to human rights norms. These norms had often been ignored in the past but are standard practice now for agreements, processes and mediators. They are explored in more detail in the next section.

40 See also Khan, A.R. (2022).

41 Sihanouk did entrust his favourite wife, Norodom Monineath Sihanouk or Princess Monique, with political meetings and for passing on important messages to interlocutors. But she always did so at the behest of the Prince, as a consort and not a political actor in her own right.

42 Margaret Anstee, who became the first woman to lead a UN operation, in Angola in the early 1990s, was an exception. The title of her memoirs captures the flavour of those times: *Never learn to type: a woman at the United Nations*.

4 The normative agenda and human rights



The mediation logic and norms of today – especially on human rights, even as they come increasingly under attack in the global arena – demand that we pay heed to the normative agenda.⁴³ Viewing the Cambodian process from today’s perspective is interesting, as the Paris Peace Agreements, along with those that led to the resolution of the conflict in El Salvador around the same time, represent a new phase in the conduct of mediation.⁴⁴ For the first time since the end of the Cold War, a significant peace agreement, that was of a nation-building nature and gave tremendous powers to a UN operation, had critical articles devoted to human rights.⁴⁵

The reason for this was Cambodia’s recent history. The genocide committed by the Khmer Rouge, news of which had taken some years to trickle out, had belatedly caught the world’s attention in the 1980s.⁴⁶ Following this, lively domestic constituencies in the United States and the international human rights community ensured that those participating in the peacemaking process would continue to keep the issue of respect for human rights alive during the talks leading up to Paris in 1991, as well as in a post-agreement phase.

43 “Mediators ... conduct their work within the framework constituted by the rules of international law that govern the given situation, most prominently global and regional conventions, international humanitarian law, human rights and refugee laws and international criminal law, including, where applicable, the Rome Statute of the International Criminal Court. In addition to binding legal obligations, normative expectations impact on the mediation process, for example regarding justice, truth and reconciliation, the inclusion of civil society, and the empowerment and participation of women in the process.” *United Nations Guidance for Effective Mediation*, p.16.

44 Stephen Ratner (1993) explains in his comprehensive study of legal aspects of the Paris Peace Agreements that the UN had previously had oversight and executive responsibility in the case of the UN Temporary Executive Authority (UNTEA) when the Dutch handover to Indonesia of western New Guinea/Irian Jaya took place in 1962–1963, but it was limited in scope.

45 The Paris Peace Agreements would be followed by peace agreements in countries or conflicts as varied as Mozambique and El Salvador in 1992, Bosnia-Herzegovina in 1995 and Northern Ireland in 1998. All these, as well as others, would feature more detailed human rights provisions than the agreement on Cambodia but the latter nonetheless reflected the times. El Salvador had an interim agreement specifically on human rights protections (July 1990), and the parties asked the UN to implement this even while the talks continued. However, the UN peacekeeping operation resulting from it was not of the same size or ambition as Cambodia.

46 The 1984 film *The Killing Fields*, to cite the most obvious example, had received widespread global attention and to an extent shocked the world’s conscience.



Tuol Sleng Genocide Museum, Cambodia (Marcin Czerniawski/Unsplash).

Of equal importance was the growing international emphasis on normative agendas relating to human rights. With one superpower’s espousal of the liberal peace – including on human rights – emerging as the unchallenged dominant framing of what peace needed to look like, more agreements in this new era featured such aspects.

Others believed that the Khmer Rouge should be kept out of any post-agreement power-sharing structure. This was the position of the Hun Sen government, many of whose members were former members of the Khmer Rouge or the Cambodian communist party and had seen, firsthand, the genocide as well as the murders and purges committed by the Khmer Rouge of its own cadres and officials questioning

its policies. The Phnom Penh regime was supported in this position by its Vietnamese and Soviet backers.

Separately, China – as a backer of the Khmer Rouge – continued to express the belief that the greater crime was the invasion and occupation by another country of Cambodian territory. Chinese officials at the most senior level told Pérez de Cuéllar in 1987 that there was no parallel between the two questions: one concerned the internal mistakes of individuals, while the other was a foreign invasion. The latter was a more serious crime by a long way.

The emphasis on the global norm of the inviolability of national borders and state sovereignty was, and is, shared by most UN

member states. Based on their respective histories and memories – most had been invaded or occupied by colonial powers, far fewer had seen genocide – they tended to treat the Vietnamese occupation as the more serious of the crimes, even though Viet Nam had conclusively put a stop to the genocide in Cambodia. The large majorities in the UN General Assembly calling for a Vietnamese troop withdrawal from Cambodia testified to this stance.

However, an emphasis on human rights and respect for such norms did not have to preclude respect for national sovereignty and the right to self-determination for the Cambodian people. Sovereignty is responsibility to protect. This point was pressed by mediators, even as they tried to find alternative formulations in the face of the Khmer Rouge's opposition to using the term "genocide" in a settlement.⁴⁷ The diplomatic euphemism which was eventually employed, "non-return to the universally condemned policies and practices of a recent past", was devised by the UN in late 1985, when the report on Pérez de Cuéllar's visit to the region was drafted.⁴⁸ The term continued to be used in some form in subsequent talks and was used in both of the

Paris conferences as well as in the final Paris Peace Agreements.⁴⁹

Nonetheless, the international community continued to face the dilemma of how to deal with the Phnom Penh regime. It had been installed by Viet Nam which, in turn, had put an end to the genocidal Khmer Rouge regime. At the same time, parts of the international community armed and supported the opposition factions who fought against the occupation of their country even as they included the Khmer Rouge in their ranks. For American mediators like Assistant Secretary of State Richard Solomon, this was a particularly acute issue, as a domestic constituency increasingly galvanising the US Congress was pressing the Bush Administration to ensure that the Khmer Rouge was completely excluded and, more importantly, brought to eventual justice.⁵⁰ Amnesty International notably pressed the Cambodian opposition factions and the UN to ensure that adequate attention be paid to human rights issues, including asking that the eventual settlement include the establishment of an international human rights body, and that there be prosecution and accountability for crimes committed between 1975 and 1978.⁵¹ In pursuit of some

47 In opposition to this, the Soviet Union supported the use of the word 'genocide' in the agreement.

48 See United Nations (1985), paragraph 13, and the interview with Hédi Annabi, Yale-UN Oral History Project.

49 "To take effective measures to ensure that the policies and practices of the past shall never be allowed to return." Article 15, Part III (Human Rights), *Agreement on a comprehensive political settlement of the Cambodian conflict*, 1991.

50 See Solomon, R. H. (2000).

51 Letter from Larry Cox on behalf of Amnesty International Secretary-General to Rafeeuddin Ahmed, 5 October 1988 (received 12 October 1988).

of these aims, the Extraordinary Chambers in the Courts of Cambodia (ECCC) were eventually established in 1997 on the request of the Cambodian government as a hybrid entity.⁵²

Sihanouk had a difficult relationship with the Khmer Rouge but, due to the backing he received from Beijing, had to make do with them as part of the CGDK coalition. At different times, he pointed out that members of his own family had been executed or disappeared by the Khmer Rouge after their takeover in 1975 but he had had no other option than to continue to engage with them. At one point, in June 1990 in Tokyo, he finalised a “two-governments” settlement with Phnom Penh excluding the Khmer Rouge, but later had to repudiate under Chinese pressure.

The Paris Peace Agreements had to ensure these rival tensions – between Cambodia never again being subjected to genocidal crimes, never again being invaded, or being used by one side against the other for hostile operations – were managed. The 1991 agreement consequently has short, and seemingly elastic, human rights provisions in Articles 15, 16 and 17. Article 15 called for respect for human rights overall and laid primary responsibility for this adherence on

the State of Cambodia.⁵³ The latter proved dangerously remiss in this adherence, as subsequent years showed. Article 16, in an echo of the interim agreement in El Salvador of July 1990, mandated to UNTAC its role of human rights monitoring and responsibilities.⁵⁴ UNTAC was brought to a close in 1993 and, thus, although it played an instructive role, it had limited time. Finally, Article 17 called on the then UN Commission for Human Rights to monitor the situation closely, “including, if necessary, by the appointment of a Special Rapporteur who would report his findings annually to the Commission and to the General Assembly”.⁵⁵

Could more have been done to make UNTAC’s human rights mandate more robust? Or could the mediators, who spent a significant amount of time on negotiating the human rights provisions of the agreement, have strengthened the human rights provisions? It is hard to speculate but it is safe to say that, politically, the agreement reflects the times and how much was politically possible. Human rights provisions are present in the agreement due to the uniquely terrible history of Cambodia, but they are also relatively short, weak or opaque due to the nature of some of the signatories, that is, the Khmer Rouge. Nonetheless, one remarkable aspect is that the Paris Peace Agreements were

52 <https://www.eccc.gov.kh/en/introduction-eccc>

53 Article 15, Part III (Human Rights), *Agreement on a comprehensive political settlement of the Cambodian conflict*, 1991.

54 Article 16, *ibid.*

55 Article 17, *ibid.*

the first to have envisaged the creation of a UN Special Rapporteur on the country after the transitional phase. In addition, the later establishment of the Cambodia office of the UN Centre for Human Rights in 1993 (which later became the Office of the High Commissioner for Human Rights), was in direct accordance with the Paris Agreements.⁵⁶ It is also notable that the small steps taken in Cambodia in 1991 and El Salvador in 1991-92 set precedents that allowed subsequent agreements at the end of other conflicts to be more ambitious on issues of accountability.

Overall, reactions to the different genocides of the 20th century have varied owing to a host of factors. In dramatic and almost incomparable historical contexts, the Nazis and the proponents of Hutu extremism were completely defeated, the Bosnian Serb nationalists less so; they gained many of their original goals despite a lingering sense of injustice and victimhood and some of their leaders facing international accountability. In Cambodia, the Khmer Rouge ended up being both a signatory of the Paris Peace

Agreements as well as not disarming in the post-agreement dispensation under UNTAC. Only with the passage of time was the Khmer Rouge sidelined as its eventually ageing leadership died off and followers dispersed.

“**The Paris Agreements started a new, if imperfect, chapter on how human rights and international norms would be crafted into agreements and implementation arrangements,**”

In some ways, the Paris Agreements started a new, if imperfect, chapter on how human rights and international norms would be crafted into agreements and implementation arrangements, for at least a couple of decades after 1991. These developments are even more evocative today as we witness the return of unspeakable crimes committed by great powers, while other powers balance their concern for sovereignty and rights with their seemingly greater interest in sustaining geopolitical relationships. It may, indeed, be the end of an era. There are some lessons here for us.

5 Lessons from Cambodia for today's peacemakers



We should strive to learn from the history of peacemaking and mediation efforts. What the world considers novel now has sometimes been seen before in different shapes and hues. This is true even if applied history, a sometimes contrived discipline that implies that we not only learn but also apply the lessons of the past to today's policymaking challenges, is not entirely adequate and can lead us occasionally to false or misplaced conclusions. Despite this, there is sense in looking at why mediation in a certain process succeeded and why it failed, not just so we do not repeat the same mistakes but also so we are not operating in ignorance as we propose new peacemaking formulas. Diplomacy is full of such cautionary tales and history provides not only context and colour but also a dose of realism.

5.1 The international community and the great powers can find unity and agreement despite, and sometimes because of, diverging interests

In the case of Cambodia, success eventually came because the international community, embodied in the will and consensus of the P5, was united. The role of the permanent

five members of the Security Council in finally asserting leadership of the process, with the main effort being pushed by the US (if one is to believe US accounts of the process at that juncture), but also by France with the close substantive support of the UN Secretary-General's representative, was unprecedented. It set a pattern of co-operation between the great powers (for instance in Southern Africa and Central America) that lasted well into the late 1990s, before the Balkans debacles, particularly around Kosovo, again spoiled ties between the P5. When Boutros Boutros-Ghali became Secretary-General only a few months after the signing of the Paris Peace Agreements, he said optimistically in his crisply written *An Agenda for Peace*:

Never again must the Security Council lose the collegiality that is essential to its proper functioning, an attribute that it has gained after such trial. A genuine sense of consensus deriving from shared interests must govern its work, not the threat of the veto or the power of any group of nations. And it follows that agreement among the 5 permanent members must have the deeper support of the other members of the Council, and the membership more widely, if the Council's decisions are to be effective and endure.⁵⁷

57 Boutros-Ghali, B. (1992).

Cambodia vividly shows what unity of purpose in the Security Council, along with creative multilateral ideas as well as regional co-operation, can achieve. It is true that the times were different. Each P5 member had its own strategic reasons for uniting with others: four of the P5 came to the table with divergent agendas and aims, with the UK having the least at stake in the process. In the wake of its involvement in Viet Nam, the US wanted to build on its ties to its allies in Southeast Asia as well as roll back or contain the influence of, what it considered to be, pro-Moscow and pro-Beijing allies. The USSR wanted to reduce its expensive support for Viet Nam, some US\$ 1 billion a year by the late 1980s, even as it sought to improve Sino-Soviet ties. China, the state power with the most leverage over the four Cambodian opposition factions, wanted a Vietnamese withdrawal from Cambodia even as it nurtured the Khmer Rouge and Prince Sihanouk. France, carefully wishing to restore and build ties to its former Indochinese colonies, actively sought a role in the peacemaking process. Nonetheless, we were at the beginning of a now-astonishing couple of decades of multilateral innovation, ambition and, some would say, hubris.

“**Great powers can find agreement on issues despite, and sometimes because of, diverging interests and perspectives**”

None of this is now likely as the world heads towards more, rather than less, tension – but the lesson is that great powers can find agreement on issues despite, and sometimes because of, diverging interests and perspectives. There does not need to be total harmony and, at the same time, diverging views do not need to mean the complete absence of agreement and unity of purpose when interests align.

5.2 The absence of a single lead mediator is not necessarily a problem – and can be an advantage

There was no single lead mediator for the Cambodia conflict – although at different times during the decade of peacemaking different entities, countries or figures assumed a leading role or, in other words, a first-among-equals role at different times. It is also probably true that it would have been impossible to have one lead mediator, considering the many actors, countries and entities involved. Many, including the ASEAN countries, in particular Thailand, Singapore and Indonesia (with Malaysia and Philippines

to a lesser extent), were concerned or involved with the conflict and saw it as their immediate responsibility. But the General Assembly or the Security Council did not mandate anyone with a formal role.

Clearly there were times where different countries, blocs or individuals tried to assert a lead. This caused confusion sometimes.⁵⁸ On the other hand, ASEAN-UN co-ordination worked well, since the personalities involved (Alatas for Indonesia and ASEAN, and Ahmed for the UN, but also at a distance Pérez de Cuéllar who was, in turn, trusted by the US and China) ensured that it worked. This highlights the oft-overlooked role of personal relationships in such high-stakes diplomacy.

5.3 A formal mandate for a mediator is not necessarily an advantage

Formal mandates are not necessarily all they are made out to be. Political space, and distance from the deals and power games in the Security Council, can be a necessity or a rare luxury. As Boutros-Ghali said in *An Agenda for Peace*:

While the mediator's effectiveness is enhanced by strong and evident support from the Council, the General Assembly and the relevant Member States acting in their national capacity, the good offices of the Secretary-General may at times be employed most effectively when conducted independently of the deliberative bodies. Close and continuous consultation between the Secretary-General and the Security Council is, however, essential to ensure full awareness of how the Council's influence can best be applied and to develop a common strategy for the peaceful settlement of specific disputes.⁵⁹

Pérez de Cuéllar understood this point well.⁶⁰ He not only pressed diplomatic initiatives, starting in 1985 through his report on his visit to Southeast Asia, he also appointed a UN mediator in Rafeeuddin Ahmed, who worked tirelessly on Cambodia from 1981 onwards and throughout the Secretary-General's two terms in office.⁶¹ Some questions were raised in the Secretariat as to how boldly the Secretary-General could carry out his diplomatic initiatives without General Assembly or Security Council endorsement. However, it was also understood that

58 This was the case when Romanian President Nicolae Ceaușescu tried to introduce ideas to Prince Sihanouk in 1987 with a view to later convening the Cambodian parties. Such actions, uncoordinated with ASEAN and the UN, while creating a degree of consternation, could not actually be curtailed until the initiative collapsed on its own merits.

59 See Boutros-Ghali, B. (1992), para. 37.

60 Boutros-Ghali, whose report was issued after Pérez de Cuéllar had left office, would be affected grievously by divisions in the Council, unlike his predecessor.

61 During this time, it is notable that the Secretary-General concentrated the work of peacemaking and UN mediation in his own executive office in quite an unprecedented fashion. Ahmed, Alvaro de Soto and others all reported directly to the Secretary-General rather than to the head of the Department of Political Affairs or Special Political Affairs.

Hammarskjöld's "Peking formula" diplomacy with Zhou Enlai in 1954-55 represented a model the Secretary-General could employ. In his own words, Hammarskjöld was "acting in his role as Secretary-General under the Charter of the United Nations and not as a representative of what was stated in the General Assembly resolution".⁶²

As his term continued, Pérez de Cuéllar gained trust, especially perhaps in the Cambodian context, from the US and China.⁶³ He seized opportunities for diplomatic initiatives and, with time, creativity in Cambodia but also in places such as southern Africa (where Namibia was a remarkable success), Afghanistan, Central America and Iran-Iraq. The UN did not always succeed, such as in the Falklands/Malvinas, but it was relentless in proposing, and skillful in engaging, the good offices role of the Secretary-General.

5.4 Quiet, patient planning and preparation away from the spotlight helps

The messy, complex and drawn-out process in Cambodia – with its many players and levels of diverging interests – was marked by quiet, patient diplomatic footwork by the UN. The UN was often working in the background, until it was time to act. At

different times, Pérez de Cuéllar and Ahmed waited for other diplomatic actors, in Southeast Asia but also among powers like the US, USSR and China, to move a step forward before the UN undertook initiatives. This was not a recipe for passivity: planning in the Secretariat for a draft agreement and for what the post-agreement phase would look like continued apace but without being in the public eye or even being shared with diplomatic interlocutors. All of this required working closely with partners and continuously exploring openings, quietly and patiently.

5.5 The way linkages between countries and conflicts are handled matters

In terms of foreign policy and grand strategy, understanding linkages between different countries and conflicts matter. Sometimes if the great powers – and, by extension, mediators – can isolate one conflict from another and treat each on its own merits rather than linking them, they can make progress towards peace. However, Cambodia proves the opposite. Linking the different countries and elements (Cambodia, Afghanistan, US-Viet Nam ties, the Sino-Soviet border), and taking into account the way they were considered by China, the Soviet Union and the US, worked.

62 See UN website: <https://www.un.org/depts/dhl/dag/time1955.htm#:~:text=Russian%7C%20Spanish%5D-,Mr.,in%20the%20General%20Assembly%20resolution%22>.

63 Pérez de Cuéllar had been nominated by China for the post of Secretary-General as a nominee from a G77 member state, a fact of which he was variously reminded. And in 1991, he was repeatedly asked, including by the US, if he wished to either run for a third term, or at least stay on an extra two years in office. Ever the dignified statesman, he declined such outreach and offers.

Thus, in some cases, linking the issues can help while in others it does not. Consequently, considering these linkages is important, but it requires an openness to thinking about grand strategy in foreign affairs.⁶⁴

5.6 Mediators as well as their skill — and resources matter

The resources, expertise and skill of the mediators in the Cambodia case were ample, even if the geopolitical obstacles and Cold War rivalries were immense. So much of successful mediation is about personalities and tactics – which we sometimes forget as mediation and support for it becomes more professionalised – and success is often contingent, and sometimes dependent, on a degree of luck. Those with great skill and statesmanship included figures such as Richard Solomon for the US, Mochtar Kusumaatmadja and Ali Alatas for Indonesia, Claude Martin for France, Gareth Evans for Australia and Rafeeuddin Ahmed for the UN. Pérez de Cuéllar was both on top of the Cambodia case as well as a great delegator. Unlike earlier times in the UN, no Secretary-

General can nowadays afford to devote himself or herself to only one portfolio or crisis, or to do so with the same dedication.⁶⁵

5.7 Sometimes small is beautiful in — mediation teams

Keeping mediation teams lean has a certain logic. The US and France brought considerable resources to the Cambodia peace process but, at the UN, a substantial amount of the work was carried out by a small team supporting Ahmed. They did the planning for various aspects of the negotiation process – elections, humanitarian, military and ceasefire-related and political arrangements on power-sharing – and staffed the Task Force on Cambodia established in the Secretariat. They were quite unlike the rather large political missions that staff some UN mediators and envoys nowadays. Times have changed, and the demands of the mediation agenda – including on inclusion and global norms – have certainly grown. But the habit of bureaucracies and bureaucrats to feud when there is less to do and more staff to do it with, remains.

64 Several decades later, and without diminishing the enormous difficulties involved, one wonders whether adequate attention has been (or could have been) given to linking the conflicts and peacemaking efforts in Syria and Yemen, and how they relate to the Saudi Arabia-Iran rivalry on the one hand and the US-Russia relationship on the other.

65 In 1954, Hammarskjöld was asked by the General Assembly in [resolution 906](#) to seek the release of 11 American airmen of the UN Command in Korea. Subsequently, he was in China from 30 December 1954 to 13 January 1955 negotiating with Chinese Premier Zhou Enlai for the eventual release of the airmen. It is hard to imagine a Secretary-General being away for that long now, or at least not being in constant communication on all sorts of files.

5.8 Human rights are, and must be, central to mediation and peace agreements

In the Cambodia peace process there was an added emphasis – salient today when we look at the role of the Security Council and its failing record in upholding global norms – on building and enhancing human rights provisions in the agreement that would eventually be signed in Paris in 1991. As alluded to before, mediators often find the work of incorporating the normative agenda into a peace process and the eventual agreement taxing. There are huge political obstacles, even as those outside the process clamour for more respect for human rights norms. But neglecting norms always leads to future problems, if not a reversion to conflict. It makes normative as well as political sense to pay attention to human rights.

In the case of Cambodia, the articles on human rights seem slight compared to future agreements but they are significant. They are significant in terms of the way they assign a wider human rights function to the UN operation to be deployed, and in terms of instituting a Special Rapporteur mechanism, if needed, during the transitional phase. The process in Cambodia received special emphasis because of the genocide in the country, but it was also constrained by the *génocidaires* being present in the process itself and the mediators having to reckon with them and their protectors. Today it is reasonable to assume that the issue of accountability and, by extension, the peace vs. justice dilemma, cannot be ignored by mediators pursuing peaceful agreement nor treat it in the limited way it was in Cambodia.

6 Epilogue



The Paris Peace Agreements led to the deployment of a massive – by the standards of the day – UN peacekeeping operation, UNTAC. This paper has highlighted how this was groundbreaking in some ways, but UNTAC was stymied in how much it was able to implement, and by how plodding and unsure it was, especially in disarming the Khmer Rouge forces. Nonetheless, it provided the people of Cambodia with an opportunity to openly cast their votes and elect new leaders. Cambodia's shrinking political space in the decades since is due to decisions taken subsequently by its leaders as well as compromises, in particular around power-sharing, made before the signing of the Paris Peace Agreements. These compromises are inevitable in any process

and mediators are, perhaps, to be criticised for focusing only on the process – the 'getting to Yes' – but not thinking through sufficiently what implementation of the agreement and its shortcomings means for the near future. UNTAC was the brainchild of a number of countries, organisations and mediators but it was an imperfect one.

The Cambodia process is now somewhat overlooked, but it is worthy of attention. It was the start of a series of UN-led success stories that seem increasingly like distant history. And yet, as the concluding lessons show, and in the face of rising geopolitical tensions, it offers several crucial insights for today.

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