

**PEACEMAKING IN INTRA STATE CONFLICTS:
AN EVALUATION OF THE UN MEDIATED
ACCORDS IN CAMBODIA AND EL SALVADOR**

*Dissertation submitted to the Jawaharlal Nehru University
in partial fulfillment of the requirements
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ASHA K. N.



**INTERNATIONAL ORGANIZATION DIVISION
CENTRE FOR INTERNATIONAL POLITICS
ORGANIZATION AND DISARMAMENT
SCHOOL OF INTERNATIONAL STUDIES
JAWAHARLAL NEHRU UNIVERSITY
NEW DELHI – 110067
INDIA**

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CENTRE FOR INTERNATIONAL POLITICS, ORGANISATION & DISARMAMENT
SCHOOL OF INTERNATIONAL STUDIES
JAWAHARLAL NEHRU UNIVERSITY
NEW DELHI – 110 067

Phone : 670 04349
Fax : 91-11-616 5886
91-11-619 8234

Dated: 21-07-03

CERTIFICATE

This is to certify that the dissertation entitled “PEACEMAKING IN INTRA STATE CONFLICTS: AN EVALUATION OF THE UN MEDIATED ACCORDS IN CAMBODIA AND EL SALVADOR” submitted by ASHA K.N. in partial fulfillment of the requirement for the award of the Degree of MASTER OF PHILOSOPHY has not been previously submitted for any other degree of this or any other University and is her own work.

It recommended that this dissertation may be placed before the examiners for evaluation.

PROF. C.S.R. MURTHY
(CHAIRPERSON)

PROF. C.S.R. MURTHY
(SUPERVISOR)

Chairperson
Centre for International Politics,
Organization and Disarmament
School of International Studies,
Jawaharlal Nehru University
New Delhi - 110 067

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Introduction

The present study seeks to examine the skills and strategies expected from and employed by, the United Nations in adopting its traditional peacemaking role in helping an amicable end to intricate, intrastate conflicts such as Cambodia and El Salvador. The study infers that effective implementation of peace agreements hinges on the manner in which peace terms are written into agreements. Maintenance of peace and security is the central mandate of the United Nations (UN). Established in order to "save the succeeding generations from the scourge of war" the United Nations is expected to initiate efforts to settle dispute lest they grow into war. To this purpose UN Charter has equipped the institution with various methods both, proactive and reactive.

Both in theory and practice the UN has given reference to peaceful method over forceful methods. The UN Charter, hence, enumerates an illustrative, but not exhaustive list of methods of resolving disputes peacefully, mainly in Chapter VI and also in numerous declarations and resolutions approved by the UN deliberative bodies like the General Assembly and Security Council.

Peaceful settlement method or peacemaking involves skilled use of diplomatic techniques and strategies to contain or terminate conflicts. The methods aim at addressing the issues employing techniques such as mediation and negotiation. The UN has performed mediator's role in settling border disputes (Indo-Pak), great power rivalries (Suez crisis, Cuban missile crisis) and

colonialism elated conflict theater. Its peace oriented disposition, flows from its credentials on account of impartiality and universality of membership which many other organizations and individuals lack.

As the recent trends indicate, a major concern of the international community is conflicts within states, termed in academic jargon as intrastate conflicts. These conflicts pose a dual dilemma to the international community. They are characterized by a prolonged, brutal and military campaigns launched by a reigning elite as well as one or more loosely organized rebel groups-both with overt and covert support from across the borders. They cause immense loss of life and property, affecting millions of men and women.

In tackling these conflicts the international community, in so far as the UN is concerned, is met with mixed experiences. There are intra state conflicts when UN peacemaking efforts were meaningful, and others when peace remained elusive.

Cambodia and El Salvador are among the first cases of intra state conflicts where peace had been brought with the help of UN peacemaking. Cambodia with the help of UN mediated accord ended tension between the rulers and opposing factions. The UN mediated Paris Agreement (1991) ensured internationally supervised elections for the Cambodia people. The agreement promoted peace and national reconciliation in the country and paved the way towards economic reconstruction of the state.

In El Salvador, a thirteen yearlong civil war carried out against the pro-oligarchic government by Farabundo Marti Liberation Front was brought to an end by the UN efforts. The country made a transition to democracy and agreements were reached regarding constitution amendments judicial and electoral reforms and a limited role of armed forces.

In these efforts UN has functioned as a mediator, supporter of non-UN efforts and more importantly a rallying point of external actors. I propose analyze the peacemaking process, which resulted in agreements.

The study is an attempt to explore the question if the difference is determined by the dexterity with which peace accord have been negotiated by the UN and other actors.

The discussion is organized in the five chapters as follow:

The first chapter analyses the conceptual legal or diplomatic aspects of Un peacemaking. The next chapter is devoted to the study of the growing problem of intrastate conflicts, their nature and he impact it makes. The UN experience in making peace in these conflicts are also brought under discussion. The third and fourth chapter deals with the two case studies, Cambodia and El Salvador respectively. The UN peacemaking efforts, which include both efforts by its various organs or persons, appointed by it and coordination of efforts carried out outside the UN. The accords, which were signed, will be analyzed at length. In The concluding chapter the on the basis of the studies and analysis an attempt to find an answer to the question posed in the beginning.

The research method used for this purpose principally is analytical and descriptive. The resource material include official documents, scholarly literature like books, journals etc

Chapter – I

THE UNITED NATIONS APPROACHES TO PEACEMAKING

Introduction

The post 1945 world has witnessed numerous localized conflicts posing challenges to the United Nations (UN), a post war arrangement for saving the "succeeding generation from the scourge of war". These conflicts have been highly influenced by changed power equations and trends in international politics.

Many of the threats like cold war and colonialism have become a part of history. But the world is not still free of conflicts and the UN still faces challenges of various kinds and is called upon to perform more complicated and multi dimensional tasks of conflict resolution. The UN has employed both enacted and evolved measures in its efforts to control conflict and ensure peace. This chapter concentrates on peaceful settlement of disputes, one of the methods widely used by the UN. Against the background of an analysis of grounds of conflicts this chapter proposes to describe UN's approaches to peacemaking, which includes Charter, provisions, actors involved process implemented and outcomes expected.

The Causes of Conflicts:¹

Attempts to generalize reasons behind conflicts can often be misleading. Because tracing out them is always difficult, as most remain

¹ This study is based on Guy Arnold, *Wars in The Third World Since 1945*(NewYork,1991)

dormant. Again, conflicts are rarely caused by a single reason. On the other hand most of them are violent expressions of a number of long neglected grievances, real or perceived, nursed by the feuding parties. Yet, an analysis of the conflict brought before the UN can help us make some generalizations. The first category includes those that involve super powers like the U S, former USSR etc. The second category doesn't have super power as a party but one as influencing or supporting one of the parties overtly or covertly. Finally, wars in the Third World. In this third category we can find a struggle for independence, conflicts as described in the second category, conflicts as a consequence of the weak and vulnerable position of these newly independent countries or a combination of all the three. These three categories are discussed at length below. The process of decolonization, which has started by the early 1940s, was quickened after the war. The decline of the colonial powers gave an impetus to freedom movements in many Afro-Asian countries. But for most of them independence had come only after a long struggle. They have been a major preoccupation for the UN. In many cases like Algeria, Angola, Cyprus, Libya, Mozambique, Namibia and Western Sahara the UN had played a significance role in facilitating decolonization. Besides, the UN has involved in solving many problems these newly independent states faced. Many of them lacked in economic, political and social infrastructure making them highly vulnerable to external domination as in the case of East Timor and Namibia. Indo-Pak dispute remains a unique example of post decolonization territorial dispute. Moreover,

these countries have been the main targets of cold war rivals in their race to increase their influence and strength. The Cold War period also witnessed conflicts, which had a direct involvement of or vested interest by great power, like the Suez Canal Crisis, Korean War and Cuban Missile crisis. Finally, conflicts which are within the states but have great "spill over" effects pose the most recent threat to international peace and security. These conflicts are deeply rooted in socio-economic grounds like ethnicity, failed government and suppressive regimes. These conflicts have affected many less/least developed countries. They are highly complicated and multifaceted asking for multidimensional approach.

UNITED NATIONS AND PRESERVATION OF PEACE:

The Charter of the United Nations depicts a multidimensional approach to peace. It has incorporated both proactive and reactive measures and the techniques include both coercive and persuasive. The UN tries to develop an atmosphere conducive for peace by 'reaffirming faith in fundamental human rights' by promotion social progress and economic advancement and by stressing the importance of disarmament. It handles innumerable threats to peace and security through three methods viz. peaceful settlement of disputes, collective security and peacekeeping. The following section concentrates on peacemaking

Rationale for Peacemaking

The term refers to the use of diplomatic means to persuade parties in conflict to cease hostilities and to negotiate a peaceful end to their dispute. This section, after delineating the rationale behind peacemaking will move on to discuss the methods of pacific settlement by the UN. In this connection an attempt is made to analyse related charter provisions, methods followed by the UN, actors involved, challenges faced and outcomes expected.

In international relations conflict is generally assumed to be a method of settling contending issues between states and "since there are two methods of settling a difference, the one by agreement. The other by force, and since the former is characteristic of men, the latter by beasts we should have recourse to the second only when it is not permitted to use the first".² Peaceful methods, under such conditions, first tries to thwart conflict by providing "cooling-off" period and delaying armed attacks. Again, it provides a less drastic, rational approach towards the problem. It tries to clear misunderstandings, which may be the grounds of conflict and prevents states from taking an ill considered and hasty step.³

This technique is better equipped to address the grounds of conflict in a more constructive way. An effective conflict resolution programme should address both the causes of the conflict and its consequences. Peacemaking,

² Inis L Claude, *Swords into Ploughshares: problems and Progress of International organization*, (New York, 1964) p.200

³ *ibid*, p202-203

with the help of its techniques of negotiation and mediation, facilitates discussion of the compliant and contentions of the parties. Thus this techniques can detect and address the root causes and not just the symptoms, and helps the parties to reach “a joint agreement that sufficiently satisfies the underlying needs and interests of all the parties and does not sacrifice any key values of the parties”.⁴

Charter Framework

The UN is not a military alliance oriented towards conflicts. Rather it is a peace oriented organisation, which bestows upon it a responsibility to go beyond suppression of conflicts, and redress the grounds for conflict. Hence the main stress is on settling disputes 'by peaceful means, and in conformity with the principles of justice and international law'. Article 2(3) of the UN charter obliges its members to “settle their international disputes by peaceful means in such a manner that international peace and security and justice is not endangered”. To this end, Chapter VI gives a guideline on how the members should act and how the UN should facilitate an amicable settlement.

Chapter VI has built upon the hither to experience and experiments in the field of peaceful settlement of disputes. This approach was given the first formal expression in the Hauge Convention of 1899 for the pacific settlement of Disputes. There the signatories accepted the technique and decided to follow it “as far as circumstances allow”. Third party mediation was also

⁴ J Lewis Rasmussen, “Peacemaking is the Twenty-First Century”, in I. William Zartman and J. Lewis Rasmussen, ed., *Peacemaking in International Conflict: Methods and Techniques*, (Washington D.C.: United States Institute of Peace Press, 1997), p.39

accepted. The League of Nations developed the concept further. Without outlawing war the League Covenant wanted its members to defer armed attack for three months after the award on a dispute by arbitration, judicial settlement or the League Council as the case may be. The League made further attempts to improve upon the provision by introducing the compulsory settlement system in Geneva Protocol (protocol for the Pacific Settlement of International Disputes, 1924). The League continued its efforts to expand the concept by promulgating various protocols. During the same period the Kellogg-Briand Pact, popularly known as Paris pact renounced war. This trend was carried on by the framers of the UN charter, and was reiterated again through various declarations like 1970, Declaration or Principles of International law Concerning Friendly Relations and Co-operation among States in Accordance with Charter of the United nations (General Assembly Resolution 625(XXV), annex) which recognize peaceful settlement of disputes as one of the seven principles of international law. This idea was further recognized in 1982.⁵ Manila Declaration on the Peaceful settlement of International Disputes (Resolution 37/10, annex, 15 Nov 1982), is the Declaration on the Prevention of Removal of Disputes and situation which may threaten International Peace and Security and impinge on the Role of the United Nations in the Field (Resolution 43/15, annex) and in the Declaration on Fact Finding by the United Nations in the field of the Maintenance of International Peace and Security (Resolution 46/59, annex). The Manila

⁵ K.Savitri," United Nations Charter Framework For Conflict Resolution: Procedures And Practices Of Pacific Settlement Of Disputes", *India Quarterly*, Vol,LIII no.3,July-Dec 1997

Declaration had proposed an enlarged role of Security Council, Secretary General and General Assembly.

Chapter VI of the Charter deals with pacific settlement of disputes. But references to this method can be found in other chapters as well. Article 33(1) requires the parties to any dispute which threatens international peace and security to settle by 'negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resorting to regional agencies or arrangements or other peaceful means of their choice'. The Charter provisions are not restricted to either inter state or intra-state conflict. Instead the framers of the Charter have used a comprehensive phrase, i.e., dispute which is likely to endanger the maintenance of international peace and security (Article 33(1)) and 'any situation which might lead to international friction or give rise to a dispute'. These phrases give the UN power to intervene and draw attention on any dispute irrespective of the domain of conflict.

The members can bring disputes before the General Assembly or Security Council (Article 35(1)). The Security Council can call the parties to settle disputes peacefully (Article 33(2)) make an investigation (Article 38), and terms of settlement (Article 36(1), 37(2)).

Article 33(1) makes it clear that seeking pacific settlement is primarily the responsibility of the parties. They can ask the UN assistance only after exhausting other bilateral techniques. Even after the UN intervenes the responsibility rests with the parties. This has been pointed out in the discussion on Indo-Pak question and Israel and Arab States issue.

The chapter enumerates various procedures for settlement of dispute. These techniques have a thin demarcating line of definition. Negotiation is a method through which parties settle their disputes bilaterally. Intervention of a third party to a negotiation process with an aim to redirect the talks in order to settle the dispute is called mediation. Both are peaceful and non-judicial.⁶ Skjelbaeck and Fermann define mediation as "efforts by third parties to prevent the eruption or escalation of destructive conflict behaviour to facilitate a settlement that makes renewed destructive behaviour unlikely".⁷ They opine that the term includes narrower terms such as "good offices" and "conciliation". But according to Goodrich good offices avoids direct involvement in negotiation but is concerned with attempts, which will bring parties together.⁸ Here, no advice towards settling the issue has been suggested but attempts are directed towards convincing the parties to negotiate. The UN to a large extent has used these terms flexibly and synonymously. Disputes of a legal character are settled through arbitration or judicial settlement, Arbitration "involves the referral of a dispute or disputes to an ad hoc tribunal, rather than to a permanently established courts for binding decision".⁹ Judicial settlement on the other hand, "involves the referral of a dispute or disputes to a permanent judicial body for binding settlement".¹⁰

⁶ Arthur K. Lal, *Modern International Negotiation: Principles and Practice* (New York, 1966), p.9

⁷ Kjell Skjelbaeck and Gunnar Fermann, "The UN Secretary General and the Mediation of International Conflict", in Jacob Bercovitch, ed., *Resolving International Conflict: The Theory and Practice of Mediation*, (London, 1996), p.76

⁸ For a better understanding of the terms see Leland M. Goodrich and Anne P. Simons, *The United Nations and the Maintenance of International Peace and Security* (Westport: Greenwood Press, 1955)

⁹ Richard B. Builder, "Adjudication: International Arbitral Tribunals and Courts", in Zartman and Rasmussen, n.5, p.159

¹⁰ *ibid* p.161

Finally, enquiry is a method for finding a basis for a settlement an impartial body ascertains the scale of a dispute.

The Actors: Security Council, General Assembly, Secretary General, and Regional Organizations

The chapter provision delineates the role of the Security Council, the General Assembly and regional organizations, and, though not explicitly mentioned in chapter VI, the Secretary General also plays a prominent role.

The Security Council, in relation to pacific settlement of disputes, can call upon the parties, recommend the measures to be taken, investigate disputes or refer it to other organs. Recommendations can be either on the appropriate measures (Article 36(1)) or terms of settlement (Article 37(2)). Security Council on many occasions has adopted resolutions defining principles of dispute settlement. For example, Security Council Resolution 242(1967), which delineated principles for a lasting peace in the Middle East. The resolution also requested the Secretary General to designate a Special Representative for the Middle East to help achieve peaceful and accepted settlement. As per the resolution Gunnar Jarring of Sweden was appointed to that post. The Council can carry out investigations in order to determine whether continuation of a dispute is likely to endanger the maintenance of international peace and security.

The Council has exercised this power in the Indo-Pak issue when it empowered the Indo-Pak Commission to investigate facts, and it made the

finding that the dispute was likely to endanger the maintenance of international peace and security. The Council made similar comments at the break down of Arab-Israel armistice agreement. Invoking the same article the council had condemned racial policies of South Africa, in 1960, as it had led to "international friction, and if continued, might endanger the maintenance of international peace and security".¹¹

Lastly, depending on the nature of the issue it can refer it to other organs. If the dispute is of a legal character the council may want International Court of justice to look into it, sometimes it also authorizes the General Assembly or Secretary General.

As per Article 35(1) & (2) a dispute can be placed before either the Security Council or the General Assembly, both by members and non-members. At such instances the charter stipulates the General Assembly to act subject to the provisions of Article 11 and 12 (Article 35(3)). Article 11(2) explains the Assembly's capacity to consider issues concerning peace and security and to attend any question brought before it by a member or a non-member and it can – (a) make recommendations, (b) refer the issue to Security Council or (c) call the attention of the council. Even though Article 12(1) prohibits the General Assembly from entertaining questions which are under consideration of the Security Council there has been occasion when both have shared responsibility of settling an issue as in the Indonesian question and Palestine situation where they jointly dealt with it. In practice,

¹¹ Leland M. Goodrich, *Charter of the United Nations Commentary and Documents* (New York:, 1969), p. 269

UN General Assembly has played a more prominent role than envisioned in the chapter. As a body free from power tussles it is perceived as more useful in these contexts. Concerned about the Middle East issue, in March 1977, General Assembly had called for convening Geneva Peace Conference and urged the Secretary General to consult with the parties regarding this. In the case studies we will see how General Assembly had taken initiative in solving issues through conference diplomacy.

General Assembly, like Security Council provides for conciliation mediation and good offices but it has to act, as per chapter VI, only when issue is brought before it and when Security Council is not deliberating the same issue. In Cyprus Issue, following an attempt *coup d'etat* by Greek Cypriot and increased violence in 1974 while Security Council called for a cease fire, the Assembly urged the parties to resume the talks in order to find a settlement on constitutional issues with the help of the Secretary General. And the Council endorsed the Assembly's resolution.

The Secretary General functions in this regard can be inferred to Article 99 and 98. Article 98 requires the Secretary General to perform various duties entrusted by other organs. But Article 99 is wider in scope. It authorizes Secretary General to bring any matter which is a threat to peace and security before the Security Council. Exercise of this power represents an initiative and here, the Secretary General is not executing any decision of other organs.¹²

¹² Leon Gordenkar, UN secretary General and Maintenance of Peace(New york,1967),p.138

Hammaraskjold had invoked this article in the Congo case by proposing to a UN force to supervise Belgian troop withdrawal. The good offices function of the Secretary-General is derived from four sources: resolution of the Security Council or General Assembly, as an emanation of his inherent powers, or by agreement of disputatious parties¹³. From Congo to East Timor his Good Offices functions have proved fruitful. The role he can play in disputes involving great powers is higher, when, normally the Security Council or General Assembly are unable to take steps. The skill and credibility of the incumbent of the Secretary General's office help at such times as U Thant's intervention in the Cuban Missile Proves.

Secretary General's quiet diplomacy was successful in bringing the parties together in many cases as in Afghanistan, Congo and Cyprus. In Cyprus, The Secretary General's persuasion had helped in brining the Greek and the Turks to the negotiating table. The Secretary General had continued proxy talks with each of the parties. He can, in his position coax other external parties to persuade the feuding parties. In 1965,when fighting broke out in the Dominican Republic the Secretary General requested the US to urge the opposing forces to heed the call of the Security Council for a strict ceasefire. He appoints his Special Representative to conduct talks with the parties, or some times he himself involves in them. In the Central American Esquipulas Agreement the Secretary General had taken initiative along with the

¹³ see Thomas M. Franck and George Nolte, "The Good Offices Function of the UN Secretary General", in Adam Roberts and Benedict Kingsbury, *United Nations, Divided World :The UN's Roles in International Relations*(Oxford,1993)

European Union Secretary General to move the negotiations forward when it had come to a standstill

Article 33(1) points out the importance of regional organizations. In persuading parties, suggesting solutions and facilitating dialogues they have proved helpful. UN has tried to enhance the effectiveness of its work by corroborating the activities of various regional organizations. In settling the Afghanistan issue UN had been assisted by Organization of Islamic Countries (OIC). Similarly, Organization of American States (OAS) in Central America and Organization of African Unity (OAU) in Eritrea Ethiopia and Somalia have helped the UN.

UN mediating activities sometimes work in collaboration with that of agency or person acting on its/his own, as well. The armistice between Israel and PLO sources in Lebanon in 1981 was mediated by both UN and US resulting in a limited but important cease-fire agreement.

Over the last 58 years of its experiences, UN has handled a number of cases. They are not merely restricted to cases of aggression but include many cases differing in both kind and degree. Hence disputes involving territorial issues (Iraq-Kuwait, India-Pak), those related to independence of nations (East Timor, Western Sahara), human rights (Balkans, South Africa) all have come under the deliberation of UN. Between 1945 and 1995, the UN

had undertaken more than 300 cases of mediation which is approximately 23% of the total cases mediated during that period.¹⁴

Outcomes of Peacemaking

Peacemaking is a long drawn process, so outcomes may not be quick in every case. But even a failed attempt can help in the long run by indicating the position of the parties, sensitive issues and nature of next step to be taken.

Outcomes of mediation vary from case to case. Yet, three possible outcomes can be

- (a) parties stop conflict, sign an agreement and peace prevails
- (b) parties find themselves unable to reach an agreement, and even to continue the talks, in short, a stalemate
- (c) parties sign an agreement but the agreement fails and violence is revived

In condition (b) the mediator fails to reconcile the views of the parties and most probably the issues remain unsettled. But in the other two conditions the mediator and the parties to the conflict will be able to decide on some issues bringing in changes and new practices. Some of those issues are discussed below.

¹⁴ Jacob Bercovitch, "The United Nations and Mediation of International Disputes", in Ramesh Thakur, ed., *Past Imperfect Future Uncertain: The United Nations at Fifty*, (London: McMillan Press, 1998)

In all mediated agreements to stop violent conflicts cease-fire provisions hold an important position. Parties may be asked to agree on cease-fire so that further talks may be continued. Withdrawal troops are another important component of peace agreement (Israel-Syria, Afghanistan). In Chad-Libya territorial conflict Libya withdrew in 1994 from occupied territories following an International Court of Justice (ICJ) ruling.

Peace agreements envisage changes in the internal political situation as well. Election programs (East Timor, Western Sahara), involvement of new actors in power sharing as in Angola, Namibia and Haiti are some of such provisions. Efforts to rehabilitate refugees and internally displaced people (Erudat Agreement between Croatia and Federal Republic of Yugoslavia) and release of prisoners of war (2 June 1994 agreement between Government of Sierra Leone and Revolutionary United Front) are also part of peace agreement.

The list is very long and may vary in specificities from case to case. But almost all UN mediated accords in the post Cold War period provides for a UN observer group to supervise the implementation of these accords. The general character of a peace agreement is dependent on the cause and consequences of conflict and the process of mediation.

Assessment of UN peacemaking

The UN with its organizational position in the international realm and by its nature of functioning enjoys a better credibility as a peacemaker. Perez

de Cuellar, in this connection, has enlisted the reasons- "as it (diplomatic functions) is conducted in accordance with the principles of the Charter, it does not place the weaker party in an unfavourable position. It seeks an objective and lasting settlement of a dispute and not merely one, which responds to the experiences of the day. In a multilateral approach all the members states of the UN have a direct or indirect influence: this can assure, as much as anything can, that vital interests of all parties are taken into account". Again, "¹⁵UN diplomacy can be applied to various phases of a conflict, including before its outbreak, as well as in a number of forms".¹⁶

All these enhance the acceptability of UN as a legitimate peace maker. But success of UN peacemaking efforts as proved by experience is dependent on various factors. Peacemaking is a psychological exercise and not a zero-sum (win/lose) game. It is a reconciliation process with expert external help. Progress depends on the parties involved and the other actors like mediators, the organization at large and interested outside powers. As the method does not facilitate any party to take away all the gains, instead helps to maintain a balance of gains and loses, the parties must be ready to forgo the aims of winning the maximum benefits. They must be ready to reconcile their views. This happens normally when they realize the futility of violent methods in bringing out results and when they don't want to incur further loses. Moreover, they must be convinced that only the assistance of a third

¹⁵ Javier Perez de Cuellar, "The Role of the UN Secretary General", n Roberts and kingsbury,n.16,p.133

¹⁶ Yasushi Akashi, "The limits of UN Diplomacy and the Future of Conflict Mediation", *Survival*, vol.37, no.4, winter 1995-96, p.84.

party will redirect the negotiation for better results. In short, the dispute must be 'ripe' for peacemaking.

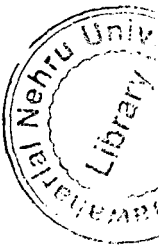
The peacemaking mission's success in Namibia emphasizes the role of parties' willingness in determining the outcome. In late 1980s the feuding parties in Namibia (the rebel South West African People's Organization (SWAPO), Angola and South Africa) decided to negotiate and settle the dispute. By then, SWAPO leaders had realized their inability to defeat South Africa militarily, hence was ready for negotiation, provided it was granted a meaningful role in the political process. Rising financial expenditure to maintain Cuban forces forced Angola to ratify the decision of Cuban withdrawal from Angola. Cuban withdrawal from Angola and the burden of economic sanctions demanded South Africa to take part in negotiating and settlement.¹⁷

If the timings of talks is an important determinant of the success and failure of peacemaking inclusion of proposals for settlement play an equally important role. E.g. in Angola, 1991 settlement was breached by National Union for the Total Liberation of Angola (UNITA), while inclusion of a power sharing option was a major component in the 1994 Lusaka Agreement that terminated the renewed fighting.¹⁸

The UN on the other hand has some structural constraints as well. The UN's capacity to offer incentives and bargain is highly dependent on the

¹⁷ Eva Bertram, "Reinventing Governments: The Promise and Perils of United Nations Peace Building", *Journal of Conflict Resolution* vol.39, no.3, September 1995, p.407-408

¹⁸ J. Lewis Rasmussen, n.4, p 34



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will of member countries. The Secretary General in his position can not apply positive or negative sanctions. This, at times, places him in a weak bargaining position. The great powers on the other hand, irrespective of whether they are acting within or outside the gamut of the UN can make offers of punishments and rewards. This helps the success of the mission. E.g. Soviet Union could bring India and Pakistan to the negotiating table in 1965 and subsequently sign the Tashkent Declaration which brought an end to war where U Thant failed to ensure the holding of cease-ire. Similarly, in 1978, in Israel-Egypt negotiations US President Jimmy Carter had played a prominent role.

The UN as a mediating agent in Cold War issues has also proved not very effective. Seventy-four UN mediation attempts of the total UN mediated cases war Cold War issues and the success rate was only 24%.¹⁹

The success of UN mediation depends on a number of factors. Clarity of objectives, quick and prompt decisions, a proper framework and capacity to rally the individual efforts of states and other agencies under the UN umbrella are prominent among them. Paying attention to these things help many conflicts to find a solution through peaceful means.

¹⁹ Jacob Bercovitch, n.14, p-59

Chapter – II

THE UN AND RAMIFICATION OF INTRASTATE CONFLICTS

The end of cold war, as presaged by many thinkers, did not mark the end of armed conflict also. Armed conflicts still persist causing miseries to number of people across the world. But there has been a paradigmatic shift in the domain of conflicts. Since the 1990s, they are intra state rather than inter state. In the 12 year post cold war period 1990-2001, there were 57 different major armed conflict in 45 locations across the world, with the yearly number of conflicts ranging between 28 and 33. Of the total conflicts within the span of 12 years 19 were in Africa, five in America, 16 in Asia and eight and nine in the Europe and the Middle East respectively. Apart from a handful conflicts between Iraq-Kuwait, Ethiopia-Eritrea, the bulk was within the territorial boundaries of state.¹ They are marked with gross human right violations, genocide and other types of casualties that go beyond the control of the state. The rationale behind the international initiatives for intra-state conflict resolution can be found mainly in two features of these conflicts:

1. Inability/inertia of the state to control the conflict and ameliorate the consequences.
2. International implications of these conflicts.

¹ See Taylor B. Seybolt, "Major Armed Conflict" and Michael Eriksson, Margarete Sollen berg and Peter Wallensteen, *Patterns of Major Armed Conflicts (1990-2002)*, Appendix 1A, SIPRI Year Book 2002-*Armament, Disarmament and International Security*

UN, sensing this recent threat to international peace and security, has involved in the resolution of many intra state conflicts. Afghanistan, Angola, Bosnia, Cambodia, Central America, El Salvador, Haiti, Liberia Rwanda, Sierra Leone, Somalia, Tajikistan, Western Sahara and Zaire are to name a few. UN adopts a three dimensional approach- settlement of disputes, peacemaking and post conflict peacebuilding.

The chapter analyses UN attempts at intra state peacemaking. To this purpose the chapter will make an attempt to understand the problems associated with these conflicts, problems and prospects of peacemaking with special reference to UN efforts.

INTRA STATE CONFLICTS: NATURE, CAUSES AND IMPACT

Michael Brown presents a comprehensive definition of intra state conflicts as a violent or potentially violent political disputes whose origins can be traced primarily to domestic rather than systemic factors, and where armed violence takes place primarily within the borders of a single state. They include within the scope, violent power struggle involving civilian or military leaders, armed ethnic conflict and secessionist campaigns as well as challenges to by criminal organizations to state sovereignty armed ideological struggle and revolutions.² The definition covers a wide spectrum of conflict, which might have either one or a combination of these casual factors. It is always difficult, if not impossible, to

² Michael E. Brown in Introduction to Michael E. Brown (ed.), *International Dimensions of Internal Conflict*, (Cambridge, Massachusetts, 1996), p. 1

categorize these conflicts. But Kolodziej and Zartman have attempted at generalizing them to three main categories:³

1. Intra state separatist or sub national conflicts for self-determination with external support, such as in Sudan, Eritrea, Cyprus, Sri Lanka, India, Yugoslavia.
2. Intra state replacement or ideological conflicts for central government control either with external support, as in Lebanon, Afghanistan, Mozambique, Angola, Chad, Zaire Cambodia, Rwanda, Ethiopia, Nicaragua or without external support, as in Peru and Columbia.
3. Finally, intra state rivalries over rank and relations, covering regional context of almost all the above.

The causes of intra state conflicts are highly intricate and complex. But grievances left an addressed, or partial treatment of a section/sections against the interest of other section/sections form the common undercurrent of intra state conflicts. Through a psychological prism, intra state conflicts can be viewed as a violent expressions of grievances unheard or repressed. These resentment can originate due to structural weakness, psychological factors or uneven resource distribution.⁴

STRUCTURAL WEAKNESS:

The term is used with reference to a government's capacity or ability to perform its duties. When governmental structures are weak, they lack legitimacy

³ Kolodziej and Zartman "Coping with Conflict A Global Approach" in Edward A. Kolodziej and Roger E. Kanet (ed.), *Coping With Conflict After The Cold War*, (London,1996), p. 7

⁴ This classification is based on Michael E. Brown's description, Michael E. Brown (ed.), n. 2

and capability to perform its duties both negative (as regulating the behaviour of citizens) and positive (providing security and welfare). These problems form a major cause in many of the Afro-Asian countries, which developed political institutions after decolonisation. For example, when Angola became independent the country was left with no qualified hands to handle the tough task of government. Because, during Portuguese rule the natives were allowed to perform labour work, or sundry posts.

Another consequence of weak state is expressions of hitherto dormant animosity against the state or some other group. In these cases states will not be in a position to control these uprising and prevent human right violations and secure the freedom of people. This situation, normally termed as 'failed state', was very much evident in Somalia. When full scale war began, in 1991 alone there were 25,000 casualties and the government failed to take counter measures.

A different situation where, even though the state is not weak, government fails to provide protection to the minorities are also included in this category. At such instances, as in the case of Rwanda the government overlooks or suppress the interest of minority. This is included under the ambit of structural causes as it denotes failure of a structure (here, government) to live up to the expectations and fulfil its duty.

When state abstains from or fails to do its duties individuals feel the necessity of defending themselves, resulting in independent military preparation which intensifies the problem further.

ETHNIC DIFFERENCES:

Some ancient hatred or cultural differences can cause intolerance among groups or suppression of one against the other. Ethnic groups perceiving themselves as victims of another major group often plunge into conflict. In the case of Serbs who view themselves as heroic defenders of Europe Croats (who are pictured as fascist genocidal thugs) been a natural enemy. These conflicts are caused by "fear of future lived through past".⁵

Ethnic identity, which under normal circumstances, does not instigate conflict turns into a mobilizing force when they fear coercive assimilation into another ethnic group, as in Bulgaria with respect to ethnic Turks and in Slovakia against ethnic Hungarians. These process may not result in conflict, though raise opposition, if the minority is very weak in relation to the majority. But if the groups are almost equal in strength process of absorption may cause violent retaliation. David and Rothchild and Jack Snyder link state weakness to the chances of violent ethnic conflict. Snyder argues ethnic nationalism predominates when institutions collapse, when existing institutions are not fulfilling peoples basic needs and when ... alternative structure are not available.⁶ Lake and Rothchild goes a step further and points out that "concerns that state may not remain

⁵ David A. Lake and Donald Rothchild, "Spreading Fear: The genesis of Transnational Ethnic Conflict" in David A. Lake and Donald Rothchild (ed.), *The International Spread of ethnic Conflict: Fear Diffusion and Escalation* (Princeton, 1998)

⁶ Jack Snyder quoted in Thomas G. Weiss (ed.), *United Nations and Civil War: Emerging Global Issues* (London, 1995), p. 20

strong tomorrow may be sufficient to ignite fears of physical insecurity and a cycle of ethnic violence".⁷

ECONOMIC AND SOCIAL:

Weak economic and social conditions of a society decides conflict. Economic slowdown and deterioration often ignite resentment. Weak economic status was a major reason behind many third world countries who were former Cold War clients. Somalia was a victim of sudden economic aid cutoff by America at the end of Cold War. A US ally, Somalia's economic and military aid had amounted to \$ 300 million from 1985 to 89. When congressional action stopped the aid and diverted it to other African countries what Somalians were left with were a devastating drought, low export price for their main source of income, livestock, and a rapidly declining GDP rate along with a rich stock of Western weapons. This left them with a single opportunity, to wage war.⁸

IMPACT:

Different from inter state conflicts, intra state conflict follow unorganized warfare. These conflicts affect a large number of people in various ways. Human right violations, killings sometimes reaching near genocide, and, other related problems as internal displacement, refugees and other casualties. In Angola statistics show that within a span 26 year 500,000 people have been killed, 3.6-

⁷ Lake and Rothchild "Spreading Fear: The Genesis of Transnational Ethnic Conflict" in David A. Lake and Donald Rothchild (ed.), no. 5

⁸ Mike Blakley "Somalia" in Michael E. Brown and Richard N. Rosecrance (ed.) *The Costs of Conflict: Prevention and Care in the Global Arms* (Lenham, Maryland, 1999)

3.8 million have been displaced.⁹ The conflicts in other states also carry such high number of casualties. According to a UNICEF report 50% of all the civilian war casualties are children. In the 1990s alone five million people were estimated to be dead in intra state conflicts.¹⁰

Hundreds of thousands of people are affected by these conflict seek asylum in other countries, an equal numbers are refugees within country (internally displaced people). The following table shows the number of people in flight as to 1 January 2000.

Region	people affected
Africa	6.2 million
Asia	7.3 " (Afghan people count 2.6 million)
Europe	7.3 " (Former Yugoslavia has 2.9 million)
Latin America and Caribbean	0.1 million
North America	1.2 million
Oceania	0.08 million

Source: Basic Facts About United Nations 2000 (United Nations)

Another striking feature is the civilian armed groups. They form the majority of fighters.

Internal conflicts do not remain internal in importance also. Their impact can be felt in neighboring and sometimes countries faraway. The neighboring countries are affected in the following manners:

Countries may be affected due to refugee flows and asylum seekers. At the height of genocidal slaughter in Rwanda in 1994, 25,000 Rwandan fled into

⁹ Teylor B. Segbolt, no.1

¹⁰ Mokbul Ali Laskar, "Irregular Armed Conflict and Human Rights", *Journal of Peace Studies*, vol. 10, issue 1., (Jan-Mar 2003), p. 5

Tanzania in a single day. Within months, refugee flow from Rwanda to Zaire Tanzania and Burundi was estimated as near 2 million.¹¹ In Haiti, following the military coup, about 200,000 fled and Dominican Republic had about 25,000 Haitian refugees.¹² Such sudden exodus would destabilize the government and affect the economy.

Secondly, neighboring countries provide both a store house and provider of arms and assistance to the rebelling group or the government. If the region is divided into countries who support any of the opposing factions it will ignite a regional tension. (this is a new trend of regionalizing intrastate conflict) . This would have great impact on the conflict and conflict resolution as would be seen in both the case studies (dealt in chapter 3 and 4). Cases of military involvement by a neighboring state in an internal conflict is also not rare. 1971 Indian intervention in East Pakistan, Tanzanian intervention in Uganda which helped the overthrow of Idi Amin dictatorship in 1979, presence of Armenian troops in Nogororno-Karabakh are just a few among the cases to be mentioned. Impact and influence of these conflict might not necessarily stop within the regional boundaries. US citizen trapped Liberia who had to be rescued, erstwhile Soviet Union and the US assisting conflicts in Angola, Namibia and many other such Afro-Asian countries makes their impact international. Be it bearing the brunt (spill over effect) or furthering the cause the factors that are involved in and affected by intra state conflict are not merely internal elements.

¹¹ Michael E. Brown, n. 2

¹² Mike Blakely, "Haiti" in Brown and Roserance, n. 8

The above discussion proves two points, one, that the casualties and the conflict are beyond the control of a government, second, the spill over effects makes an international attention necessary.

THE UN AND THE RESOLUTION OF INTRA STATE CONFLICT:

The UN Charter, originally aimed at inter state disputes, assigns a certain amount of sanctity to the concept of sovereignty. Article 2(7) of the UN Charter prohibits the organization from getting involved in the internal affairs of states. During the discussion of the conflict in the former Yugoslavia while Security Council resolution 713 (SCR 713, 1991 September 25) asked the Secretary General to assist the parties to attain a cease fire, doubts were expressed at the legality of such an intervention.¹³ But, in the later period when the international community witnessed a proliferation of such conflicts across the world, the legality or rather the necessity of the UN action in respect to intra state conflict as proved beyond doubt. As the Secretary General Kofi Annan points out 'if the collective conscience of the humanity – A conscience which abhors cruelty, renounces injustice and seeks peace for all peoples – cannot find in the United Nations its greatest tribunal, there is a grave danger that it will seek elsewhere for peace and for justice'.¹⁴ Hence, since 1991 the UN has been actively involved in resolving these conflicts. UN peacekeeping operations had increased from eight

¹³ Age Eknes, "The UN in Former Yugoslavia" explains that Slovenia and Croatia was recognized also because of this doubt see Thomas G. Weiss, n. 6

¹⁴ Kofi Annan, "Address to the 54th Session of the United Nations General Assembly", New York September 1999

(1991) to 18(middle 1994). The 2000 statistics shows that there are 15 peacekeeping operations.¹⁵ This is not to overlook the various important peacemaking missions facilitating an amicable settlement of disputes. The success of UN efforts in Mozambique and Namibia conflicts during the early years of post cold war had opened up new vistas for UN peace making in intra state conflicts.

Following these success, in a Security Council summit session with the agenda "The Responsibility of the Security Council in the maintenance of International peace and security", the President of the Security Council (John Major was presiding over that month) called for an analysis by the Secretary General (Boutros Ghali was the new incumbent of the office) and his recommendations on ways of strengthening and making more efficient within the framework of the charter the capacity of the United Nations for preventive diplomacy, for peacemaking and peacekeeping". In a similar vein, the General Assembly in its call on the Secretary General to monitor the state of international peace and security regularly and systematically in order to provide early warning and "on his own initiative to consider undertaking a fact finding mission" when a dispute or situation exists. (UNGA Res 46/59, 9 December, 1991).

The Secretary General responding to these calls presented before the organization a report which reiterated the importance of peacemaking by stressing the expanded scope.¹⁶ The document called for the need of a comprehensive approach towards settling disputes peacefully. It envisaged

¹⁵ United Nations Peacekeeping from 1991 to 2000 –Statistical Data and Chart, (New York- United Nations)

¹⁶ Boutros Ghali, "Agenda for Peace, A147-S/24 111, 17 June 1992 Para 35 (United nations)"

greater coordination among various executive heads of the UN agencies and program to ameliorate circumstances that have contributed to the dispute or conflict. Agenda for Peace also envisions a greater role for the Security Council and General Assembly. As a unified organ (devoid of bloc clashes and differences) it can persuade the hostile parties to negotiate¹⁷ and the General Assembly, the document stated, as a universal forum to make recommendations.¹⁸ Such a comprehensive and collective approach, the document concluded, would make the United Nations better positioned to resolve the conflict. The importance of Agenda for Peace lay in its emphasis on UN peacemaking as oriented towards social reconstruction in order to assure stable peace in the war torn countries.

Ghali's successor and the present Secretary General, Kofi Annan, assumed office with a commitment to move the UN from a 'culture of reaction to a culture of prevention'. "Under his leadership the UN Secretariat has reformed its internal as an area of interdevelopment concern and taken external initiatives to develop partnership with regional organizations, the private sector and civil society".¹⁹

Intra State Conflicts and UN peacemaking:

UN's efforts to solving the threat posed by intra state conflict is mainly oriented towards finding the root causes and addressing them. Unlike during the Cold War, when most of the conflicts were interstate, the UN peacemaking

¹⁷ *ibid* para 36, 9-83

¹⁸ *ibid* para 36

¹⁹ Ronata Dwan "Conflict Prevention", *n. 1*

efforts make a special effort to find a solution to the problem which requires going beyond measures like troop withdrawals and cease fires. While these measures are necessary to bring down the armed conflict a permanent solution demand addressing the causes of contention and persuading the parties to find a way out. The UN efforts, goes beyond conflict resolution and proposes a method of conflict management which ultimately aims at conflict transformation.²⁰

Hence, peacemaking in intrastate conflict is effective yet difficult. Peacemaking is a difficult task not only for the mediator or the parties but also for all those who are engaged with it, as observers, external parties etc. The challenges posed by the process make the parties hesitant. In intra state conflicts making peace requires confronting some delicate questions as to; what are the root cause of conflict? If there are some grievances of a party against another is the other party ready to redress them? If there are some stakes for power proposed by both the parties will they in the future be ready to reconcile their stand? can enough guarantees be made for the protection of relatively weak group against the stronger one. Confronting these questions is always a terribly slow paced, rigorous task.

Parties to a conflict will aim at total victory so that their position can be secured and they can assure that the other party will not, in future, pose any threat to their position. Peacemaking requires the parties to make certain concessions, intra state issues where agreements require mutual cooperation

²⁰ Zartman defines conflict resolution as well as the manifestation of a conflict between parties and elimination the source of incompatibility in their position. Conflict management refers to elimination of violence and conflict with transformation means replacing violence with positive relationships. See Zartman "Towards the Resolution of International Conflicts" in I. William Zartman and J. Lewiss Rasmusan (ed.), *Peacemaking in Intra State Conflicts: Methods ad Techniques* (Washington D. C., 1997), p. 11

and contact between parties are higher, agreement depends on the parties willingness "to accept vulnerability and make their security dependent on mutual arrangement rather than self help and individuals in civil war may fear settlement more than they fear continued fighting".²¹

Secondly, parties are always suspicious about agreements granting relative advantage to the other party. They fear that in future they may be rushed back or the other party may revive its atrocities. In Angola's issue during Brazevilla talk on South Africa troop withdrawal, UNITA, who had the most to lose reacted severely by unleashing fresh military activity.

In case of ethnic conflict or where the parties have nurtured hatred for long chances of bringing a change in their perception is difficult. Explaining away the Hutu slaughter of 800,000 Tutsis in Rwanda one Hutu had been quoted saying that "it wasn't genocide. It was self defense".²² In these case parties hardly agree for negotiation, if they do, they will not be ready to make concessions and adjustments. In case of Former Yugoslavia the Owen-Stoltenberg plan (summer 1993) proposed a union of three republics, divided along ethnic lines. It was a compromise between the Serb-Croat demand for a confederation and the Muslim demand to a federation. Though the Bosnian Serb and Bosnian Croat Assemblies ratified the plans, it failed due to lack of concurrence from the Bosnian parliament.²³ In such cases various contentions are often posed by the parties. It is difficult for a mediator to push a reconciliatory plan where the parties

²¹ Stephen John Stedman, *Peacemaking in Civil war: International Mediation in Zimbabwe 1974-1980*, (Lynne Rienner, 1991)

²² Michael E. Brown, n. 2

²³ A detailed discussion on UN's role in Former Yugoslavia can be found in Age Eknes, "The UN in Former Yugoslavia" in Thomas G. Weiss, no. 13 and Christine Bell, *Peace Agreements and Human Rights*, (Oxford, 2000)

are aware of a step where in a similar situation the concessions to be made were less. In such cases the mediator face some difficulties solving conceptual issue. In this case difficulty in finding answers to questions like 'do the Bosnia Serbs have the same rights to self-determinations as well the other ethnic groups in Former Yugoslavia? What prohibits the Serbians from seceding if the Eritreans can do in case of Ethiopia?' Difficulties like this tend to fail the peace process.²⁴

External support in sustaining a conflict always hurdle its settlement. This has been the case in Nicaragua, Namibia and Mozambique during Cold War. In a recent example, stopping Liberian aid has helped in furthering UN sponsored peace plan in Sierra Leone.

Peacemaking becomes a challenge for UN in intra state conflicts due to certain inherent weakness also. As pointed out in the first chapter, inability to provide incentive, unwillingness of member state to co-operate with the process etc are major problems in UN peacemaking.

But the potential of the UN in the peacemaking sphere is high and effective. Its organizational position which might hinder it to make some effective steps at other times proves highly effective. The organization with its commitment to peace and rich experience can employ its skills and techniques effectively. Its plan of action must take into account two factors: attitude of the parties and that of the external powers and international community at large.

Parties readiness to accept the talks is very important. Zartman's description of 'ripeness' of the conflict where the parties of a long and drawn out

²⁴ Yasushi Akashi, "Limits of UN Diplomacy and the Future of Conflict Mediation", *Survival*, vol. 37, n.4, (Winter 1995-1996)

battle feel exasperate and realize the inability to arrive at a solution on their own determine the perfect timing a mediator to intervene. This is, of course, not a universal definition of the 'ripe' time to intervene Bercovitch had at many instances pointed out resorting to UN mediation as a last resort as the major drawback. Writing on a different occasion he has pointed out the necessity of addressing ethnic problems before the conflict escalate and casualties on both sides multiply.²⁵ Drawing from these two definitions we can conclude that a conflict is ripe for mediation when the parties are ready to reconcile, change their perception of the issue and willing to accept external advises on resolution.

The UN has successfully exploited such opportunity to bring an end to the conflict. This was proved especially in its experience in the immediate post Cold War cases. The parties may ask for a UN assistance as in the case of Libya in 1992, or the UN or outside parties can make the feuding parties realize the ripening of the situation. Implementation of fact finding missions and early warning mechanism help the UN in this direction. These missions with their mandate ranging from general assessment of conflict situation as in Tajikistan and Uzbekistan to investigate of reports on ethnic cleansing (Georgia) and genocide (Rwanda) help to provide a detailed impartial report on the issue in dispute. Understanding the situation can always be followed by remedial action like good offices, mediation or judicial actions.²⁶

²⁵ See Zartman "Towards the Resolution of International Conflict" in Zartman and Rasmussen, n. 21 and Jacob Bercovitch in "The United Nations and the Mediation of International Disputes" in Ramesh Thakur (ed.), *Past Imperfect future Uncertain: The United Nations at Fifty*, (London, 1998) and Jacob Bercovitch in Stephen John Stedman, "Negotiation and Mediation in Internal Conflict" in Michael E. Brown, n.2

²⁶ Chental de Jonge Oudraat, "United Nations and internal Conflict" in Michael E. Brown (ed.), n. 2

Once a decision to undertake mediation is made the UN should give special consideration as to who is to mediate. Chester Crocker demarcate five essential qualities of mediator. According to him "the best qualified players are those who (a) are willing to become engaged, (b) are acceptable to the regional or internal parties, (c) have a traditional expertise, or prestige on which to base their role, (d) enjoy direct access to the necessary participants, and (e) are in some sense relevant to the conflict"²⁷

A mediator, who is not accepted by the parties can hardly push the talks forward, sometimes one who talks vision or constrained by real politic constellation may prove to be a obstructer rather than a facilitator UN mediators in the Balkans were highly criticised for rewarding "ethnic cleansing" by proposing a peace plan that almost violated territorial integrity.²⁸

Mediation is an effort by a third party whose vision is not blurred by emotions and sentiment of hatred that often happens with the parties. The mediators should 'demystify' causes. Crocker and Hampson see the possibility of tracing out the root causes that often instigate clashes like ethnic conflict rather than "relegating all such conflict to 'one-size-fits all' conceptual dumping ground".²⁹

A mediator must always try to bring in positive changes. Crocker and Hampson stresses the need for advancing human rights and rebuilding society. Proposals for legal or judicial reform, economic reconstruction and social

²⁷ Chester A. Crocker "Conflict Resolution in the Third World: Role of Super Powers", in Sheryl J. Brown and Kimure Shraub (ed.) *Resolving Third World Conflict: Challenges for a New Era*, (Washington D.C., 1992), p. 207

²⁸ Kjell Skjelsbaeck and Gunnar Fermann, "UN Secretary General and the Mediation of International Dispute" in Jacob Bercovitch (ed.), *Resolving international Conflict*, (Washington, 1995)

²⁹ Chester A. Crocker and Fen Osler Hampson, "Making Peace Settlement Work", *Foreign Policy*, n. 104, Fall 1996, p. 57

betterment can help in obtaining compliance from the parties (this was very much evident in South Africa and, as will be seen in subsequent chapters, in Cambodia and El Salvador).

The challenges are higher and the gravity of the task proves the futility of isolated efforts. UN is better equipped to act as a synchronizer than a solo performer. It should take efforts to rally the attempts of various organs and organizations. The UN as a mediating group is equipped to act at three level: as a persuader at the Security Council level, as a recommender at the General Assembly level and as a facilitator at the Secretary General level. Besides, it should coordinate the efforts of regional organizations, NGOs, and financial institution like World Bank to link issues. The UN joining hands with OAU in Somalia, OAS in central America ECOWAS in West Africa have proved highly beneficial. Reiterating the point the Secretary General in his letter to the President of General Assembly and Security Council (7 June 2001) discusses about UN's role in conflict prevention and points out that the principal role of the UN system is 'coordination'. The letter makes it clear that mobilizing collective potential is fruitful than introducing new instruments. The reorientation of Inter departmental Framework for coordination, since 1998, towards early warning and preventive action proves the new trend. taking cue from the UN many states have undertaken a comprehensive review of their national development aid policies.³⁰

Concluding this discussion the main ingredients for facing the challenges of intra state conflicts are pointed out once more. They are, timing the mission, clarity and balance of provisions and better co-ordination of other efforts. The relevance of this framework will be tested in the two case studies.

³⁰ see Renota Dwan, "Conflict Prevention", no. 1

Chapter – III

UN PEACEMAKING IN CAMBODIA

The chapter takes up the first case study of the intra state conflicts, i.e. Cambodia and examines the endeavors of the United Nations to help find a negotiated end. The discussion is, divided into three parts- the issues of conflict in Cambodia and their feuding protagonists, and the patient efforts, engaged in by the UN officials over a period of nearly two decades. In section III, the Paris agreement on Cambodia (PCC) signed on October 23,1990, which culminated the mission successfully is brought under a detailed study.

UNDERSTANDING THE CONFLICT:

Roots of Cambodian conflict can be found in undemocratic political traditions marked with oppositional intolerance and patronage politics. The various factions that has ruled the country (including self proclaimed democratic ones)till the UN intervention, had showed a large degree of impatience to elections, participatory democracy or consultation. Even those who opposed to the monarchical form of government and the patriarchal disposition of the prince Sihanouk failed to follow democratic ideals when they held the power. Cambodia was example of an immature democracy where mutual intolerance among factions with competing ideas and suppression of opposition were the order of the day.

Cambodia is located in the south western part of the Indo Chinese peninsula. It shares its international boundary with Vietnam, Laos and Thailand.¹ During the heydays of colonialism, the French, who were the colonial powers, retained a monarchical form with very limited powers. At the outset of the Second World War when France was overwhelmed by the axis powers they chose Prince Norodom Sihanouk from the royal family to be the successor of the deceased King Sisowath Monivong in 1941. The choice was mainly because the French believed that Sihanouk would be pliable of French policy. Sihanouk acted as had expected, and in return French recognized him as the personification of the state. The prince's appeasement policy had saved him from many unpleasant consequences during the Japanese invasion and a brief period of Japanese rule (1945) and after revival of French colonialism.²

While the prince continued his appeasement policy, there were a few movements against the French colonialism. Among them the first in time was the Khmer Issaraks who belonged to the former Thai provinces, which were ceded to the French protected Cambodia, which included Ang Kor, Battambang, Monjkol-Borei and Sisophon.³ They, though incoherent and weakly united, followed a anti French policy. The other one, late in origin but better organized (the Vietminh) organized people from different walks of life (Buddhist monks, ethnic minorities like Vietnam and Chinese immigrants, Chams, tribal people and also the Issarak

¹ *Encyclopedia of the Third World*, Rev. ed., (London, 1982)

² For a detailed study of Cambodia Problem see David Chandler, "There visions of Politics in Cambodia" in Michael W. Doyle et., (ed.), *Keeping the Peace: Multidimensional UN Operations in Cambodia and El Salvador* (Cambridge, 1997)

³ G. L. S. Girling, "Resistance in Cambodia" *Asian Survey*, vol. XII, n. 7, (July 1972), gives a detailed history of Cambodian resistance from 1945-72

group) in its struggle against France. By, 1950 there were around 10,000 guerillas in Cambodia.⁴

To guard itself against a potential uprising, the French coming back to the status of colonial power in 1946 introduced a parliamentary form of government, though they retained the monarchical identity of the Prince. The elections were won by Democratic (established in 1946) comprising a group of Cambodian intellectuals, school-teachers, middle rank bureaucrats and Buddhist monks, who nurtured mild anti royalist tendencies. The Prince though intolerant towards the system had to accept it.⁵

Following the first Indo-China war(1946-54), the resistance movement was severely surprised by the French. Son Ngoc Thanh, an Issarak leader who during the World War II in Cambodia had worked towards freeing Cambodia, was arrested and sent in exile to France. Following his arrest the Issarak group diffused with some of them retreating deep into the forest and the others joining the Democrats. On his coming back in 1951 Thanh rejoined Issarak and launched an independence campaign while trying to unify the resistance group by working with the Vietminh.⁶

Perturbed by the increasing mass appeal of political parties and groups Sihanouk using his residual powers dissolved the assembly and began to rule by decree. To emphasize his public support over the other factions he called for a 'Crusade for Independence'. His political campaigning had been attracted by many and they rallied behind Sihanouk, a group of Issarak (excluding Son Ngoc

⁴ David Chandler, "Three Visions of Politics in Cambodia", n. 2, p. 28

⁵ *ibid*, p. 6

⁶ G. L. S. Girling, "Resistance in Cambodia", n. 3

Thanh and his supporters) also joined him. In 1953 Cambodia was granted independence and became a UN member in 1955.

In 1955 he abdicated the throne and called for elections. He formed Sangkum Reastr Noyum (Peoples' Socialist Communist), and in 1955 elections there were three main factions (Sangkum, parliamentarians and Communist (headed by Saloth Sar) under the banner Krom Pracheachon.) The elections, though won by the Sangkum, proved the strong support areas of communists. Encouraged by the victory, Sihanouk suppressed the opposition communist and Democrats. Election mal practices, suppression of opposition especially the Communist was continued during the 1958 and 62 elections. Elections were conducted among candidates chosen from Sangkum. Those who wanted to contest had to be members of the party first.

Sihanouk's foreign policy during these years (1950-60) was also confusing to many, especially to the right wing. Sihanouk tried to maintain his neutrality when US was spreading its influence in the region by sponsoring SEATO. This made the US turn against Cambodia. Backed by Thailand and S. Vietnam Prince sought help from China (but retained diplomatic and economic relations with US). But between 1963-65 he completely severed relationship with the US following the advice from French and China.⁷ This was highly criticized by the Cambodian Rights and army who benefited much from US military aid. The Left also were accusing of the Prince of inability to follow socio-economic reform program. The growing resentment among the hitherto dormant groups made Sihanouk lose his grip on the 1966 election. He, this time accepted candidate from outside

⁷ ibid

Sangkum and the victory was with the Right. Sihanouk invited Lon Nol to be the Prime Minister.

The elections were immediately followed by peasant uprising in Battambang province. By 1968 widespread rebel activity was reported in practically every province and was reportedly linked with the radical intellectual leftist opposition in the Capital. Sihanouk accused Communist groups for this and accusing China and Vietnam for assisting them adopted an anti China policy. During this period communist leaders were associated. Three Marxist deputies mysteriously disappeared, the China Friendship and similar organization were dismissed and the General Association of Khmer students were dissolved. Small group of rebels termed as Khmer Rouges had to suffer the most. They retreated to dense forest in Southern Cambodia and spent a long time in reclusion.

In 1970 Lon Nol (the Prime Minister) voted Sihanouk out from his post as the ceremonial head of state placing the assembly speaker Cheng Heng. Those who initiated the coup were a group who revered republicanism. Highly depended on the US Thailand assistance they repressed Vietnam immigrants.

The regime was highly dependent on US both financially and militarily. The end of Vietnam War lifted US foreign policy priorities away from Indo-China undermining the Lon Nol regime. By 1973 it has lost its influence except in cities.

In the meanwhile the Khmer Rouge (KR) secludes in the forest were indoctrinating people and followed an armed resistance against the Lon Nol. First with the help of Vietnam, later (displeased by the Vietnam cease-fire agreement) without its help.

The weakness of the Lon Nol regime triggered off a fierce armed struggle by Khmer Rouge (Red Khmer), with the backing of China. Lon Nol's efforts to counter them were not effective. Early in 1975 the Khmer Rouge launched a major offensive; they cut links to the capital so that the government was depended on US airlifts for supplies. Ultimately in April 1975 Lon Nol fled from the country and for the next three years the Khmer Rouge (led by Pol Pot) was to control the government machinery.

The Khmer Rouge (KR) started with the promulgation of a new constitution and the country was renamed as Democratic Kampuchea (DK). Elections were held and Khieu Samphan was appointed head of the state and Pol Pot as the Prime Minister. They later on started implementing "an agrarian communist society in its most xenophobic form".⁸ During their regime schools and college were closed down, urban dwellers were forced to leave and hospitals, trade and industry centers were closed. The entire social life was dislocated beyond description. Simultaneously they were carrying out an attack on Vietnam also. The war between Vietnam and KR rule ended when in 1978 when Vietnam overthrew the government and installed a pro-Vietnamese government headed by Heng Samrin. The government receiving direct support from Vietnam and indirect help from USSR took an anti Chinese, anti US stand.

International attention, including that of the UN, was directed towards Cambodia following Vietnamese intervention. At this time Democratic Kampuchea was holding the UN General Assembly seat and People's Republic of Kampuchea (PRK, the pro-Vietnamese regime) was not recognized by many

⁸ B. D. Arora, "The Problem", *World Focus*, June 1990, p.3

states except those who belonged to the Soviet bloc, India and Canada. The other, especially, the US, China and ASEAN (Association of South East Asian Nations) condemned Heng Samrin government and refused to accept it.

The Factions

There were mainly four factions involved in the conflict: The People Republic of Kampuchea, which controlled governmental machinery (till 1991), the Khmer Rouge, which even after abdication kept up its attacks from Thai borders, FUNCINPEC (National Front for an Independent, Neutral, Peaceful and Co-operative Cambodia) headed by Prince Sihanouk and KPNLF (Khmer People's National Liberation Front), a conservative middle class movement headed by former Prime Minister Son Sann. In 1980 these three factions (KR, FUNCINPEC and KPNLF) united to form a Coalition Government of Democratic Kampuchea (CGDK) supported by ASEAN, China and the western bloc.

External Support

Even before the issue was considered by the UN the Cambodian conflict was an area of interest for many due to its geostrategic position in Indo-China. The state, which overtly or covertly supported various factions, was motivated by their own strategic interest. The ASEAN, mainly following a pro US policy wanted to thwart Vietnam becoming a military power in the region. Thailand, an ASEAN member, viewed Vietnamese influence in Cambodia as removal of buffer state

between itself and Vietnam. The Vietnamese support to Heng Samrin led PRK made Thailand feel insecure. This made it support the Khmer Rouge.⁹

China's role in Cambodia is mainly linked with the nurturing of communist faction (KR). Initially keeping a friendly relation with Prince Sihanouk, the shift in attitude came with the beginning of Culture Revolution in China which also included a plan for reviving claimed Chinese territories in Indochina. The Great Proletarian Cultural Revolution regime aggressively used the ethnic Chinese in its battle for Cambodia. The Chinese plan for overthrowing Sihanouk's monarchist regime resulted in Sihanouk violently suppressing the Khmer Rouge.

But Sihanouk sought asylum in Peiking following his overthrow by Lon Nol. The Vietnamese converting into a surrogate of the former Soviet Union made China took an anti-Vietnam stand.¹⁰ And with overthrow of the Lon Nol by KR, they started supporting an attack along Vietnamese borders. According to a report in Far Eastern Economic Review on 19 January 1979, "a number of Chinese embassy staff who had earlier served in the Chinese People Liberation Army had accompanied Cambodian leaders to the jungle".¹¹ When Cambodia came under Heng Samrin rule China supported CGDK along with US and ASEAN.

The ASEAN interest in the conflict was due to two main reasons:

The fears and insecurities of Thailand, a member, and because of the organizational reasons. In 1976, ASEAN's first meeting of the heads of government, a treaty of Amity and Cooperation had been concluded which was

⁹ for detailed study see, B. D. Arora, "The Problem" *ibid*

¹⁰ Pratul Lahiri, "Vietnam and China", *ibid* p.17

¹¹ *ibid* p.18

intended to serve as a code of conduct for foreign relationship. The treaty upheld the respect for national sovereignty. ASEAN viewed the Cambodian problem mainly in terms of Vietnamese invasion. This forced it to take an anti PRK stand. It demanded for the restoration of ousted Democratic Kampuchean government. But they had taken a middle stand. They proposed a national reconciliation process where both DK and Heng Samrin can share power.

USSR viewed Cambodia as a cold war ally, which was threatened by Chinese supported KR. The Soviet interest was driven by geopolitical implication of the issue. USSR was ready to provide aid to the Heng Samrin government so that it can continue fighting. Sustained conflict ensured that Vietnam was placed in a dependent relationship in return for which the Soviet Union enjoys continued and challenging US naval predominance in the West Pacific. The Soviet aid to Kampuchea amounted to US \$ 1 billion per year.¹²

EFFORTS TOWARDS CONFLICT RESOLUTION

The toppling of Khmer Rouge government and the establishment of Heng Samrin government in Phnom Penh brought the issue of representation before the General Assembly. No other country except those in the Soviet bloc had recognized the PRK government and the western bloc, China and ASEAN effectively lobbied to assign the Cambodian seat to KR led Democratic Kampuchea. DK retained the seat till the Supreme National Council (SNC) replaced it during the transition period.

¹² Michael Leifer, "Obstacle to Political Settlement in Cambodia", *Pacific Affairs*, vol. 58, n. 4, (Winter 1985), p.8

In 1979, the UN General Assembly adopted a resolution, which called for withdrawal of foreign troops. It condemned foreign intervention in the internal affairs of the country and stated that the people of Cambodia should be given a chance to choose their government democratically and without outside interference, suppression or coercion. The resolution also requested the Secretary General (SG) to explore the possibility of settling the dispute peacefully and to assist the parties through the exercise of his good offices.¹³ Apart from these political measures the UN had tried to provide humanitarian assistance following the 1979- 80 food crisis, where the UN and FAO and WFP (World Food Program) joined hands with NGOs like International Committee for Red Cross. In 1979 Secretary General Kurt Waldheim designated UNICEF as a relief agency. But these brought forth only limited success due to clash of political interests.¹⁴

UN Secretary General's Efforts

In 1981, taking cue from the 1979 General Assembly resolution, the UN Secretary General organized an International Conference of Kampuchea (ICK) as a step towards settling the issue amicably. The conference proposed to discuss foreign troop withdrawal and maintenance of cease-fire under UN verification and supervision. More importantly, holding of free and fair election with the assistance of the UN.¹⁵ The conference was attended by 79 governments but USSR, PRK, Laos and Vietnam stayed out. Besides, there

¹³ Vinayak Rao, "International Negotiation: The United Nations in Afghanistan and Cambodia" (New Delhi: Manak Publications, 2001), p.116

¹⁴ Roderic Alley, *The United Nations in Southeast Asia and the South Pacific* (London 1998), p. 16

¹⁵ Vinayak Rao, "International Negotiation: The United Nations in Afghanistan and Cambodia" (New Delhi: Manak Publications, 2001), p.117-18

were differences between ASEAN and China. China was opposed to the ASEAN proposal to invite not just the Khmer Rouge but all factions, and it also rejected the plan to disarm the factions. Eventhough the conference failed to bring any substantial results it was the first concrete step towards internationalizing the Kampuchean problem. The conference established a seven nation ad hoc committee (Japan, Malaysia, Nigeria, Senegal, Sri Lanka, Sudan and Thailand) to explore the possibilities of future contacts with the parties to the conflict and to continue with peace efforts and to act as an advisory body to the Secretary General.¹⁶ The final declaration urged to take appropriate measures to ensure that armed factions will not disrupt elections.¹⁷

Both Kurt Waldheim and his successor Javier Perez de Cuellar continued the Secretary General's good offices functions and quiet diplomacy. Waldheim visited both Hanoi and Peking and made efforts to conduct talks between Thailand and Vietnam regarding the establishment of a demilitarized zone. Javier Perez de Cuellar appointed Rafeudin Ahmed as his special representative. But unwillingness of the parties brought no major success. But the efforts of the Secretary General was important because he tried including Hanoi when everyone else was trying to isolate it. The chances of settling the dispute, though, were remote.

One scholar had pointed out that the main obstacle towards a political settlement was that it was "fundamental conflict of security priorities expressed with reference to the identity and external affiliation of Kampuchea."¹⁸ The rift

¹⁶ *ibid*, p. 118

¹⁷ *ibid* p.118-119

¹⁸ Michael Leifer, "Obstacles to a Political Settlement in Indo China", P.626

between Thailand and Vietnam, Sino-Vietnamese antagonisms, (China was ready 'to teach Vietnam a lesson' because of its relation with USSR), Sino-Soviet tussle and the ASEAN posture had also gone to hurdle the peace process. The external powers used it as an arena of proxy war. Their support to factions give the rebels a feeling that a military victory is possible.

But the peace process got a new impetus when Gorbachev decided to ease all intractable regional conflicts and improve its relation with China and the United State. By this time an obvious shift in the ASEAN attitude had also occurred. Not only that it found an opportunity to establish its importance in the region by engaging itself in the conflict resolution but it also found Vietnam, and also Cambodia, worthwhile areas of economic co-operation once peaceful conditions were established with an acceptable regime established in Phnom Penh.¹⁹ It also did not want to allow Vietnam to emerge as a military power in South East Asia. Thailand also changed its position as the Khmer Rouge faction supporter and took a neutral position.

Reviving efforts in 1985 the UN Secretary General framed an 8 point agenda which stressed the troop withdrawal, elections, neutrality, territorial integrity and independence of the implementation of agreement reached. "The significance of the Secretary General's 1985 report lay in that it recorded for the first time a degree of convergance on the objectives that should constitute the main elements of a comprehensive political settlement".²⁰ By this time responses of the factions towards peacemaking became slightly positive.

¹⁹ For detailed study of ASEAN interest in Cambodia conflict resolution, see David Martin Jones *Political Development in Pacific Asia*, (Massachussets, Blackwell Publishers, 1997), p 181-187

²⁰ Vinayak Rao, n. 4, p. 124

In a significant step which indicated flexibility of approach, the Hun Sen government in Phnom Penh postponed 1987 elections. CGDK also abandoned its stand that Vietnam should withdraw its troops before the beginning of any talks, by demanding a two phased withdrawal. In a meeting between Hun Sen and Prince Sihanouk under the auspices of ASEAN three main areas were touched upon: (1) Vietnam troop withdrawal and elections (2) cessation of foreign interference (3) installation of a quadripartite government. PRK also agreed to involve KR in negotiations.

The change in attitude of various regional powers and factional group was reflected in the UN approach as well, as proved by the 1988 General Assembly resolution calling for non-return to the universally condemned policies and practices of a recent past. This diplomatically termed document ensured that Khmer Rouge would not return to power and restart its inhuman governing policies while not explicitly mentioning Khmer Rouge's name (to retain its support to the negotiation process.). The UN also offered support to any International Conference to be convened by the UN Secretary General.

In 1988, Special Representative of the Secretary General Rafeedin Ahmed and his senior advisor Heedi Annabi with the help of France developed a series of "non-paper" sketches which later became components of the comprehensive agenda.²¹ Immediately after this, a meeting was held under the auspices of Indonesia, Jakarta Informal Meeting (JIMI), between July 24-28 1988 at Bogor, Indonesia. A declaration issued by Indonesian foreign minister Alatas in

²¹ Jin Song, "The Political Dynamics of the Peacemaking Process in Cambodia" in Michael W. Doyle et. al (ed.), n. 1, p. 61

his capacity as conference chairman finally established a linkage between Vietnam troop pullout and the phasing out of assistance to the resistance forces issue that ASEAN heretofore sought to keep separate.²² The areas to be negotiated also were decided. There were 7 points to be decided, viz., (1) Vietnam troop withdrawal (2) cease-fire/end of resistance to be declared, (3) peacekeeper's to be recruited, (4) coalition government mechanism put in place, (5) free, internationally supervised elections planned/organized, (6) disarming all troops sequestered/disarmed and (7) an international conference set to (a) organize peacekeepers and (b) declare the neutralization of Cambodia.²³ The JIM II in February 19-21, 1989, couldn't achieve any major breakthroughs. Even though Vietnam had not as yet accepted the idea of troop withdrawal, it became obvious that an international control mechanism would be essential.²⁴

The end of JIM II without any substantial success necessitated more involvement of a helpful nature from the part of the great powers. French government expressed a desire to hold a conference in their country. It was welcomed by the Vietnam because it had not viewed UN as an impartial forum. But in the conference held (1989 July August), Hun Sen and Vietnam refused to involve KR in an interim government and share power and the conference ended in a stalemate.

In 1989 October, Gareth Evans, the Australian foreign minister introduced a rather novel idea of UN administration during interim period, starting from the

²² Khatharya Um, "Cambodia in 1988: The Curved Road to Settlement", *Asian Survey*, vol. XXIX, n.1, (Jan 1989), p.75

²³ *ibid* p.76

²⁴ *ibid* p. 76-77

establishment of cease-fire till the of newly elected government sworn in. Such an authority was supposed to have direct control of the civil administration "during a transitional period enabling elections to be held, a constitution adopted and a new government formed".²⁵ Though unprecedented the Security Council decided to consider it and by August 1990, it was agreed that UN would exercise direct control over the areas of civil administration in order to ensure free and fair elections.

By 1990, the international community was pressurizing the factions to settle the issue, discussion for establishing a quadripartite government to represent Cambodia during the transitional period was tough. The proposed Supreme National Council (SNC) and its composition posed the biggest problem to be agreed on. After much political bargain and discussion it was decided that, as suggested by Sihanouk, the SNC was to be a twelve-member forum where the Phnom Penh government would have six seats and the three factions of the CGDK would have two each. Cambodia seat at UN, had to remain vacant pending the election of the SNC(the first such instance in the UN history when a member state seat remained vacant). This was agreed upon in the Paris Conference II. Agreements were made on other crucial points as well (which will be discussed in relation with evaluation of accord). And a comprehensive political settlement was signed on 23 October 1991.

²⁵ Gareth Evans, *Co-operating for Peace: The Global Agenda for the 1990 and Beyond* (St. Leonards: Allen and Union, 1993), quoted in n.21, p.70

PEACE AGREEMENTS

Settling the Cambodian problem necessitated a "comprehensive peace in which a cease-fire depended on an agreement to reconstruct the Cambodian State".²⁶ The Paris agreement is both detailed and precise but at places inexplicit and ambiguous. "What it does not say is as significant as what it does".²⁷ The agreements signed on October 23, 1991, are comprehensive in its nature as envisaged by the Secretary General. The Paris Conference concluded four agreements touching upon and dealing with various aspects of settlement. They are, (a) the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict, (b) the Agreement concerning the Sovereignty, Independence and Territorial Integrity and Inviolability, Neutrality and National Unity of Cambodia (the Guarantees Agreement), (c) the Declaration on the Rehabilitation and Reconstruction of Cambodia and the Final Act of the Paris Conference on Cambodia.

The Principal agreement among the four, the Comprehensive Agreement, dealt with the transitional period starting from the time the agreement was to be in force till the time the elections were held. Certain provisions deal with reconstruction of the country and rehabilitation. But two main components, novel in both structure and nature were the Supreme National Council and United Nations Transitional Authority in Cambodia (UNTAC)

²⁶ Michael W. Doyle, *UN Peacekeeping In Cambodia: UNTAC's Civil Mandate*, International Peace Academy Paper Series (Colorado, Lynne Rienner 1995), p. 16

²⁷ Fredric Z. Brown, "Cambodia in 1991: An Uncertain Peace", *Asian Survey*, vol.XXXII, n.1, (Jan 1992), p.91

The Supreme National Council (SNC)

The SNC was to be consisted of 12 members and Norodom Sihanouk would be the head. The council was to serve as the “unique and legitimate body and source of authority in which throughout the transitional period, the Sovereignty, independence and unity of Cambodia are enshrined”.²⁸ It would also represent Cambodia externally. The rationale behind the SNC were twofold: As Article 78 of the Charter does not allow UN trusteeship to a member state, UN needed an authority to represent Cambodia and to delegate powers to the UN.²⁹ As Hun Sen regime was not recognized by many states, the delegating authority had to have representative from other factions as well. Secondly, it was a great incentive to the factions as well as interested external powers. The composition had ensured the role of the Khmer Rouge providing an incentive to itself and China. For the Phnom Penh government the arrangement assured their ‘relative importance’ by assigning greater number of seats to them. But at the same time unanimity rule gave other factions right to veto and thus checking its power.

SNC was an arrangement which assured, more than anything else, a hassle-free implementation of agreements. Ratner points out that Australia and the permanent five did not expect the SNC to function as a government. And most states accredited it mainly due to their responsibility under the agreement to represent Cambodia in its foreign affairs. SNC gave the faction a feeling of power without giving any opportunity to use (or misuse) it. As per the provisions, the SNC could exercise control over UNTAC but there were many conditions and

²⁸ N. Suntharalingam, “Cambodia Settlement Accord”, in Doyle (ed.), n.13, p.87

²⁹ Steven R. Ratner, “The Cambodia Settlement Agreement”, *American Journal of International Law*, vol.87, Jan 1993, p.9.

qualifications to it. First, it had to act unanimously or if unanimity was lacking, Sihanouk, vide his Presidential powers, was authorized to advise taking into account the members' views. But UNTAC was positioned to reject these proposals if they were not consistent with the objective of the agreement, and the Special Representative of the Secretary General (SRSG) retained the prerogative to decide this. The accord prevented the factions from unnecessarily interfering with the work of UNTAC by empowering the SRSG to reject anything (any SNC proposal) which might hinder the functioning of UNTAC. Again by giving powers to the Prince at the time of a deadlock or lack of unanimity the agreement sought a safe position. Because, the Prince had been, from the beginning, holding an affirmative approach towards UN role in Cambodia, unlike the Phnom Penh government.

UNTAC³⁰

UNTAC was established to handle multifaceted functions ranging from "controlling and supervising crucial aspects of civil administration and organizing and controlling elections" to supervise cease-fire and containment and demobilization of military forces. Mandated by the Security Council, UNTAC would have both civilian and military components and would be placed under the direct responsibility of the Secretary General.

The main mandate of UNTAC was to conduct free and fair election. To this end UNTAC was given control over civil and military administration UNTAC could exercise direct control over five areas, foreign affairs, national defense,

³⁰ see both Steven Ratmer, no. 30 and N. Suntharalingam, "*Cambodia Settlement Accord*", n. 29

finance, public security and information that were most important to ensure condition for a free and fair elections. It also could maintain control over a number of agencies that could directly influence the outcome of elections. In short, except those agencies, which according to SRSG, could continue operating to ensure normal day-to-day life of Cambodia every other was open to UNTAC intervention. Moreover, the SRSG could reassign or remove Cambodian personal in any governmental agency and could place UN personal with access to all operations and documents.

Military Arrangement³¹

The Agreement required that Cambodian must cease to receive external assistance and external parties should stop providing military assistance to Cambodia. The agreement called for withdrawal of foreign troops without specifically mentioning Vietnam's name. Thus it satisfied the Khmer Rouge demand to ensure expulsion of Vietnamese troops without offending Vietnam. UNTAC was to supervise the troop withdrawal.

Cambodian groups had to surrender their arms and equipment to UNTAC and they had to demobilize 70% of their forces as per UNTAC plans. The rest 30% would either be demobilized later, or, after the establishment of a new government, could be incorporated to the national army. This allowed the factions to retain a part of their forces in their respective areas of influence.

Cease-fire had to be implemented in two steps. One immediately and another after the deployment of military personal Cease-fire issue had been left

³¹ ibid

to deal in detail later by the UN on the basis of its expertise, its assessment of the situation on the ground and the view of the belligerents. This ambiguity in agreement was added to gain concurrence of the factions.

Humanitarian Arrangements³²

Deciding on this area required expert diplomatic management and tactful phrasing of provisions in the agreement. Any mention of the massive genocide by Khmer Rouge would have resulted in non co-operation with the talks by both the KR and China. Such difficulties had made the language of the agreement quite vague and ambiguous. The agreement required the state to comply with the provisions in Universal Declaration of Human Rights (UDHR) and other relevant human rights documents which included the full ambit of human right conventions and "to ensure that the policies and practices of the past shall never be allowed to return". Without any mention to the past atrocities the agreement envisioned a plan for future election to ensure their observance of human rights. It stipulates that Cambodia must observe human right and promote it. The agreement also made it a responsibility of the UN to foster an environment to ensure the promotion of human rights.

Elections³³

Compromising a permanent five draft with Phnom Penh proposal the agreement provided for elections based on proportional representation within

³² ibid

³³ ibid

each province, with each political party offering lists of candidates. All Cambodians who were born in Cambodia or whose parents were born in Cambodia could exercise their franchise. UNTAC enjoyed enormous powers regarding elections. It was not to comply with SNC decisions, even unanimous ones, regarding elections. Its responsibility included establishing, electoral laws and procedures and invalidate existing laws that would not further the settlement, setting the time table, rejecting voters and parties, arranging for foreign observation and certifying the elections as free and fair.

The Guarantees Agreement

This agreement consisted of a set of legal document, observance of which would ensure the sovereignty, territorial integrity, neutrality and national unity of the country. The agreements asked the parties to settle threats to the sovereignty and integrity of the country through peaceful means.

Rehabilitation and Reconstruction³⁴

Denying possibilities for any externally imposed development program the agreement stressed the importance of giving attention to health, housing, education and restoration of Cambodia's infrastructure and public utilities. It also authorized the "international community" to harmonize and monitor the contributions that will be made by international community.

³⁴ N. Suntharalingam, "*Cambodia Settlement Accord*", n. 29

The Final Act of Paris Conference on Cambodia

Serving as a conclusion to the lengthy and comprehensive agreements the Final Act requested to take measures to implement the settlement. The parties agreed here to co-operate fully in implementing the settlement and in promoting and encouraging respect for human rights in Cambodia.

SUMMING UP

Negotiation and peacemaking exercise in Cambodia was a big challenge for the UN. The conflict between faction was mainly on power and control of government. UN efforts were mainly directed towards the correcting this wrong. Concluding that a free and fair election would ensure the freedom and rights of the people all UN efforts were mainly directed to this end. The UN in this case had functioned mainly through three channels: quiet diplomacy and good offices of the Secretary General of his Special Representative the actions of the permanent five of the Security Council, regional powers and Australia and most importantly by assisting and encouraging the efforts undertaken outside the UN.

The factional interests were highly irreconcilable that the peacemaking effort was, many times, at the brink of failure. Starting from 1979, the UN peacemaking efforts had met with a number of setbacks. But all these efforts, eventhough fell short of bringing peace to a war torn country facilitated turning points by making the issue to be discussed clear and indicating the position of each parties.

Settling the issue had demanded from the UN a plan, which would not explicitly accuse or irritate the factions but at the same time would never provide

a chance to revive the atrocious policies followed by each. The advantage of SNC lies here. While it satisfied their demand for power it never practically provided any powerful role. The agreement avoids to punish or accuse any faction as proved by provisions regarding human rights and military arrangement. And every faction was given a chance to remain in politics, to contest elections. UN peacemaking succeeded in providing essential freedom and rights to the people while not provoking the factions.

Chapter – IV

UN PEACEMAKING IN EL SALVADOR

On January 16, 1992, Government of El Salvador (GOES) headed by Alfredo Cristiani and the rebel Farabundo Marti Liberation Front (FMLN) met in the Chapultepec Castle of the Mexico city to sign a formal comprehensive peace treaty. The treaty marked the end of decades long turmoil and repression which in its later stage had developed into a bloody civil war. The chapter is an attempt to evaluate the El Salvadoran peace process which "has been hailed as a negotiated revolution"¹, and of the accords signed with the active involvement of United Nations' Secretary General (UNSG). Section I of the chapter endeavors to give a comprehensive understanding of the conflict while section II deals with the peace process and an analysis of the peace process.

BACKGROUND: THE CONFLICT

The origin of conflict in El Salvador is germane to the inequitable distribution of socio-economic resources and an uneven process of political modernization and repressive policies of the government which ignored the common people and necessity of timely reforms. A proper understanding of the conflict requires a clear idea about the socio-economic situation in the country. Primarily an agrarian society, El Salvador's economy was dependent on export returns. The agriculture production was concentrated on a single crop system

¹ Mark L. Vine, "Peacemaking in El Salvador", in Michael W. Doyle et al (ed.), *Keeping the Peace: Multidimensional UN Operations in Cambodia and El Salvador* (Cambridge, 1997), p. 227

that was essentially feudal.² A 1881 legal order which recognized only private property, completely abolished the peasant's traditional communal ownership, dispossessing a majority of population from their homes and livelihood.³ The result was concentration on land in the hands of a few. This wealthy oligarchy controlled the political authority also who had followed an anti-peasant approach.

Mono crop farming system necessitated imports of all other consumer goods, which the peasants could hardly afford to pay, moreover the oligarchic system prevented development of a strong and competitive domestic market which in turn helps the national economy. Hence, a thriving export industry existed alongside a poverty-stricken rural domestic sector.⁴ Even though export returns grew commendably social and economic condition was abysmal, literacy rates were poor and people went out in search of work.

In the late 19th century there were a series of peasant rebellions against repressive policies of the government and the oligarchy. The government reacted to it by promulgating certain laws to protect the position of landowners (like legalizing expulsion of tenants and squatters) and turning civil and military authorities into agents of enforcement. The landless peasants were sinking deep into poverty and misery. There was a striking difference in the life style of the urban and countryside people. "In the cities tremendous profit from coffee export activated the urban economy, where working class organizations and limited democratization should be found. In the countryside peasant dispossession and

² Andrea Kathryn Talentino, "El Salvador", in Michael E. Brown and Richard N Rosecrans (eds.), *The Cost of Conflict: Prevention and Care in the Global Arena*, (Lanhan, Md., 1999), p. 202

³ *ibid*, p. 202

⁴ *ibid*, p.

increasing political repression resulted in extreme poverty and under development".⁵

The onset of economic depression in the 1930s reduced the demand and, hence the price for, coffee, the principal crop during that period. The economy was affected and the government was unable to pay salaries to the army, which had become a powerful institution by then. The 1932 peasant uprising perturbed the landlords. A consequential alliance was made between the army and the bourgeoisie. Doyle explains that "the alliance arose a tacit accord due to 1932 peasant uprising and the corresponding massacre, or '*Matanza*'. The oligarchic landowners constantly afraid of another peasant insurrection allowed the military to retain the reins of the government while they maintain economic and social power".⁶ The brutal and repressive military dictatorship (since the 1932 coup) continued till 1944.

The military junta functioned keeping in mind the oligarchic interest, as it was the group from which it drew its support. In the meantime economy was stabilized and certain signs of political modernization like trade unions and political parties were visible. But this did not bring any substantial changes in the condition of peasants.

The military junta, due to some inherent weakness, was forced to conduct election starting from 1944-45 but popular participation in the politics was highly restricted and large segments of people were excluded from taking part in active and meaningful political activities. This crisis in a later period, would become the

⁵ *ibid*, p. 203

⁶ E. Torres Rivas, "Insurrection and Civil War in El Salvador", in Michael W. Doyle et. al, n. 11, p. 211

main contention of the rebelling groups. The anti-oligarchic sentiments and supporters of reform were slowly gaining ground. In the 1964 election, for the first time opposition took seats in the assembly, the Christian Democratic Party (PDC) won 37 mayoralities and fourteen assembly seats. By 1968, the number had increased to 25 against the twenty-seven seats of the government.⁷ This clearly reflected the popular resentment. By that time urban areas like San Salvador were fairly industrialized while majority of peasants were left homeless and jobless following another phase of concentration of land. The oligarchy's tendency to invest profit abroad intensified the problem.

All this suffering and repression made workers and peasant organization stronger. In 1968, the Church had declared its "preferential option for the poor" and began educating them on their rights and organized them to claim their land and wages.⁸ Henceforth the church and parishioners also became the target of army and death squad attacks. Popular organizations were based on communist ideology⁹ (Salvadoran Communist Party (PCS) organized the 1932 peasant rebellion).

In the 1972 election, an allied opposition group united as National Opposition Union (UNO), incorporated major rebel groups like National Democratic Union (UDN), Social Democratic National Revolutionary (MNR) and Christian Democratic Party (PDC), won over the pro-military National Coalition Party (PCN). But army declared PCN candidate as elected and assaulted and

⁷ Talentino, n. 2, p. 205

⁸ Robert S. Leiken and Barry Rubin (ed.), *The Central American Crisis Reader: The Essential Guide to the Most Controversial Foreign Policy Issue Today*, (New York, 1987), p. 320

⁹ Atul Aneja, "A Negotiated Peace in El Salvador", *Strategic Analysis*, (New York), vol. XIII, no. 9, p. 102

exiled the UNO candidate Jose Napoleon Duarte. This step eroded whatever institutional legality the government could claim in the minds of the majority. The oppositions victory was repeated in 1977 elections also. But the army declared General Romero as the President.¹⁰

This electoral farce strengthened the feeling not to "tolerate the status quo any further" which also became the force behind the creation of FMLN and the call for insurrection and war.¹¹ Agitated workers reacted through work stoppages, take over of factories etc.¹² The government army and the death squad took severe steps to suppress the movement. Many priests and parishioners were killed, like the rural priest Rutilion Grande in May 1977 and community leaders were assassinated. In the year 1979 eight hundred communist leaders were killed. The peasants retaliated by kidnapping several landowners, invading rural estate properties and burning the sugar plantations and harvested produce in San Vincent, San Salvador, La Paz and Cabanas. The resistance group took over the El Calvario Cathedral and the Costa Rican, Panamanian, Venezuelan and Mexican embassies and the Organization of American States (OAs) head quarters were taken over several times.¹³

Amidst this cycle of massacre and revenge by both the parties certain significant events took place both within and outside the country. Victory of Sandinista Liberation Front in Nicaragua confirmed the onset of international communist offensive. Following two coup attempts which (one in October 12 and

¹⁰ See both Andrea Kathryn, "*El Salvador*", no. 21, p. 205 and Mark Levin, "*Peacemaking in El Salvador*", n. 12, p. 213

¹¹ E. Torres Rivas, n. 6, p. 216

¹² *ibid*, p. 218

¹³ *ibid*, p. 218

another on 15) deposed President Romero by junior military officers. They installed a civil military government (six ministers from the democratic institutions in the 13 members ministry).¹⁴ The military kept on experimenting this formula (civil-military combination) as these uncomfortable alliances used to collapse soon. Finally, in the third attempt, in 1981, they established a new government with Duarte at its head who sworn in on March 29.

Onset of Civil war and Deadlock:

Despite the incorporation of democratic elements in the government the armed forces embarked on a policy of annihilation. In 1981 alone 9,825 civilians were killed.¹⁵ On March 25 Archbishop Romero, head of Salvadoran church and a symbol of nation was assassinated. From then the country plunged into a bloody civil war. In 1981 October all the popular movements assembled under the banner of FMLN. The FMLN adopted revolutionary transformation as the main aim.¹⁶

The initial success of the war was with the government. But the military progress of the FMLN between 1981 and 1983 proved its strength. They followed a dual policy of armed attacks on the military and destruction of economic assets. By early 1984 the FMLN controlled large areas of eastern, central and northern El Salvador. In an effort to weaken their mass support army undertook ariel attacks on guerilla dominated areas (1985). In 1986, army's Operation Phoenix sought to clear out FMLN from Guazapa Volcano, near to San Salvador. Since

¹⁴ *ibid*, p. 219

¹⁵ *ibid*, p. 220

¹⁶ *Proclamation of the Direccion Uniticada Revolutionaries (DRO)* cited in Torres Rivas, n. 6, p. 220

1987 both parties realized that armed attacks might not bring any fruit. The army casualties were high. In 1981 armed forces suffered 5,133 casualties, which amounted to 9,923 between 1982 and 1984 and 32,066 between 1985 and 1990.¹⁷ They realized that FMLN was undefeatable. To add to its misery, the US, the important supplier of arms and funds cut the aid by half following the massacre of six Jesuit priests, their housekeeper and her daughter in early 1990. This forced them to opt for a political solution than a military one.

The FMLN, though found to be undefeatable by the army and government, was also unsure of its military victory. Even though its casualties were less than the army, the civilians had to bear the brunt heavily.¹⁸ Between 1985-90 FMLN suffered 13,985 but the number of affected civilians was huge, near to 100,000. Approximately 467000 were displaced and more than million immigrated to United States. The FMLN suffered steady decline of social support due to this. Sensing this FMLN also looked forward to a political solution. The end of cold war, which foretold end of military aid to the rebels, was another important factor, which forced them to choose dialogue over arms. The victory of Alfredo Cristiani in 1989 gave momentum to this trend. He, though belonging to the pro-oligarchic ARENA party, offered FMLN a chance to take part in politics. Realizing heavy toll the war has taken on economy, he pressed for a negotiated solution of the civil war. This opened up a chance for settlement of the conflict amicably.

¹⁷ Mark Levin, "Insurrection and Civil War in El Salvador", n. 1, p. 225

¹⁸ *ibid*, p. 225-6

The Resistance Group

The opposition groups in El Salvador were mainly divided into 2 streams. One based on communist ideology and second, parties with a liberal outlook that stood for reforms within a capitalist framework.

The Marxist-Leninist parties had its roots in the Salvador Communist Party (PCS) formed in the 1930s. Augustin Farabundo Marti was the founding father of PCS, which had adopted a strategy of mass work and electoral participation. After the 1932 peasant rebellion the party went underground from where it continued its work. Till the late 1960s it separated the popular movement by nurturing trade union and even organized the workers of the upper class like teachers. In 1969, there was a division of opinion within the party. Consequently those who supported an armed struggle left PCS accusing it as revisionist.¹⁹ Those who left them joined Popular Liberation Front (FPL, founded by former Secretary General of PCS Salvador Cayetano Caprio). Many other joined Population Revolutionary Army (ERP) accompanied by many religious activists and student radicals.²⁰ The FPL had a sister organization People's Revolutionary Bloc (BPR) through which FPL developed its activities among students, teachers and workers. These organizations lacked inter-organizational cordiality, and sometimes, even intra-organizational solidarity. But in the later stages of civil war (in the 1980s) they assembled under FDR (Revolutionary Democratic Front) and recognized FMLN as the cohesive military front. FMLN consisted of

¹⁹ See Document 9, "ERP: political Analysis of The Present Situation (Circa 1973)" in Leiken and Rubin, n. 8, p. 354

²⁰ Leiken and Rubin, n. 8, p. 320

approximately 36% ERP guerilla, 22% FPL and 16% FARN (National Resistance Force).²¹

The non-communist group included mainly of Christian Democratic Party (PDC), which could mobilize the urban middle class as well as merchants and businessman. PDC also shared power with the military in the early 1980s but was later pushed back by the military. Of late many left PDC to join ERP and the revolutionary organizations.²²

External Support

Based on communist philosophy the resistance group called themselves Marxist-Leninist expressing their allegiance to the Socialist bloc. Cuba and Nicaragua had played a prominent supportive role in furthering the cause of Salvadoran revolutionaries. In his memoir, former leader of Popular Forces of Liberation, Miguel Castellanos quotes Fidel Castero saying that "the Cuban become managers; and Nicaragua the warehouse and bridge (of arms)".²³ By 1983 about 60% of the arms were being provided internationally, mostly shipped through sea or air dropped by Nicaragua.²⁴ Shafik Handal, a former communist party General Secretary and a FMLN leader visited Moscow and Vietnam to secure arms. Even though the "Soviet were constrained by their own overextended economic situation and by the realities of geography"²⁵ the USSR

²¹ *ibid*, p.323

²² See both Atul Aneja, p. 103 and Leiken and Rubin, n. 8, p. 320

²³ Charles D. Brockett quotes this in his review essay "El Salvador: The Long Journey From Violence to Reconciliation", from *The Comandante Speaks: Memories of an El Salvadoran Guerrilla Leader in Latin American Research Review*, vol. 29, n. 3, (1994)p.183

²⁴ *ibid*, p. 183

²⁵ Leiken and Rubin, n. 8, p. 623

provided economic and military aid to El Salvador (as a part of its Central American policy)

The government and the army on their part, received enormous support from the American government. Perceiving the conflict as another Cold War theatre the Carter administration began a military build up in El Salvador to confront "left wing terrorism supported covertly with ammunition, training and political and military advice by Cuba and other Communist nations".²⁶ The United States pressed a counter insurgency strategy. The US army's School of Americas trained military officers for Latin America, and the training manual it used throughout the 1980, advocated use of "fear, payment of bounties for enemy dead, beatings, false imprisonment, executions and the use of truth serum".²⁷ According to a Department of Defense summary one of the school's graduates was Roberto D' Aubuisson, leader of the Salvadoran death squad who was linked with the assassination of Archbishop Romero.²⁸

The US supported a dual strategy of persuading the Salvadoran armed forces to adopt new military tactics to combat the rebels, encouraging the government and the armed forces to respect human rights while percolating the war, and persuading the government to implement agrarian reform as a way of undercutting support for rebels.²⁹

²⁶ Tommie Sue Montgomery, *Revolution in El Salvador, From Civil Strife to Civil Peace*, (Boulder, Colorado, 1995), p. 146, quoted by Geoff Thale "Incentives and the Salvadoran Peace Process" in David Cortright (ed.) *The Price of Peace: Incentives and International Conflict Prevention* (Lanhan, Maryland, 1997), p. 184

²⁷ Andrea Kathryn Talentino, "El Salvador", n. 2, p. 208

²⁸ *ibid*, p. 208

²⁹ Geoff Thale "Incentives and the Salvadoran Peace Process", n. 26, p. 182

The role these external supports in sustaining the conflict were highly influential. The reduction of supports and aid was a major factor that drew the parties to the negotiation.

MAKING PEACE: EARLY EFFORTS AND SETTING THE STAGE

Even when the civil war was at its zenith stage there were some proposals for talking the issue over. Salvadoran guerillas had proposed negotiations to end war as early as in 1984. Ferman Genfuegos, leader of the FARN and in charge of FMLN foreign relations, observed that "all wars end in a political settlement" and that the objective of FMLN military strategy is "not the defeat of the army but to bring about negotiations".³⁰ But there were no such steps after the 1982 elections. In 1984 speaking before the UN, President Duarte put forward an offer of peace and invited the head of guerilla movement for peace talk "to discuss the details and scope of their proposal for their incorporation into the political process and the establishment of an atmosphere of freedom for the next election".³¹ The talk was not fruitful as the parties failed to take initiative. A reason for this lack of interest was "on the one side the Reagen administration, the Salvadoran armed forces and the country's business elite viewed a military victory over the rebels as desirable and feasible. On the other side was the leadership of the FMLN which still aspired to force the Duarte government into implementing a power sharing formula".³² Even though, peace process was revived as a part of

³⁰ Leiken and Rubin, p. 323-324

³¹ Document 12, President Jose Napoleon Duarte: *Speech to The United Nations* (October 1984) in Leiken and Rubin, n. 8, p. 444

³² Cristien Eguizabal, "Regional Leadership and Universal Implementation in El Salvador Quest for Peace" in Thomas G. Weiss (ed.), *The United Nations and Civil War-Emerging Global Issues* (Boulder, Colorado: 1995), p. 179

Esquipulas Process the talks did not progress following the assassination of Herbert Anaga, a prominent human right activist in October 1987.³³

By 1989, the parties realized non-feasibility of a military settlement. The pressure from the outside parties also forced them to accept a negotiated solution. A US congressional bill presented after the Jesuit murder provided an incentive to both the parties to negotiate. While it cut military aid to half it threatened to cut it fully if the government did not negotiate in good faith and to restore it entirely if the guerillas launched another offensive. The Senate approving the bill set aside half of the aid for post war democratization and transition to peace.³⁴

Secondly, the success of the Esquipulas agreement made the Central American countries realize the tangibility of a negotiated settlement. This made the Contadora group (Columbia, Mexico, Panama and Venezuela) to invite the United Nations Secretary General for a direct UN involvement.

The end of Nicaraguan civil war with the signing of Costa del Sol Agreement and the Tela Declaration also denoted the end of military aid to the rebels from Cuba through Nicaragua. Immediately following this FMLN accepted the proposal to negotiate.³⁵

The UN and the Peace Process

Unlike the Cambodian agreement peace came to El Salvador through a series of discussion and negotiations and a step-by-step agreement process.

³³ *ibid* p. 179

³⁴ Geoff Thale "Incentives and the Salvadoran Peace Process", n. 26, p. 191

³⁵ Mark Levin, "Peacemaking in El Salvador", n. 1, p. 230

Peace was achieved by agreeing on less controversial issues first before moving to tougher ones. This process helped both as a confidence building measure and incentive.

In mid September 1989, for the first time FMLN and the Government of El Salvador (GOES) tried to negotiate when the UN was an observer along with Organization of American States (OAS) and Catholic Church. In that meeting held in Mexico, FMLN put forward a cease-fire proposal by 15th of November and cessation of war by 30th January 1990. In a second meeting held at San Jose, Costa Rica, the GOES demanded immediate cease-fire, which was not taken seriously by the FMLN who launched an offensive at San Salvador. The attack helped both parties to gain a realistic view of events. It proved the army's inability to counter FMLN's attack and FMLN's incompetence to arouse popular insurrection. This made them accept peace way to settlement.³⁶

Following the 1989 offensive Central American countries extended an invitation to the UNSG to use his good offices function. The FMLN had approached Alvaro de Soto, Special Assistant of the Secretary General to ask his assistance in exploring the possibility of resuming the talks. At the same time, the government requested the Secretary General, Javier Perez de Cuellar and formally requested for UN mediation during the peace talks.³⁷

The SG convened a meeting in Geneva and the agreement signed on April 4, 1990 (Geneva Agreement) became the corner stone of the negotiating process. Agreement decided the issues to be discussed under the SG's

³⁶ Tommie Sue Montgomery, "Getting to Peace in El Salvador: The Roles of the United Nations Secretariat and ONUSAL", *Journal of Inter America Studies and World Affairs*, vol. 37, n. 4, (Winter 1995), p. 141

³⁷ *ibid* p. 141

auspices. Further the parties agreed to a method of negotiation by means of two complementary activities: by direct dialogue between the negotiating commissions of the two parties with the active participation of the Secretary General or his representative, and an intermediary role by the SG or his representative between the parties to ensure that both the government and FMLN were committed at the highest level. "the parties agreed to bring about a definitive end to the conflict, reunify the country, promote democratization and guarantee full support for human rights".³⁸

At a subsequent meeting a month later held at Caracas, Venezuela the parties established the agenda for subsequent negotiation. Three stages were envisioned, beginning with political accords sufficient to achieve a cease fire, followed by negotiation over the reincorporation of FMLN members into civilian life, and concluding with accords for the consolidation of peace. The agreement delineated UN role in the verification of accords.

The Caracas accord had given armed forces the first preference. But the sensitivity of the issue and the hard line taken by the allies made it clear that discussion on armed forces might possibly create a stalemate, if not revival of conflict. The Secretary General hence proposed that human rights would be the first area to be settled. (A note with the Caracas Agenda Pointed out that the order of issues on the agenda could change "depending on the dynamics of the negotiation"). The proposal was made with the intention that discussing a less

³⁸ Document 11 report of the Secretary General on the Situation on Central America, A/45/706-s/2, 1991, in United Nations and El Salvador, 1990-1995, Blue Book Series, p. 114

controversial issue would build confidence and more importantly, keep up the momentum of talks. Hence the San Jose Accords.

Prior to the San Jose meeting, on July 16-17 a convocation had been held in Geneva of human right experts from Latin America, North America and Europe, headed by Venezuelan jurist and human right expert Pedro Nikken. Nikken was also in the mediating team and this meeting concluded a skeleton framework for a human rights agreement, which Nikken drafted as UN working paper to be presented when the subject of human rights were to be discussed. The San Jose accord on human rights had drawn heavily from this working report.³⁹

The San Jose Accord:

The accord was signed on July 26, 1990 ending the decade long repressive policies and human right violations. Alvaro de Soto had opined that the agreement for the first time envisioned a UN human right monitoring system. This was the first time when human rights were made the focus of a conflict resolution process, and UN for the first time approached the idea of including institutional reforms aimed at long term human rights protection in an accord package.⁴⁰

The accords defined human rights comprising of "those rights recognized by the Salvadoran legal system including treaties to which El Salvador is a party,

³⁹ Susan Bergerman, "Building the Peace by Mandatory Reform: United Nations- Mediated Human Rights Agreement in El Salvador and Guatemala", *Latin American Perspectives* issue 112, vol. 27, n. 3, (May 2000), p. 68-9

⁴⁰ *ibid*, p. 69

and by the declaration and principles on human rights and humanitarian law adopted by the United Nation and the organization of American States".⁴¹ The accord obliges both the parties to observe certain norms thus providing both a check and incentive for the parties. "(T)he first substantive accord required that the Salvadoran state comply with but by which it had never previously been constrained. The FMLN was likewise obliged to respect international human rights and humanitarian law. Both parties were pledged to co-operate with international observers and to take any recommendation made by the mission into consideration".⁴²

The agreement guarantees various rights and freedom. It protects a person from getting arrested for exercising his political rights, stipulates that only a competent authority can make arrests after informing the person arrested of the charges against him. The person arrested can communicate freely. Besides, freedom and movement were also guaranteed.⁴³

The agreement contained provisions regarding international verification. "The UN is mandated to monitor in both the traditional sense of reporting on violations and also by taking a more administrative authorities. The UN Verification Mission's (ONUSAL) included traditional mandates like power to receive communication from individual, group, or institution, and collect, by any means, relevant information on possible violations".

⁴¹ Document 9, A/45/706-s/2, 1931, in *United Nations and El Salvador, 1990-1995*, Blue Book Series, p. 108

⁴² Susan Bergerman, "Building the Peace by Mandatory Reform" n. 39, p. 19

⁴³ San Jose Agreement Para 9, Document 9, Blue Book Series, p. 108

Along with that, ONUSAL's power were extended to offer support to judicial authorities, consult the Attorney General, and make recommendation to the parties, giving a legal mandate to intervene in the day-to-day activities of police and judicial system.⁴⁴ Delineating a plan where the UN would work in close co-operation with human rights organizations and individuals, para 14 of the agreement, states that "the Director of Human Rights Division shall work in close co-operation with the existing human right bodies in El Salvador. The director's functions are individual centric. Overall, the human right provisions of the accord provide a unique opportunity to increase the likelihood of gaining compliance to international norms. Where as international conventions on human rights are designed to initiate a process that over time, perhaps a long time (bring) behavior into greater congruence with those ideals".⁴⁵

Mexico Agreement

This agreement among other things deals with armed forces which had been learned by Secretary General as the most difficult, sensitive and complex issue on the agenda.⁴⁶ The agreement also touched upon the judicial system and the truth commission to investigate the crimes committed by both sides during the civil war. It also dealt with some constitutional reforms.

The FMLN wanted to make sure that the army's power would be restricted. FMLN proposed 'demilitarization' of army, dissolution of various bodies

⁴⁴ Timothy A. Wilkins, "El Salvador Peace Accords" in Michael W. Doyle, *Keeping the Peace: Multidimensional Peace Operations in Cambodia and El Salvador* (Cambridgr,1997), p. 261

⁴⁵ *ibid*, p. 262

⁴⁶ Document 11, *United Nations and El Salvador, 1990-1995*, Blue Book Series, p. 115

accused of serious abuses and trials to punish those "responsible for the most heinous crimes". The rebels also argued that the army be placed under civilian control. The government on the other hand asserted that a strong military was indicative of a strong state. The army and the death squad threatened to expect the worse if their 'sovereignty' was to be curtailed.⁴⁷ There were many deadlocks and pressurizing from the part of the UN the Secretary General's four friends (Mexico, Columbia, Venezuela, Spain) and the US, could bring forth some kind of compromise. The accords thus tried to balance the positions of both the parties. Accord, while retaining the permanency of the army, obliges them to a radical transformation. The army is placed under civilian control. The President is made the Commander-in-Chief of the armed forces on which the legislative authority also can exercise some powers. Jurisdictional boundaries of the army courts are clearly defined to include "military offenses and misdemeanors understood to be those affecting only a strictly military legal interest. The accord forbids the army from trying civilians accused of political crimes. The Mexico accord limits the duties of army to defending the sovereignty of the state and integrity of the territory".⁴⁸

Substantive agreements were also made on electoral reforms. On September, 1990, an electoral agreement was signed between the government and the left wing parties, which among other things proposed for a revision of

⁴⁷ Terry Lynn Karl, "El Salvador's Negotiated Revolution"

⁴⁸ Timothy A. Wilkins, "El Salvador Peace Process Accords" n. 104, p. 263

electoral rules and addition of seats in the legislative assembly. The accord created a Supreme Electoral Tribunal to replace the Central Electoral Tribunal.⁴⁹

The jurisdiction also underwent great changes when the Mexico Agreements were signed. The independence and impartiality of the judiciary was assured by stipulating a two third vote in the assembly to both elect and dismiss the judges. This method also applies to the election of the Attorney General, Chief State Council and the National Council of the Defense of Human Rights. Guarantee were made in respect of remuneration and promotion of judges thus discouraging the judges to seek another offices of power. Independence and impartiality of the National Council of the judiciary (which was to preside over the nomination of judges and appellate magistrate), was also ensured by reconstituting the council to include both judges and representative from other sectors of the society.⁵⁰

The agreement proposed a truth commission to investigate the past human right abuses. The commission is to be consisted of foreign members thus ensuring the impartiality of the commission. The commission had an extensive mandate. Apart from investigative powers, executing which, it is "completely free to use whatever sources of informations it deems useful and reliable, it is given authority to intervene and comment on judiciary and administrative organs".⁵¹

All these reforms necessitated constitutional amendment. This called many accusations from the right wing party of the country. The constitution

⁴⁹ Fen Osler Hampson, "The Pursuit of Human Rights: The United Nations in El Salvador", in William J. Durch (ed.), *UN Peacekeeping American Politics and the Uncivil Wars of The 1990s*, (London, 1992), p. 75

⁵⁰ Timothy A. Wilkins, "El Salvador Peace Accords", n. 41, p. 269-272

⁵¹ *ibid*, p. 266-9

required that amendments of such vital importance should be passed by two consecutive government. The agreements were reached upon with great speed so that the outgoing Cristiani government would pass them before April 30. Amidst threats and opposition the government amended 35 articles of the constitution to implement the accord.⁵²

Following the Mexico Agreement, the Secretary General conducted a ten day meeting in New York. He succeeded in persuading the FMLN to abandon their claim to merge with army or disband it. In return it was given participatory role in National Civil Police (PCN). As this was supposed to end the impurity of the army (by taking away its public security functions), it satisfied the rebels. The government also made an offer to protect the rebel families.⁵³ The result was the New York Agreement (signed on 25 September, 1991). It provided by a mechanism to monitor - with civilian participation - the implementation of agreement, proposals for reduction of army, PCN and certain important socio-economic provisions.

Main Components of the Agreement:

(a) National Commission for the Consolidation of peace (COPAZ):

This body comprising of two representative from government (including one from armed forces), two from FMLN and one from each party or conciliation represented in the legislative assembly. The archbishop of San Salvador and ONUSAL would be observers during COPAZ meetings.

⁵² Terry Lynn Karl, "El Salvador's Negotiated Revolution", n. 47, p. 157

⁵³ Mark Levin, "Peacemaking in El Salvador", n. 1, p. 240-41

The parties should consult with COPAZ before taking any decision pertaining to the issues agreed upon and COPAZ can give recommendation in relation to the implementation of agreement.⁵⁴ In short, it is an arrangement which helps the parties to monitor the implementation themselves. But it is devoid of any executive powers which is a safety valve to assure that parties do not misuse it to misinterpret or adulterate the spirit of agreement.

(b) Some agreements, though vague while comparing with others, were reached on economic and social questions as well. Accord gives certain direction regarding land transfer and social restructuring. The agreement set forth the following for land exchange

- (1) Private land to be transferred shall be voluntarily offered for sale by their owners.
- (2) Transfer shall take place at market prices
- (3) Beneficiaries shall repay the government loans following the agrarian reform terms of payment
- (4) Preference shall be given to its combatants of both sides
- (5) Land holders shall not be evicted from the land they presently occupy until a satisfactory legal solution for the land tenure is determined and they shall be given financial support to increase production.⁵⁵

(c) National Civil Police:

National Civil Police (PCN), is another important component of the agreement. It was the biggest incentive to FMLN. Designed to counter influence of the army in domestic affairs the PCN assured reintegration of many FMLN

⁵⁴ see New York Agreement, Document 25, Blue Book Series, p. 159-160

⁵⁵ Timothy A. Wilkins, "El Salvador Peace Accords", n. 44, p. 275

combatants to society. The PCN to be constituted of officers with certain educational standards who has to undergo special training, provided by the international community. They are expected to respect democratic norms. The agreement, through PCN, delimited army's influence on civilian life, by establishing a clear demarcation between police and military.⁵⁶ With this FMLN withdrew its demand to be incorporated in the army.

Concluding all the agreements a comprehensive agreement was signed on January 16, 1992 at Chapultepec Castle, Mexico. This ended the long process which at last brought an end to one of the tough mediation endeavor UN had undertaken.

SUMMING UP:

The UN driven journey of El Salvador to 'destination peace' is marked with break downs as well as turning points. El Salvador was the unique example during post cold war that defined UN's role in resolving intra state conflicts. The UN had achieved a commendable success by bringing an end to a decade long contention through balanced and clear agreements. Unlike in Cambodia, El Salvador peace is a result of negotiations 'built brick by brick'.⁵⁷ Diplomatic tactics, pressurizing and more importantly the personal credibility of de Cuellar had paved the way to peace.

At the outset of negotiations, UN and the others in the mediating group including the Four Friends were aware that willingness of the parties had resulted

⁵⁶ *ibid*, p. 273-274

⁵⁷ Terry Lynn Karl, "El Salvador's Negotiated Revolution", n. 47, p. 154

from their exasperation. They realized that a chance of either of the party backing out from negotiation could not be ruled out. Hence they included in the Geneva Accord a provision where the parties agreed that they would not quit the negotiation unilaterally.⁵⁸ The timely suggestion of the Secretary-General to start with human rights and not armed forces saved the process from early death. The vivid and clear guarantee spelt out in the agreement were enough. The Salvadoran Government signed because President Cristiani realized that unless he made such concession he would never be able to achieve a durable peace. This made him sign against severe opposition from the army and right wings.

The major changes brought out in the Mexico Agreement were the result of a prolonged and rigorous discussion. While it (Mexico Agreement) ensured the delimitation of military powers retained the institution. The Ad Hoc commission (Chapultec Agreement para 3) made a provision for trial of those who were responsible for human right violation but it was required that the findings of the commission should be kept secret. Moreover it is to include two military officers as observers thus gaining a fair degree of balance.

Unlike the Cambodian agreement Salvadoran Accords include a provision for investigating human rights violations by *both the parties*. The Truth Commission in this regard hold far reaching mandate. Consisting of foreign national it is expected to further and complement the judicial and military reforms stipulated in the agreement.

⁵⁸ Cristien Eguizabal, "Regional Leadership and Universal Implementation in El Salvador's Quest for Peace", n. 32, p. 181

By proposing through process of reconstitution at the judicial, military and electoral spheres the agreement endeavors to correct some basic problems in which the civil war was rooted. It is an attempt to introduce a government and modernization process, which would be different from the former pro-oligarchic governments and policies. The amendment of the constitution (on April 29, 1991) where 35 of 274 articles of the constitution were modified to adapt to the reforms suggestion in the Mexico Agreement kept the FMLN continues with the talks. One FMLN negotiator had reportedly said that "we would not have continued had this fallen through, it would have been over".⁵⁹

The ambiguity of the provisions regarding economic questions helped the government retain its oligarchic support.

The influence of UNSG, his special representative Alvaro de Soto and the Four Friends on the parties had helped immensely. The UN had literally written the words of the text. And ONUSAL and the truth commission made UN assure that the governmental authorities or the army would not revive the past abusive policies. The accord does justice to both the parties. While the FMLN was given a chance to a normal political life the army was also retained as a permanent institution, though it lacked the far reaching power it had before. And herein lays the success of the accord.

⁵⁹ Terry Lynn Karl, *"El Salvador's Negotiated Revolution"*, n. 44, p. 157

Chapter – V

CONCLUSION

Javier Perez de Cuellar has pointed out that United Nations' peace is a just peace.¹ The *raison d'etre* of the organization is to hold the idea of peace high in a violent world. It is an organization of states but reaches out to "we, the peoples". Since its inception it is engaged in efforts to preserve peace by attempting to remove hurdles on the road to peace. The task is a never-ending journey because the world is never free of violence. Be it war between two states to quench the thirst for power or 'just war' between or within states to redress grievances, common man becomes the first victim. He suffers miseries untold. This demands a constant endeavor to solve the conflict.

The end of cold war and the emerging new world, often termed as new world disorder, is featured by stunning spread of conflicts within the states. Sense of insecurity, arising from and resulting in repression of sections of society by one another, grave socio-economic backwardness and gross human right violations mark these issues. The costs of punitive measures to counter them are very high. Sometimes, the costs incurred for carrying out punitive remedies are often unproductive, or even counterproductive. In Somalia the military costs are calculated as 4.4 billion dollars, which was shared between the US and the UN, and in Bosnia it is 19059 million. But these countries are still reeking with violence. Cessation of armed conflict can result in temporary cessation of the external reflection of a deep-rooted issue. Only detecting the

¹ Javier Perez deCuellar, "The Role of UN Secretary General", in Adam Roberts and Benedict Kings bury, *United nations Divided World :The United Nations Roles in International Relations*,(Oxford :1993),p.133

root causes and addressing them to the satisfaction of the affected people can achieve stable peace .

In this context the case for patiently exploring the prospects for pacific settlement of problems assume significance. This method aims at reviving peace by facilitating removal of adverse conditions. The UN Charter stipulating that the nations should exhaust peaceful methods before resorting to punitive measures to settle disputes bestows the responsibility upon the Security Council, the General assembly and the Secretary General. During the Cold War period UN has employed these techniques often and has brought mixed results. The UN experience during the Cold War period is indicative of a few trends.

1. The parties' role in resorting to the peaceful method is a prominent determinant of the outcome of the resolution process. This has been proved at many times, as in Indo-Pak issue or Arab-Israel. The organization's willingness to facilitate these activities are also very important
2. A second determinant is the role of global and regional powers influencing the conflict and also conflict resolution.

When the organization entered into the post Cold War period it had many challenges to face. In some of these issues peacemaking was a success while in the others it failed. The study in the preceding chapters was an attempt to find out

factors that influenced the outcomes of this process. The detailed analyses of the case studies undertaken for this purpose have shown certain common features:

1. Both in Cambodia and El Salvador we can find some common elements.

A war weary community was present in both countries. Years of civil war had achieved nothing and a stalemate prevailed between the Vietnam promoted regime and the four resistance groups in Cambodia, as also between the military set up and the Left leaning FMLN in El Salvador.

2. The external actors like super powers, regional organizations and other states started pressurizing the parties. The Vietnam's withdrawal from Cambodia as well the US aid cut on Salvadoran army had great influence.

Keeping the dynamic environment in those regions, the UN has resorted to prudent diplomatic strategies for peacemaking. The UN has, at the outset, mobilized the isolated quarters (or even policies, which though not directly linked with the negotiations, process but had an impact on it). The Four Friends in El Salvador, ASEAN and Chinese efforts in persuading the Khmer Rouge had all been used by the UN effectively. The General Assembly pointed out principles of a just and democratic solution, the Security Council entered the picture only to put a stamp of approval and facilitate follow up field operations. But both organs turned to the Secretary General for keeping the mood of negotiations like holding of an International Conference in 1981 on Cambodia, cosponsoring peace conferences in Paris and appointment of Special Representative to keep in touch with the parties. Secondly, the art of

keeping the parties at the negotiating table worked well. The sudden decisions to replace human rights with army in the San Jose talks in El Salvador and omission of reference Khmer rouge genocide in Cambodia are few instances of diplomatic success. Thirdly, it had succeeded to a certain extent in addressing the problems and reconciling the views of the parties .The accord, in the case El Salvador, incorporated the needs for socio-political reconstruction, the Cambodian accord envisaged UN conducted elections. Both the examples provided balanced packages of incentives to the negotiating parties. For example, delimiting army was balanced by assuring its permanency. In Cambodia all the factions were given representation in the Supreme National Council but avoided misuse of it by not entrusting any great authority. More importantly the accords ensured the beginning of democratic era, which was the most important and essential guarantee of peace. Crocker and Hampson tracing out the reasons for the success of these efforts had committed thus," these interventions were effective because third parties entrenched and institutionalized their role prior to peacemaking.....They remained thoroughly engaged in both negotiations and ,when violence flared up, did all they could do to keep the parties to their negotiated commitments. Most important, however, third parties helped to create stable security environment that allowed elections to take place in an atmosphere that was for most free of violence and political intimidation".²

² Chester A. Crocker and Fen Osler Hampson , "Making Peace Settlements Work", *Foreign Policy*.n.104,Fall 1996,p.56

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