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ORAL  
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(02)/M112

## **Yale-UN Oral History Project**

Dennis McNamara  
James S. Sutterlin, Interviewer  
16 February 1998  
New York, New York

### **NOTICE**

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## YALE-UN ORAL HISTORY

Interview with Dennis McNamara

Interviewer: James S. Sutterlin

February 16, 1998

in New York, New York

**James S. Sutterlin:** First, I want to thank you, Mr. McNamara, on behalf of Yale, for participating in this UN Oral History Program. I would like first to ask you if you would tell me something about your background, how you were selected to be chief of the human rights component in Cambodia.



**Dennis McNamara:** Since 1975 I had been with the UN High Commissioner for Refugees, mainly on the protection-legal side, and a lot of that time on Southeast Asia-Indochina issues. In fact, in 1990, I was coming from UNHCR to the Special Representative for Humanitarian Assistance to the Kampuchean people, which was then Mr. Kibria at ESCAP [Economic and Social Commission for Asia and the Pacific]. And it was during that time as his Deputy for Cambodia, that the Paris Accords were signed, and we met Mr. Akashi I think on one of his first visits to Cambodia after that signing. From there, unknown to me, he then put my name forward for the human rights component for UNTAC. In fact, I learned about it from a press statement carried in the Bangkok press, that we had been named. So it was out of that process...

JS: Just as an aside, had you known Rafee Ahmed when he was involved in the negotiation process out of Bangkok?

DM: Yes, in fact Rafee Ahmed's office in New York was our liaison office for fundraising and other activities on behalf of the humanitarian assistance to Cambodia, both the border and inside. Yes, I'd known Mr. Ahmed, I suppose, off and on for some ten years or something like that.

JS: But you were not involved in what he was doing, traveling in between Indonesia, Thailand, and later, to Cambodia itself?



DM: No, not in the negotiations. I was very much on the humanitarian assistance side.

JS: Let me go right straight ahead. You said that it was Mr. Akashi who chose you, more or less. Could you talk a little bit about how your job fitted into the picture in Cambodia, after you arrived there; and relations with Mr. Akashi, with the Special Representative.

DM: We didn't know each other at all, so it was starting from zero in that sense. I always remember the first days. Most of the directors of the components of UNTAC flew in with Mr. Akashi. In mid-March 1992, almost all of us landed together in a totally unprepared situation. Although there had been a previous UN presence in Cambodia...

JS: UNIMIC

DM: That's right.

JS: Let me just interrupt you a moment. Had they done anything in the human rights field?

DM: No, nothing at all. The only thing that had happened in the human rights field—and this may be something that triggered off in Mr. Akashi's mind—when I was with Kibria's office for humanitarian assistance, we had overall responsibility for UNBRO and the border camps in Thailand. I initiated in those camps, because of my special interest, I suppose, human rights training programs as part of the UNBRO activities in the last year of those camps. That was the only so-called human rights activity that had been undertaken by the UN for Cambodians at that time. In fact, we took a lot of the materials that had been worked on by the team we had funded, and we used a lot of those materials subsequently for the human rights education program inside the country. So we had something of a preparatory phase in that sense, but not with UNAMIC, not at all.

As to how it fitted, I remember also those very early discussions very well with Mr. Akashi and the other colleagues. There was no forward planning, I think, particularly in the human rights area. I remember a discussion with him, asking him how he saw the human rights operation, and he basically said, "Well, why don't you make some suggestions and let me look at them." Which I did, and I wrote a first memo out of

the blue, as it were, suggesting that we should do monitoring and education and training and a whole range of things. Essentially he had no problem with that, and that became the sort of basic blueprint. So we started from zero on the whole thing. And I don't think, to be fair, that any of the other heads of the components of UNTAC had any preconceived notions at all, or experience for that matter, on human rights programs of this nature.

JS: Going back to the relationship with Yasushi Akashi, some of the literature suggests that there were differences between you or your component and him, as to the intensity of the efforts on behalf of human rights. How would you comment on that?

DM: I think that's true, and I think he would probably agree with that as well. You had a Special Representative appointed with a very broad trusteeship-type mandate to get a peace in place and to hold free and fair elections. And then in the middle of all that, which was the overwhelming thrust of UNTAC as you know, free and fair elections were "the" goal. Somehow this difficult human rights activity had to be fitted in to meet the aspirations, I suppose, of the signers of the Paris agreement. I'm not sure they were the aspirations of the Cambodian factions, but certainly in response to the Paris Accords. And fitting human rights into that was always a difficult process, because it's a disruptive factor. At the same time, we had, as you know, to be able to have the international community certify that there was an environment conducive to a free and fair election, and that meant certain basic rights, at a minimum, had to be respected, which they were not, and had not been historically in Cambodia, at any time, not just through Khmer

Rouge time, but in history. Yes, there were certainly tensions; I think there was a lack of understanding of human rights. My colleagues and myself were inclined to be more human rights activist—obviously that was what we saw our role as being. At the same time, we had to fit into a very difficult and sensitive political operation, and to attend to a peacekeeping operation, which did not succeed in the peacekeeping sense because, as you know, we failed to disarm the factions and the Khmer Rouge pulled out. We had to somehow juggle all this in the middle of that complex equation, and certainly there were tensions and, I think, probably a lack of consensus as to the best approach in some respects.



JS: Did you feel that the mandate that emerged from the Paris agreements was adequate in the human rights area?

DM: I think it was probably the most intrusive mandate then entrusted to a peacekeeping operation, including in the human rights area. Not only did Akashi have the authority, as you know, to remove officials and pass laws, we had a pretty wide mandate to take all necessary action to try and obtain this neutral political environment that was called for the elections; and to draft laws; and to promulgate laws, which we did; and to help draft the constitution, which we didn't do very well. I think the authority was certainly wide enough from the Accords, yes.

JS: Tell me about your chain of command. Akashi obviously was the head-man in Cambodia, but were you receiving guidance, or directions for that matter, either from Geneva or from New York on human rights enforcement?

DM: No. Geneva had really no role. The Center for Human Rights really had no role at all, which was rather a pity, I felt. We looked to them for materials, for example, but materials they had on human rights education were quite inappropriate for the semi-literate peasants of Cambodia that we had to spread the message with. We had to develop all our own materials, and we got no input from the Center for Human Rights in Geneva. I did report to the Sub-commission on human rights sessions in Geneva, but that was my own initiative. I went and addressed the Sub-commission; I went to the World Conference on Human Rights in Vienna, also, and I actually made a presentation there, but that was also our own initiative. We reported through Akashi [to New York]. We had no separate line on human rights reporting, except of course, to the Under-Secretary-General to Peacekeeping, Kofi Annan and then Mig Gouling. We certainly had contact with them, either in Phnom Penh or in New York. But the reporting line was through the Special Representative.

JS: And they were there for the peacekeeping operations.

DM: They were there primarily for the peacekeeping operations. The Secretary-General also visited on two occasions. So we had the chance to brief him also on those occasions.



JS: I was going to come back to that, but Mr. Boutros-Ghali did come there twice, he did have certain ideas about the election, of the government. Did he show any particular interest in your operation there?

DM: No, I would say that his overwhelming message was, “We’ve got to have these elections and get out.” That was the message. It was from the Permanent Five, or the expanded “E-P5,” as it was called, I think nine of them, in fact. It was from King Sihanouk loud and clear, and it was from the Secretary-General. “This was a \$2 billion dollar, expensive operation, and you had to have those elections and go,” was the message.



JS: Right. Well then, clearly you were almost self-contained in Cambodia. Did you feel quite independent then in leading your component in its work?

DM: Independent to the point of sometimes being unsupported, I would say. Yes. I took independent actions a lot in a number of initiatives in the human rights area, which I had been used to doing, I suppose, from my UNHCR background as well, where we tend to deal with human rights issues with authorities in a different way. And so did the team of mainly lawyers and human rights people that I had recruited. We were independent, until we bumped up against the political peacekeeping sensitivities, which was a fairly regular occurrence—either with the Special Representative, his Deputy, or the heads of the Components, in particular, I would say, the Military Component.

JS: That was my next question, because there were seven components, I think, altogether. Was there friction among those components? Mr. Akashi indicated he had greatest difficulty with the judiciary, with the legal component, actually, and I wondered how you fitted into all of this.

DM: The legal component would have been the legal advisors in his office, in fact, I suppose.

JS: That's right.

DM: But he certainly had difficulty with the human rights component as well, even if he wasn't so blunt about it. One of the lessons that I think we need to try to draw out of this, and one I certainly felt very strongly about, was if human rights is going to have a role, and call it what you like, but if you're going to have free and fair elections in a neutral political environment, it's about human rights in the broad sense. There was a very great need for at least the heads of the components, and the heads of the Mission, to have a basic understanding of what the human rights framework entailed, and I'm afraid that was not the case, including, of course, the senior military and police officials, most of whom had not been in any such peacekeeping or UN operation previously. That was a difficult area. Some of the police officials had experience in Namibia and elsewhere, and we worked, and had to work, very closely with them. Human rights investigations depended on their cooperation. I would say that was not without difficulty, but was easier than with the military, most of whom had an inherent resistance to the human

rights issues and approaches, and felt that these were really quite disruptive activities, and we didn't get a lot of support on key issues.

JS: Did you have much direct contact with General Sanderson himself?

DM: Yes, in fact, the seven directors and Akashi as well as his Deputy, Sadry, and Sanderson probably met just about every morning on six days a week for a year around the same table. So we had very close contact on a daily basis.

JS: I have a very broad question, but could you just describe how did you go about this task of trying to implant a respect for human rights in Cambodia? How did it work?

DM: Well, it worked at different levels. I'd say the first preoccupation was to monitor the abuses, which were essentially the attacks on the political opposition, mainly by Hun Sen and his forces against FUNCINPEC political party, which was the main threat, but not the only one. There were other factions involved, and of course the Khmer Rouge, who disassociated themselves from the whole process, were really outside this equation. So our first concern was monitoring political abuses, either political abuses or abuse of the Vietnamese minority, especially by the Khmer Rouge, and reporting on that and trying to take action on that. That was a sort of sharp edge, I'd say. Then we had a number of other different aspects: police judicial training was a major area of undertaking; building up local NGO capacity, supporting Cambodian NGOs on human rights, training, briefing, supporting, and trying to advise; and then a major human rights

education and training program. [This was implemented] both in institutions such as the law schools, medical schools, et cetera, at one level, but most importantly, I would say, through audio-visual means, simple means of mass communication throughout the countryside, using puppet shows, descriptive diagrams, radio, UNTAC mobile video units, to try and spread the message that people had basic rights, which included the right not only to vote in an election, but they also the right not to be arbitrarily beaten or detained by the police. Also that officials had to be held accountable, and that people should try and make sure that that happened. We did the two in tandem. We did, for example, prison visits where we demanded the removal of shackles from prisoners; at the same time we tried to train the police that they should not and could not shackle prisoners; at the same time we tried to tell the population that they didn't need to be shackled. It was a multi-leveled approach, basically.

JS: Where did you find the staff to do that?

DM: I recruited them, we recruited them. I started with one or two colleagues, mainly from the border program that I mentioned to you at the start, and then we had to find the people. We finally, after a painful process through UN headquarters (which was famously slow to move in field operations, and not really equipped to do so in any expedited way), I think it was six months before we had our forty-odd professionals in place, but eventually I did have a team in Phnom Penh, and I had one or more international professionals in each of the twenty-odd provinces of Cambodia.

JS: How many, or what proportion, did actually come from headquarters in New York? Were there many?

DM: No, very few. Off hand, I think in the human rights component, there were perhaps one or two out of UN headquarters. No, we had to find them from various operations, because it was a rather special area. We did a search, and found people who also had regional knowledge.

JS: That's the next question. Was the staff fairly Asian?

DM: No, it wasn't very Asian. There are not many Asian human rights operational people, available, I'm afraid. At least there weren't many available then for that sort of operation. I had a very valuable Burmese assistant, the grandson of U Thant, in fact, and some Indians, and other colleagues, whose perspective was valuable, but no, we had a shortage of that. I would say, as often seems to be the case, we tended to be rather Western in our composition, but we were very anxious to have that regional perspective, and we did put together and funded a consortium of Asian NGOs from outside Cambodia to come in and support the Cambodian NGOs—from Sri Lanka, from India, from the region, from Thailand—so that they could keep it in that regional context.

JS: I want to come back to the NGOs in a minute, but meanwhile, another broad question: how would you describe the main problems that you faced in carrying out this program?

DM: We were operating in a semi-destroyed state, I would say, where accountability and rule of law was not historically a factor. It wasn't just Mr. Hun Sen and the Khmer Rouge, who didn't have any accountability or notions of rule of law. It was also traditionally the case with Sihanouk and Lon Nol, and all of the regimes prior to them. The concept of accountability, rule of law, due process, the concept of questioning authority was not one familiar really to the Cambodian culture in general. It was very much an oppressed, semi-literate, impoverished rural society, with fairly authoritarian leadership, the most extreme form of which was obviously the Khmer Rouge, but that was not the only form that they had been used to at all. So we started from way back in terms of trying to create what was supposed to be a neutral political environment, with basic rights for the citizenship. [It was] a mammoth, mammoth undertaking for a year and a half, with forty professionals and, sure, the backing of twenty thousand peacekeeping troops and police, but not something that you can accomplish in that period in any meaningful and lasting way, I'm afraid.

JS: Did you find among the Cambodians that there was fear of the Hun Sen, SOC, so to speak? Or were they afraid? How did they view you, as intruders?

DM: The SOC authorities?

JS: The SOC authorities, but also the Cambodians that you were dealing with in the field.

DM: The population generally was intimidated, destabilized, and traumatized. Remember, of course, they had been through one of the auto-genocides, massive atrocities of the century. Destabilized, distrustful, factionalized, and very intimidated by authority. Yes, absolutely. In fact, without any meaningful judicial or police process, except a process to uphold the authority of the central government, not a process to respect or protect the basic rights of the citizens at all, and as I say, no accountability. The military or political elimination of opposition members was a regular practice. Without any real accountability, which led us maybe to the extreme, I think first-time, measure of setting up our own prosecutor's office, building a prison, and actually arresting three perpetrators of gross violations. There was no other way to try to get a message through that this couldn't go without any repercussions.

JS: The appointment of the prosecutor came fairly late in the game, right?

DM: Yes, when the political violence got so great that we couldn't tolerate it.

JS: Right, and Akashi took that decision of appointment on his own, right?

DM: No, after a lot of discussion, at our suggestion, our strong urging, it was rather hesitatingly taken by the leadership of UNTAC, but it was certainly resisted also by some members of that leadership.

JS: Was it effective? You say three people were in the end arrested by the CIVPOL?  
Who actually arrested them?

DM: Yes, by CIVPOL military, and put into an UNTAC-built detention facility. We think it had an enormous deterrent value, and that's all it was intended to have. We obviously couldn't substitute for a failed judicial or police system. But we think that if you look at the figures of attacks on FUNCINPEC and, as I say, we took this rather drastic move when the attacks got so great in terms of the killings and the attacks on offices that we just didn't see how we were going to have an election if this continued. I think that's what persuaded Akashi finally that we could take such a drastic move. Yes, it had a deterrent effect in our view in terms of the reduction of those sort of atrocities, but it didn't stop them all at once.

JS: But there was no judiciary in which the three arrested people could be tried, was there?

DM: There was a judiciary, but none of the judges, when we approached them, were willing to make the trials. The only thing they were willing to do was to release them, even though one of the detainees was a Khmer Rouge killer who we had also apprehended. So no judge was willing or able to take those steps, and therefore they stayed in that terrible limbo situation throughout UNTAC's period.

JS: The whole time?



DM: The whole time. But this was only instituted, from memory, probably in early '93.

JS: I think that's right, from what I've read.

DM: Yes, I think it was signed into force in December '92 and instituted in early '93.

JS: Going back to the question of pressure, in this case from the SOC, did your personnel come under any threats from the government incumbent?

DM: I think the main ones that were exposed most were our local staff. We had very loyal, trusted Cambodian interpreters, of course, who were in on all of the interviews, who helped us in the raids we made on prisons, who interviewed the victims of atrocities, and they were very, very afraid. In fact, they asked to be taken out of the country when we left, and to be resettled in third countries because they were very, very afraid for their lives, from the SOC authorities.

JS: And was that done?

DM: In one case, the person was taken out, and in the other two [cases] no, eventually I think they were not. But we certainly made all the arrangements we possibly could to make sure they were not victimized, and as far as I know they were not victimized. And

the local NGOs also ran some risks as well, and were very afraid at the start, and certainly asked for our protection—the Cambodian NGOs that worked with human rights. International staff generally were not threatened, although at one stage I myself had a message from the Minister of National Security that I should not leave Phnom Penh without his personal escort for my own safety, so you can read that as you wish. And I did get some hate mail when we strongly protested and tried to protect the Vietnamese who were being attacked in Cambodia.

JS: Now can you talk a little bit about the Vietnamese problem? You saw that, the intimidation or whatever else of the Vietnamese, as within the mandate of your office.

DM: Yes, these were long-term residents. They were effectively Cambodians, of Vietnamese ethnic origin. They had no longer Vietnamese papers or right to reside, and they were subject of strong racist attacks. I'm afraid we had problems even convincing our Cambodian human rights organizations that Vietnamese were a legitimate area for protection. They were certainly entitled to be treated as, if not citizens, permanent residents of Cambodia. They were massacred. They were massacred in large numbers by the Khmer Rouge, in particular, but without any of the factions, either SOC or FUNCINPEC or KPLNF being willing to raise any voice in defense of them. That was a major, major concern.

JS: What was your main means of defending them?

DM: We tried to investigate and follow up on the attacks, when they occurred; we did have military and police involvement in those investigations to identify the units, and in some cases we identified the Khmer Rouge units. We tried to get military patrols on the lake where the Vietnamese were in these floating fishing villages. There we had a major disagreement with our military friends, who really just didn't see themselves getting involved in that process at all. I will tell you that there was a general passivity amongst most of the police and military components on the Vietnamese issue, because as you know, it was such a hot issue also politically. The Vietnamization of Cambodia was one of the political footballs. We took steps—not we, but our legal office, Mr. Akashi's office—took steps to have alleged Vietnamese military expelled from Cambodia in order to pacify some of that feeling. So it was very sensitive, very tense, but it was certainly a basic human rights concern where we didn't have very much support, I must say.

JS: But do you think you were able to accomplish something?

DM: We certainly raised the profile of the issue. It's hard to measure accomplishments in these areas. There was one terrible massacre of more than thirty people, from memory, on the Tonle Sap, where I certainly personally was involved, investigating with international press. I think the coverage of people like Henry Kamm from *The New York Times* at that time were factors in at least raising awareness that this group was being targeted yet again, as they had been historically, in Sihanouk and Lon Nol's time.

JS: I want to go back to something you were saying about the way you were promoting human rights, because I've seen one of the films that were made on it. They were innovative ways, the puppet shows and so forth and so on. Who developed those? How did you get those ideas?

DM: We had in my component a section which was just charged with that: how to get this message out in simple, understandable terms in a very short time period to a semi-literate or uneducated population which didn't have a tradition or a culture in this area. That was a major challenge, and we took on some Khmer advisors, we took advice from the Khmer NGOs, and I think we quickly understood that we had to be innovative and try and tap popular, culturally appropriate means, which I think, from memory, the Paris Accords also talked about. I'm not sure of the phrase now, I think it was "culturally appropriate" or something to that effect. We realized in the human rights area, if we were going to succeed we had to get the message through in that way, so we did those rather innovative things, because we couldn't use the normal means of communication. I'd say UNTAC radio was pretty important in that context: getting those messages through having the plays, for example. We did some television plays with Khmer actors, in Khmer, about rights. In fact, they obviously got close to the point, because some of them were eventually blocked by the SOC authorities.

JS: I'd like to now move to the NGOs. There are two parts to the question. First, I believe that quite a large number of indigenous NGOs were formed. What was the role of UNTAC in that, in the development of what we now call civil society?

DM: There were virtually no Cambodian NGOs in the early '90s in existence; it was not a tradition. It's part of this non-questioning of authority that I've mentioned, I think. There was not a role. Civil society didn't really exist. It started to exist when some expatriate Cambodians came back, obviously before and during the peace process. But in terms of human rights NGOs, I think two of them had just started during UNIMIC's time, and we picked them up early on—that was Licadoh with Mme Kek Galabu and two other smaller groups. What we did was basically try to advise them on structuring their organization. We eventually gave \$50,000 cash grant and administrative support to each Cambodian human rights NGOs, including these and some new ones which were formed during our period, which we encouraged. We gave training courses in Khmer. We brought monks in to try and spread the message. What we didn't give them was physical protection; we couldn't. I remember at the start that some of them begged for that because they were very afraid. But I must say they gradually got more confidence, and we would meet with them on a regular basis. I had one of my colleagues do nothing else but liase with them—my Asian colleague. Eventually we funded and brought in a consortium, as I mentioned, of other Asian NGOs, among them a very able Sri Lankan person, who'd been through similar conflicts and who was able also to give advice as an Asian to the Cambodian groups. We took the leaders of the Cambodian groups to Bangkok, to the Human Rights Commission session in Geneva. We exposed them as much as we could to the broader human rights dimension, but it was a difficult process.

They were factionalized; they were generally anti-Vietnamese, which was a problem; it was a problem to get them often to sit together. I've been back to Cambodia

last year, and some of the same tensions still exist, I'm afraid, between them. I think [these problems are] symptomatic of that society at large, perhaps. Some of them have subsequently complained and have been quoted as saying that we didn't understand them enough, that we were too foreign, Western-imposed. Those comments, that we came there and tried to transfer values, et cetera, I think is a little unfair when I reflect on just how much was in disarray, and how much uncertainty there was at the outset. The fact is that since that time they have all survived and in fact flourished, by and large.

If there is any legacy out of the human rights area that's tangible, it's probably in a way the Cambodian human rights groups which continue to function. The other thing that I discovered, or rediscovered there in Cambodia, was that there are virtually no international operational human rights NGOs. There are international advocacy human rights groups—Human Rights Watch, Amnesty International, et cetera—that come in and make reports and leave. But we were desperate to get operational human rights people on the ground, and that is, was a gap in the international setup in my view. Hence the consortium that we helped to establish of Asian NGOs, and we brought in people from the International Commission of Jurists, International Law Group and others. We paid for trainers to come from those groups to train judges, to run a training course in the medical school and the law school, et cetera. But there is a real dearth, a gap in the international structures for this sort of civil society promotion. It's talked about a lot, but in the human rights area, there are very few experienced operational bodies available.

JS: You mentioned the international human rights organizations that come and look and go. Could you describe your relations with them, and how did you and how do you react to the criticism that they frequently expressed of the operation in Cambodia?

DM: The criticism that I was aware of was not so much expressed to the human rights component. I don't know what you've seen, but as I recall the criticism was more about the failure of UNTAC generally to deal with some of the basic issues, and to take firm stands and publicize certain things. We had a number of discussions with them, we even sponsored one or two conferences with Ford Foundation support, bringing international NGOs human rights around the table with the Cambodians and the regional groups in order to discuss the sort of problems that were being faced. By and large, with one notable exception perhaps, the criticisms I think were directed at UNTAC's overall focus, the failure to take a stand on the Khmer Rouge, et cetera.

JS: Some of them suggested I believe that there was a tendency to marginalize the human rights activities.

DM: Yes, that's what I mean, it was directed at UNTAC, I think. And I think that criticism is not all unfair. Certainly in the human rights component we felt a degree of marginalization, as I mentioned, from the outset. Especially as the political imperatives for an election at just about, at any cost, but at a pretty high cost. The thresholds were certainly raised, if you like, although, if you put it that way, as we approached the need to have that election. Sure.

JS: Going to a different subject, the Thais. You had experience with the Thais obviously before you went to Cambodia.

DM: Yes, for many years.

JS: The camps were a problem, as I understand it, for a long time.

DM: Yes.

JS: Did your mandate, Cambodian mandate, extend to the condition of Cambodians in the camps that were actually in Thailand?

DM: No. The human rights mandate didn't extend outside Cambodia. That remained the responsibility of UNBRO for the border camps, and UNHCR for the UNHCR camps. Eventually, of course, UNHCR took over and organized the repatriation with my friend, Sergio Viera de Mello heading that component, organized that repatriation of 370,000 people from the border. Human rights was, as I mentioned to you, the sort of infant program that we started with UNBRO on the border. A collaboration, not a very extensive one, but a collaboration of monitoring the rights of returnees once they'd come back inside. And I did do one cross-border visit with Sergio Viera de Mello, where we addressed the border NGOs to tell them that in our joint opinion they should not be



resistant to the repatriation, which some of them were, and that the basic conditions in the areas repatriates were returning to were monitored by us and were satisfactory for return.

JS: They were. A specific question there: some of the literature I have read suggest that the various factions—the Khmer Rouge, the Phnom Penh group—each had certain camps in their control, and did try to persuade or even force the refugees to go back before conditions were ready.

DM: The camps were all in the hands of the factions, which excluded Phnom Penh. So there were Khmer Rouge camps, there were FUNCINPEC camps, and there were Son Sann or KPNLF camps. They were to some extent captive populations. The most captive, of course, was the Khmer Rouge, but the others were not exactly models of freedom either. Certainly the Khmer Rouge leaders wanted the people to go back to their areas, although that didn't necessarily happen. In any event, that was certainly their inclination. The others, by and large, didn't have the same determination, because they had their people in Phnom Penh, for example, which the Khmer Rouge didn't. The problem for the rest was essentially that the areas that they came from were more or less mined or dangerous, and what made the repatriation work was that UNHCR gave up on returning people to their land and gave them cash options instead. That's how they really got them to go back.

JS: But you didn't feel that there was infringement of human rights in that people were being more or less forced to come back before conditions were ready?

DM: They wanted to come back. They queued up, and UNHCR couldn't handle the queue to come back once it started. They wanted to come back for the elections, they wanted to come back to see if they could get their land, they wanted to cash in on the economic opportunities. There was no resistance to coming back, except for a handful. And at the end we did a joint screening with the UNHCR to ascertain that none of those three or four hundred, as I remember, individuals had an individual fear that justified them staying out of the country. That was done quite carefully by UNHCR protection people, and they were also then cleared for return. So no, I don't think so. I think once the momentum started they wanted to come. They were also fed up, they'd been on that terrible border for a decade or more, many of them. So once it started they did come. It wasn't ideal, it wasn't as it should have been, and maybe some of them are in the new exodus that have gone out again.

JS: A different kind of question: the decision was made in Cambodia by UNTAC not to try forcefully to disarm the Khmer Rouge. What were your views on that, what part did you take in that decision, and how did your staff feel about that?

DM: I took no part in the decision.

JS: No part?

DM: That was a decision essentially between Mr. Akashi, General Sanderson, in collaboration with New York. It was a very hard question. I think disarming the Khmer Rouge was a tall order. But before we got to that, there was a famous incident in April '92, which you may have heard of, in Pailin where Mr. Akashi and Gen. Sanderson were stopped by a bamboo pole and a few Khmer Rouge soldiers from proceeding into the Khmer Rouge area. Many of us felt very strongly that that was a turning point, that UNTAC had to show its teeth a little, and go on ahead in spite of a bamboo pole and a couple of rather nervous soldiers, or else there wasn't much point in having fifteen thousand soldiers and two and a half to three thousand police there in a peacekeeping operation. That decision was taken, however, not to proceed, and from that time on, and with some of the apparently unbalanced aid being given to Hun Sen and SOC, and not equal distribution to the factions, very soon after that the Khmer Rouge pulled out of the entire process, refused to participate. Once that happened, of course, there was no question of disarming ten or fifteen thousand jungle fighters scattered around those mountainous jungles of the edges of Cambodia. And they're still there, some of them. So I'm not sure it's so much a question of justice that it's a question of taking a consistent, firm, clear position on the whole role of UNTAC, vis a vis the Khmer Rouge. I think one of the things that came out very loudly was that neither New York, the Security Council, nor the donor contributing countries had any stomach for engaging the Khmer Rouge. They were all very afraid, and so were the senior military figures, of losses in such an engagement. And of course it was a Chapter Six operation, or "six and a half" we used to call it, but nevertheless that held back a lot of the initiatives that could have been taken. We had vehicles stolen by them, driven openly in front of us, and our

military consistently did nothing about it. We had soldiers disarmed forcibly by them. There was very little reaction taken to some of the excesses of the Khmer Rouge, and I think gradually we lost our credibility vis a vis them. Of course, just to finish that, their failure to come in and disarm meant that SOC had every reason not to disarm also. Once SOC didn't disarm we effectively didn't have a key part of the peace agreement in place.

JS: I'm going to stop [the tape].

DM: You might need to change that.



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JS: Turn it over.

[END of Side 1]

[BEGIN Side 2]

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DM: Shall I continue? I think just to finish that, there was clearly a need for a consistent, a stick and carrot type of approach with the Khmer Rouge, to try and engage them in the process, because as I say, once they pulled back and didn't disarm, there was no way to disarm SOC. They had every justification to remain at least partially [armed], as they did, and that was really an impasse, which we never overcame, and I think it's also reflected in the current situation in Cambodia today.

JS: You mentioned the donor countries. I wondered, were you sensitive to any influence by the donor countries, or by, for that matter, the five Permanent Members in the Security Council in the operations in Cambodia?

DM: Oh yes, we met with them regularly in the EP-5, the expanded Permanent Five, five plus four. Germany, Japan, Australia, Indonesia as well as the PS were very crucial in the process. They came to the Supreme National Council meetings with UNTAC, with Sihanouk, and the faction leaders. They consulted constantly, and we went to them on issues. I certainly did, on human rights, as well, separately or collectively, but usually separately. Without the backing of some of those members, we couldn't have done the human rights actions that we took.



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JS: Well actually, it was Akashi who indicated that they reported back, more or less, to their principals in New York, and prepared the way. So there was not, you didn't foresee differences between New York and between the Security Council and what was being done in the field?

DM: I think that worked, it seemed to me, at least, rather well. To have that formal setup of an expanded Security Council group really monitoring on an almost daily basis out there and, as you say, feeding back. I think that by and large worked, and I think from what we saw, the members of that group also put pressure on their favorite faction, as it were, as necessary. I think that was generally quite a useful mechanism.

JS: I want to go now to the general area of what's called 'peacebuilding.' Your staff was perhaps in the best position to observe the degree of reconciliation that was taking place, if any, within the society. What are your comments on that?

DM: There was very little reconciliation in the Cambodian society, I think, during the period we were there—very few tangible signs of it. On the contrary, I think the Supreme National Council was held together by the wily chairmanship of Prince Sihanouk. Without him, frankly I doubt that the factions would have even sat around the table, and even with him, it was often very acrimonious. You know, don't forget, not only had the Khmer Rouge pulled out, but Hun Sen's people were physically attacking Ranariddh's people, FUNCINPEC, on a regular basis. And KPLNF's Sonn Sann's people as well. And the divisions and the hostility between the factions was overwhelmingly apparent in all aspects. I don't honestly recall any overt reconciliation processes, frankly.

JS: Even at the lower level, in the field, among the people?

DM: Well, as always, I think, you know, the further you go down, the people tend to live and coexist together. I think that's true, yes. But it's a very factionalized and distrustful society. It was and, I believe, still is. Obviously partly through the traumatic history that they've had. And that reflected even amongst the NGOs. They tended to have alliances or linkages or factional loyalties which made them very distrustful and, as

I mentioned earlier, unwilling often to work together. So I think that remained a major uncovered area, which still needs to be addressed probably.

JS: What did you think, then, was the most important function that the UNTAC or the UN could play in strengthening its democratic institutions in Cambodia?

DM: I think having an election obviously has a value, but the trouble was it became an end in itself. As now again, I see it likely to become the second time in Cambodia, with the EU funding the new election of Mr. Hun Sen. You know, it was done without anything like equal attention to the other fundamental aspects of civil society. There were eleven or thirteen qualified lawyers in the entire country; the judges were not qualified or paid; the police were corrupt, militarized; the military were politically controlled, et cetera, et cetera. So accountability, as I said earlier, didn't exist for atrocities and killings and violations on a regular basis. So I think to have an election is fine, and it was a process, which was an awareness-building process, ninety percent of the population voted, and they voted mainly for Mr. Ranariddh, but you know, there were no institutions to prop it up. So Mr. Ranariddh didn't take over, Mr. Hun Sen refused to let go. He then intimidated the operation, threatened the press, threatened members of parliament, and finally killed Mr. Ranariddh's followers, threw him out, and is now going to have another election to endorse his position. So the basic necessary safeguards parallel to an election were not place.

JS: They were not in place.

DM: Were not in place and, if I may add there, were partly not in place because of the time factor, but also because UNTAC and its leadership and the donors and the Secretary-General wanted to have an election and then get out. The message was very clear: have the election and get out. Even some of the Paris Accord-mandated responsibilities—drafting the constitution, for example, which we started on—we were told, “Leave it, it’s their business.” We didn’t follow up on the various safeguards that should have been put in the laws to try and preserve this very vulnerable, nervous, fledgling elected parliament. The message was, “Go,” and Prince Sihanouk, locally, led that call. He branded us the ‘UNTAC-ists,’ and the “ ‘UNTAC-ists’ should leave the country to the Cambodians,” and I’m afraid that the donors and the UN by and large went along with that.

JS: Does that reflect a real concern, not just on Sihanouk’s part but others, of the infringement of Cambodian sovereignty? Did you have a sense that you were infringing on Cambodian sovereignty?

DM: I think in the classical sense we infringed it mightily. But I think the Paris peace agreement was a massive infringement of sovereignty. It was a trusteeship, de facto, with Mr. Akashi with the powers of governor-general, and the UNTAC components really a de facto cabinet, if you like, or ministries of the country. So if that was the real concern, infringement of sovereignty, in a formal sense then the Paris Accords shouldn’t have been signed. I think it’s a very usual call, of course, after these overpaid UN officials are



there in the thousands with their white vehicles that, you know, “We’ve got to reassert our independence.” The fact is that the country was not willing or able to take on those responsibilities, as were foreseen in the Paris agreements themselves.

JS: You mentioned there a neuralgic point. Was there much resentment, not just between the UN people and the Cambodians, but also the UN people and the NGOs, as to the difference in pay?

DM: There always is, and of course, if you flood into an impoverished, traumatized society like Cambodia, with 20,000 UN officials, peacekeepers, and 8,000 vehicles, radios, et cetera, then you’re going to have that reaction. I think that is natural and understandable. It’s also easy to exploit. But certainly there’s a hostility, I would say, probably more by the international NGOs, rather than the local ones, many of whom we worked very closely with. That’s a traditional shock, which is unavoidable, I guess. And at the same time there should have been and could have been more sensitivity by the UN and by all of our components. We eventually had to have a special liaison officer set up, and in fact, she worked in my office, to receive complaints from Cambodians against UNTAC personnel. And one of the recommendations in our lessons from this is that such operations, if they should ever happen again, should in fact automatically have an ombudsperson-type function in them to deal with the local reactions, because there will be local reactions.

JS: Also against the military, right?

DM: Military, police, and UNTAC personnel, in general, ranging from landlord-tenant disputes to abuse of the women by UNTAC military, police and others.

JS: The word 'genocide' is not used in the Paris agreements, and there was no effort made to establish a truth commission or committee in Cambodia. What is your reaction to that? What do you think about that? What was your feeling about that while you were there?

DM: Well, I think technically, in international law terms, killing your own people, as the Khmer Rouge did, is not genocide, because it's not with the intention to eliminate an ethnic or comparable group. So technically, that's probably right. It's a massive atrocity, call it whatever, but I think there is an argument that 'genocide' is not the appropriate term. There was an attempt to use 'auto-genocide,' but that doesn't really have any formal meaning. But 'genocide' has a treaty meaning, as you know...

JS: Very much so.

DM: ...so I think that's why there wasn't resistance, apart from the political concern. But I think the Paris Accord, when we talked about the non-repeating of the actions of the past, wasn't it?

JS: Yes, which are described as regrettable...

DM: Some sort of soft nuance, which is also an insult to the victims...

JS: ...and unacceptable insult to the victims.

DM: ...unacceptable. I think there was a glossing over of that. Clearly, to have the Paris Accords signed, that was glossed. And the result was that none of us had any authority to look at this area.... What is interesting to me, though, is that setting up a human rights component, as we did, I don't think that we had any, or virtually any, complaints about the atrocities of the Khmer Rouge.

JS: Really?

DM: Very interesting. The first hundred complaints we got, and finally couldn't handle anymore, were property complaints. Land complaints; neighbors; fences; ownership complaints. The property issue was a major issue, and of course it's Khmer Rouge-linked, because most of Cambodians have been displaced and they were trying to get their properties back. I'm not aware of any formal complaint to the human rights component against the Khmer Rouge for atrocities. There's almost a mass pseudo-amnesia, a glossing over; if it comes up it's almost light-heartedly, which seems to me to be very unhealthy. There's been no catharsis in the Cambodian society.

JS: That's why I asked the question about a truth commission, or something like that. You would have thought that might have been useful?

DM: I think it's absolutely essential to have a process to get rid of the terrible trauma or, not to get rid of it, but to reduce the effects of it, long-term, in any society, whether it's Rwanda or South Africa or Cambodia. Absolutely essential, and I'm afraid that if you don't deal with it, it comes out in...it's a bit like in individuals, if you don't deal with complex problems, they come out in some other unexpected way. I think that's a bit like what's happened in Cambodia still. It's a very, very destabilized society, which has never had an opportunity to have an outlet on these issues. One of the recommendations that we certainly made from the human rights point of view was that any human rights component in these situations should have an authority for past atrocities. Now that's easier said than done, but we certainly believed that a process is necessary.

JS: Now you were mentioning the prisons earlier, and I judge that you did inspect some of them. Who arranged for the release of some political prisoners who were in the prisons?

DM: Prison inspection was a major part of our monitoring activities—prison access, trying to get access to all the prisons, systematically, throughout the country, getting prisoners out of dark holes, getting shackles removed, dealing with malnutrition. They were atrocious, and there are again atrocious conditions in those prisons. [It was] a major task, which we couldn't complete. The release, some of it was done by the authorities

linked to the peace accords, but we also persuaded Prince Sihanouk to issue an amnesty for untried prisoners—90%, I forget the exact figure now, of prisoners in Cambodia had never been tried and probably never will be tried. The system had collapsed, and they were really let to rot in those jails. So we did get him to—I think on his birthday—to announce releases of prisoners who hadn't been tried for a certain period, whether they were political or otherwise. The backlash on that was that we were then accused of having increased the crime rate by emptying the criminals into the society, but it was the only way we could see of trying to reduce that terrible population.

JS: Quick question: there were two American organizations, the International Republican Institute and the National Democratic Institute, which were active in promoting democratization or strengthening institutions. How did you observe their activities?

DM: From a distance.

JS: From a distance?

DM: They came and saw us, as I recall, when they came to town. They rather operated in something of a different world than us. I think there was some risk that they were transplanted—well-intentioned, but transplanted—initiatives, as far as we saw them; and certainly didn't link up with the sort of grassroots efforts that we had been making. They

may well have had a positive effect at other levels, but I certainly didn't see them working into the human rights areas that we had been focusing on.

JS: You were dependent, certainly, for any arrests, even though few were made, to a certain extent on CIVPOL. What are your comments on CIVPOL? How did that function?

[Vacuum cleaner heard in the background. DM asks operator to cease vacuuming for a few minutes until the interview is completed.]

DM: I guess the first experience with CIVPOL was, as you say, absolutely essential for us. CIVPOL more than the military in many respects—the investigation, the backup, the logistics, all of that crucial for any human rights operation. And I'd say, in general, CIVPOL is an unexplored potential in peacekeeping in general, in my humble opinion. But I think the first experience was that CIVPOL needed to be trained and briefed. And we tried crash human rights briefing training of all CIVPOL as they arrived, but that overwhelmed our small component. We did it for the first arrivals, but we couldn't do it for everyone, but many of them didn't have any of the basic elements of what human rights operations were about, either. So we essentially had to concentrate on working with the senior officers, the key senior people who were experienced, had been in other operations, so that we could get their collaboration. I think one of the lessons out of that is also the need to have a basic training and, as you mentioned, I think, standing operating

procedures should include the basic elements of the human rights dimension, if we're going to work together in these sort of operations.

JS: What you're suggesting is that we need to develop a standard SOP, which had not been developed.

DM: Had not been developed, no. And we tried to develop it, and we did get cooperation from the senior level of CIVPOL, but it was too little too late. We were already on the ground, and we had no time to develop it properly.

JS: I think you've already indicated the answer to this, but how would you assess the lasting effect in Cambodia of the human rights efforts, but also of the other efforts made for peace building in that society by the United Nations?

DM: One of my greatest frustrations, which again, we've tried to put into the lessons learned process, was the lack of willingness of many parties to invest in the longer-term peace building, civil society aspects. If you go into those operations with huge resources for a very short period to have an election, it's absolutely essential that the election is not the end in itself, as I mentioned earlier. I think a great frustration for many of us was that total lack of willingness to address those wider issues on a long-term basis, because these are not short-term, quick fix issues. You have to rebuild judiciaries, you have to retrain police out of those situations, you have to hold the military accountable for killing of civilians, you can't allow journalists to be killed or parliamentarians to be assassinated or

locked up, et cetera, et cetera. And that's a whole complex equation of measures that have to be worked, and I'm afraid there's just an international impatience, which doesn't lend itself to that. And as I said before, the elections have a value, but there is this awful over-enthusiasm for an election at all costs, and being the answer to all things, which it clearly is not. I think that would be the great frustration shared by many of my colleagues in this area, that you have to build institutions as you monitor. You have to take lessons out of the monitoring of the violations and put them into the institution—building. The police have to be persuaded that it's not in their long-term interests to beat and arbitrarily detain and not try. The judges have to be persuaded that it's not in their long-term interests to follow their political directions, et cetera, et cetera.

JS: Let me just ask at the end here, is there anything out of your experience that you would like to put on the record here, that is of interest and value to historians and to others who will probably be looking at Cambodia for a long time to come?

DM: That's a big question. I suppose that my frustration is now being back with UNHCR and going the last few months back to the Cambodian border and seeing sixty thousand new refugees from Cambodia, and then going to Phnom Penh, and finding that those people have left for the same sort of reasons that the people left when we went in with the peacekeeping. We've come this terrible circle, and as I said earlier, now the international community wants to fund another election to sanctify what has happened and to get on with the business of trade and aid and business. I suppose in that sense, Cambodia is perhaps one of the more obvious examples of a flawed international effort to



try and rebuild and restabilize a terribly destabilized and destroyed society. I must say, when I look at Rwanda, for example, which I've been working a lot on recently, a lot of the same approaches are obvious. There just doesn't seem to be the awareness, willingness, commitment, whatever it is—political will in the broad sense—to invest in those processes. And that, I guess, is a great frustration, because it seems to me very short-sighted. You're going to have a new refugee exodus, you're going to have another collapsed state, you're going to have another military dictatorship. Maybe you're going to have business and some profits as well, but in the process, all of those things that these peacekeeping operations, such as Cambodia, were designed around—the principles of justice and humanity and peace and stability—are not there. Trying to build those sort of things on a quicksand base, as it were, not being willing to invest in the foundations, seems to me terribly short-sighted, but we're a bit of a broken record on this, especially from the refugee perspective, because we see the consequences of that again and again and again.



JS: But from your experience, do you think that this process, which really is democratization, can be brought about by external forces?

DM: Not alone, not alone, and it may not need twenty thousand peacekeepers to do it, either. We're talking about ideal worlds, but I think a sensitive, sustained, and clearly planned commitment by the international community, which means the country concerned, its neighbors, and the broader donor community, can do a lot. But it has to be a tandem process; it has to be incentives and pressures, linkages, graduated maybe. But

yes, if there was that willingness to do that, certainly from the transitions from post-conflict, there is a potential there. It can't be done always alone, I think that's clear. The Cambodias of this world can't get on their feet alone, except in a negative way, perhaps. It can't be imposed, either, but I think there is a subtle balancing of interests and efforts that can have an effect. But they've got to be sustained. I guess the bottom line is, sustain it, stay with it, if you do it in the short-term, quick fix, it's not going to hold, I'm afraid.

JS: And just in that connection, do you see the need for a clearer definition of the relationship and the respective roles of NGOs and the United Nations in situations such as Cambodia? I'm speaking now primarily of external NGOs.

DM: External NGOs? I guess there's an inevitable tension. On the other hand, we can't live without them, either. Maybe they can't live without us, I'm not sure. But we're unavoidable partners with misconceptions on both sides. I think UNHCR has four hundred NGOs who implement most of our programs, so they're absolutely an essential part of it. I think they also, many of the international ones, need to learn the lessons that the UN needs to learn, which is to build local capacities. They're not necessarily very good at that, either. International NGOs don't necessarily build indigenous NGOs very strongly. Neither does the UN in the peacekeeping effort. And I think there should be a joint awareness that this is a crucial part of it. But yes, I think they're essential partners. I don't think they're the answer for everything, but neither is the UN. I think we have complementary roles to play, and I think there is a need for a greater, a renewed alliance

perhaps, an understanding, as we've tried [to accomplish] in UNHCR, which is a reach-out operation to all NGOs in all regions to try and agree on the ground rules and how we can collaborate, yes.

JS: Which I judge has been relatively successful?

DM: Relatively successful, I think. We have an agreed framework for action. We have formal agreements and informal agreements, but the process is an ongoing one. I've just met with the heads of the six major humanitarian NGOs in Geneva recently on protection of refugee issues, and asked that they also keep these issues on their humanitarian relief agendas—OXFAM and Save the Children and so on—that they don't just talk about the relief, but they also talk about the criminals in the camps, or the vulnerable women and children, that sort of thing. I think those sorts of alliances need more and more to be formed when we're facing these problems with states that we are facing.

JS: Thank you very much. I know that your time is about up, and that was actually one of the major questions.

**Yale-UN Oral History Project**

Dennis McNamara

James S. Sutterlin, Interviewer

February 16, 1998

New York, New York

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