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Yale-UN Oral History Project

Michael Williams
James Sutterlin, Interviewer
7 July 1998
Geneva, Switzerland

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James Sutterlin: Dr. Williams, first of all, I wanted to thank you on behalf of the Yale oral history project for agreeing to participate with us in this, and, if I might, I would like to talk with you today about your experiences during the Cambodian operation of the United Nations, as a member of the UNTAC staff. But before we get to that, in order that we can appreciate a bit more the work you were doing there, could you just put on the record something of the background of your career. What were you doing before you went to Cambodia? And why did you go there?

Michael Williams: I trained in Southeast Asian studies at university, and have a Ph.D. from the School of Oriental and African Studies in London, on Southeast Asian politics, so I have always had a very close interest in that region. In my subsequent career, I worked with Amnesty International as head of its Asia department, so I learned a lot about human rights. After working with Amnesty for a few years, I worked with the BBC World Service for eight years as their senior specialist on that region. Now, in that capacity, in the late '80s, I had followed quite closely the discussions on a peace settlement on Cambodia. I had interviewed many of the participants; I had attended some of the so-called 'JIM' meetings, the Jakarta Informal Meetings, in Indonesia; and I had spoken on and off the record with Rafeudin Ahmed, and with his assistant Hedi Annabi,

who were guiding those talks on the UN side. So, when, with the Paris Agreement in October 1991, the operation 'firmed up', I was very keen to try and participate in that operation, and contacted the UN, and was subsequently offered the post of Deputy Director of the Human Rights Component.

JS: By Mr. Akashi?

MW: Yes.

JS: Actually, this is very interesting, that you had this previous background, and I am going to go a little bit away from the scenario of UNTAC, just to ask you for your assessment of the UN role – particularly about Ahmed and Hedi Annabi, and above them, the then-Secretary-General – in this rather long process that led to the Paris Conference.

MW: I think the UN role was actually fairly important. As you know, it was a very, very lengthy process; it took up much of the 1980s, and was a peace process in which it was often quite difficult to see any light at the end of the tunnel. And even with the accession to power of Gorbachev in the Soviet Union in 1985, and the movement to defuse and terminate regional conflicts, progress was still rather slow with regard to the Cambodia conflict. I think that was partly because there were such vested interests, with the external parties in Southeast Asia, rather than with the superpowers. Both the ASEAN countries on one side, and Vietnam on the other, had a very strong local interest in the outcome of the peace process in Cambodia. My own view is that without the UN

playing a pro-active role in having to facilitate that process, it would not have come about, simply because, all of a sudden, relations had improved to a very great extent between Washington and Moscow, and the cold war was over. I think the UN role was very important in that process.

JS: Was it evident to you that a good bit of the drafting which eventually found its place in the Paris Agreements was done by Rafi Ahmed and his staff?

MW: Yes, I think it was. They had obviously been engaged in this process for very many years. I had traveled frequently to New York in the late 1980s – I guess at least once if not twice a year – and I would make a regular habit of dropping in on them for updates and to see how the process had developed. So, I was certainly conscious of the fact that they had played a great role in the drafting.

JS: What did you think of the role of Australia, in the person of Gareth Evans, in the process?

MW: I think that that was also very important. Australia was in a somewhat unique position in that, although throughout the Cambodia conflict it had broadly supported the ASEAN countries, it had kept a path open to Hanoi. And Evans, I think, particularly coming from the Labour party and the left, was able to play a role that certainly no ASEAN politician could have done. And I don't think any other outside politician could have done it.

JS: Was it your impression that he served as the catalyst for the five permanent members to become more active?

MW: That was my impression, yes. And I think the fact that he came from a middle-ranking power like Australia made it easier for the permanent five to move along with it.

JS: Thinking back, whom would you identify as the most influential actors in this whole process, the long process, of finding a peace formula?

MW: That's quite difficult because I think there were several key actors in the process. The UN, clearly, played a very critical role. And then of the outside powers, I think the most important were Australia, France, and Indonesia.

JS: How important do you assess the role of the five permanent members when they became active in Paris?

MW: I think that was very important: they had to be on board. I think it has become an accepted principle that if one doesn't have the permanent five on board, giving strong diplomatic and political support for a peacekeeping operation, then that operation is going to very quickly run into trouble. China, as a member of the permanent five, played a particularly important role, because China had, of course, been very involved with the Cambodia problem, going back many years. And, in fact, as late as the end of the 1980s,

it was still supporting the Khmer Rouge. It had been a strong supporter of the coalition government of Democratic Kampuchea (as it was called) of Prince Sihanouk. But it was the tie with the Khmer Rouge, in particular, that caused problems in the past, and it was very important that China showed and demonstrated that that tie no longer existed. And by signing up to the Paris Agreements, it effectively did that.

JS: I am going to come back to this in a minute, because of the relationship between the Paris Agreements and the human rights question. But, in order to put this in context, I would like for you to put on the record, more or less, the position you went into in UNTAC.



MW: The position I was offered was Deputy Director of the human rights component, which was under the overall control of Dennis MacNamara, as Director of that component.

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JS: And, it's clear to me that because of your background, you did not need any training for this position, but I was wondering: was any kind of orientation, any kind of preparation offered to you before you went there?

MW: That could be a short answer: none whatsoever. And I was somewhat taken aback by that, and somewhat grateful that I knew Southeast Asia reasonably well: I had visited Cambodia several times as a journalist in the late '80s, and I had also had some familiarity with human rights issues from the four or five years I spent working with

Amnesty International. Without that, I think one would have been struggling, as unfortunately one did see other colleagues who had followed different career paths and obviously had not worked in Southeast Asia. Even in the provision of basic documentation, I think the UN was quite bad at that period. One had to find oneself basic documents, such as the Paris Agreements, and so on. They were not provided as such by the UN.

JS: That's an interesting point because the Paris Agreements were the Bible, so to speak, for this operation.



MW: Indeed.

JS: You are suggesting that even some of the people in senior positions were not necessarily familiar with all the details of the Paris Agreements?

MW: I don't think they were. Certainly that was the case at lower levels. I think it was the case even at a middle level of management, as it were. And quite often I think that was a problem in UNTAC.

JS: How would you describe your duties, and where were they performed?

MW: I was based in the office, the headquarters, if you like, of the human rights component, which was a building formerly owned by the Russian or the Soviet embassy,

in Phnom Penh. I think, in fact, it was the Soviet information office in Phnom Penh. I was based in Phnom Penh, and I suppose my duties were, in the first place, to deputize for the director of human rights in his absence and in other assignments he might give to me; secondly, to help organize the education and training program with regard to human rights; thirdly, to manage and assist in public information and press activities with regard to human rights; and fourthly, to ensure the smooth running of the component. I was in charge of the administration of the component.

JS: Now, when you speak about education, did that include training or education of UNTAC staff members who came out, after you did, to work in the human rights field?

MW: Not really. One of the problems with UNTAC was the slow deployment in the field. In fact I myself did not take up my position until the first of August 1992, which was virtually four months into the operation. Many members of staff came much later than that. We were still taking people, for instance, at the beginning of 1993, almost ten months into the operation. There was no systematic training with regard to human rights for UNTAC staff. I think this was a problem, particularly in areas such as Civpol for example.

JS: I want to go back to the Paris Agreements for just a minute because some people have suggested that one of the weaknesses in the Paris Agreements was precisely the human rights area. What do you think about that? Was there sufficient specificity, or

insufficient specificity, in the Paris Agreements, to give you the necessary authority, guidance on the issue?

MW: I think there was a certain tension in the Paris Agreements with regard to human rights. There were some difficulties in the drafting of that document. We referred earlier to the role of China: much as China disengaged itself from the Khmer Rouge, thus making the peace process possible, at the same time, it obviously did not want that peace process to move in any direction of prosecution for past crimes, or anything in that regard, for the Khmer Rouge. And I think there were difficulties in keeping everybody on board on the human rights provisions with regard to the Paris Agreements. I think those provisions, frankly, given the necessity for keeping China and ASEAN on board, probably went as far as they could go.

JS: The fact that there is no mention of genocide in the Paris Agreements – did you find that to be justified? Did you find that to be necessary in terms of the larger objective of peace? Or did you find it a weakness?

MW: I think it was a weakness, frankly. It may have been a diplomatic and political necessity of the time; I think that China and the ASEAN countries had made it clear that they could not accept any reference to genocide, and in the wider interests of the peace process that issue was put aside. But in a sense, as we have seen with the subsequent history of Cambodia, it is an issue that cannot be put aside, and continues to fester.

JS: I would like to move to questions of the organization of UNTAC and relationships there. What exactly was the relationship between the civil rights – was it a division, or section, or what? – and the civil administration side?

MW: You mean human rights and civil affairs?

JS: Civil affairs, yes.

MW: Short answer, I think, is 'not very good.'

JS: What was the chain of command?



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JS: Well, UNTAC was organized into various components: the military, civil affairs, Civpol, the electoral division, the division of information, and the human rights division or component – I think 'component' was the term that we basically used. I think we always felt like the somewhat neglected child of the family. We were probably the smallest; in fact I think we were the smallest in terms of number of personnel. And we had a headquarters office in Phnom Penh but it was only as an afterthought that we had some sort of provincial provision. We had one human rights officer for each of Cambodia's 21 provinces, but those offices were attached to the civil affairs office in the provincial capital, which was much larger and which was headed by a director, usually somebody of P-5, D-1 rank in the UN hierarchy, whereas our officers were very junior, P-2, P-3 level, I think almost without exception. That led to many problems. And I think

there were difficulties at the national level, between the human rights component and civil affairs. There were personality problems; there were also policy problems. And there was a feeling, I think very strongly present in the human rights division, that civil affairs had not taken its supervision of key ministries seriously enough as a task.

JS: There seems to be a widely shared view that civil affairs was one of the two weakest sections. I judge you are agreeing with that. Other than this question of the supervision of the government, what were the other weaknesses in this civil affairs division that you perceived?

MW: I think there were problems of leadership. I think there were also other problems, to be fair to civil affairs. The mandate that was given by the Paris Agreements for the UN in Cambodia was very ambitious, very intrusive. Even the very name of the operation was the 'UN Transition Authority in Cambodia.' That bestowed upon the UN enormous authority. At the same time, having been given that authority, the UN, and to some extent the SRSG, Mr. Akashi, were very wary about wielding that authority. In a way, there was a certain feeling that perhaps too much had been thrust into one's hands, or a certain caution with implementing that authority. I think, a certain wariness as to how one should implement the mandate and authority, accepting that we were in Southeast Asia and that there were certain Asian ways of doing things.

JS: But now the human rights division – if it was a division, is that correct?

MW: Yes.

JS: It had direct access to the Special Representative, or did you have to go through civil affairs?

MW: No. We did have direct access to the Special Representative, and that was maintained at all times. There was a daily meeting of the directors of all the components with Mr. Akashi, Monday to Saturday, and in the absence of a director the deputy director would go along. In the case of human rights, I would attend if Mr. MacNamara was out of the country or engaged in the provinces or whatever. So, one did have a daily opportunity to bring problems to the attention of the SRSG, and I think that was an opportunity that we frequently took.

JS: Why, then, it is often said the SRSG did not delegate sufficient authority to the various components?

MW: I think Akashi did, and he didn't. The components in a sense – also stemming from the Paris Agreements – had their own responsibilities with regard to information or human rights or civil affairs, and the directors of those components acted upon that. But I suppose it was at the higher political level, if you like, that Akashi tended to report to the directors but keep to himself the management of the parties to the conflict or the parties to the peace process. I think he really listened to advice, but he was always his own man on this issue, and indeed almost set up other forums besides his own directors – for example,

he used the diplomatic corps in Phnom Penh as another sounding board as well as his own directors. And I think that worked quite well.

JS: Of course, that was also an indirect channel back to New York, right?

MW: Indeed it was. An indirect channel back to New York and of course an indirect channel back to the respective capitals, and through his management, as it were, of that group he was able to more or less keep the outside powers on board. That was one of the reasons why I think the Cambodia operation worked reasonably well, and in sharp contrast, one of the reasons why the Bosnia operation did not work well.

JS: Right. You had background in the press. What about the handling of the press in Cambodia, by UNTAC I mean, and especially by the Special Representative?

MW: I think it improved as time went on. I think initially, frankly, there were some problems because the chief press spokesman had a rather abrasive manner with the press and I think that did not go down well. The UNTAC operation received a lot of press attention and a lot of the journalists who were covering the operation and the peace process were seasoned hands, as it were, when it came to Southeast Asia. In fact a number of them had been there through the whole story; they had been there in the early 1970s when civil war was raging and there in 1975 when Phnom Penh had fallen into the hands of the Khmer Rouge. So, this was a fairly hardened pack of hacks, as it were. I

think that initially we had some problems in the management of our relations with the press.

JS: Was inordinate attention given to the Japanese television component there?

MW: 'Inordinate' is perhaps too strong a term. Japan after all was a fairly key player and was paying a large part of the bills. Sometimes there was a feeling that the Japanese press was given preferential treatment. But on the whole I wouldn't make too much of an issue of that. I would imagine in the case of Namibia that if a Finnish journalist had gone to interview Martti Ahtisaari, obviously he would have a certain advantage. He would be able to talk to the man in his own language, to begin with, which most journalists would be prohibited from. In Akashi's favor: though he had spent virtually all his career in the UN (which is not necessarily an advantage in dealing with the press) he was very conscious of the necessity for getting good press coverage and getting press support, as it were. And certainly as time went on, in 1993, he thought to involve me more and more in relations with the press, although strictly speaking it did not entirely fall within my ambit, as it were.

JS: Can you comment a little bit – actually the human rights area was probably the area that was subjected to the most external criticism, and the press certainly played a large part in that. You may add that it was also NGOs. But I would be interested in you giving us your perception of that. What was wrong, if anything? Why was there this greater criticism externally of the human rights operation than of others?

MW: I'm not sure whether that's entirely fair. I mean our tasks as mandated by the Paris Agreements were in regard to education and training, but there were also tasks obviously to monitor human rights in Cambodia during the transitional period, and that transitional period was marked by considerable political violence, political violence which essentially stemmed from two directions. One, from the existing administration in Phnom Penh, the so-called SOC regime, the State of Cambodia government, which particularly in the immediate run-up to the elections in May 1993, clearly used violence for political goals. The other direction that political violence came from was the Khmer Rouge, which after the summer of 1992 had already essentially disengaged themselves from the peace process, and subsequently carried out a number of quite horrendous attacks upon the Vietnamese minority in Cambodia, involving very many deaths. I think in counteracting that political violence, UNTAC was seen to be wanting. It was felt that more could have been done to counteract that violence and that the UN was either unable or unwilling to rise to that task, and it was from that that there was press criticism.

JS: Just in that connection, I suppose that there were more NGOs in Cambodia interested in human rights than in any other subject. What was the relationship between your office, your part of UNTAC, and the many NGOs that were there?

MW: I think the relationship was very good. I think that if one looks back now after five or six years, I think it was one of the real successes of UNTAC and of the human rights component, that we played a critical role in facilitating an atmosphere in which

NGOs, local NGOs, could emerge. I visited Cambodia several times in the late 1980s and the early period of 1990 and 1991 before the Paris Agreement, and even by the standards of one-party regimes and communist regimes, Cambodia was a very closed society. Vietnam, for example, which I also knew reasonably well, was more open. There wasn't even a Communist Party daily newspaper in Cambodia. The party used other means to exercise its political control over the population. I think one of the things that UNTAC did very well was fostering this atmosphere in which a freer press emerged, but also in which domestic NGOs emerged. And one of the things that we sought to do, as the human rights division or component, was to facilitate that process by trying to help with funding, either directly through a trust fund that we established, or putting NGOs into contact with outside foundations and governments and so on, and also assisting them in developing contacts with other NGOs, both at an international level and with regional NGOs. We organized two big conferences, the first in December 1992 and one at a later date after the elections, to try and facilitate that process of growth in NGOs.

JS: I assume that the relationship between the human rights component and the military component was relatively important, but could you describe what that relationship was, and the extent to which the military component was able to cooperate in achieving the objectives that you were seeking?

MW: The relationship with the military component – and here my views are somewhat colored by subsequent experience in Bosnia, where I think there were more difficulties, far greater difficulties, in the relationship between the civil and military wings of the

mission – in Cambodia, by contrast, it was much better. At the same time – and I think this has been a consistent problem in peacekeeping operations – the military, to my mind, has tended to interpret its functions and its mandate in a somewhat conservative way, and in too passive a fashion, and has tended to be over-cautious when there has been any attempt by the civil/political wing of a mission to engage them in broader peacekeeping tasks. To some extent, obviously, the military in a world of realpolitik are guided by the instructions that they have from national capitals, and this was perennially a problem in Cambodia, as it was to be to a far greater extent in Bosnia. But clearly, many military contingents were operating under fairly strict instructions, or so it would seem, from their national capitals.



JS: Going from the military to the civilian police, the Civpol, I would pose the same question there: what did you expect from them? What were they able to do in assisting in the protection of human rights in Cambodia?

MW: I think that was a real problem, and a far greater problem in a way than the military, because the human rights mandate necessitated perhaps better cooperation or closer cooperation with Civpol than with the military. With the military it was more a question perhaps of them providing a general security umbrella, particularly in the period prior to the election when political violence was escalating. With Civpol, in an ideal world, we should have had an almost daily relationship; they should have been involved, for example, to my mind, in the education and training that we tried to organize, and particularly where it related to the local police. The local police force had only the most

elementary ideas, I think, of what a modern police force should be like, and had really no ideas with regard to questioning of suspects, other than beating them up and the frequent use of torture, which was a perennial problem. We were also handicapped once political violence escalated, with respect to having necessary assistance from Civpol in the investigation of human rights excesses and abuses. There simply were not enough, or there were simply very few, Civpol officers who themselves were adequately qualified in modern policing. And I think this is a real weakness within peacekeeping. It certainly was then, in 1992-93. I think there have been some improvements since, but if one looks, for example, at the number of police officers in the Secretariat now in New York, in the middle of 1998, compared with the number of military officers, I think it is still very, very wanting.



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JS: In police work, I would think communication is especially important. Was language perhaps one of the weak elements in this picture?

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MW: Oh definitely. I said just now that many of the Civpol officers were wanting themselves with regard to modern policing methods, but there was also a real problem in that very frequently Civpol officers had inadequate English or French, which were obviously the two working languages of the mission. Many of them didn't have driving licenses, and in a country like Cambodia this made work almost impossible.

JS: And you would go further in saying that some did not have a working knowledge of basic human rights?

MW: I think that's the case. On an anecdotal level, one occurrence I had myself was that there was a burglary at our office whilst I was working there very late one evening on my own, at about 10:30, and I was able to telephone Civpol to notify them of this burglary, and they did actually apprehend one of the persons involved in the theft. Then I stumbled upon two officers actually beating this chap, and in the end had to plead with them to stop this. But as those officers said to me: "You know, this is what these people [namely, the Cambodians] are used to. They need to be punished."

JS: You mentioned earlier that one of the most blatant instances of human rights abuse was the terrorist tactics used by the SOC, especially in the period before the elections. What were your means of dealing with the SOC authorities on such questions as infringement of human rights?

MW: Rather limited. In the first place there were investigations of the incidents, then bringing our reports to the attention of the SOC authorities, which we would sometimes do directly, i.e. Mr. MacNamara or myself would meet with SOC officials, or if the incidents had been particularly serious, we would ask Akashi to bring them up with Hun Sen or with relevant ministers. We frequently sought either formally or informally to give the incidents press publicity or began to give our findings press publicity. In theory, we did have the power, of course, to remove officials, but that was a power, alas, which was seldom exercised, and I think that was a mistake.

JS: Now, there is another component that we haven't spoken of yet, relative to human rights, and that was the legal component. Is that the word that you used there? What was the relationship there?

MW: I'm trying to remember whether it was actually called a legal component or whether it was a legal office or legal division. There were good personal relations, in fact very good, between the chief legal officer and Dennis MacNamara and myself. But having said this, our feeling was that the legal office defined itself or interpreted its tasks in a very conservative manner. Sometimes we would have disagreements of policy with them. It struck me as curious that they, themselves, were not really involved in any way with the human rights work that we were trying to carry out.

JS: They were not?

MW: No.

JS: Eventually a prosecutor was appointed?

MW: Established. Yes. Very much against the wishes of the legal advisor, who felt it was exceeding the terms of the Paris Agreement.

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MW: I think the judiciary and the legal system were real problems, for the human rights division and UNTAC as a whole. Quite frankly, they were – even by the standards of communist countries – the judicial system in Cambodia was sorely deficient. There were very few judges, partly as a result of the Khmer Rouge period, but also because of the nature of the subsequent communist regime. And those judges that were around were strictly under the political control of the party. We did attempt, I think, to bring one case to trial before a court in Phnom Penh, but it was very clear that the judge after an initial hearing was not willing to pursue the case.

JS: When a human rights violation was detected, literally what could you do about it to correct it?

MW: It would depend on the nature of the violation.

JS: Can you give some examples?

MW: If it was felt that the violations were not particularly serious, then cases could be brought to the attention of the local officials and we would try and get some redress there. Quite often we would make a sort of joint *démarche* with other components, the electoral division for example, because many of the human rights violations were also concerned with the elections. We could give publicity to the cases; we could bring them to the attention of senior ministers and indeed to the prime minister, Hun Sen. We could seek to

ask for the removal of officials, but on the whole the SRSG Akashi was very reluctant to use that power. In the worst cases, the Special Prosecutor did have the authority to order the arrests of individuals, which we did in the cases of four individuals and they were arrested and held by UNTAC until the expiry of the mandate on, I think, September 27th.

JS: They were held but never tried?

MW: Yes.

JS: I see.



MW: I think the absence of mechanisms of redress was a real weakness of the human rights division and of UNTAC generally.

JS: Now, was it one of the functions of the human rights component to educate the local population on what their human rights actually were? The Universal Declaration, and so forth?

MW: Very much so. And I think that was part of our task that we pursued very vigorously and one area in which we met, I think, with quite a degree of success, particularly given the fact that this was a very poor country, and not just poor in terms of its economy, but poor in terms of communication. It was very difficult to communicate with a mass of people, for example.

JS: So, how did you do it? There were some innovative ways, I think.

MW: Through a variety of ways. At a formal level, for example, in the university at Phnom Penh we did organize a series of lectures and so on; but we also organized at a more popular level, human rights programs which were broadcast on radio and television. Radio was somewhat more important in Cambodia, as television was virtually inaccessible outside of Phnom Penh. We also engaged a number of touring drama and dance groups or troupes, to write plays around human rights themes, which toured the country and were very popular. There were poster and leaflet campaigns. We organized painting competitions in schools for example. Provincial human rights officers were also encouraged very much to undertake their own initiatives in this regard.

JS: You mentioned the two principal areas of human rights violations, that is by SOC but also the problem of the Vietnamese who were resident in Cambodia. What could your component do about the... well, practical persecution of the Vietnamese?

MW: It was difficult, particularly as many of the Vietnamese of Cambodia live in quite exposed communities around the so-called Great Lake, the Tonle Sap. In other areas, in Phnom Penh for example, it was easier to monitor Vietnamese communities and our human rights officers would visit them on a very regular basis. But those, such as the traditional fishing communities around the Great Lake, it was very difficult to keep any sort of semi-permanent presence there. We tried to get the military to provide a sort of

patrolling presence, but they were reluctant to do so. I think that that seriously handicapped our work. We were not in a position, unfortunately, as a human rights component to give protection to the Vietnamese community. It would have been possible only with the complete cooperation of the military component. That was not forthcoming.

JS: Which group did you find most guilty of the anti-Vietnamese actions?

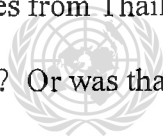
MW: The Khmer Rouge. I think there is no doubt about that whatsoever. There is a general problem, to be frank, within Cambodia with regard to the Vietnamese minority, who have had a very unhappy history in that country. There is a general distrust and, I am afraid, dislike of Cambodians. But one of our worst fears never happened, and I think that was always a credit to the Cambodian population. I think there was a concern that the Khmer Rouge attacks upon the Vietnamese minority were meant to detonate a wave of popular anger against the Vietnamese, were meant perhaps to provoke pogroms. That never happened, and I think that is to the credit of UNTAC but also to the Cambodian population as a whole.

JS: What responsibilities, if any, were you able to exercise within the area controlled by the Khmer Rouge?

MW: Almost none, I would say. I think this was probably a significant failing of the UNTAC operation, and I think it was one of those areas where initially more decisive

action might have paid off. I say 'might have paid off' because the Khmer Rouge were not simply any other rebel group, as it were. This was a group whose ideology, going back twenty or thirty years, had emphasized strict discipline, tight cohesion, and total distrust of all outsiders. So, frankly, one wasn't going to win converts overnight, here. Nevertheless, they had signed up to the Paris Accords, they had been brought to the negotiating table – undoubtedly because of strong pressure from China – and I think there was perhaps a certain opportunity there in the initial months, initial weeks and months, where one could have pursued a firmer path with regard to the Khmer Rouge.

JS: And with regard to the returnees from Thailand, did your office consider you had any responsibility with regard to them? Or was that strictly UNHCR?



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MW: Strictly speaking it was basically UNHCR's concern. But we enjoyed a close relationship, obviously, with the UNHCR in Cambodia, which stemmed in no small part from the fact that our own director of human rights came from UNHCR, and we certainly saw it as part of our tasks, once the refugees had returned, to assist and work alongside UNHCR in monitoring their presence, particularly at a provincial level, and to monitor their human rights.

JS: Did you find, to the extent that you could observe it, that they were at times not welcome when they came into a community that they had not belonged to before leaving, and in fact were deprived of the capacity to live?

MW: I think in some cases that certainly was the case. I think on the whole, we felt that the process had worked somewhat better than it could have done, given the fact that very many of these people had been outside of the country for a quite considerable period of time, and had sort of broken with their original communities, as it were.

JS: Our time is growing short and I will ask just one more specific question, and that has to do with the prisons. What did, or could, the human rights component do concerning conditions in the prisons in Cambodia?

MW: This was another area where local practice was very bad, and compared unfavorably with other Southeast Asian countries and with other authoritarian regimes in that region. Political prisoners were, of course, released, and were released fairly soon after UNTAC was deployed in Cambodia as part of the Paris Agreements. We nevertheless found that there were very large numbers of prisoners who were being held in appalling conditions, very many of whom, in fact the majority of whom, had had no process of trial whatsoever. In fact, many had had no sentence meted out and nothing beyond initial charging. Having said that, we did find that we were able to improve conditions in prisons during the period when UNTAC was in Cambodia. For example, we raised the practice of shackling prisoners – which was very widespread in Cambodia – with the SOC authorities. It took some steps, but not enough, and then we encouraged our human rights officers to visit the prisons very regularly and to bring this issue up, and to see to it in a quite active way that the shackles were not used. Over a period of time the use of the shackles was suspended throughout Cambodia. We had a very active program

of prison visiting. I think there was hardly a facility in the country that wasn't visited on a weekly basis.

JS: By the local officers?

MW: By the local officers, sometimes in conjunction with officers from Phnom Penh, and sometimes working also with local Civpol officers. And this did have quite an effect on raising conditions in the prisons. I think one met with some progress there.

JS: What hopes, what conclusions did you leave Cambodia with, in terms of the future, in terms of what the United Nations had accomplished in the human rights field, and how lasting it would be?

MW: I think one of the difficult things with all peace agreements and with all UN peacekeeping operations is trying to build in sufficient guarantees to see that some of the gains that were made were lasting. I think certainly during the period of UNTAC, there was very considerable progress, if I can use that word in a very wide sense, in Cambodian society. I think perhaps for the first time in Cambodian history there was development, albeit in a sort of modest form, of civil society, of a free press, of NGOs, of lawyers and teachers and others, seeing themselves as independent actors. We organized, obviously, the first democratic elections in the country's history. But we were always conscious of what happens the day after. And I think that from our day one we sought actively, as far as we could, to try and look for measures to hold what had been achieved. One of the

most concrete ways we did that, was by assisting the establishment, for the first time, of a field office of the UN Center for Human Rights, in Cambodia, which we did. It was the first time they ever had field experience, and that office exists to this day in Phnom Penh. And despite many of the untoward events that have subsequently happened in Cambodia, I think that office has actually played a very important role, both in terms of continuing education projects and in terms of monitoring human rights abuses in the country. I think we also sought to engage regional and international NGOs to maintain links with local NGOs, and with regard to themselves monitoring the human rights situation; and again I think that has been reasonably successful. I think where there have been shortcomings, they have been on the wider political and diplomatic front, and that frankly those governments that signed up to the Paris Agreements in October 1991, have not taken their responsibilities with regard to that agreement perhaps as seriously as they should have done. And there has been, I think, a tendency in the international community and regionally in Southeast Asia, to see Cambodia as a problem solved, and not wish to revisit that problem.

JS: In the case of the human rights, I think it is called a 'rapporteur,' right?

MW: Indeed.

JS: Does he or she, I don't know which it is, report back to the Human Rights Commission here in Geneva, or what is the chain of command there?

MW: He reports to the Human Rights Commission here in Geneva. Initially it was an Australian judge, Justice Kirby if I remember; subsequently it was a Swedish human rights activist, Thomas Hammarberg who is a former Secretary General of Amnesty International. Both of those rapporteurs visited Cambodia very frequently. I think they both have been very, very active in bringing to wider attention abuses that have taken place subsequent to UNTAC's departure.

JS: But that is all they can do, right – to bring it to wider attention?

MW: Yes. We did seek, initially, when the mandate of the Special Rapporteurs was being established by the Human Rights Commission, to try and give the rapporteur functions with regard to investigation of human rights abuses. But we ran into difficulties in finding sufficient diplomatic and political support for that, particularly, but not exclusively, from the ASEAN countries and China, who very much wanted to see the Cambodia problem wrapped up. I think in retrospect many of them felt that UNTAC itself was intrusive enough, and that one did not want to see, subsequently established, precedents for UN human rights 'interference' as they saw it, in domestic national sovereignties.

JS: This is very helpful. Do you have, before we turn off the machine here, any other particular points that stick in your mind as worthy of recording, in terms of your experience there?

MW: I think one issue that comes to mind now and I would like to revisit, as it were, was the question of the judiciary. There was almost no functioning judiciary, as one would understand it, in Cambodia. We should have known that from day one; the most elementary assessment of the country would have revealed that. And I think that from day one, more should have been done to try and rectify that situation. It is not a situation that easily lends itself to immediate or, indeed, even short-term improvement, but I felt subsequently that, particularly as the human rights division obviously, we should have done more. Curiously, it was an area that sort of fell between us, between the human rights division, and the civil affairs division, and that is partially the reason perhaps why more wasn't done than could have been done. But I think it's a problem that UN peacekeeping missions have run into elsewhere, in many African countries for example, and I think one should have sought, with the help of the donor community, early on, to have set up ambitious training projects for the local judiciary, to bring them more in line with international standards.

JS: Thank you very much.

MW: My great pleasure.

Yale-UN Oral History Project

Michael Williams

James Sutterlin, Interviewer

July 7, 1998

Geneva, Switzerland

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