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THIRTY YEARS AFTER THE PARIS PEACE AGREEMENT

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Paris Peace Agreements*

## **Settling the Cambodia Conflict: Hindsight Views (October 23, 1991 to October 23, 2021)**

*The author, a signatory to the Paris Peace Agreements, reflects on his personal participation in the peace negotiations among the warring factions of Cambodia that eventually ended the fighting and brought peace. In tracing the insurmountable obstacles to peace, he identifies new challenges to political stability, both foreign and domestic, and recommends that all Cambodians should end the politics of divisiveness and work towards national unity.*

**O**n October 23, 1991, in the presence of the United Nations Secretary General, Cambodia and eighteen other countries signed the Paris Peace Agreements in France to settle the Cambodia conflict. On that occasion, Cambodia was represented by the

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Supreme National Council (SNC). The SNC was composed of twelve representatives from four warring factions: Khmer Rouge or Democratic Kampuchea (Khieu Samphan and Son Sen); Khmer People's National Liberation Front or KPNLF (Son Sann and Ieng Mouly); Front Uni National pour un Cambodge, Indépendant, Neutre, Pacifique Et Coopératif or FUNCINPEC (Samdech Norodom Sihanouk and Prince Norodom Ranariddh); and the State of Cambodia or SOC (Prime Minister Hun Sen, Dith Muntty, Hor Namhong, Im Chhunlim, Sin Sen and Tea Banh). The Cambodian parties that engaged in the conflict were regrouped into two opposing entities: the Coalition Government of Democratic Kampuchea (CGDK) and the State of Cambodia (SOC).

## **Opposing Views of the Cambodia Conflict**

I was the Secretary General of the KPNLF, a component of CGDK and consequently, part of the negotiating team at the signing of the Paris Peace Agreements. The KPNLF's negotiating team was composed of former Cambodian generals, diplomats, jurists, and Cambodian intellectuals living in various countries (the United States, Canada, European Union, Australia, and Japan). As the KPNLF Secretary General, I was entrusted by the inner circle of the KPNLF leadership to help recruit other negotiating team members.

At that time, the negotiating team needed to understand the following strategic concepts of the CGDK on the conflict in order to engage in negotiations:

1. The 1979 Vietnamese invasion of Cambodia is the origin of the conflict. The war in Cambodia is a war of national liberation against foreign occupation, not a civil war between Cambodian nationals.



2. The occupation of Cambodia by Vietnamese troops (from 1979 to 1989) is illegal. The Cambodian administration put in place by the occupants is illegal and must not be recognized.
3. The prerequisite to any political solution is the total withdrawal of Vietnamese troops from Cambodia.
4. The national reconciliation must be made through the general election, organized either under UN control or supervision, or by the UN.

According to these strategic concepts, the representatives of the three CGDK components (Khmer Rouge or DK, KPNLF, and FUNCINPEC) needed to avoid the following actions:

1. To agree to negotiate, in any conference, without the participation of Vietnam's representatives.
2. To give the pretext of having two opposing governments in Cambodia when engaging in any talks, thus avoiding direct talks with the Phnom Penh administration.

It is noteworthy to recall that China, Association of Southeast Asian Nations, the United States, and other Western countries first adhered to the CGDK strategic concepts. However, as the conflict evolved, the CGDK proposed new frameworks for a political settlement in an 8-point-proposal dated March 17, 1986. In this proposal, the CGDK asked Vietnam to complete their first phase of troop withdrawal before the Cambodian parties could begin to talk directly. This was a precondition for direct negotiations between the four Cambodian parties.

In opposition, Prime Minister Hun Sen's faction viewed the genocidal crime committed by Pol Pot's regime as the main cause of the conflict. It was the genocide that ignited a rebellion against the Khmer Rouge. Thus, the main reason for the presence of Vietnamese

troops in Cambodia was to assist in liberating the Cambodian people from the Khmer Rouge. With this perspective, Vietnamese troops were voluntarily fighting for Cambodia's liberation instead of military occupation.

## **Benefits and Challenges**

At the signing ceremony, we signed four documents:

1. Final Act of the Paris Conference on Cambodia.
2. Agreement on a Comprehensive Political Settlement of the Cambodia Conflict.
3. Agreement Concerning the Sovereignty, Independence, Territorial Integrity and Inviolability, Neutrality and National Unity of Cambodia, and
4. Declaration on the Rehabilitation and Reconstruction of Cambodia.

In my view, the initial settlement of the conflict was the most important aspect of the Paris Peace Agreements. The implementation of the agreement on a Comprehensive Political Settlement of the Cambodia Conflict helped restore full sovereignty and independence for Cambodia. However, peace was not fully achieved because the Khmer Rouge refused to join in the 1993 general election. The Cambodian people had to wait until the end of 1998 to enjoy full peace, only after Prime Minister Hun Sen had implemented his “win-win” policy. The core element of this “win-win” policy consisted of three following guarantees for those who defected from the Khmer Rouge: to guarantee life and physical safety, to guarantee their employment and business, and to guarantee ownership over mobile and immobile property.



The signing of the Paris Peace Agreement on October 23, 1991. The author, Ieng Mouly, a co-signatory, is seated on the extreme right as Prince Norodom Sihanouk puts his signature on the documents. Photo by the courtesy of the author.

The United Nations Transitional Authority in Cambodia or UNTAC's unwillingness to act accordingly against the Khmer Rouge was most challenging. We must recall the action of a single Khmer Rouge soldier who refused to open the gates to allow UNTAC leaders to enter the Khmer Rouge stronghold. Furthermore, the compliance by UNTAC with the Khmer Rouge soldier's order illustrated UNTAC's weakness in fulfilling its responsibility. The subsequent refusal of UNTAC to act led the Khmer Rouge to stay out of the Paris Peace Agreements. This situation prolonged the war up to the end of 1998.

However, the non-participation of the Khmer Rouge in the general election, cannot overshadow the tremendous success of UNTAC's mission in Cambodia. It allowed the three other factions to reconcile and adopt a new constitution that became the supreme law of

the land, highlighting a declaration of fundamental rights, a status of Cambodia as a sovereign, independent, and neutral state, and a state that follows a system of liberal democracy based on pluralism, giving its citizens the rights to vote, and to be elected by universal and equal suffrage.

Under the provisions of the 1993 constitution, all political parties were allowed to compete freely in a general election that takes place every five years. We are now heading towards the commune election in 2022 and the seventh legislative election in 2023. This constitution provides a legal framework and mechanism for elections and election fraud disputes.

In summary, the issues of democracy and human rights have been challenging as Cambodia needs time to cultivate its values and practices as well as to put in place institutions that uphold democracy, human rights, and the rule of law. The process of consolidating those institutions depends upon peace and political stability in the country. Peace and political stability are a *sine qua non* of every field of development, including the development of democracy in Cambodia. It is better to make democracy safe for Cambodia rather than make Cambodia safe for democracy.

Under the constitution, Cambodian politicians of all political shades are rightfully able to participate in the development of democracy, joining in elections, accepting, or disputing election results, and at the end, always resorting to the supreme verdict of the people. This is to underscore that if any political party is suspicious of any election fraud, that party can appeal to a higher authority. In addition, through the parliamentarians' responsibilities to their representatives, the complaining party can ask for amendments to the laws relating to the election or ask for a reshuffle of the election

commission. In the past, Cambodia has amended the election law numerous times, with the composition of the National Election Commission often being changed. This is the right way to develop democracy in Cambodia.

Cambodian politicians, especially those who are living overseas, must understand that when they cease to adhere to the principles of democracy, under the constitution, and when they turn to adopt a stratagem of regime change, they will surely meet a stiff response. This regime change stratagem consists of, for example, acting in violation of national sovereignty, not recognizing, or not respecting national laws and institutions, and appealing to foreign powers to interfere in internal affairs, which directly contradicts the constitution. In addition, Article 2 of the agreement titled, “Agreement Concerning the Sovereignty, Independence, Territorial Integrity and Inviolability, Neutrality and National Unity of Cambodia,” prohibits other parties to the agreement (foreign powers) from interfering in any form whatsoever, whether direct or indirect, in the internal affairs of Cambodia.

The line is clearly defined between reinforcing democratic processes under the constitution, and regime change under foreign involvement that entails civil war and political turmoil. As the socio-economic development of the country grows, I am sure an immense majority of Cambodians want to see democracy develop and prosper in an environment of peace and political stability.

Genuine democratic powers should support Cambodia in her efforts to stabilize the country in order to develop and strengthen democracy. However, because of their geopolitical interests, some western powers have favored befriending some autocrats in the region over assisting Cambodia in her desperate need for peace and prosperity.

## Difficulties and Alternatives

We should celebrate the success of the Paris Peace Agreements as the culmination of a compromise for all parties in settling the Cambodia conflict. The support of the international community was also a major win, even though the implementation of the Paris Peace Agreements did not achieve full peace for the Cambodian people. It was not easy to reach such comprehensive agreements. First, acceptable common grounds, where disputes could be settled by Cambodian factions themselves, needed to be found. This was a very hard because the Khmer Rouge had committed genocide against its own people. Secondly, the Perm-5 powers, whose members could easily veto any resolution, needed to reach a consensus. The Paris Peace Agreements should remind us of how arduous the peace process is. The French statesman, Georges Clemenceau, said it perfectly after the First World War: “It is far easier to make war than peace.”

The issues of Khmer Rouge genocide and the Vietnamese occupation of Cambodia were another stumbling block to the negotiation. The Paris Conference found a compromise, in rhetoric, by not using in the agreements the term “Genocide” and replacing it with “Policies and Practices in the Past.” Additionally, the term “Vietnamese Occupation” was replaced with “Withdrawal of Foreign Forces and its Verification.”

It is regretful that, after many years of arduously accomplishing a peace settlement in Cambodia, some Cambodian politicians still use divisive rhetoric to attack their opponents. Opposition members have claimed that Cambodia lost extensive kilometers of territory to her neighbors. However, these claims are simply unfounded. In reality, the Royal Government of Cambodia has been embarking on physical delimitation of borders with Cambodia’s neighbors, based on a map



that is recognized by all parties, to ensure that not an inch of Cambodian territory is lost. I am sure that this physical border delimitation will be regarded as a legacy of the current leadership by future generations of Cambodians.

Until now, many opposition politicians have continued to use anti-Vietnamese and racially discriminative language when they accuse the government of wrongdoing. These kinds of political behaviors have no other impact than to divide the nation. Instead, all politicians must unite all efforts to build the national unity that Cambodia dearly needs to bolster her nationhood.

Another issue that caused the adjournment of the first session of the Paris conference in August 1989 was the setup of an Interim Authority during the transitional period. The CGDK, under Samdech Sihanouk, proposed the dismantling of the two opposing governments (CGDK and the SOC) and the establishment of a National Union Government (Quadripartite) that would share power among the four warring factions (FUNCINPEC, KPNLF, Khmer Rouge or DK, and SOC). As a counterproposal, the Party of Prime Minister Hun Sen proposed to maintain the two governments, allowing each faction to keep its own power in its territory and to set up a High Authority with powers to organize the general election.

The Perm-5 proposed setting up a Supreme National Council (SNC), a unique legitimate body and source of authority in which, throughout the transitional period, national sovereignty and unity would be enshrined. We viewed the SNC as a compromise, but we would have preferred to deepen discussions on power sharing among the four warring factions. This would have allowed a smooth transition of power to the national government, formed after the adoption of the new constitution. From the start of the implementation of the Peace

Agreements, the four Cambodian factions should have worked together to build trust and confidence among themselves that would strengthen national unity at a later stage. The lack of trust and confidence eventually led to an armed confrontation between FUNCINPEC of Prince Norodom Ranariddh and the Cambodian People's Party or CPP of Prime Minister Hun Sen in July 1997.

The maintaining of powers during the transitional period, within each existing administrative structure, also gave Prime Minister Hun Sen's Party massive leverage, as his party controlled vast territory and the most resources in comparison to the other factions. The issue of existing administrative structures was not discussed in depth, except the status of five ministries that the conference decided to place under direct control of UNTAC. These five ministries were Foreign Affairs, National Defence, Finance, Public Security, and Information.

In addition, there were conflicting interpretations of the definition of a neutral political environment. For the CGDK's part, we believed that a neutral political environment needed to be put in place with the installation of the SNC and UNTAC in Cambodia. However, when I personally complained about the lack of a neutral political environment, one ambassador of the Perm-5 advised me that the neutral political environment can be assured only on election days.

## **No Clear Provisions on Non-compliance**

The issue of non-compliance with the agreement was not well considered. In fact, the SNC could not break any impasse when there was a disagreement among Cambodian factions as, under its rule of consensus, any party complained against, for its self-interest, always found enough reason not to comply or to cooperate. The SNC did transfer its executive powers to UNTAC and depended on the latter to



act. The story of the Khmer Rouge soldier in Pailin refusing to open the gate to the UNTAC leaders is an example.

The Paris Peace Agreements have signified that Cambodia belongs to the Cambodian people as a sovereign state. Cambodians must not disparage their own country as a puppet of this or that foreign power. The fact that Cambodia's borders with neighboring countries are being physically delimited and Cambodian civilization, customs, traditions, historical heritage, culture, arts, and language are being currently studied, emphasized, preserved, and diffused is an indication of our determination to strengthen our national identity. We must accept that our country will forever be surrounded by our current neighbors (Vietnam, Laos, and Thailand). We cannot displace our country to other locations of the world. The Cambodian youth should understand that united they will be strong and respected.

## **A Moment of Truth and a Time for Reflection on Losses**

We should celebrate the Thirtieth Anniversary of the Paris Peace Agreements as a moment of truth that brought the Cambodian people together along with the support of the international community for the common purpose of rebuilding the Cambodian nation, thus reinforcing Cambodian national unity.

Simultaneously, all Cambodians should never cease to forget and reflect on the total devastation, of unspeakable losses in terms of human capital, and socio-economic infrastructure during decades of war and political turmoil. We should stand shoulder to shoulder, say no to anything that brings political destabilization, war and destruction, and instead collectively adopt a forward-thinking mindset for Cambodia. We can build a stronger and more prosperous Cambodia by being united.

Finally, we should be grateful to those who made unimaginable sacrifices in defending and building peace, because peace and political stability are the primary basis for multi-faceted development.

*Exclusive to Rising Asia Journal*

### ***Note on the Author***

**Ieng Mouly** is currently Senior Minister in-charge of special missions and Chairman of the National AIDS Authority of Cambodia. He has held several high-level positions since taking office in October 2008, such as: Senior Minister in Charge of special missions, assistant to the Prime Minister for mine action (2008 to 2013); First Deputy Chairman, Council for Agricultural and Rural Development (August 2012 to September 2013); Chairman, Governing Council of the Cambodian Mine Action Center (1993 to 2008); and Minister of Information and Member of the National Assembly (1993 to 1998). Ieng Mouly graduated from the Cambodia Business School, Phnom Penh Royal University, and attended the Institut National des Techniques Economiques et Comptables of the Conservatoire National des Arts et Metiers in Paris (1974-1976). With the rise of the Khmer Rouge in Cambodia, he chose to engage in Cambodian politics in 1976. In 1982, Ieng Mouly left France to join the non-communist Khmer People's National Liberation Front, and became its Secretary General in 1988. His awards include a degree of Doctor of Humane Letters, Honoris Causa by the Armstrong University, USA; the Grand Cross of the Royal Order of Cambodia, and the Medal of National Merit awarded by His Majesty the King; and the French Commander de la Legion d'Honneur by President Jacques Chirac of France.