

## **The Politics of Genocide Justice in Cambodia**

A Talk at the Montreal Institute of Genocide and Human Rights Studies, September 12, 2003

Craig Etcheson\*

The single most sensitive issue facing Cambodia today concerns the question of accountability for the crimes of the Khmer Rouge regime. It is an issue which touches the hearts of each and every person in Cambodia. Everyone's lives are connected in some way, usually in many ways, to the Khmer Rouge. Every individual in the country had members of his or her family murdered by the Khmer Rouge. Thus it is a tremendously emotional matter for most citizens of Cambodia and it is a tremendously intimate question for the entire political elite. Virtually every member of the elite class has been variously a subject of, a member of, allied to, and/or at war with the Khmer Rouge for more than three decades. Consequently, the matter of genocide justice in Cambodia is not merely a legal or political question – it is personal. Public opinion surveys suggest that the overwhelming majority of the Cambodian people want the Khmer Rouge leadership to be prosecuted for their crimes, but thus far the political elite has been very reluctant to grant this wish, in part because nobody is completely "clean."

That crimes were committed during the Khmer Rouge regime between 1975 and 1979 is beyond debate. Some 2.0 to 2.5 million people perished – up to one third of the entire population – during the three years, eight months and twenty days of Democratic Kampuchea. The network of so-called "security centers" established by the Khmer Rouge – actually they were extermination centers – executed an estimated 1.1 million people. At least three authoritative legal studies have found a prima facie case that these killings constituted war crimes, genocide and other crimes against humanity. Measured in terms of percentage of the national population killed, it was the largest single episode of mass murder in the 20th century.

Yet, a quarter century after the regime that perpetrated these crimes was driven from power, no senior leader of that regime has yet faced justice before a court of law. Their impunity has not endured because of a lack of effort on the part of justice advocates; the struggle for genocide justice in Cambodia has been on-going for more than a quarter century. Rather, the politics of achieving genocide justice in Cambodia have proven to be particularly intractable. The interests of both Cambodian domestic actors as well as actors in the many other nations that have chosen to involve themselves Cambodia's affairs over the last three decades have intersected to create a terrible political tangle, one which has yet to be unraveled.

At a 1995 conference organized in Phnom Penh by Yale University's Cambodian Genocide Program in cooperation of the US Department of State, then-Second Prime Minister Hun Sen delivered a keynote address, and in reference to the notion of a tribunal for the Khmer Rouge, he declared, "This is not about politics, this is about justice." In reality, of course, the problem of finding justice for perpetrators in the wake of genocidal

atrocities is always intensely political. The relationship of politics to genocide justice in Cambodia is the topic of my talk today. The ensuing analysis addresses various political aspects associated with the proposed Cambodian tribunal, including both the domestic and the international political dimensions of the failure thus far to achieve justice for the crimes of the Khmer Rouge regime.

### Domestic Politics – The Ruling Party

Cambodia's ruling party is the Cambodian People's Party or CPP. The CPP traces its roots to the same conference in 1951 which the Khmer Rouge cite as their founding congress. Most of the CPP's senior cadres began their careers as low\_ or mid\_ level Khmer Rouge functionaries, fled to Vietnam to escape Khmer Rouge leader Pol Pot's vicious purges, and then formed a Marxist\_ Leninist front which took power after a Vietnamese invasion ousted the Khmer Rouge regime in 1979. In 1989, as the Vietnamese occupation forces withdrew from Cambodia, the party publicly abandoned socialism along with command\_ and\_ control economic policies, and adopted the name Cambodian People's Party. The party did not, however, abandon its internal Leninist structure and procedures, which it retains to this day.

Within the ruling party, there is a complex mix of views on the Khmer Rouge tribunal. Some are strongly opposed to the idea, some are strongly supportive, and strict rules of Leninist party discipline make it difficult to discern where the balance of opinion lies. Even so, it is possible to identify various viewpoints within the party.

A group we may designate as the "Nativists" opposes any UN involvement in a tribunal, reflecting an abiding revulsion at external interference in Cambodia's internal affairs. For these people, the sovereignty issue is their lodestone. It is easy to dismiss claims of "sovereignty" as mere posturing, but to do so is to underestimate the psychological importance and emotional potency of the question after nearly a century of French colonialism, the Japanese occupation in the 1940s, the US intervention in the early 1970s, the Vietnamese occupation of the 1980s, and the United Nations "transitional authority" in the early 1990s. The Royal Government of Cambodia is now accepted as a legitimate state among the community of nations, and Cambodia's leaders demand that their regime be given the deference accorded to sovereign entities.

Another group, the "Rejectionists," opposes the idea of any tribunal at all, on the grounds that it could be harmful to the process of national reconciliation. People holding this view see peace, security and stability as the central issues. This is also an easy position for outsiders to dismiss out of hand, particularly in view of the total collapse of the Khmer Rouge political and military organizations in 1998. But the public hunger for peace and stability in Cambodia in the wake of the Thirty Years War is palpable. Moreover, the Royal Government's security officials know that there are still many trained and armed Khmer Rouge cadre in the hinterlands, some of whom are still fanatically loyal to the old line Khmer Rouge leadership. They also know that, for example, a small unit commando attack on a tourist hotel at the Kampong Som beach resort would be easy to execute, and would have a devastating impact on one of the country's principal legitimate sources of hard currency – tourism.

A third grouping is what may be termed the "Protectionists." They oppose any international involvement in the tribunal on the grounds that too many core CPP cadre have too many skeletons in their closets. For those of this persuasion, maintaining the unity and solidarity of the ruling party is the primary objective. There are a number of core members of the party – for the most part, not the prominent names one tends to see in the press, but important figures within the party nonetheless – who would be potentially liable to indictment by a free and unfettered prosecutor. The party elders are supremely reluctant to sacrifice any core members over the Khmer Rouge accountability issue.

Counterpoised against these various threads of opposition to a Khmer Rouge tribunal (or at least to UN involvement in a tribunal) is another set of views within the ruling party that tends to be supportive of the idea of genocide justice in Cambodia. "Internationalists" understand that cooperation with UN on the tribunal can bring many side benefits in the international arena, from increased bilateral and multilateral aid, to greater political credibility in regional fora such as ASEAN and global fora such as the UN General Assembly. They view a fully legitimated tribunal as a way for Cambodia to become a fully accepted member of the international community. The Internationalists also tend to think that a tribunal would constitute proof that they were right, and the UN was wrong, when the world body continued to give Cambodia's UN seat to the Khmer Rouge through the 1980s and into the 1990s.

"Modernizers" look to the domestic benefits of a well\_conducted tribunal, including combating the culture of impunity, weeding out undesirable elements in the party, and providing a salutary example of the value of an independent judiciary. This last element is particularly salient for the Modernizers, as many of them see that the existing weak judiciary severely limits the possibilities for foreign investment and economic development. The Modernizers can be seen as the party's "good government" faction.

The "Triumphalists" view a full\_scale, fully internationally legitimated tribunal as the final act of revenge against those who destroyed Cambodia's revolution and wrought so much havoc, the final nail in the Khmer Rouge coffin. They would also see a tribunal as the final "proof" that the party's perception of its own historical role is correct. They believe it is the People's Party that represents the true and legitimate heritage of the Cambodian revolution, as opposed to the "Pol Pot group."

Where is the balance of opinion in the ruling party? This difficult to determine, but it seems likely that a solid majority of the rank and file members support a tribunal. Among the party leadership, however, views are decidedly more mixed, with several key members of the party's policy\_making politburo clearly uneasy at the prospect of real justice for the Khmer Rouge. Consequently, the consensus\_driven "democratic centralism" of the CPP's policy\_making body debate and then a vote, with all bound by the result has not yet resulted in the establishment of an internationalized accountability mechanism to bring the Khmer Rouge leadership to book. But there are other domestic actors who further complicate the political calculus of genocide justice in Cambodia, beginning with the ruling party's junior coalition partner in the government, the royalist party.

## The Royalists

The royalist party, FUNCINPEC, was founded in the early 1980s by the former and now once again King, Norodom Sihanouk. The party has always functioned as little more than a vehicle to serve the personal interests of the royal family. Norodom Sihanouk established FUNCINPEC because he wanted to play a role in expelling the Vietnamese forces occupying Cambodia after the overthrow of the Khmer Rouge regime. Not incidentally, he also wanted to regain the throne. He achieved the first goal in 1989, and the second in 1993. In the eyes of many Cambodians, however, the royalists' legacy – as well as Sihanouk's personal legitimacy – were compromised by the fact that in the 1980s they joined an exile coalition government dominated by the Khmer Rouge.

Since the royalists took the lead in forming a national government following the UN-sponsored election in 1993, FUNCINPEC has appeared to function primarily as a mechanism to buttress the prospects that Sihanouk's son, Norodom Ranariddh, will succeed his father on the throne. As an elite organization largely led by members of the royal family and their partisans, FUNCINPEC has had difficulty building and maintaining a mass following. The party's electoral and political fortunes have steadily eroded since their victory in the 1993 elections, when they rode into power on the strength of the royalist party's association with the beloved King Sihanouk. The royalist party was badly damaged when the Hun Sen's People's Party ousted Ranariddh from his role as First Prime Minister in a bloody 1997 episode of dueling coups d'etat, on accusations that the royalists were once again scheming with the Khmer Rouge, which was true, as far as it went. A continuous stream of FUNCINPEC corruption scandals, and the leadership's casual attitude about them, further damaged the royalist party's standing among the public.

After the 1998 national elections, FUNCINPEC again entered a governing coalition with the People's Party, this time officially relegated to the role of junior partner, with Ranariddh installed as President of the National Assembly. Premier Hun Sen evidently promised Ranariddh that he would one day become king if he ceased to openly oppose the ruling party's policies and personalities. As a result, ever since, Ranariddh has been a supremely compliant junior coalition partner, a stance that has further eroded the royalist party's popular standing. In the 2002 commune elections, for example, they won control in only ten of Cambodia's 1,621 communes.

In terms of tribunal politics, all of this means that both Ranariddh and the FUNCINPEC party he leads have been Hun Sen's willing pawns in parliament. However, at the same time, the royalist party in some ways has tried to distance itself from the tribunal, hoping for political gain in the event that the tribunal process goes poorly and significant portions of the electorate are dissatisfied by the outcome. For example, Ranariddh was absent for the final vote in the National Assembly on the Khmer Rouge tribunal law, even though he is the leader of that body, asserting that he had to attend a birthday party. He has also occasionally voiced his opinion that vigorous UN participation is necessary in any trials in order to ensure due process for Khmer Rouge suspects. "I don't believe that the tribunal process will follow that required in a court of law and within the justice framework, even if there is participation of foreign judges," Ranariddh told reporters after the UN withdrew from negotiations in February 2002.

"[Without the participation of the UN] there will be no guarantees about transparency and justice."

## The Opposition

The Sam Rainsy Party is the vehicle for the political aspirations of its namesake, Sam Rainsy, and it functions as Cambodia's opposition – though the party is not necessarily what one would term a "loyal opposition." Rainsy's party is a splinter group from the royalist party, from which he was expelled in 1995 for his outspoken criticism of corruption in the government in general and FUNCINPEC in particular. The Sam Rainsy Party has a small minority of members in both houses of parliament. The party campaigns on a platform of good government, and its founder is notable both for his exceptional personal courage and his seemingly irrepressible energy, as well as for his often shrill style and erratic approach.

Rainsy has opposed the Royal Government's plans for a tribunal, arguing instead for a Hague style proceeding that would, not incidentally, also charge Prime Minister Hun Sen with war crimes. Rainsy enjoys strong backing from the Republican caucus in the US House of Representatives, which in 1998 adopted a Sense of the House resolution supporting Rainsy's call for an international criminal tribunal to prosecute Hun Sen. Some Republicans in the US feel that Rainsy is Cambodia's best hope for building a more democratic system, and Hun Sen, by contrast, the greatest obstacle to that goal.

## The King

The position of His Majesty the King, Norodom Sihanouk, on the Khmer Rouge tribunal is most complex, and as with most other aspects of Cambodian politics, mostly opaque. At one time or another, King Sihanouk has taken every conceivable position on the merits of a tribunal, pro, con and ambiguous. He retains a visceral hatred of the Khmer Rouge for what they did to his happy little kingdom – not to mention the fact that while they held him prisoner in his palace, fourteen of his children and grandchildren were executed by the Khmer Rouge. But Sihanouk clearly retains a sense of loyalty toward some former members of the Khmer Rouge, as they continue to play a prominent role on the King's palace staff. These same feelings of loyalty may extend also to such individuals as former Khmer Rouge Deputy Prime Minister and Foreign Minister Ieng Sary, who was responsible for minding the deposed monarch during the civil war in the first half of the 1970s, and continued to assist in that role during the Democratic Kampuchea regime in the second half of the 1970s. In 1996, Sihanouk was persuaded by the government to grant a Royal Pardon to Ieng Sary, washing away the death sentence imposed upon Sary's conviction for genocide at the 1979 People's Revolutionary Tribunal.

Sihanouk's power as King today is tightly circumscribed by both the constitution and the wiles of the ruling party, though he still wields a certain amount of symbolic power and has the experience to know when to show it for maximum effect. The King's principal interest in a tribunal may ultimately be as a forum to declaim his innocence, as some still whisper that none of this would have happened in the first place were it not for Sihanouk's vain alliance with the Khmer Rouge, seeking revenge against Lon Nol and his

associates for ousting him in 1970. Then, there is also the fact of the King's longstanding warm relations with the People's Republic of China; he still maintains a palace in Beijing. Thus, China's opposition to an international tribunal for the Khmer Rouge may have some influence on him. Even so, Sihanouk has always been a master practitioner of the telling people what they want to hear, and consequently different people come away from an audience with Sihanouk bearing diametrically opposed versions of what the King really believes regarding the Khmer Rouge tribunal issue.

## The Khmer Rouge

The Khmer Rouge themselves have proven to be an unexpected wild\_card in Cambodian tribunal politics. A "post\_Khmer Rouge" political organ created in 1996 by former Khmer Rouge chieftain Ieng Sary, known as the "Democratic National United Movement," has sought to present a unified political line on the question of the tribunal on behalf of all former Khmer Rouge. The Democratic National United Movement has been lobbying the government with a mixture of threats of a return to violence, carefully targeted financial inducements and good old\_fashioned politicking to ensure maximum impunity in any judicial accountability on the genocide.

This post\_Khmer Rouge political operation has issued frequent communiques extolling the importance of national reconciliation, exhorting the people to "forgive and forget" the past. In subsequent paragraphs, these missives typically switch to a passive subjunctive voice and warn that a new war may "happen" if this sage advice is not heeded. For example, at a public meeting in Battambang in January 2000 on the topic of the Khmer Rouge and reconciliation, the group's spokesman said,

Mechanisms toward the trial for the leaders of the Democratic Kampuchea are under way.

The point is not whether or not to have a trial, but whether or not the process will affect

national reconciliation.... Everyone knows that the war just ended a year ago, after the second

national election. Despite the end of the war, nobody can affirm that the war will not happen

again in our country, especially the random attacks that disturb development work.

So, the

peace we are enjoying today is still fragile.

Similar thinly\_veiled threats have been repeatedly made by Khieu Samphan, one of the highest ranking of Khmer Rouge leaders. He argued at the end of 1998 that a trial would be a mistake: "If we have to say who was wrong and who was right, etc., etc., we cannot have national reconciliation. We cannot put an end to the war." In other words, the bargain being demanded by these "former" leaders of the Khmer Rouge is that they will cease killing and return to live in normal society, unless they are held accountable under the laws of that society. The explicit threat is that a failure to accept this bargain will result in the killers returning to their previous violent behavior.

Over the course of the last several years, however, it appears that the Khmer Rouge

leadership has been losing control over their own rank and file personnel and/or former personnel. With the fragmenting of the formerly monolithic Khmer Rouge into many isolated groups scattered mostly around the western and northern border areas, and the disintegration of the party's mechanisms of discipline, their erstwhile followers have begun to ask difficult questions. Many are coming to wonder, why, when I devoted my entire life to the revolution, were so many members of my family executed as enemies of the people? Such questions have led an increasing number of rank and file Khmer Rouge to openly call for a tribunal for their former leadership, in hopes of finding answers to this question.

An interesting illustration of this trend occurred in January 2000, when a private Cambodian organization, the Center for Social Development, organized a "national reconciliation forum," with public meetings in three Cambodian cities. The first of these fora was held in Battambang City, near the heart of Khmer Rouge territory. Of the more than one hundred people attending the forum, approximately 75% were Khmer Rouge. Only one speaker at the meeting had the courage to openly advocate a tribunal and call for accountability for the crimes of the Khmer Rouge. Most of the speakers at the forum were Khmer Rouge leaders, carefully selected to present a cohesive message. That message was the value of stability, the danger of renewed war, and the importance of letting bygones be bygones. However, at the end of the forum, the Center for Social Development distributed an anonymous questionnaire. Seventy-five percent of the respondents endorsed the concept of a tribunal for the Khmer Rouge leadership, which meant that at least half of the former Khmer Rouge in the audience agreed with that view. Events like this strike fear into the hearts of the old guard, and suggest they have lost the hearts and minds of their own people.

## The Public

What about the Cambodian public in general? There have been several surveys in recent years attempting to plumb the depths of public opinion on the tribunal question. The results of these surveys have been quite consistent, with strong majorities of from 75 to 85% of respondents favoring a tribunal for the Khmer Rouge leadership. This is a slightly curious result in view of the fact that Cambodia has little recent history of formal justice in the Western sense. In Cambodia, higher legal proceedings have historically been the venue to punish offenses against the sovereign or the state, with minimal concern for the rights of individual citizens. It is not for nothing that the Cambodian word which means "prisoner" or "suspect" translates literally as "the guilty one."

Of course, the Cambodian people have plenty of reason to believe that the government wishes to punish the Khmer Rouge, after two decades of government vilification of the Khmer Rouge and warfare against them. Every May 20, the official annual "Day of Hatred" against the Khmer Rouge is still observed, notwithstanding the imperatives of national reconciliation. This unusual holiday has effectively focused public opinion on the "otherness" of the Khmer Rouge, solidifying popular support for the regime. Over the years, however, people have come to recognize the explicitly political character of the official observance, and participation has gradually dwindled to include mostly the ruling party faithful, as well as those who attend the ceremonies – typically held at genocide memorial sites – in order to conduct private religious ancestor veneration rituals.

When one probes beneath the surface public attitudes in favor of a tribunal, what most often comes out is not a wish for retributive punishment, but rather a desire for answers, for an explanation to the elusive, existential question, "Why?" Why did Pol Pot do it? Why did we have to suffer so much? Why was our country destroyed by its own children? While the accusatorial format of criminal prosecution may not necessarily provide immediate answers to such questions, Khmer Rouge trials could have the effect of stimulating a broad national discussion of the issue – as the Eichmann trial did in Israel – and consequently generate some answers in the aftermath of the tribunal. The people may somehow sense this, and they want it.

The ruling party's lack of internal cohesion on the Khmer Rouge tribunal question is thus reinforced by broad divisions among other members of the country's political elite on the issue. Given the widespread popular demand for genocide justice in Cambodia, Cambodia's non-Khmer Rouge political elite is virtually unanimous in loudly proclaiming the necessity and inevitability of a genocide tribunal. At the same time, however, that elite has encountered endless obstacles in actually bringing about an accountability process. With this domestic political setting as the background, the role of international political actors in the process of bringing about genocide justice in Cambodia has also been crucial though no less problematical. The struggle for justice has been so long and hard not only because of the internal complications of the issue inside Cambodia, but also because of the witheringly complex set of interests and perspectives brought to the issue from interested external actors.

### International Dimensions

In addition to the domestic actors, a variety of regional, global, supranational and transnational actors have also played crucial roles in the politics of genocide justice in Cambodia. First, by virtue of their geographical proximity, one must consider Cambodia's neighbors in the Association of Southeast Asian Nations (ASEAN). Of these, Thailand and Vietnam are special cases due to their shared borders with Cambodia, and their intimate involvement with the Khmer Rouge issue. Thailand and Vietnam both have very complicated histories in Cambodia in general, and with the Khmer Rouge, in particular. The Vietnamese communists were, in a sense, marriage partners of the Khmer Rouge during the Second Indochina War from 1954 to 1975 – though they soon sued for divorce, engaging the Khmer Rouge in the first full-scale war between socialist nations in the Third Indochina War from 1975 to 1991. Thailand followed a converse trajectory, beginning as an enemy of the Khmer Rouge, and ending up serving as a life preserver for their apocalypse by providing sanctuary and military support when the Vietnamese overthrew the Khmer Rouge regime.

Though Vietnam has viewed the Khmer Rouge as a mortal enemy, they have several problems that have induced them to take a low profile on the issue of the Khmer Rouge tribunal. One of the first and foremost is that after their recent military occupation of Cambodia from 1979 to 1989, they do not wish to expose themselves to further accusations of interfering in Cambodia's internal affairs. Fortunately for them, it is easy to avoid any such perception because Vietnam has a close relationship with Cambodia's ruling party, and hence there are many channels through which they are able to make

their views known on any matter of concern. Another issue for the Vietnamese is their own rapprochement with People's Republic of China, and their sensitivity to China's opposition to the idea of a Khmer Rouge tribunal. The Vietnamese see no need to rub the Khmer Rouge tribunal issue in the face of one of the sole remaining countries with which they enjoy fraternal party\_to\_party communist ties.

To a certain extent, the Vietnamese may have the sense that they had their say in 1979, when they orchestrated the People's Revolutionary Tribunal, condemning Pol Pot and Ieng Sary to death. Ultimately, as hardcore realists, the Vietnamese know that the Khmer Rouge – regardless of the tribunal question – are finished as a political or military threat. As things stand, the Vietnamese seem relatively satisfied with their current relationship to the authorities in Phnom Penh. This is not to say, however, that the Vietnamese always see eye to eye with Cambodia's ruling party on the Khmer Rouge issue, because the question of genocide justice has caused bilateral strains from time to time. For example, after Prime Minister Hun Sen received surrendering Khmer Rouge leaders Nuon Chea and Khieu Samphan and suggested that the Cambodian people should "dig a hole and bury the past," Vietnam's People's Army newspaper lashed out at the Cambodian Prime Minister. The paper demanded a tribunal, saying that Khmer Rouge "crimes cannot be forgotten and must be punished."

Thailand, likewise, finds itself in a somewhat delicate situation. For centuries, the Siamese have not been shy about their willingness to host and sponsor Cambodians who are attempting to seize state power. However, their most recent episode of such sponsorship – backing the Khmer Rouge for nearly two decades after they were driven from the seat of power – ended badly, with their clients on the losing end of the game. The Thai thus embarked on something of a campaign to make amends with Hun Sen's government, the winner of that contest. This was most concretely seen in their cooperation with the surrender of the final elements of the Khmer Rouge political leadership late in 1998, and the capture of the last Khmer Rouge military leader, Ta Mok, early in 1999. With the election of Prime Minister Thaksin Shinawatra, this Thai diplomatic initiative accelerated rapidly. For example, Kraisak Choonhavan, the Chairman of the Thai Senate Foreign Relations Committee, visited Cambodia in March 2001 and publicly admitted past Thai support for the Khmer Rouge – something previously unheard of – declaring that this policy had been wrong and that Thailand owed Cambodia an apology. Thai Prime Minister Thaksin paid a state visit to Cambodia in June 2001 and hailed a "new era" of bilateral cooperation between the two countries. In this emerging environment, it appears likely that Thailand will ultimately support Cambodia on the tribunal.

The remainder of the ten ASEAN states do not share a strong consensus on the tribunal issue, reflecting the general political incoherence that has emerged in ASEAN since the expansion of ASEAN's traditional six members to the present slate of ten nations. Generally speaking, Singapore and the Philippines have been supportive of the tribunal idea, while Myanmar, Indonesia and Malaysia have tended more toward a negative perspective. Laos and Brunei have been relatively neutral, consumed with their own internal issues.

Singapore, despite the mildly authoritarian one\_party rule by the People's Action

Party, seeks to promote its image as the most cosmopolitan state in Southeast Asia. One element of this image is that Singapore often sides with European countries on issues of international humanitarian law. Likewise, the Philippines tends to take a modernist approach to issues of international law, a tendency that has remained consistent through several changes of national leadership. The Philippines has occasionally expressed interest in helping to deal with the tribunal issue, at one point even provisionally agreeing to seat an international Khmer Rouge tribunal in Manila, as had been suggested in the January 1999 Report of the UN Group of Experts.

As the poster\_boy pariah state of Southeast Asia, Myanmar's military junta does not tend to figure prominently in most regional political calculations. During Cambodian Premier Hun Sen's occasional outbursts of nationalistic rhetoric on the tribunal issue, nonetheless, Myanmar military spokesmen routinely respond with approving noises, insofar as they have developed a visceral dislike for any and all United Nations enforcement and human rights mechanisms.

Indonesia has so many problems of its own that it, too, has maintained a fairly low profile on many regional issues in recent years. This tendency became even more pronounced under President Megawati Sukarnoputri's troubled administration. But the tribunal issue has been an exception to this rule. Fearful of being held accountable for the genocidal carnage wrought in East Timor by the Indonesian military, Indonesia has been in a mood to reflexively oppose the application of any external accountability measures for violations of international humanitarian law. Malaysia's Prime Minister Mahathir, with his unique conception of "Asian Values," similarly has bridled against any attempt to defend international law when it could potentially threaten the interests of a regional ruling elite.

Thus, there is not a strong consensus on the Khmer Rouge tribunal issue within ASEAN. This fact, combined with ASEAN's slightly frayed principle of non\_interference in the internal affairs of its members, means that neither ASEAN collectively nor any of its members individually are likely to exert a great deal of influence on the issue of the Khmer Rouge tribunal. Thus it is all the more remarkable that at the 35th annual ASEAN Ministerial Summit meeting in Bandar Seri Begawan, Brunei, on July 30, 2002, the Southeast Asian nations acquiesced in the Cambodian government's request to issue a call for renewed engagement by the United Nations in the tribunal negotiations. ASEAN pledged to support the Royal Government's "continued efforts" to bring the Khmer Rouge to justice. In line with that commitment, in the December 2002 UN General Assembly vote on a resolution requesting that the UN Secretary\_General resume negotiations with the Royal Government on the establishment of a genocide tribunal, all ten ASEAN members supported the resolution. Friends of Cambodia in the international community were thus pulling the train toward genocide justice over the objections of the UN itself.

## China

As befits their status, the great powers have had more influence on the tribunal negotiations than have regional actors. One of the most closely concerned countries has been China, and its position has been clear. The Chinese take a very dim view of

international involvement in a Khmer Rouge tribunal, for several obvious reasons. For one thing, they consider the concept of prosecuting the leaders of an Asian communist revolution for the deaths of millions of people during the revolution to be a very bad precedent, indeed. Moreover, as the principal ally and patron of the Khmer Rouge for several decades, they have no wish to hear the details of their state\_to\_state and party\_to\_party relations with the Khmer Rouge, much less accusations of their own culpability, argued in a genocide court. Finally, the Chinese know the value of long\_term loyalty towards allies, and they are not about to betray their long-standing solidarity with the Khmer Rouge. That could potentially jeopardize their on-going assiduous courtship of other nations in the region.

As a result, China has pursued an aggressive lobbying strategy, attempting to kill the baby tribunal before it is born. Chinese officials have made clear that they would veto any attempt by the UN Security Council to create a Cambodia tribunal using the Council's powers to protect the peace. They have relentlessly opposed the efforts by the UN bureaucracy to persuade the Cambodians to adopt structures for the tribunal which meet what Kofi Annan calls "international standards." And Chinese officials have been omni-present in Cambodia over the last several years, including visits by President Jiang Zemin and Premier Zhu Rongji, showering Cambodia with gifts and favors. They have repeatedly feted Cambodian ruling party President Chea Sim in Beijing. They have funded the construction of a new building in the National Assembly compound and another in the Senate compound. China is funding military demobilization, military procurement, landmine removal, flood relief, energy development, agricultural irrigation and many other projects in Cambodia. In November 2002, Chinese Premier Zhu Rongji visited Phnom Penh and forgave the Khmer Rouge state debt to China, reportedly amounting to as much as \$2 billion dollars.

There are certainly other reasons for the intense Chinese interest in Cambodia, above and beyond opposing an international tribunal for the Khmer Rouge. Particularly important motivations for Chinese foreign policy behavior in Cambodia include driving a strategic wedge into ASEAN, and challenging US influence in the region at large. But even so, one of the principal facets of Chinese diplomacy toward Cambodia over the last several years has been to make sure that any Khmer Rouge tribunal will not be harmful to the interests of the People's Republic of China.

## The United States

The United States government has also been a consistent player on the Khmer Rouge tribunal issue, at least since the US Congress forced a change of policy in the early 1990s. Since the passage of the 1994 Cambodian Genocide Justice Act, the United States government has faithfully implemented that law, which made it the "policy of the United States to support efforts to bring to justice those accused of crimes against humanity" in Cambodia. In the early years of the Clinton administration, this support was mostly in the form of financial assistance to the investigations being carried out by Yale University's Cambodian Genocide Program. In subsequent years, under the leadership of Secretary of State Madeleine Albright, with the hands\_on diplomacy being conducted by Ambassador\_at\_Large for War Crimes David Scheffer, numerous initiatives were launched in an attempt to bring about accountability for the Khmer Rouge leadership.

These included looking at the possibility of domestic US prosecutions for the murder of US citizens by the Khmer Rouge, an ill\_fated draft statute for a UN Security Council\_mandated tribunal, efforts to persuade allies such as Canada, Australia and Israel to agree to prosecutions in their own country under the principle of universal jurisdiction, a covert attempt to purchase Khmer Rouge leader Pol Pot from his rebellious troops in barter for rice and medicine, and finally, attempting to serve as an "honest broker" in the negotiations to establish the proposed "mixed" tribunal.

Bush Administration policy on the Khmer Rouge tribunal has been notably less energetic than the Clinton team's efforts, but it has not altered the long\_standing Clinton policy. There are ideological fault lines among Republican activists which have resulted in an internal struggle over this issue. Some conservative activists favor a proliferation of temporary international tribunals like the International Criminal Tribunal for Yugoslavia, courts with carefully circumscribed mandates, as a way to undermine the mandate of the permanent International Criminal Court. The results of this policy tendency can be seen in continued US support of a Khmer Rouge tribunal, along with other tribunals including those for Sierra Leone and Kosovo, and perhaps a new tribunal for East Timor, as well. There has also been renewed talk of an Iraq Tribunal from some circles within the Bush Administration. Such discussions have significantly quickened in the wake of Saddam Hussein's ouster.

On the other side of the policy divide, there is a very different current of thought animated by a neo\_conservative political orientation. For activists of this school, there remains unfinished business from the Cold War, personified by post\_communist characters as diverse as Slobodan Milosevic of Yugoslavia, Jose Eduardo Dos Santos of Angola – and Hun Sen of Cambodia. >From this perspective, the priority must be on purging the authoritarian rumps left behind in the collapse of world socialism, and attempting to reinforce such democratic trends as may emerge in these countries. In Cambodia, this means opposing Hun Sen and his Cambodian People's Party, along with opposing any distraction to the primary project. Such distractions include things like a Khmer Rouge tribunal. Thus do some Republican foreign policy activists and organizations, such as the International Republican Institute (IRI), view the Khmer Rouge tribunal proposal so dimly. It is significant that both the former President of IRI, Lorne Craner, and IRI's former Asia Director, Paul Grove, moved into positions of policy influence at the US Department of State and in the US Senate, respectively, during the second Bush Administration. Like Cambodia's Sam Rainsy, some activists of this persuasion argue that it is not worth establishing a Khmer Rouge tribunal unless the tribunal is configured in such a way that it can indict Cambodian Prime Minister Hun Sen.

US government officials have frequently denounced the International Criminal Court as a threat to US sovereignty, citing their concern over potential "politically\_motivated" prosecutions of US officials by the court. These concerns are a mirror\_image of the Cambodian government's concerns about a purely UN\_controlled court. Those Cambodian concerns are made all the more acute by calls from Republicans in the US Congress, echoing calls by Cambodian opposition political leader Sam Rainsy, that Prime Minister Hun Sen should be brought before a tribunal and prosecuted for war crimes. The irony of this mirror image seems to be entirely lost on those US legislators who see Hun Sen only as a force for evil in Cambodia.

The US Congress is split on these issues. The House of Representatives is divided on the Khmer Rouge tribunal, with the initiative held there by anti\_tribunal voices such as California's Dana Rohrabacher. In the Senate, until early 2001, there was a solid bipartisan majority in favor of continued support for the tribunal. Some creative legislation on the Khmer Rouge tribunal issue was put forward by Republican Senator Mitch McConnell. In 2001, however, McConnell announced his opposition to the tribunal as currently envisioned, and called on the Bush Administration to reverse the US policy of support for genocide justice in Cambodia. McConnell has the support of some key Democratic Senators for this change of position. It remains to be seen if the Bush Administration's political appointees will exhibit enough energy, and are willing to expend enough political capital, to overcome the institutional momentum of the career bureaucracy on this issue. Thus it is presently unclear whether either of these two orientations among Republican foreign policy activists will eventually come to dominate Bush Administration policy on the Khmer Rouge tribunal, or whether we will continue to see a muddled and on\_ going struggle between the two. These internal US struggles on the Khmer Rouge tribunal issue do little to benefit the Cambodian people's aspirations for genocide justice, primarily serving only to further complicate the matter.

#### Other Western Pro\_Tribunal Nations

Of European countries with a lively interest in the Khmer Rouge tribunal issue, the British, Dutch, Danish, Norwegians, and Swedish have shown the most consistent level of interest in and support for UN involvement in a Khmer Rouge tribunal. Along with two large English\_speaking nations, Canada and Australia, this group has encouraged movement in the tribunal negotiations process not only by diplomatic means, but through other measures as well. For example, all seven have provided direct funding to the Documentation Center of Cambodia, a private organization in Phnom Penh that since 1995 has been gathering evidence of violations of international humanitarian law during the Khmer Rouge regime in preparation for an eventual tribunal. These countries have also pressed hard in seeking to improve the quality of jurisprudence at a Khmer Rouge tribunal. In this respect, it is notable that six of these seven – Australia was the sole exception – abstained in a UN General Assembly vote on December 18, 2002. That vote resulted in the adoption of a resolution requesting that Secretary\_General Kofi Annan resume negotiations with the Royal Government on the establishment and implementation of the tribunal. The abstainers felt that the effort was flawed by Cambodia's refusal to officially co\_sponsor the resolution, as well as by the flaccid negotiating mandate given to the Secretary\_General in the resolution. Again, this rift among even the most steadfast Western supporters of a Khmer Rouge tribunal points up the complexity of the international negotiations to establish the tribunal.

#### Japan

Japan has shown a strong and consistent interest in Cambodia for more than a decade, beginning with the appointment of a Japanese diplomat as head of the UN peacekeeping mission in Cambodia in the early 1990s, and the concurrent first\_ever dispatch of Japanese armed forces to participate in a UN peacekeeping operation. The Japanese also serve as co\_chair of the Consultative Group, which is the international aid donor's

mechanism for Cambodia that arose out of the 1991\_1993 UN intervention. In addition, Japan has been the single largest bilateral provider of aid to Cambodia over the last decade, pledging in excess of US\$100 million at the 2001 annual Consultative Group meeting alone for such large\_scale infrastructure projects as bridges, roads, ports, hydro dams, water distribution, telecommunications, and power plants. In Kampong Cham Province, for instance, Japan recently completed Cambodia's first bridge across the Mekong River. Japan's focused interest in developing close relations with Cambodia has been reflected in their posture on the Khmer Rouge tribunal, as well.

Japan has offered to provide a jurist to serve as one of the international judges on a Khmer Rouge mixed national\_international tribunal. Moreover, according to some in the diplomatic community, Japan is contemplating a contribution of as much as sixty million dollars to the funding of the tribunal. As a measure relative of financial support for the Khmer Rouge tribunal, the contribution the Japanese are reportedly considering compares rather favorably with the mere two million dollars that had been earmarked for the purpose of Khmer Rouge tribunal support in US legislation – prior to the November 2002 US election, at least, when control of the US Congress shifted to Republicans, along with their policy agenda. As recently as December 2002, Japan co\_authored with France the successful UN General Assembly resolution urging the UN Secretariat to re\_engage with the Khmer Rouge tribunal process, a move that cleared the way for a final deal between the UN and Cambodia. Thus the Japanese remain very interested in the prospects for a Khmer Rouge tribunal, and they have been showing that interest in concrete ways.

#### Russia, India and France

Though they have obvious differences, Russia, India and France can be grouped together for purposes of analyzing Khmer Rouge tribunal politics. These countries have divergent interests in the region in general and Cambodia in particular, but all three share a somewhat equivocal view of UN involvement in a Khmer Rouge tribunal. All three countries would be likely to support a decision by the Cambodian government to proceed with a Khmer Rouge tribunal absent the participation of the United Nations. Russian and Indian lawyers, along with French journalists, attended the 1979 People's Revolutionary Tribunal in Phnom Penh, which sentenced Pol Pot and Ieng Sary to death in absentia. Twenty years later, lawyers from all three countries were invited to Cambodia to consult with the government as it crafted the Khmer Rouge tribunal law in 1999 and 2000.

India has been the most aggressive in paving the way for an independent Cambodian tribunal. Indian Prime Minister Atal Behari Vajpayee publicly announced in Phnom Penh on April 9, 2002, that his country would provide judges and other aid for a Khmer Rouge tribunal if the UN declined to be involved. India has a long\_standing diplomatic interest in Cambodia, and cultural ties between the two countries go back thousands of years.

Though France has cooperated with the US on the tribunal issue in various ways, the French have sent mixed signals on the tribunal from time to time. The French legal scholar Claude Gour was one of the principal architects of the first draft of the Cambodian tribunal law, though that draft law was rejected by UN legal experts on the grounds that it was seriously incompatible with international legal standards. Officials at

the UN Secretariat have complained privately on occasion about the French role in the tribunal negotiations. This long-standing aggravation was exacerbated by the December 2002 General Assembly resolution, co-authored by France, which forced the Secretariat back into the negotiations it had abandoned ten months previously. There often seems to be a sense in Paris that as a member of Francophonie, and a former colony, Cambodia has a special relationship with France, and the interference of other countries with that relationship is not welcome.

#### The UN

There is also one supranational actor quite deserving of mention in Cambodian genocide tribunal politics – the United Nations itself. Most often in matters of high politics, the United Nations acts as an agent for UN Member States, but in the Khmer Rouge tribunal saga, the UN role has been partially autonomous and highly complex. Action by UN officials has been central in driving the whole tribunal process forward for more than six years.

In June 1997, three officials of the UN Office for Human Rights in Phnom Penh – David Hawk, Brad Adams and Christophe Peschoux – worked with the Secretary-General's Special Representative for Human Rights in Cambodia, Ambassador Thomas Hammarberg, to get the signatures of Cambodia's then Co-Prime Ministers on a letter requesting UN assistance in setting up a Khmer Rouge tribunal. In turn, this led to the Secretary-General's appointment of the UN Group of Experts, who examined the situation in late 1998 and recommended in January 1999 that the International Criminal Tribunal for the former Yugoslavia should essentially be cloned for Cambodia.

The Cambodian government flatly rejected that proposal, leading to some five years of on-again, off-again negotiations by the UN Secretariat, represented by the UN's Office of Legal Affairs, attempting to find a formula acceptable to the Cambodian government. This process resulted in the Khmer Rouge tribunal law which was promulgated in Phnom Penh, but which the UN found to be unsatisfactory. As noted earlier, the UN General Assembly then forced the UN Secretariat's hand in accepting a tribunal deal based on the Cambodian law.

Why has the UN pushed so hard on this issue? Partly this is a result of the combination of pressures from the five permanent members of the UN Security Council. The Chinese have resisted with all their might, but the US has pushed back even harder, with support from Britain and France, while the Russians have been mostly passive, but in any case have never posed a serious obstacle. The result of this correlation of forces was steady political support for the UN Secretariat's initiatives on the tribunal – up to but not including the Secretariat's attempt to withdraw from the process in February 2002.

But perhaps the most significant factor driving UN engagement in the Khmer Rouge tribunal process has been an idiosyncratic one, in the person of the Secretary-General himself. Over the resistance of his own legal advisors, Hans Corell and Ralph Zacklin, Kofi Annan personally kept the tribunal project alive long after his Office of Legal Affairs began advocating a UN withdrawal. One factor seems to be that Annan felt he and the UN had something to prove after the UN's debacles in Rwanda and the Balkans. The Secretary-General has publicly commented many times about the UN's failure to

protect the people of Rwanda in 1994, and has vowed that the UN will improve its performance on issues pertaining to genocide for the remainder of his tenure. But whatever Annan's motivation, there is no question about the fact that he has led the UN to play a key role in seeking accountability for the crimes of the Khmer Rouge.

### Non\_Governmental Actors

There are also some transnational non\_state actors that have had a notable impact on the course of tribunal negotiations, including Amnesty International and Human Rights Watch. Both of these venerable human rights organizations generally supported the proposal put forward by the UN Group of Experts for a cloning of the Yugoslavia tribunal. Both organizations, however, have been fiercely critical of the tribunal law ultimately adopted by the Royal Government. They argue that Cambodia's Khmer Rouge tribunal law constitutes "second\_class justice" for Cambodia, and that it sets an unfortunate precedent for the enforcement of international humanitarian law in view of the newly\_established International Criminal Court. United Nations officials have been remarkably sensitive to criticism from these human rights groups, and have privately noted their pleasure at the support they received from both Human Rights Watch and Amnesty International for the decision to withdraw from the tribunal negotiations in February 2002.

Another important transnational actor is the Documentation Center of Cambodia. The Documentation Center has played and continues to play a significant advocacy role not only within Cambodia, but also on the international stage. The Documentation Center is intended to serve as a permanent institute for the study of the Khmer Rouge regime, and to provide resources for anyone who wishes to pursue legal action against Khmer Rouge perpetrators. Since it became an independent institute in January 1997, the Documentation Center has continued pursue those goals.

On the Cambodian domestic political scene, in some respects, the Documentation Center is an 800\_pound guerilla. Among Cambodian politicians – virtually all of whom have had some sort of connection to the Khmer Rouge – no one knows exactly what is contained in the one million pages of primary documents held by the Center. This fact contributes materially to the high level of deference accorded to the Documentation Center in almost all quarters. One thing is for certain, however, and this is that among the enormous archive of documents and other materials gathered by the Documentation Center, there is evidence aplenty to trouble the defense attorneys of the surviving Khmer Rouge leadership, should they ever be brought to justice.

In general, then, it can be said that there is strong support across all categories of actors in the international community for the principle of genocide justice in Cambodia. Those few that have taken an opposing view – primarily the People's Republic of China – have been able to block certain potential mechanisms, such as a Security Council\_mandated organ, but have not been able to stem the rising tide of international support for a tribunal. Even so, the interplay of overlapping interests among those members of the international community who do support the idea of a Khmer Rouge genocide tribunal has ensured that the negotiating process would be long and Byzantine. When one combines this welter of contending international interests with the

complexities of the views on the tribunal among Cambodia's political elite, the issue becomes mind-numbingly complex. We will now conclude our analysis of the politics of genocide justice in Cambodia with a brief consideration of how the domestic and international aspects of the issue interact in practice.

### Interaction of Domestic and International Political Dimensions

Cambodian Prime Minister Hun Sen faces the challenge of balancing these competing domestic and international viewpoints. It is difficult to assess how the Prime Minister intends to accomplish this balancing act. His recorded statements on the tribunal issue are all over the map. Looking at how the Premier has managed the issue thus far in terms of concrete action, however, one can register slow – very slow – forward progress toward some sort of tribunal, but the pace of that progress has been so glacial that it has given rise to reasonable doubts about whether or not it will ever arrive at its destination.

And that Cambodia may never achieve real genocide justice is one distinct possibility. At a ruling party Central Committee meeting in February of 2000, Hun Sen addressed the gathered core members of the party, reassuring an anti-tribunal cadre that there was no need to worry about the tribunal, because he had successfully stalled progress on the negotiations for the previous three years, and he would continue to stall the international community until all of the key suspects had died natural deaths, thus rendering the entire question moot. Did Hun Sen say this simply as a tactic to cut off debate among Central Committee members opposed to a tribunal, or did it reflect his real policy intentions? The available evidence is consistent with either interpretation.

In July of 2001, however, members of the ruling party who are in favor of a Khmer Rouge tribunal asserted that the party's politburo had forged an internal consensus to go ahead with the tribunal. Exactly when and under exactly what circumstances such a tribunal would go ahead remained ambiguous. Again, then, the available evidence as to the real intentions of the ruling party leadership on the Khmer Rouge tribunal appeared to be inconclusive. It may well be that this was precisely the impression the ruling party leadership wished to give, because there have been significant incentives for the ruling party to leave the international community guessing about where this issue will finally come to rest.

The Royal Government often insists that it desires international assistance for a Khmer Rouge tribunal, and it continues to seek further negotiations with the United Nations for the establishment of such a tribunal. Some countries, such as the United States, say that Cambodian cooperation with the international community on establishing Khmer Rouge trials is a requirement for continued foreign aid. The Royal Government has consistently told these countries that it is doing its best to cooperate with the international community and the United Nations on the Khmer Rouge trials. In part as a reward for this cooperative attitude on the tribunal issue, the international community has provided billions of dollars in aid to Cambodia over the last several years.

Other countries – the People's Republic of China in particular – have made clear that they oppose an international tribunal for the Khmer Rouge. The Royal Government always had consistently told the Chinese that it is following the "Two Victories Policy."

One of those "victories" is to "forget the past." Avoiding a Khmer Rouge tribunal is one way to forget the past. To help encourage this friendly attitude from the Royal Government, China has provided huge amounts of financial assistance to Cambodia, by some estimates as much as billions of dollars in just the last few years.

In these circumstances, the Royal Government has had a strong economic incentive to delay a Khmer Rouge trial indefinitely. As long as no trial has been convened, but a trial is still possible, China will continue to shower gifts on the government, hoping to influence that decision. And as long as the Royal Government continues to negotiate with the rest of the international community about a Khmer Rouge trial, Europe, Japan, the United States and other countries may well continue to provide foreign aid as an incentive to encourage Cambodia to 'continue to move in the right direction.'

Thus, the mere prospect of Khmer Rouge trials has produced a financial windfall for the Royal Government. The possibility that a Khmer Rouge tribunal might be established has helped to keep billions of dollars of assistance flowing into Cambodia, assistance both from those who oppose as well as those who support the idea of a trial for the Khmer Rouge. A final decision to convene such a tribunal – or to conclusively reject the idea of a genocide trial – would eliminate this ambiguity and result in the alienation of one or the other of two crucial international constituencies the Royal Government has been courting. This logic is why some find it reasonable to suspect that the Royal Government may never come to a final decision about whether, or when, or how to bring justice to the victims of the Khmer Rouge.

In this respect, Hun Sen's management of the tribunal issue illustrates an important technique of weak power diplomacy. Hun Sen has a tendency to tell everyone what they want to hear, and then he wobbles a bit to keep everyone off\_balance and continuing to beat a path to his door with additional inducements. It is a technique he learned from his greatest teacher, Norodom Sihanouk. To Chinese audiences, Hun Sen repeats the same mantra: Cambodia is following the "Two Victories" policy, which is to forget the past and concentrate only on the future – forgetting the past being the key phrase the Chinese want to hear. To American audiences, Hun Sen demands that the tribunal be convened before the end of this year – no matter what year one might be talking about – arguing that the Cambodian people deserve justice for the crimes of the Khmer Rouge regime. To French, Russian and Indian audiences, he complains about the bullying of the sole superpower and the dangers of UN interference in one's internal affairs, while lauding the importance of national sovereignty. To Australian, Canadian and Dutch audiences, he speaks of the need for Cambodia to move beyond its communist past and put to rest of ghosts of the Cambodian genocide. To Japanese audiences, he talks of the importance of developing Cambodia's economy, and the crucial role a prosperous, modern leading Asian nation like Japan can play in the growth and strategic stability of the entire region. Hun Sen is a superb tactician, and is reputed to be a master\_level chess player. It shows in the way he manages both his domestic and foreign policy challenges.

Following the national elections in July 2003, a struggle is in progress to form a new Cambodian government. Since national power is at stake, it is not surprising that the Royal Government has not recently made genocide justice a policy priority. The pace of the prior negotiations had been very leisurely, indeed, with long delays attributed to a

range of causes. There was a delay due to termites infesting the roof of the National Assembly. There were long delays laid to governmental preoccupation with the annual flooding. There was the inexplicable five-month struggle to fashion an unnecessary one-sentence amendment to the Khmer Rouge tribunal law pointing out that Cambodia's Constitution prohibits the death penalty. There was a delay in providing an English translation of the promulgated law to the UN. The Royal Government has appeared to be in no big hurry on the tribunal issue, notwithstanding regular statements by senior Royal Government officials calling for the prompt convening of the tribunal. Additional delays from the UN side for virtually the entire year of 2002 only exacerbated the problem of the ticking clock. It remains to be seen if the casual attitude by the Royal Government toward satisfying Cambodian popular demands for genocide justice will continue into the future, or, now that the UN has agreed to the tribunal on terms amenable to the Cambodian government, if it will finally move forward with dispatch, once a new government is formed in the wake of the 2003 election.

In the meanwhile, there are reports that the health of several of the principal suspects particularly Nuon Chea, Ieng Sary and Ta Mok, continues to deteriorate. Within Cambodia's domestic political sphere, a range of competing and sometimes contradictory interests continues to raise the threat of additional delays to the process of establishing a tribunal. International and intra-organizational disagreements on how to handle the Khmer Rouge tribunal issue within the UN system continue to threaten additional delays. Political and bureaucratic struggles within the US government over the issue also pose a danger of further complicating the matter. One might also anticipate that inducements to the Royal Government from those in the international community with interests in the outcome of the question will continue to accumulate. So it is that Cambodia's culture of impunity remains intact, and that an entire people's hopes to achieve accountability for one of the worst episodes of mass murder in modern history have for so long been held hostage to the politics of genocide justice in Cambodia.

\* This presentation is adapted from the author's forthcoming book, *Crimes of the Khmer Rouge: The Search for Peace with Justice in Cambodia*. Craig Etcheson maintains a consulting practice in transitional justice and national reconciliation. He has been a member of the faculty at Johns Hopkins University's School of Advanced International Studies, Yale University's Center for International and Area Studies, and the University of Southern California's Institute for Transnational Studies. Dr. Etcheson is the author of several books and book-length studies, including two forthcoming works, the aforementioned *Crimes of the Khmer Rouge*, as well as a second volume, *The Extraordinary Chambers: The Establishment of the Khmer Rouge Tribunal*. He is currently working on a third manuscript, under the working title, *Fixing Failed States: Reconciliation in the Aftermath of Complex Emergencies*. Etcheson holds a Ph.D. in International Relations from the University of Southern California (1985), and an M.A. in Politics and Economics (1978) as well as a B.A. in Politics and Psychology from the University of Illinois (1977).