

## **Part II Current Condition and Prospects**

### **Chapter 1 Overview of Present State of Cambodia**

## Section 1. Politics

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### 1. Good governance

This paper deals with the state and problems of Cambodia's politics as a prelude to the discussion of "good governance," a key issue in development assistance to that war-ravaged country. However, it is first necessary to look briefly at what "good governance" is from the viewpoint of politics.

Although "good governance" is not necessarily synonymous with "good government," it can be simply defined as "good governing by good government." "Good government" is often said to be tantamount to "cheap government" or "small government" in terms of reducing the financial burden on the public. But this is only one aspect of good government. What matters most is that good governance is conducted by a democratic government representing the will of the people. Generally speaking, good governing may be defined as the appropriate act of governing according to law by a democratic government that, while representing the will of the people, commits itself to maintaining peace and stability in the state, improving the life and welfare of the people, and respecting human rights.

Considering this definition, is the Cambodian political situation characterized by good governance, or is the Cambodian government at least committed to it? Unfortunately, the answer may be "no," in light of the state of affairs in Cambodia. Many problems in the areas of legislation, administration and the judiciary remain to be addressed. Above all, human resources development is a matter of utmost concern. Human resources development is not limited to training personnel to improve their quality and efficiency. It also involves training disciplined government employees who put the interests of the public before their personal concerns if they are engaged in governance in one way or another. This is important as it helps to eradicate corruption among government employees.

When reviewing Cambodia's politics as a prelude to a discussion of good governance, it is insufficient just to understand today's political situation in Cambodia. It is also necessary to understand the peace process that was designed over more than five years to find a political solution to the conflict that had ravaged the country for

about 20 years. Although the peace process had many problems, it constituted the basis for the present political situation. In the following sections, the peace process, and then developments in Cambodia's internal affairs and its external relations in recent years after peace was established are reviewed.

### 2. The Cambodian peace process

Cambodia once enjoyed peace under the policy of neutrality promulgated by Prince Norodom Sihanouk, who was adored by the people as the father of independence. But after March 1970, when Lieutenant General Lon Nol overthrew Prince Sihanouk in a coup d'état, Cambodia was turned into a killing field during a civil war that lasted about 20 years. Cambodia experienced successive changes of power that were brought about with the use of force. The US-backed Lon Nol regime was brought down by the China-backed Khmer Rouge regime led by Pol Pot, which, in turn, was overthrown by the Vietnam-backed Heng Samrin regime.

Ravaged by this civil war, Cambodia started to work toward peace. In December 1987, Prince Sihanouk, who led the anti-Vietnam three-party coalition known as the Coalition Government of Democratic Kampuchea (CGDK), and Prime Minister Hun Sen of the Vietnam-backed Heng Samrin regime, the Phnom Penh government, had peace talks in a room of the Chateau Hotel in Fere-en-Tardenois, about 120 kilometers east-northeast of Paris, France. The fact that the representatives of the warring parties met with each other for the first time was a historical first step toward peace. That meeting was significant because the peace initiative was begun by Cambodians themselves, although the initiative faced a rocky road. Since the meeting, confidence has been gradually building among Cambodians.

In 1989, the Cold War ended in Europe, terminating the confrontation between the East and the West. These developments in the international arena helped settle the Cambodian conflict, a remnant of the Cold War in Asia. In July 30 of the same year, France took the initiative and hosted the Paris International Conference on Cambodia (PICC). The conference, co-chaired by France and Indonesia, was attended by participants from eigh-

teen countries: four Cambodian parties, the five permanent members of the United Nations Security Council (the US, the UK, France, China, and the Soviet Union), the six ASEAN members (Indonesia, Thailand, Malaysia, Singapore, the Philippines, and Brunei), the two other countries of Indochina (Laos and Vietnam), Japan, Australia, India, and Canada, as well as the Chairman of the Conference of the Non-Aligned Countries represented by Zimbabwe (or Yugoslavia in 1991). The four Cambodian parties were the Sihanouk faction (FUNCINPEC), the Son San faction (KPNLF), the Khieu Samphan faction (the Khmer Rouge), and the Hun Sen faction (the Phnom Penh government).

The Paris International Conference on Cambodia organized itself into three working committees: the First Committee on military matters, co-chaired by India and Canada; the Second Committee on international guarantees and political affairs, co-chaired by Malaysia and Laos; and the Third Committee on the repatriation of refugees and displaced persons and the eventual reconstruction of Cambodia, co-chaired by Japan and Australia. In addition, an ad hoc committee comprising representatives from Cambodia's four parties only met as necessary. After one month of discussions, the Third Committee succeeded in unanimously adopting two official documents on the repatriation and the reconstruction issues, with the difficult-to-deal-with Khmer Rouge agreeing with the adoption. However, the First and Second Committees failed to reach any agreements or conclusions. The first session of the PICC adjourned on August 30.

After the first session of the PICC ended, the five permanent members of the UN Security Council (P5) frequently held high-level talks on the Cambodia issue alternately in New York and Paris. Meanwhile, the Cambodian parties themselves had talks in Bangkok, Jakarta and Tokyo, with the support of Thailand, Japan, and other Asian countries. In May 1990, Prince Sihanouk and Prime Minister Hun Sen of the Phnom Penh government met in Tokyo. Khieu Samphan of the Khmer Rouge, who accompanied Prince Sihanouk, boycotted the meeting, but that did not affect the negotiations between Sihanouk and Hun Sen. The two agreed on the principle that the Supreme National Council (SNC), a core administrative body in the country's peace process, should consist of six representatives from the Coalition Government of Democratic Kampuchea (CGDK) and the equivalent six representatives from the

Phnom Penh government, unlike the same number of representatives from each party in the first session of PICC. This was a major achievement in that it reflected the reality in Cambodia, where the Phnom Penh government effectively ruled the country while the CGDK, made up of the three other parties, was more like an exiled regime.

In early 1991, P5 took the initiative in hastily drafting a peace agreement in New York and Paris, with the support of the United Nations Secretariat. Yet because Cambodians were left out of this process, Cambodians felt disregarded and thus frustrated. Heated debates among the Cambodian parties ensued.

Meanwhile, the sudden turn of events in the world with the disintegration of the Soviet Union and other developments in East Europe, together with improvements in China-Vietnam relations, expedited the peace process. In June 1991, Prince Sihanouk and Hun Sen reached a basic agreement in informal talks in Jakarta. In July, Prince Sihanouk assumed the SNC presidency. In September, an agreement was reached among the Cambodian Parties. On October 21, the Paris International Conference on Cambodia, the second session, resumed, and on October 23, 12 Cambodian representatives from the SNC and the 18 countries signed the Agreements on a Comprehensive Political Settlement of the Cambodia Conflict, the Paris Agreements, comprising four documents. The Paris Agreements constituted a legal basis for the subsequent activities by the UN for the Cambodian peace process.

Based on the Paris Agreements, the United Nations Transitional Authority in Cambodia (UNTAC) was launched. UNTAC, headed by a Special Representative of the UN Secretary-General, carried out the Peace-Keeping Operation (PKO) during the transitional period of 18 months. UNTAC was enormous in scale, made up of some 22,000 international staff, including about 6,000 civilians, of which 3,500 were civilian police officers, and around 16,000 military personnel.

During the transitional period under the auspices of UNTAC, a body for consultation and coordination, dubbed "Expanded Perm 5" or the "Core Group," was established within the diplomatic corps in Phnom Penh. The purpose of Expanded Perm 5 was to support UNTAC and the SNC. This unconventional body was made up of the ambassadors to Cambodia from nine countries, including the P5, Indonesia, Japan, Australia, and Thailand. The membership increased to ten when

Germany joined later. These ambassadors took turns to host meetings at their official residences to discuss what measures to take to support UNTAC and the SNC. Such meetings were usually held once or twice a week. However, when an important issue came up, a meeting was held almost every day, or even twice a day at times. UNTAC's special representative or deputy representative always attended the meeting. Expanded Perm 5 occasionally met outside Cambodia, in such countries as Thailand, Japan, China, and the United States.

On March 15, 1992, the Peace Keeping Operation (PKO) was launched in Cambodia when UNTAC was established after Yasushi Akashi, Special Representative of the UN Secretary-General, accompanying John Sanderson, Australian Lieutenant General, Commander of the Military Component of UNTAC arrived in Phnom Penh, to head the UN organization in Cambodia.

UNTAC did not go smoothly. Its Military Component tried to ensure that the ceasefire would move from the first phase, voluntary ceasefire, to the second phase, managed ceasefire, in a bid to regroup, disarm and demobilize the troops of the parties in accordance with the Paris Agreements. However, this effort failed in the face of staunch opposition from the Khmer Rouge. On June 13, UNTAC's Military Component gave up the effort to put the second phase of the ceasefire in place and therefore could not carry out disarmament and demobilization as stipulated in the Paris Agreements. Despite the Khmer Rouge's intransigence that could be described as hostile, UNTAC devoted all its energies to preparing for the implementation of free and fair elections. On August 5, 1992, Special Representative Akashi firmly pressed the SNC to adopt a law aimed at holding elections under the auspices of UNTAC at a meeting held in the city of Siem Reap, and the SNC adopted the law. The Khmer Rouge Representative Khieu Samphan denounced the adoption, saying that the law was designed to Vietnamize Cambodia. From then on, the Khmer Rouge showed blatant opposition to holding elections.

In 1993, the security situation in Cambodia deteriorated. The Khmer Rouge staged plots to disrupt law and order by means of assault and murder across the country. Other parties also engaged in the killing of members of the opposing parties. At one time, the prospect of elections seemed doomed.

Meanwhile, UNTAC continued to lay the groundwork for general elections. With the full support of

UNHCR, UNTAC repatriated all Cambodian refugees and displaced persons in refugee camps on the Thai-Cambodian border, totaling about 360,000, during a period of 10 months until April 1993.

Despite persistent obstruction by the Khmer Rouge, the general elections for a constituent assembly were held between 23 and 28 May 1993 across the country under the proportional representation system, in which each province elected constitutional lawmakers based on their political parties. Voter turnout was more than 90%. The elections were held under generally good conditions without the anticipated threats and obstruction by the Khmer Rouge, which boycotted the elections. The FUNCINPEC Party won 58 out of the 120 seats, followed by the Cambodian People's Party, the Phnom Penh government, with 51 seats, and the Buddhist Liberal Democratic Party with ten seats. Thus, the 120-member constituent assembly was established.

Within four months after the elections, the constitutional assembly drafted and adopted a new constitution of the Kingdom of Cambodia, which incorporated the principles prescribed in the Paris Agreements. The new constitution, which was based on democracy and a constitutional monarchy, was promulgated on September 24, 1993. On the same day, the Crown Council selected SNC Chairman Prince Sihanouk as King of Cambodia. The constitutional assembly was converted to the National Assembly, a national legislature. The king appointed Norodom Ranariddh of the FUNCINPEC Party and Hun Sen of the Cambodian People's Party as First and Second Prime Ministers, respectively, launching a new coalition government. Again, on September 24, 1993, UNTAC completed its mission, and UN Special Representative Akashi left his UNTAC office two days later. This symbolized Cambodia's regaining of its independence through the UN's departure from the transitional administration and a shift from the rehabilitation phase to the reconstruction phase in economic aspects as well.

### **3. Factors in the success of the peace process in Cambodia**

The following factors contributed to peace in Cambodia, settling the civil war and conflict that had lasted about 20 years.

- (i) The peace initiative was taken by Cambodians themselves when Prince Sihanouk and Hun Sen

met for the first time on December 2, 1987. In general, any peace initiative is likely to fail if it is imposed by a foreign country or a group of nations. In this respect, it should be noted that the warring Cambodian parties, worn out by the long-lasting civil war, reconciled their differences from a political and ideological standpoint and started peace talks on their own initiative.

- (ii) There was a solid set of agreements on which the peace was based; the Paris Peace Agreements on Cambodia, October 23, 1991. These agreements, which were finally signed after 26 months of serious debate among the four Cambodian parties and the 18 countries concerned, including the period during which the meeting in Paris was in recess, served as a guideline for the peace process, covering everything from military matters, political affairs, international guarantees, elections, the repatriation of refugees and displaced persons, to principles of the new constitution and the country's reconstruction.
- (iii) At the very beginning of its first session, the Paris Conference presented a blueprint specifying that assistance for the country's reconstruction would be provided from friendly countries once peace was achieved, with the reconstruction issue taken up as a formal agenda item in the Third Committee. This was a strong message to the warring parties that it would be more reasonable to achieve peace and accept foreign assistance to reconstruct the country and improve the people's living conditions than to continue with the futile conflict.
- (iv) All the warring parties showed strong interest in the plan to repatriate some 360,000 refugees and displaced persons before the elections. The repatriation issue was also on the agenda in the Third Committee from the early stages. The repatriation plan was welcomed from the humanitarian point of view as well, as it would make it possible for separated families to be united. Under UNTAC, UNHCR completed the repatriation in ten months, setting the stage for free and fair elections.
- (v) The existence of Prince Sihanouk, now H. M. King Sihanouk, the incomparable figure who won respect and trust from all the Cambodia's warring parties and therefore had the capacity to be the key person in the peace process, was critical. No person other than Prince Sihanouk would have been

able to keep the nation together during the transitional period and help achieve the peace as the SNC Chairman, in cooperation with UNTAC.

- (vi) On the basis of Special Representative Akashi's firm belief that UNTAC would complete its mission during his 18-month term of office, UNTAC focused on its objective of holding general elections, even at the expense of another objective of disarmament and demobilization, which was not achieved in the face of the Khmer Rouge's resistance. As a result, UNTAC managed to hold the general elections, setting the stage for the subsequent establishment of a new constitution and a new government. UNTAC completed its mission within its time limit.

#### 4. Recent developments in internal affairs

As discussed above, Cambodia was reborn as a new kingdom based on a constitutional monarchy after achieving peace on September 24, 1993. However, even after the establishment of a unique form of government headed by two prime ministers, the First Prime Minister Norodom Ranariddh and Second Prime Minister Hun Sen, the Khmer Rouge continued its subversive activities in many part of the country. In 1994, the Khmer Rouge clashed with government troops consisting chiefly of Second Prime Minister Hun Sen's troops. Government troops and Khmer Rouge guerillas staged offensive and defensive battles over the latter's strongholds, including Phnom Malai, Pailin, and Anlong Veng. The Khmer Rouge even resorted to the kidnapping of non-Cambodians, inviting international criticism. Concerned about the deterioration in the situation, King Sihanouk mediated a roundtable meeting between the government and the Khmer Rouge. The meeting, held twice, did not produce results. After the Khmer Rouge was outlawed in late June 1994, they went back into the mountains.

The relationship between First Prime Minister Norodom Ranariddh and Second Prime Minister Hun Sen was more or less cooperative for about two years after the coalition government was launched. They complemented each other. Ranariddh, the eldest son of the king, lacked experience in the administration field but was well versed in international politics and economy as a college professor. On the other hand, Hun Sen was highly experienced in administrative affairs and

was in control of the military and police, though his academic background was not so impressive.

The relationship between the two prime ministers turned sour as the next general elections slated for 1998, five years after the first general elections, drew near. Antagonism intensified between the two and their parties, the FUNCINPEC Party and the Cambodian People's Party. In June 1997, there was an armed confrontation between the First Prime Minister's guards and guards of the Second Prime Minister's aids. In July, fighting erupted when Second Premier Hun Sen and his troops launched an intensive offensive against First Prime Minister Ranariddh's troops in Phnom Penh and its vicinity. Ranariddh's troops and militias loyal to him were virtually crushed, and Ranariddh was ousted as First Prime Minister.

Hun Sen claimed that he used force to save the nation, saying that Ranariddh had gathered more than 100 guerrillas, remnants of the Khmer Rouge, around the capital to fight against Hun Sen's troops and that he had tried to smuggle a large amount of advanced weapons from Eastern European countries. Hun Sen's claim was not groundless, and Ranariddh partially admitted it.

If nothing had been done about the situation, the Khmer Rouge might have regained power. At any rate, it was regrettable that the confrontation between the two prime ministers within the coalition government was settled through military means, not through dialogue.

On the day of the military clash, Ranariddh happened to be aboard a plane bound for Paris on private business. Ranariddh was informed of the situation on his arrival in Paris, but he did not try to return home and he opted to stay abroad. He called on the Cambodian people to fight against Hun Sen, claiming that the Second Prime Minister had staged a coup d'état against him. These inappropriate moves by Ranariddh made it more difficult for him to return home.

The military action by Hun Sen was certainly a blow to Ranariddh but not a coup d'état. A coup d'état is designed to subvert a state or overthrow a government and change the form of governance by force. As Hun Sen made clear, he did not change the constitutional monarchy, the king, the constitution, the government, nor the framework of a coalition government.

H. M. King Sihanouk clearly stated that depriving Ranariddh of political and military power did not constitute a coup d'état. Ten days after the incident, the author had an audience with H. M. the King for three

hours and a half while He was staying in Beijing for recuperation. H. M. the King said informally but candidly that the action Hun Sen took against Ranariddh was not a coup d'état but a coup de force, meaning a change of administration with the use of force. The author was moved by the just and fair attitude of H. M. the King, who was so zealous in the promotion of peace.

Overcoming these serious difficulties, including the political upheaval during 1997, Cambodians succeeded in conducting free and fair general elections on their own on July 26, 1998. The Cambodian People's Party, which was previously the second largest party, became the leading party with 64 seats in the 122-member National Assembly. The FUNCINPEC Party, the largest party before the elections, was relegated to the second largest party with 43 seats, followed by the Sam Rainsy Party with 15 seats. Domestic and international groups assigned to monitor the elections declared them to be free and fair. Among these groups were the Joint International Observer Group (JIOG), a UN-coordinated body of 500 international observers headed by the European Union chief observer, and an observer group for free and fair elections in Cambodia made up of 1,200 Cambodian observers.

Nonetheless, the FUNCINPEC Party and the Sam Rainsy Party, which fared badly in the elections, did not recognize the election results. They appealed to the international community in an unsuccessful bid to internationalize domestic affairs. This attempt was a challenge to democracy; it could have disrupted peace and stability in Cambodia and triggered another conflict.

H. M. King Sihanouk, concerned about the possibility of such a conflict, acted as an intermediary and arranged a summit meeting between the Cambodian People's Party (CPP) and the FUNCINPEC Party in November. After the meeting was held, on November 30, a coalition government of the CPP and FUNCINPEC was launched with the CPP's Hun Sen being the sole prime minister, setting the stage for political stability.

During the period of more than three years from the time the new government was launched, H. M. King Sihanouk has increased his power as a political coordinator in emergencies, and the political power of Hun Sen, who has traditionally exercised strong political leadership, has been reinforced after gaining the trust of the king. The feud between FUNCINPEC's Ranariddh and the CPP's Hun Sen has been dissipated, at least for

the time being, and Ranariddh became President of the National Assembly. The Former President of the National Assembly Chea Sim assumed the presidency of the newly created Senate. Sam Rainsy, who said "no" to everything and could be considered a demagogue, and his party lost most of their influence in national politics.

The Khmer Rouge, which has long been a destabilizing factor in Cambodian politics, has seen an increasing number of its members surrender to the Phnom Penh government since 1995. On December 25, 1998, Khmer Rouge hardliners Khieu Samphan, Noun Chea, and their group surrendered to the government. This was a valuable Christmas gift to the government as it dealt a heavy blow to the already declining Khmer Rouge. In August 1996, Ieng Sary, who was ranked No. 2 in the Khmer Rouge hierarchy, defected to the Hun Sen side. Around July 1997, Son Sen, once dubbed a "killing machine" was purged in an internal power struggle. In April 1998, Pol Pot, the most influential figure within the Khmer Rouge, died. The only remaining hard-line leader, Ta Mok, later tried to defect but he was rejected and detained by the government. In this way, the outlawed guerrilla group Khmer Rouge virtually ceased to exist, and the whole country came under the control of the central government.

## **5. Recent developments in external relations**

The Cambodian peace process progressed in a favorable international climate, in which the East-West confrontation was diminishing. The first session of the Paris International Conference on Cambodia, an international framework for peace in Cambodia, was held in 1989, "the year of the end of the Cold War," when US President George Bush and Soviet President Mikhail Gorbachev declared the end of the Cold War in a summit meeting on the island of Malta in the Mediterranean Sea.

After the end of the Cold War, the world is undergoing rapid globalization, which is moving toward Occidentalization, or Americanization to be exact. Such globalization is expedited by economy-oriented diplomacy after the disintegration of the Soviet Union and amid the ongoing integration of former Communist countries into the market economy, and by human rights-oriented diplomacy supported by emerging social democratic regimes in the world, as well as by advanced

telecommunications and transport technologies. Cambodia is trying to ride the tide of globalization, but such attempts have been unsuccessful so far partly due to mishandling on the part of the Cambodians and partly due to lack of understanding on the part of the international community.

Nonetheless, against the backdrop of these globalization and Occidentalization processes, Cambodia has returned to the international community. In December 1998, immediately after the establishment of the new cabinet in Cambodia, the new government received the first good news that it had regained its representation in the United Nations. The second good news came from the Association of Southeast Asian Nations (ASEAN) in April 1999 when ASEAN accepted Cambodia as a new member. As a result, the ASEAN membership increased to ten countries; ASEAN10.

In such an international climate, there is no question that improving relations with the US is the most important agenda item for Cambodia's diplomacy. Although Cambodia maintains good relations with such countries as Japan, China, France and Australia, its relations with the US, though improving recently, are far from friendly. Cambodia, or more precisely, Hun Sen and the government, incurred the distrust of the US in the areas of democratization and human rights. Yet it is necessary to review how the international community responded to Cambodia's internal disorder after the armed confrontation in June 1997. Otherwise, the unfortunate atmosphere of distrust between Cambodia and the US cannot be put into perspective.

On the night of June 17, 1997, an armed confrontation broke out between the First Prime Minister's guards and guards of the Second Prime Minister's aids. This incident drew international media attention, partly because in the confrontation, bullets fell into the premises of the US Ambassador's official residence.

At the G8 summit held between June 20 and 22 in Denver, US, Japan's Prime Minister Ryutaro Hashimoto expressed concern about the rising tensions in Cambodia and suggested sending his special envoy to Cambodia. This suggestion was supported by French President Jacques Chirac, who also suggested sending a special envoy on his behalf. The author and Claude Martin, the French Foreign Ministry's Deputy Secretary-General, were appointed as special envoys from Japan and France, respectively.

The two envoys, sent jointly by Japan and France,

met on June 26 with Second Prime Minister Hun Sen and First Prime Minister Ranariddh for hours. They gave personal messages from Hashimoto and Chirac to the prime ministers. In these messages, Hashimoto and Chirac expressed hope that the two prime ministers would not suspend the peace and democratization processes that had been launched in 1993 with the support of the international community. The envoys requested that the two prime ministers work together to ensure that the general elections slated for 1998 would be conducted in a free and fair manner, and that they make clear when the elections would be held. The two prime ministers stopped short of promising that they would make peace and work together in a friendly manner. However, they did promise that they would overcome differences in views between their respective parties and conduct the upcoming elections in a free and fair manner. Before the envoys left Phnom Penh, the two prime ministers announced that the elections would be held on May 23, 1998. The elections were postponed to July 26 of the same year for technical and financial reasons.

While the two envoys were staying in Phnom Penh, there was a report that US Secretary of State Madeleine Albright planned to visit Cambodia to meet with Ranariddh and Hun Sen. Against the envoys' wishes, the plan to hold high-level talks at this crucial moment did not materialize due to differences between the two countries over issues of security and protocol.

Despite the intensive fighting that erupted on July 5 and 6 between the Second Prime Minister's troops and the First Prime Minister's troops, Cambodia held free and fair elections on July 26, 1998 as described in the previous section. It should be emphasized that not only Hun Sen, but also Ranariddh, who once defected from Cambodia in defiance of Hun Sen, worked to conduct free and fair elections on that date as they had promised. In other words, they made good on the international pledge that they made to the G8 through the envoys from Japan and France, although the election day was delayed about two months for technical and financial reasons.

The unfortunate distrust between Cambodia and the US revealed itself in the process of trying to ease the political and military tensions that built up to a dangerous level in Cambodia in June and July 1997. It seemed to the author that the United States detested Hun Sen and supported Ranariddh almost unconditionally out of sympathy for him. Hun Sen is anything but an anti-US

politician, and rebuffing him like this was wrong. Such misconceptions about Hun Sen have recently begun to be corrected.

There is no question that good relations between the two countries are crucial. The Hun Sen Administration needs to further improve bilateral relations even if that requires substantial concessions, as long as Cambodia's sovereignty and independence is not threatened. To this end, Cambodia needs first to expedite the processes of democratization and respect for human rights. In other words, Cambodia needs to establish good governance.

Cambodia needs to deal appropriately with the issue of bringing surviving Khmer Rouge leaders before an international tribunal to show the country's commitment to respecting human rights. This is crucial if Cambodia wants to establish good relations with the US and other countries. In advocating human rights diplomacy, the Clinton Administration worked hard to convene an international tribunal to investigate and try those responsible for one of the most atrocious violations of human rights in the 20th century; the massacre of at least one million Cambodians by the Khmer Rouge. However, it became apparent that such a tribunal will not be convened until early in the 21st century.

Until around 1998, the Cambodian government took a negative attitude toward such an international tribunal. The Cambodian government denounced it as an attempt to interfere in its internal affairs and a violation of Cambodia's sovereignty, for fear that bringing up the issue might ruin the yet fragile regime of national reconciliation.

Now, Cambodia and the United States with the United Nations are moving closer through formal and informal negotiations. What is being proposed is a mixture of domestic and international tribunals, in which a bench made up of Cambodian and foreign judges hears each case under the Cambodian three-trial system, consisting of the first trial, intermediate appeal and final appeal.

Settlement of the issue of trials concerning the Khmer Rouge will remove a major stumbling block in Cambodia's diplomacy with the US and other western countries. Yet many problems have to be solved before the issue can be settled. Some problems concern harmonization with international law. An example is the issue of how to harmonize with international humanitarian law the Cambodian legal system based on the constitution of the Kingdom of Cambodia, which, together



with the peace, was established with the full support of the international community. Other problems concern amendments to domestic laws. An example is the issue of whether a supplementary indictment will be filed against those who have already been granted amnesty in accordance with the constitution; the issue of double jeopardy.