

ASEAN'S OBLIGATION TO FUND THE KHMER ROUGE TRIBUNAL

Cambodia welcomes United Nations Secretary General Ban Ki-Moon to Cambodia. He is here in his role as the United Nations' highest official, but he is also a citizen of our region. Significantly, during his short time in Phnom Penh, he is visiting both the Tuol Sleng Genocide Museum and the Extraordinary Chambers in the Courts of Cambodia (ECCC)—the former a memorial preserved by the Cambodian people for the past 30 years for the estimated 14,000 people who were tortured and killed there during the Khmer Rouge period, and the latter a joint United Nations/Cambodian effort to construct from Khmer Rouge horrors a future based on human rights and rule of law. His visit should be seen as a message to Asia, and especially to Association of Southeast Asian Nations (ASEAN) members, about the regional significance of the ECCC and its second case against Ieng Sary, Nuon Chea, Khieu Samphan, and Ieng Thirith—the first genocide trial to be held in Asia.

Given the ages of the four accused, the possibility that their trial could drag on for several years, the likelihood of appeals, and not least of all, the track record of the Cambodian legal system, it is unlikely that most Cambodians' expectations for justice will be met. Nevertheless, the trial will provide three very important benefits for Cambodia. First, it can form a backdrop for helping people answer some of the questions they have about the tribunal and the Cambodian justice system. Second, it can stimulate a dialogue among Cambodians on whether their legal apparatus works and about what they want their justice system to become. And third, just a generation after the genocide, many young Cambodians simply can't believe that their parents endured such hardships under the Khmer Rouge. Thus, the trial will help keep the memory of what happened in Cambodia alive and inspire people to work to prevent it from happening again. Whatever the outcome, the trial will be important for Cambodia's understanding of justice and human rights, in particular the right to life.

Some Asian governments still view human rights as an issue that is largely Western in orientation. Over the past few decades, however, people in many Asian countries have progressively demonstrated their belief that these rights are universal in nature and that due process and the rule of law are critical elements of democracy. As Asian countries and those from ASEAN in particular are playing an expanded role in world politics and the international economy, it is critical that their conduct and performance reflect the changes that have been taking place in Asia.

Although ASEAN seeks to promote democracy and human rights in the region, no ASEAN member state has yet made a monetary contribution to the ECCC, which suffers from a chronic budget shortfall. Because of its mandate, more than any of the current state donors, ASEAN has an obligation to ensure that the ECCC process proceeds according to the rule of law and without financial obstacles. It is my hope that Ban Ki-Moon's visit will spur other members of the ASEAN community to show their support for human rights in Asia by providing much-needed financial assistance for the Khmer Rouge tribunal.

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