

## **The Calling of International Law**

*By Gregory H. Stanton, President, YLS J.D. '82*

During my first year at Yale Law School, Church World Service called me to become Field Director of its relief program in Cambodia. My roommate from Oberlin College was then the organization's program director in New York and he knew that I had been a Peace Corps Volunteer and had just spent a year in India. I landed in Phnom Penh in June 1980. As I walked through the mass graves and talked with the survivors, I realized that the Khmer Rouge had violated every international humanitarian law on the books, including the Genocide Convention. I had studied with Professor Reisman in law school, and knew that law wasn't law without authoritative decision, and compliance or enforcement. But the Khmer Rouge had gotten away with murder. There was no political will to capture them in Thailand, and no international court to try them.

Such impunity would only allow the Khmer Rouge to plague Cambodia for years to come. But there was a narrow opening for civil justice, the International Court of Justice. The Khmer Rouge no longer controlled Cambodia because of Vietnam's intervention, so evidence could be gathered against them. If a case were taken against Cambodia to the World Court for violation of the Genocide Convention, the Khmer Rouge would have to respond, because they still held Cambodia's seat in the United Nations. When I came back to Yale, I founded the Cambodian Genocide Project in order to gather the evidence to make that case possible. I thus began my career in public international law while still a student at Yale Law School. And I found my calling: the prevention and punishment of genocide.

When I started law school, my career objective was to teach international human rights law. Thus, after a judicial clerkship and two fruitless years with a corporate law firm (yes, I too, was seduced,) I became a law professor at Washington and Lee University. Law teaching is a good platform for working on international human rights law because it offers both financial security and freedom. However, demands of teaching and publishing and the location of most schools away from policy-making centers greatly limit the academician's ability to create institutions or shape policy. I did get the Cambodian Genocide Project sponsored by a Human Rights Committee of the American Bar Association that I chaired and got funding to gather evidence in Cambodia one summer funded by the law school's research center and the U.S. Institute of Peace. But when it came to finding a government to take the case to the World Court, those of us working on the case struck out. I learned a crucial lesson: human rights are not lost because of the absence of law, but because of the lack of political will to enforce it. We needed to change the political will of crucial nations, notably the United States, which opposed pursuing the case because it might legitimize the Vietnamese-backed government in Phnom Penh.

A group of us set out to change the political will of the U.S. government. Prof. Ben Kiernan, Dr. Craig Etcheson, and many others formed a coalition called the Campaign to Oppose the Return of the Khmer Rouge, and I co-chaired its Justice Committee, which worked with Senator Robb to pass the Cambodian Genocide Justice Act. That act declared it to be U.S. policy to prosecute the Khmer Rouge leaders and mandated the opening of an Office of Cambodian Genocide Investigations in the State Department. By 1994, I had taken the Foreign Service examination and joined the State Department; I was assigned to the steering committee for the Office of Cambodian Genocide Investigations. We moved U.S. policy to support creation of a tribunal to try the Khmer Rouge. A joint United Nations/ Cambodian tribunal may finally hold trials this year.

I joined the U.S. State Department because I wanted to build international human rights institutions. I was fortunate that my assignments allowed me to do that. The Director General of the Foreign Service jumped me several grades to positions of responsibility. Most junior Foreign Service Officers would not

have been so lucky. I arrived in Washington after my initial consular assignment (Bangkok) at the end of the Rwandan genocide. The Director General assigned me to be coordinator for U.S. policy for Africa in the United Nations Security Council. I was immediately lent to the U.N. Commission of Experts that investigated the Rwandan genocide, and helped write their report, which recommended establishing the Rwanda Tribunal. Back at the State Department, I then drafted the U.N. Security Council Resolutions that created that tribunal, and became the U.S. liaison and troubleshooter during its difficult start-up. I also initiated and wrote the resolutions that created the Burundi Commission of Inquiry and the UN Commission on Arms Flows in Central Africa. These were all institutional contributions to the punishment and prevention of genocide.

It became clear, however, that more lasting institutions are necessary to prevent genocide. What is needed is creation of an effective early warning system for the U.N. Security Council, a standing U.N. Rapid Deployment Force that can intervene to prevent or stop genocide, and an International Criminal Court. The U.S. government stood opposed to a U.N. force and to the International Criminal Court. I left the State Department to become Coordinator of the Washington Working Group on the International Criminal Court. We built a coalition of over twenty human rights, legal, veterans, and religious organizations that successfully lobbied the Clinton administration to sign the ICC treaty.

The twentieth century was the bloodiest in world history. A world-wide movement is needed to end genocide in the twenty-first century. To start that movement, I founded Genocide Watch and the International Campaign to End Genocide that was launched at the Hague Appeal for Peace in May 1999. The Campaign is an international coalition dedicated to creating the international institutions and the political will to end genocide forever. Just as the anti-slavery movement stopped most slavery, we hope to put an end to genocide.

I would give this advice to those considering the calling of international law: Never underestimate your own ideas. The world is governed by men with smaller ideas than your own. Yours may change the world.