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Research Report

The Legitimacy Machine: Genocide, Authoritarian Regime Construction, and International Complacency

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The atrocity of genocide is among the worst and most destabilizing crimes, and poses a unique challenge to international institutions and their capacity effectively prevent and respond to violence. In the void left by genocide, both new regimes and international actors need to reestablish legitimacy. New political agents seek to build stability, while the international community must support these transitional states in order to meet legal and normative humanitarian obligations.

Genocide has historically produced hybrid regimes with authoritarian tendencies. Despite internationally supported transitional efforts, political strongmen and competitive authoritarian structures have successfully established and entrenched themselves in genocide's wake. This is particularly concerning in the current global context, where the world is experiencing an overall trend of democratic backsliding. More autocratic regimes establish themselves each year; in 2023, the global average level of democracy regressed to the 1985 level.[1] More autocratic regimes establish themselves each year; in 2023, the global average level of democracy regressed to the 1985 level. The negative consequences of the erosion of democratic governance cannot be understated; authoritarian leaders are less willing to engage constructively in the international system, and illiberal regimes are associated with corruption, human rights abuses, and lower quality of life for their citizens. Furthermore, autocratization is self-reinforcing; autocratic regimes not only perpetuate illiberalism internally but also create instability externally, increasing the likelihood of violent conflict, including genocide itself.

Consequently, stopping and preventing further autocratization is a goal of unequivocal international interest. This paper focuses on a specific subset of cases of illiberal regime development, and seeks to examine and explain the relationship between genocide and authoritarianism, with a particular focus on how and why genocide and civil conflict are linked to the subsequent establishment of authoritarian regimes. Societies in post-war transition have a greater potential than stable societies for conflict, and are vulnerable to exploitation by authoritarian actors.[2] Counterintuitively, societies in transition are also the subject of greater scrutiny and support by the international community; the consistent trend of autocratization following genocide is resultingly illogical. For all intents and purposes, post-genocide regimes *should* be democratic, but this is persistently contradicted across historical cases, and the mechanics of these transitional failures require examination.

This research project is a comparative study that explores the process of regime development in the wake of genocide in three cases; in Cambodia, Rwanda, and Bosnia-Herzegovina. These cases are among the most severe, well known, and best recognized occurrences of genocide, and, while the application of the term "genocide" is often contested, all three cases are the subject of academic and public consensus. The selection of Cambodia, Rwanda, and Bosnia-Herzegovina as the focus of this project was further intentional in that they are temporally similar and geographically diverse. All three are situated in the same era of international relations,

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[1] Fabio Angiolillo, Martin Lundstedt, Marina Nord, and Staffan I. Lindberg, "State of the World 2023: Democracy Winning and Losing at the Ballot," *Democratization* 31, no. 8 (2024): 1597–1621, https://doi.org/10.1080/13510347.2024.2341435.
[2] Alexander Laban Hinton, ed., *Annihilating Difference: The Anthropology of Genocide* (Berkeley & Los Angeles: University of California Press, 2002), 216.

occurring in the context of the liberal international order and the post-WWII international system, and thus share a number of common characteristics. The cases occurred in disparate regions; the selection of Bosnia-Herzegovina is intentional and important due to the common but false conception of genocide as a "third-world problem" restricted to less developed, non-Western countries. The selection of case studies that occurred in the same era and under the same international conditions but across different regions facilitates the analysis of the genocide-authoritarianism relationship in isolation, as all follow a similar trajectory despite the regional specificity inherent in the occurrence of genocide and the process of post-genocide regime establishment. Currently, Cambodia, Rwanda, and Bosnia-Herzegovina are all governed by illiberal hybrid regimes that repeatedly and systematically violate the criteria of a democratic state, but maintain a facade of democracy that allows them to remain legitimate. This discrepancy between appearance and reality makes hybrid regimes uniquely problematic, as they are not subject to the same scrutiny and recourse of states that are widely perceived as autocratic. Hybrid regimes can take different forms, including competitive authoritarianism[3] and developmental dictatorships,[4] but all share the general composition of being performatively democratic but functionally illiberal.

Despite the intentional selection of these case studies, comparative analysis is deficient by nature in some respects. This paper is not intended as comprehensive study of 20th century genocide, or as a history of each region of focus, and does not focus heavily on the process of civil war or the mechanics of violence. Instead, this research project draws on the bodies of existing research and writing for each case to follow genocide as a throughline across cases of illiberal regime development in the wake of civil conflict. This paper briefly examines the pre-genocide shared experiences of the nations of focus, including a) colonial and Cold War motivations and legacies, b) the absence of American interest, and c) the existence of a power vacuum borne of pre-genocide political decentralization and fragmentation. The primary focus of the paper is on the end of genocide, the failure of transitional initiatives, and the process of legitimization of the illiberal regime on both domestic and international levels. The commonalities of regime trajectories across cases despite disparate locations, histories, and political structures are revealing about the function of genocide and civil war as a force for shaping post-conflict power dynamics and enabling illiberal regimes to pursue and acquire legitimacy.

This core focus of this research project seeks to explain the trend in post-genocide states where ostensible democratic transitions do not functionally lead to democracy, despite attempts to institutionalize pluralism and free, fair elections. This paper argues that genocide is uniquely suited to the production of hybrid regimes, and that, historically, this phenomenon is the result of specific, recurrent interactions between the international community and the states in transition. The conditions for civil conflict and genocide are created

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[3] Steven Levitsky and Lucan Way, "The New Competitive Authoritarianism," *Journal of Democracy* 31, no. 1 (2020): 51-65, https://doi.org/10.1353/jod.2020.0004.

[4] Hyungmin Park, *Theory of Developmental Dictatorship*, NICEP Working Paper no. 2024-10 (Nottingham: Nottingham Interdisciplinary Centre for Economic and Political Research, February 2024), https://www.nottingham.ac.uk/research/groups/nicep/documents/working-papers/2024/2024-10.pdf.

and exacerbated by international factors, great power competition, Cold War dynamics, and a lack of American interest contribute to power vacuums and worsen ethnic tension. Genocide is then able to play out because international actors lack the ability or willingness to pursue substantive, effective intervention.[5] In the wake of genocide, the recovering state demands stability, and failure of the international community to prevent atrocities compels them to support the state in transition. This paper argues that the halfhearted implementation of transitional initiatives allows illiberal leaders to establish themselves and while international actors are absolved of responsibility. I focus on the acquisition of legitimacy by international actors through the establishment of transitional initiatives, and by illiberal domestic leaders in each case through the facade of democracy and the performance of "liberal memory" while a reality of authoritarian consolidation actually plays out. I analyze Cambodia, Rwanda, and Bosnia-Herzegovina in isolation, and draw together research on all three to ultimately argue that the historical lack of objections to illiberal regime establishment reflects a distinct, problematic pattern, and an enduring normative challenge that must be dealt with as contemporary conflicts, like those in Myanmar and Darfur, risk following the same trajectory.

Case Study 1: Cambodia

In the decades since genocide wracked Cambodia, power has been concentrated, and effectively consolidated, in the hands of Hun Sen, who exemplifies all the characteristics of a classic political strongman. Sen technically resigned in 2023, but he remains central to Cambodian governance. With the unquestioned succession of his son, Hun Manet and his existing integration with high level financial and judicial mechanisms means that Sen retains a high degree of informal, formal, and institutional control over Cambodia.[6] The length and nature of Sen's distinctly undemocratic rule are direct consequences of the Cambodian civil war and genocide, and of the international community's response.

A) Historical Background

The Cambodian genocide took place between 1975 and 1979, and was perpetrated under Pol Pot by the Communist Party of Kampuchea (CPK), popularly known as the Khmer Rouge, after they emerged as the prominent power in the country following eight years of civil conflict. The outbreak of conflict in 1967 was a manifestation of a broader, more nuanced pattern of regional instability. Southeast Asia was left to grapple with the legacy of French colonial administration in the wake of the First Indochina War. A desire for self-government had been simmering in Cambodia for decades. Peasant protests against the French proliferated during the First World War and continued sporadically into mid-1920s.[7] The 1940s and 1950s saw the growth of

[5] Why dont we stop genocide source
[6] Bopha Phorn and Neil Loughlin, "Cambodia in 2023 and 2024: Hun Manet Rules, but His Father's Shadow Looms Large," *Asian Survey* 65, no. 2 (2025): 324, https://doi.org/10.1525/as.2025.65.2.323.
[7] Ben Kiernan, "Anti-Colonial and Civil Conflict in Cambodia: From the First World War to the First Indochina War," *Journal of Contemporary Asia* 55, no. 4 (2024): 687, https://doi.org/10.1080/00472336.2024.2426574.

anti-French and anti-Colonial guerilla action by the Khmer Issarak movement,[8] with some cadres collaborating with the Viet Minh and with Thai forces.[9] While the Khmer Issarak forces were decentralized, factionalized, and divided over the question of communism, the Khmer nationalist movement radicalized some individuals, including a young Pol Pol, who began to refer to himself as the "Original Khmer," while participating in the movement.[10] Cambodia formally achieved independence from France following a series of appeals by King Norodom Sihanouk,[11] who sought to combat rumours that he was a pro-French traitor and increase his popularity in response to the growing threat posed by was republican politician Son Ngoc Thanh, who was backed by the increasingly mobilized Issarak.[12] Sihanouk's crusade for independence resulted in the proclamation of the Kingdom of Cambodia in 1953, but the early efforts at nationbuilding in the nascent state were soon complicated. In March of 1955, Sihanouk abdicated the throne to his father, taking on the title of Prince and becoming directly involved in politics as the leader of his new national political movement, Sangkum Reastr Niyum.[13] Sihanouk's new, tenuous regime, facilitated by questionable electoral practices and a marked decline in pluralism,[14] had to contend with the U.S.'s intervention in Vietnam merely months after it was established. Seeking to pacify domestic leftists and maintain territorial integrity by remaining palatable to both sides of the conflict in neighbouring Vietnam, Sihanouk instituted a policy of Cold War neutrality.[15] This neutral line was short-lived, and Cambodia, held "hostage to Vietnamese events,"[16] was soon embroiled in the conflict. Sihanouk soon pursued a secret alliance with North Vietnam that allowed their Viet Cong and People's Army of Vietnam troops to establish sanctuaries and supply lines inside Cambodian borders,[17] and Cambodia was heavily bombed by the American military as a result. The Cambodian countryside was devastated by over half a million tons of bombs dropped by the American military between 1969 and 1973, killing over 100,000 peasants and radicalizing many more, strengthening the Khmer Rouge. [18] Sihanouk's neutrality fueled discontent with his regime domestically and internationally. The leftist Khmer Rouge forces took action against him in the late 1960s, primarily through guerilla violence,but Sihanouk was ultimately deposed in 1970, and replaced by Lon Nol, who established the Khmer Republic in a U.S.-backed coup. The Khmer Rouge forces that had fought against Sihanouk's Sangkum administration continued their fighting against the conservative,

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[8] Kiernan, "Anti-Colonial and Civil Conflict in Cambodia," 680.
[9] Eiji Murashima, "Opposing French Colonialism: Thailand and the Independence Movements in Indo-China in the Early 1940s," *South East Asia Research* 13, no. 3 (2005): 333, https://doi.org/10.5367/000000005775179702.
[10] Ben Kiernan, "Introduction: Conflict in Cambodia, 1945–2002," *Critical Asian Studies* 34, no. 4 (2002): 484, https://doi.org/10.1080/1467271022000035893.
[11] David Chandler, *A History of Cambodia* (London: Routledge, 2008), 227.
[12] Chandler, *A History of Cambodia*, 225-227.
[13] Chandler, *A History of Cambodia*, 230.
[14] Joel Brinkley, *Cambodia's Curse: The Modern History of a Troubled Land* (New York: PublicAffairs Books, 2011), 28, https://search-alexanderstreet-com.myaccess.library.utoronto.ca/view/work/bibliographic_entity|bibliographic_details|2557666
[15] Kiernan, "Introduction: Conflict in Cambodia," 484.
[16] Chandler, *A History of Cambodia*, 236.
[17] Chandler, *A History of Cambodia*, 237.
[18] Kiernan, "Introduction: Conflict in Cambodia," 485.

Western-backed Khmer Republic, to which they were ideologically opposed and harboured anti-U.S. sentiment as a product of the bombing campaigns.[19] The Khmer Rouge, backed by China and North Vietnam, were engaged in civil war for a total of eight years, first against Sihanouk's regime, and then, following his 1970 overthrow, in collaboration with Sihanouk against the American-backed Khmer Republic.[20] The Khmer Rouge emerged victorious in 1975, and, under the leadership of Pol Pot, proclaimed the existence of the new state of Democratic Kampuchea.

The years of instability, civil war, and American bombing campaigns left Democratic Kampuchea as a nascent, war-ravaged state with a mobilized, radicalized political class that held a deep desire for an improved, wholly Khmer country. The state's leader, Pol Pot, had spent most of 1965 and 1966 in Beijing, where he received political training from the Chinese Communist Party (CCP).[21] Critically, he witnessed the early stages of the Cultural Revolution in 1966, which dramatically shaped the nature of his statebuilding initiatives. Many of the Khmer Rouge's early actions were borrowed from Mao's development model, including "Chinese-style purges of 'class enemies,'" and Pol Pot's economic initiatives were referred to as the *maha lout ploh*, the Khmer translation of Mao's "Great Leap Forward."[22] While the violence carried out by the Khmer Rouge was nominally class-based, anti-intellectual, and anti-capitalist, it functionally acted as religious and ethnic persecution of the Chinese, Vietnamese, and Muslim Cham minorities in the nation.[23] In efforts to manufacture a "new start for the country [as a] communist agrarian utopia,"[24] the Khmer Rouge carried out a devastating genocide that lasted four years, from 1975-1979, resulting in the deaths of 1.7 million to 2 million people, a number equivalent to between 21 and 24 percent of the entire population.[25]

B) International Failures and the Cambodian Genocide

The course of the genocide was, at least partially, a consequence of international failures before and during the four years of violence. The regional expansion of the Vietnam War undermined Sihanouk's attempts at neutrality, the imposition of Lon Nol's American-backed Khmer Republic prompted the Sihanouk-Khmer Rouge alliance, and the devastating American bombing campaigns radicalized Khmer Rouge members. Great power competition manufactured a power vacuum that facilitated the eventual consolidation of power under Pol Pot and created enemy classes and the perceived need to cleanse the new state. The CCP acted as a major patron

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[19] Find source
[20] Peter A. Poole, "Cambodia 1975: The GRUNK Regime," *Asian Survey* 16, no. 1 (1976): 26, https://doi.org/10.2307/2643278.
[21] David Chandler, *Brother Number One: A Political Biography of Pol Pot* (Routledge, 1999), 66.
[22] Chandler, *Brother Number One,* 66.
[23] Sina Emde and Duong Keo, "Translating Genocide, the Politics of Memory, and (In)Commensurabilities in Post-Conflict Cambodia," *The Asia Pacific Journal of Anthropology* 26, no. 2 (2025): 124, https://doi.org/10.1080/14442213.2025.2485964.
[24] Emde and Keo, "Translating Genocide," 126.
[25] Ben Kiernan, *The Pol Pot Regime, 1975–79: Race, Power, and Genocide in Cambodia under the Khmer Rouge*, 3rd ed., (New Haven, CT: Yale University Press, 2008), 458.

of the Khmer Rouge as it carried out the genocide,[26] which, while perhaps rooted in the "shared revolutionary outlook" of the two states, was likely a product of the Sino-Soviet split, with China seeking a Southeast Asian counterweight to the USSR's influence in Vietnam.[27] As for American interests, or the lack thereof, the Khmer Rouge's campaigns of violence unfolded in the shadow of the United States' "stalemate machine," as described by Daniel Ellsberg.[28] The conditions in Democratic Kampuchea, which were largely fuelled by the American presence and offensives in the region, were allowed to play out in the face of international inertia; the mass killings and genocidal violence went functionally unopposed as the American losses in Vietnam had produced a profound lack of interest in further involvement. The rise and radicalization of Pol Pot and the Khmer Rouge were largely produced by Cambodia's position as a Cold War chess piece, and the subsequent genocide took place in the face of international neglect.

C) The End of the Genocide, Transitional Efforts, and Illiberal Consolidation in Cambodia

When the end of the genocide eventually came, it was not through humanitarian intervention, and putting an end to the Khmer Rouge's atrocities was a paramount priority. In January of 1979, Vietnam launched an invasion of Democratic Kampuchea and captured Phnom Penh in response to cross-border attacks carried out by the Khmer Rouge. They deposed the Khmer Rouge government, with most high-ranking officials fleeing to Thailand, and installed the People's Republic of Kampuchea (PRK) in its stead. The PRK was governed by the Kampuchean People's Revolutionary Party, with Heng Samrin as the Chief of State and Pen Sovan as General Secretary. [29] Hun Sen, who had defected to Vietnam from his role as a Khmer Rouge cadre, was appointed Foreign Minister. The existence of the PRK was disputed, and it received limited international recognition. As it was a Vietnamese satellite state and consequently associated with the USSR, the Khmer Rouge government-in-exile was preferred and supported by the United States, the United Kingdom, and China. As a result, superpower interests and geopolitical balancing left the PRK in international limbo once again, and it remained politically and militarily contested for over a decade.

Fighting between the PRK and the Khmer Rouge, along with the royalist FUNCINPEC group and other anti-Vietnamese resistance factions, continued until 1991, when the Paris Peace Agreements were signed, putting an end to the conflict and facilitating a ceasefire and elections under the United Nations Transitional Authority in Cambodia (UNTAC). The drawn-out nature of the fighting between the PRK and Khmer Rouge

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[26] Craig Etcheson, *After the Killing Fields: Lessons from the Cambodian Genocide* (Lubbock: Texas Tech University Press, 2006), 154.
[27] Andrew Mertha, *Brothers in Arms: Chinese Aid to the Khmer Rouge, 1975–1979* (Ithaca, NY: Cornell University Press, 2014), 12, https://doi-org.myaccess.library.utoronto.ca/10.7591/9780801470738-004.
[28] Daniel Ellsberg, "The Quagmire Myth and the Stalemate Machine," *Public Policy* 19, no. 2 (Spring 1971); digitized on Internet Archive, accessed July 12, 2025, https://archive.org/details/TheQuagmireMythAndTheStalemateMachine.
[29] Stephen J. Morris, "The Public Disintegration of 'Militant Solidarity' in Indochina: Vietnam and Cambodia, 1975–78," in *Why Vietnam Invaded Cambodia: Political Culture and the Causes of War* (Redwood City, CA: Stanford University Press, 1999), 111, https://doi-org.myaccess.library.utoronto.ca/10.1515/9781503616745-008.

was a product of strong networks of international patronage that aligned with Cold War loyalties. These years of instability allowed Hun Sen to accrue power. He established a network of loyalists in the military and bureaucracy and maintained close ties with Vietnam. Their continued support of the PRK enabled his rise, and Hun Sen was formally appointed Prime Minister in 1985, becoming the central figure in the PRK government and emerging from the power vacuum that had consumed Democratic Kampuchea for over a decade with a strong political base.

The intention of UNTAC was to facilitate a democratic transition for Cambodia, which was to be done through "control and/or supervision by the United Nations of the country's administrative structures, followed by United Nations-supervised elections," the ultimate goal of which was to "build institutions and legal structures for human rights and democracy."[30] The results of the multiparty elections held in 1993 saw FUNCINPEC come in first, with Hun Sen, running under the banner of the Cambodian People's Party (CPP) in second. The CPP resisted this result, leading to the formation of a coalition government. Sihanouk was reinstated as king, while FUNCINPEC leader (and Sihanouk's son) Norodom Ranariddh and Hun Sen formed an uneasy alliance, serving as First Prime Minister and Second Prime Minister respectively. The coalition government was short lived, and Sen instigated a coup in 1997, accusing Ranariddh of acts that were "dangerous to the nation" and, drawing on his wide-reaching network of patrons, functionally assuming full military, bureaucratic, and institutional control.[31] Sen's regime immediately perpetrated political violence, including extrajudicial executions, torture, and the detention of opposition figures and FUNCINPEC loyalists.[32] Sen's coup seems a blatant attempt at authoritarian power consolidation, that for all intents and purposes should have undermined the legitimacy of his regime and prompted pushback, but international responses were ineffectual, muted, and largely restricted to criticism without any substantive reinforcement.

The extent of the United Nations' response was condemnation. It was explicitly branded a coup by Thomas Hammarberg, the Special Representative of the Secretary-General for Human Rights in Cambodia,[33] and a UN resolution was passed "[urging] the Cambodian Government to bring to justice those responsible for such serious crimes,"[34] an ineffectual move considering that Hun Sen's regime had perpetrated that violence. The United States suspended aid after the coup, and, after years of continuous tacit political engagement, resumed direct foreign assistance in 2007.[35] The Association of Southeast Asian Nations (ASEAN), delayed

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[30] "United Nations Transitional Authority in Cambodia (UNTAC) – Background (Summary)," *United Nations Peacekeeping*, accessed July 9, 2023, https://peacekeeping.un.org/en/mission/past/untacbackground.html

[31] David M. Ayres, "Ranariddh and Hun Sen: From Uneasy Alliance to Coup," in *Anatomy of a Crisis: Education, Development, and the State in Cambodia, 1953–1998*, (Honolulu: University of Hawaii Press, 2000), 150–152, https://doi-org.myaccess.library.utoronto.ca/10.1515/9780824861445-009.

[32] Ayres, "Ranariddh and Hun Sen," 150–152.

[33] Human Rights Watch, "30 Years of Hun Sen: Violence, Repression, and Corruption in Cambodia," January 12, 2015, https://www.hrw.org/report/2015/01/12/30-years-hun-sen/violence-repression-and-corruption-cambodia.

[34] United Nations, "Resolution Unequivocally Condemning Terrorism Approved in Third Committee," *Press Release GA/SHC/3459*, November 26, 1997, https://press.un.org/en/1997/19971126.gash3459.html.

[35] Sebastian Strangio, *Hun Sen's Cambodia* (New Haven, CT: Yale University Press, 2014), 223.

Cambodia's membership, but only briefly; their 1999 admission to the group reflected an acceptance of Hun Sen's regime as a legitimate and palatable reality.[36] Throughout this period, Hun Sen pursued "mirage politics," and his regime's symbolic gestures of democracy and reform unquestionably accepted by donors and the international community.[37] An international desire for stability in Cambodia meant the prioritization of pragmatism over the principles of UNTAC, and Hun Sen and his illiberal regime were gradually legitimized.

Since the acceptance of the post-coup government into the international community, Hun Sen consolidated and entrenched his authoritarian role, successfully positioning himself at the center of the Cambodian political, economic, and judicial apparatuses, all while reinforcing his international legitimacy in the process. Development initiatives, which reflect positively on the Sen government, are pursued in a selective manner that supports Sen's clients and patrons,[38] reinforcing his connections with the economic elites in Cambodia.

The government program of Economic Land Concessions (ELCs) facilitated land grabs and dispossession of rural peoples, with land disproportioinately reallocated to foreign investors and political elites under the guise of national development.[39] The Cambodian garment sector, a key export industry which is touted as evidence of burgeoning economic liberalism is similarly influenced by patronage networks, with the Sen government taking on a regulatory role that disenfranchises unions and labour organizing while enriching powerful actors.[40]

Perhaps the most significant example of Sen's pursuit of international legitimacy is his tacit support of and conditional engagement with the Extraordinary Chambers in the Courts of Cambodia (ECCC). The ECCC were established to try the leaders of Democratic Kampuchea that were linked to the genocide and the violations of the domestic penal code and international law and customs between 1975 and 1979.[41] Putting Khmer Rouge leaders on trial gives the appearance of a commitment to justice and, by keeping the memory of the genocide in the public and international consciousness, provides "domestic scapegoats for the shortcomings of the current government."[42] The role of the UN in establishing and maintaining the ECCC further reinforces the Sen regime's legitimacy, as it embodies the approval of a key international actor. However, Sen has interfered with the ECCC's proceedings when he deems it necessary, citing the upkeep of peace and the risk of a

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[36] https://www.c-r.org/accord/cambodia/diplomatic-pragmatism-aseans-response-july-1997-coup
[37] Strangio, *Hun Sen's Cambodia*, 220.
[38] Strangio, *Hun Sen's Cambodia*, 260.
[39] Andreas Neef, Siphat Touch, and Jamaree Chiengthong, "The Politics and Ethics of Land Concessions in Rural Cambodia," *Journal of Agricultural and Environmental Ethics* 26, no. 6 (2013): 1085–1103, https://doi.org/10.1007/s10806-013-9446-y
[40] Anna Salmivaara, "New Governance of Labour Rights: The Perspective of Cambodian Garment Workers' Struggles," *Globalizations* 15, no. 3 (2018): 329–46, https://doi.org/10.1080/14747731.2017.1394069.
[41] Royal Government of Cambodia, *Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed during the Period of Democratic Kampuchea*, with inclusion of amendments as promulgated on 27 October 2004 (NS/RKM/1004/006), accessed July 30, 2025, https://www.legal-tools.org/doc/9b12f0/pdf/
[42]Duncan McCargo, "Politics by Other Means? The Virtual Trials of the Khmer Rouge Tribunal," *International Affairs* 87, no. 3 (2011): 617, https://doi.org/10.1111/j.1468-2346.2011.00993.x.

renewed civil war as justification for not seeing through the prosecution of certain Khmer Rouge officials.[43] Conveniently, the trials that Sen sees as failing to "[take] national unification and peace into consideration" are those that could shed light on his own time in the Khmer Rouge ranks, putting his narrative of saving Cambodia from the Khmer Rouge in jeopardy.[44] Overall the purported goals of the ECCC's purported goals of promoting the rule of law and strengthening judicial mechanisms are a facade, and the Cambodian government "has actively fought against it having these impacts."[45] The performance of transitional justice is in itself legitimizing, particularly with the international presence brought by UN involvement, and Hun Sen has allowed the ECCC to retain the appearance of independence while controlling judicial outcomes and the narrative produced by the court in order to ensure and reinforce the legitimacy of his role and of his regime.

D) Conclusion

Now, Cambodia exists in a problematic status quo. The post-genocide power vacuum shaped by Cold War competition and the withdrawal of American interest facilitated the rise of Hun Sen as a poltical strongman. UNTAC decisively failed in implementing a democratic transition, and the 1997 coup was met with international complacency. Recently, Hun Manet inherited the illiberal regime of his father. While the nation remains wracked by corruption and injustice, the performance of economic and judicial liberalism and progress has granted it a unjust level of legitimacy and its political realities remain unchallenged; after decade of instability, Cambodia is paralyzed by a hybrid government borne of genocide, and there seems no prospect for recourse.

Case Study 2: Rwanda

In Rwanda, power resides with the president, Paul Kagame. Kagame has held office since 2000, and acted as the *de facto* ruler of the nation since the end of the genocide six years prior, in 1994.[46] In addition to the obvious illiberalism of thirty years of functionally uncontested leadership, Kagame's tenure has been characterized by distinctly undemocratic practices, including restrictions on press freedom, persecution and assassination of critics and opponents, repeated violations of term limits, and the entrenchment of his rule through constitutional reform.[47] These practices, as well as Kagame's presidency itself, are direct products of the Rwandan genocide. The trajectory of his leadership, in which military power borne of civil war and genocide to was converted into political capital in the aftermath of the conflict and subsequently consolidated

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[43] Kirsten Ainley, "Transitional Justice in Cambodia: The Coincidence of Power and Principle," in *Transitional Justice in the Asia-Pacific*, ed. Renée Jeffery and Hun Joon Kim (Cambridge: Cambridge University Press, 2013), 136.
[44] Ainley, "Transitional Justice in Cambodia," 136.
[45] Rebecca Gidley, *Illiberal Transitional Justice and the Extraordinary Chambers in the Courts of Cambodia* (Cham: Springer International Publishing, 2019), 9.
[46] Mark Naftalin, "Rwanda: A New Rwanda?" *The World Today* 67, no. 7 (2011): 22, https://www.jstor.org/stable/41962679
[47] Mila Versteeg, Timothy Horley, Anne Meng, Mauricio Guim, and Marilyn Guirguis, "The Law and Politics of Presidential Term Limit Evasion," *Columbia Law Review* 120, no. 1 (2020): 201–202, https://www.jstor.org/stable/26868346

into an entrenched authoritarian regime, fits the archetypal post-genocide pattern and is demonstrative of the ordering ability of genocide on a transitional nation's power structures.

A) Historical Background

The Rwandan genocide was the culmination of decades of political, social, and historical tension. Ethnic difference was pathologized by Belgian administrators during their WW1 occupation and subsequent United Nations mandate. The introduction of identity cards that classified individuals as Hutu, Tutsi, or Twa emphasized and formalized division.[48] This was followed by the creation of a Tutsi political monopoly as they favoured the Tutsi for their resemblance to Belgian eugenicist standards, enshrining narratives of ethnic hierarchy that further engendered Hutu resentment. This resentment built until it manifested as the Hutu "Social Revolution" in 1959, which saw the outbreak of Hutu violence against the established Tutsi elite.[49] Around 330,000 Tutsi became refugees, establishing exile communities in Burundi, Congo, Tanganyika (now Tanzania) and Uganda,[50] and the Tutsi-dominated monarchy was replaced by a Hutu-dominated republic, with Rwanda achieving independence from Belgium in 1962.[51] The country remained under uncontested Hutu presidency until 1990, with a consistent level of persecution perpetrated against the remaining Tutsi,[52] first under Grégoire Kayibanda and then under Juvénal Habyarimana, who deposed the former in a 1973 coup d'etat.[53]

The Tutsi in exile organized, mobilizing against the Hutu administration and campaigning for return and resettlement. Tutsis based in Burundian camps carried out the *inyenzi* guerrilla raids in the early 1960s ;[54] each campaign was met with government-backed anti-Tutsi violence, reinforcing hostility and narratives of division between the ethnic groups. The most significant entity to come out of the exiled Tutsi communities is undoubtedly the Rwandan Patriotic Front (RPF). The RPF's precursor, the Rwandese Alliance for National Unity (RANU), was formed in 1979 by refugees in response to the threat posed by growing anti-Tutsi sentiment and political organizing in Uganda.[55] With the outbreak of the Ugandan Bush War in 1980, many Tutsi refugee youth joined the rebel movement known as the National Resistance Army (NRA) in opposition of the anti-Tutsi

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[48] Bachmann, Klaus. *A History of Rwanda: From the Monarchy to Post-Genocidal Justice*. Routledge, 2023. 122-123
[49] Mahmood Mamdani, *When Victims Become Killers: Colonialism, Nativism, and the Genocide in Rwanda* (Princeton: Princeton University Press, 2001), 104–106, https://doi-org.myaccess.library.utoronto.ca/10.1515/9780691193830-008.
[50] Gérard Prunier, *The Rwanda Crisis: History of a Genocide*, 2nd ed. (Kampala: Fountain Publishers, 1999), 62.
[51] Filip Reyntjens, "Revolutionary Change," in *Modern Rwanda: A Political History*, ed. Filip Reyntjens (Cambridge: Cambridge University Press, 2024), 73.
[52] Prunier, *The Rwanda Crisis,* 60.
[53] Stephen E. Childress, "From Revolution to Ruin: A Preliminary Look at Rwanda's First Two Presidents, Grégoire Kayibanda and Juvénal Habyarimana, and Their Administrations" (PhD diss., University of Missouri–Kansas City, 2015), https://www.proquest.com/dissertations-theses/revolution-ruin-preliminary-look-at-rwandas-first/docview/1705859580/se, 254-255.
[54] Katy Long, "Rwanda's First Refugees: Tutsi Exile and International Response 1959–64," *Journal of Eastern African Studies* 6, no. 2 (2012): 221, https://doi.org/10.1080/17531055.2012.669571.
[55] Alan J. Kuperman, "Provoking Genocide: A Revised History of the Rwandan Patriotic Front," *Journal of Genocide Research* 6, no. 1 (2004): 66, https://doi.org/10.1080/1462352042000194719.

Ugandan president, Milton Obote.[56] The NRA facilitated the development and increased militancy of the RPF, as it facilitated connection between young Tutsi refugees and simultaneously provided them with experience in irregular warfare. The political organizing of these Tutsis resulted in the conversion of RANU into the RPF, and many NRA alumni, including Kagame, took on prominent roles in the new party's leadership.[57] The RPF's formation, newfound militancy, and NRA legacy saw the development of a well-armed, majority-Tutsi refugee army that attempted an invasion of Rwanda in 1990, kickstarting a civil war. [58] Paul Kagame established his role early, taking command of the RPF after the death of the initial leader, Fred Rwigyema, in the early days of the offensive. Close to two years of intense, protracted guerilla fighting followed, further worsening the enmity between the Hutu and Tutsi, until international pressure led to peace talks between Kagame's RPF and Habyarimana's government that culminated in the Arusha Accords in August 1993, which proposed a power sharing arrangement and integration of the RPF.

B) International Failures and the Rwandan Genocide

The Accords had the unintended consequence of exacerbating the radicalization of Hutu extremists, particularly those in factions that were excluded from the Arusha negotiations,[59] who viewed compromise with the Tutsi as a betrayal and existential threat; extremists began to stockpile weapons and distribute virulent anti-Tutsi propaganda, notably through the radio station Radio Télévision Libre des Mille Collines (RTLM),[60] while paramilitary groups like the Interahamwe began to stockpile weapons.[61] Kagame kept the RPF mobilized during this time. The widespread preparation for genocidal violence was noticeable but went unacknowledged. In April of 1994, Habyarimana's plane was shot down over Kigali. Responsibility for the assasination is disputed, but Habyarimana's death provided the spark that transformed radicalization to actual violence. Between April 6 and July 19, roughly 800,000 Tutsi were killed by Hutu extremists.[62] The Hutu militias also targeted "internal enemies," killing members of the Twa minority and even some Hutus that were perceived as supporters of the Tutsi. [63]

The conditions that prompted and enabled the genocide were broadly, structurally influenced by international factors. The decades of division and violence between the Hutu and Tutsi were produced by colonialism and the resulting refugee crises and years of instability were ignored by international actors. The

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[56] Kuperman, "Provoking Genocide," 65.
[57] Kuperman, "Provoking Genocide," 66.
[58] Howard Adelman and Astri Suhrke, eds., *The Path of a Genocide: The Rwanda Crisis from Uganda to Zaire* (New Brunswick, NJ: Transaction Publishers, 1999), 31.
[59] Peter Uvin, "Ethnicity and Power in Burundi and Rwanda: Different Paths to Mass Violence," *Comparative Politics* 31, no. 3 (April 1999): 262, https://doi.org/10.2307/422339.
[60] Allan Thompson and Roméo Dallaire, eds., *Media and Mass Atrocity: The Rwanda Genocide and Beyond* (Waterloo, ON: Centre for International Governance Innovation, 2019), 101.
[61] David J. Francis, ed., *Civil Militia: Africa's Intractable Security Menace?* (Aldershot: Ashgate Publishing Ltd, 2005), 23.
[62]Michael Barnett, *Eyewitness to a Genocide: The United Nations and Rwanda* (Ithaca, NY: Cornell University Press, 2003), 1.
[63] G. Elcheroth, ed., *In the Shadow of Transitional Justice* (London: Routledge, 2021), 35-36.

revolving door of Hutu and Tutsi regimes reduced the legitimacy and strength of the Rwandan political apparatus, and, French patronage supported and entrenched the Habyarimana regime, as France valued Rwanda as part of the "Francafrique" sphere of influence and and sought a counterweight to the British presence in Uganda.[64] Habyarimana's long tenure, despite a track record of corruption and exclusion, likely contributed to the radicalization of extremist Hutu factions that initiated the campaigns of violence in 1994. The civil war was shaped and extended by international actors, with the Habyarimana government and the RPF both benefitting from clientalist practices, and the lack of decisive intervention during the years of conflict allowed Hutu militias to prepare for genocide unimpeded. Colonialism and great power competition exacerbated local grievances, and the international community failed to respond as they coalesced into large-scale violence.

The lack of international response to the Rwandan genocide is particularly egregious considering the existing presence of the United Nations Assistance Mission in Rwanda (UNAMIR).[65] UNAMIR was established to support the implementation of the Arusha Accords, but, despite the international presence embodied by the mission, the genocide played out largely unimpeded. As a peacekeeping mission, UNAMIR should have ostensibly supported stability and facilitated the reduction of tensions in Rwanda. Even with a restrictive mandate that discouraged intervention in the proliferating genocide,[66] the early warnings and reports of violence from UNAMIR officials like Roméo Dallaire warned of crimes against humanity and a severity of violence that should have compelled the international community to action.[67] In sharp contrast, and in direct contradiction of Dallaire's request for better equipped forces to put an end to the violence, the UN ordered that the majority of the UNAMIR mission be withdrawn, and the peacekeeping force was reduced from 2,500 to 270 on April 21.[68] The violence did not end through intervention; even with weak, UN-backed attempts to facilitate peace talks between the Hutu and Tutsi and the deployment of the small contingent of troops and humanitarian personnel under the UNAMIR II mission, it took the Kagame-led RPF capturing the capital, Kigali, to finally put an end to the genocide.

The dynamics behind the international complacency that allowed the genocide to functionally run its course are complex and nuanced. One critically relevant factor is American apathy. Following the dissolution of the USSR, the international community found itself in the midst of the "unipolar moment,"[69] with the United States as a singular, unparalleled superpower. Fuelled by the failed American mission in Somalia the previous year, the United States was reluctant to become involved in another remote African conflict. The lack of

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[64] Andrew Wallis, "Rwandan Rifts in La Francafrique," *openDemocracy*, December 14, 2006, https://www.opendemocracy.net/en/rwanda_france_4183jsp/.
[65] United Nations Security Council, *Resolution 872 (1993)*, S/RES/872, October 5, 1993, https://undocs.org/S/RES/872(1993.
[66] Roméo Dallaire, *Shake Hands with the Devil: The Failure of Humanity in Rwanda* (New York: Da Capo Press, 2005), 226.
[67] Dallaire, *Shake Hands with the Devil*, 254.
[68] Michael Barnett, *Eyewitness to a Genocide: The United Nations and Rwanda* (Ithaca, NY: Cornell University Press, 2003), 2.
[69] Charles Krauthammer, "The Unipolar Moment," *Foreign Affairs* 70, no. 1 (1990/91): 23–33.

American interest in Rwanda was precedent-setting, and signaled to other actors that the crisis was not urgent or strategically important; their refusal to pursue a substantive intervention shaped the limited, delayed global engagement with the genocide. However, the lack of American interest was minimally contested by other actors. Even after the genocidal nature of the violence in Rwanda became clear, the Security Council refrained from explicitly naming it a "genocide," which would create an undeniable obligation for intervention.[70] Though the dynamics of ethnic enmity in Rwanda were shaped and worsened by international actors, those same agents were reluctant to intervene, and the violence was oversimplified and largely dismissed as a "result of deep and ancient tribal hatred," a narrative which was used to justify inaction.[71] Overall, the delayed and ineffectual response to the Rwandan genocide embodied an undeniable international failure.

C) The End of the Genocide, Transitional Efforts, and Illiberal Consolidation in Rwanda

After the genocide ended, UNAMIR II became fully operational. Compared to the initial mission, UNAMIR II had an expanded mandate to facilitate stabilization and support the reconstruction and establishment of government institutions in alignment with the original Arusha accords.[72] It oversaw the creation of a transitional coalition government, commonly called the Government of National Unity, an entity that was largely shaped by UN-sponsored civilian political advisors, until the mission withdrew in 1996.[73] The administration brought Rwanda a level of relative stability, but was overwhelmingly dominated by the RPF, who retained a near-complete hold over political power in Rwanda despite the ostensible power-sharing composition of the post-conflict government. Pasteur Bizimungu, a Hutu civil servant who had served under Habyarimana, was selected as the transitional administration's President, while Paul Kagame took on the roles of Vice President and Minister of Defense.[74] However, Bizimungu was functionally a figurehead, and Kagame acted as the *de facto* leader until he formally took office as president in 2000 following Bizimungu's sudden resignation.[75] During Bizimungu's tenure, Kagame marginalized and outlawed opposition parties, and utilized his dual role to establish connections with political and military leaders, setting him up for formal authoritarian consolidation.

Since the end of the genocide, Kagame has successfully and simultaneously acquired international legitimacy and entrenched his illiberal regime. Despite violations of international human rights and governance standards, overwhelming evidence of structural violence, and a strong case for Kagame's personal responsibility

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[70] Barnett, *Eyewitness to a Genocide*, 3.
[71] Samantha Power, *A Problem from Hell: America and the Age of Genocide* (New York: HarperCollins, 2002), 1.
[72] United Nations Security Council, *Resolution 918 (1994)*, S/RES/918, May 17, 1994, https://docs.un.org/en/S/RES/918(1994).
[73] "Powersharing Transitional Government: Arusha Accord – 4 August 1993," *Peace Accords Matrix*, University of Notre Dame, April 11, 2019, https://peaceaccords.nd.edu/provision/powersharing-transitional-government-arusha-accord-4-august-1993.
[74] Gerald Gahima, *Transitional Justice in Rwanda: Accountability for Atrocity* (Routledge, 2013): 68.
[75] Gerald Caplan, "Rethinking the Rwandan Narrative for the 25th Anniversary," *Genocide Studies International* 12, no. 2 (2018): 162, https://doi.org/10.3138/gsi.12.2.03.

for war crimes and crimes against humanity, Rwanda remains a "donor darling," with each new development initiative and infusion of foreign investment reinforcing the appearance and legitimacy of the Kagame regime. [76] Critically, Kagame benefits from a legitimizing narrative; he is perceived domestically and internationally as "the hero who ended one of the most tragic chapters in the post-Cold War era."[77] This narrative is intentionally reinforced by the Kagame regime's treatment of the genocide and by performances of democratic and constitutional liberalism and transitional justice. Kagame retains a tight level of control over the Rwandan political space, preventing potentially threatening opposition parties from gaining political traction and restricting associational rights and media freedom. Kagame has also overseen referendums and constitutional reforms that serve to entrench his rule even more deeply. The 2003 constitution " contains several provisions that restrict political competition at the grassroots level."[78] In 2015, Kagame manufactured constitutional amendments that functionally eliminated term limits, allowing him to run for reelection in the 2017 election for a seven-year term, and for subsequent two five year terms; in combination with the limits on contestation of Rwandan political space, these reforms effectively guarantee his presidency until 2034.[79] The Kagame government has also functionally nationalized the practice of genocide memorialization. In 2001, it passed a law forbidding discussion of racial differences and the use of racial identification in public discourse, and has developed a set of policies that are intended to combat "divisionism," nominally outlawing activity with potential to cause discrimination, spark conflict, or undermine the state-mandated civic identity of "Rwandanness."[80] Functionally, this legislation is used at the discretion of the government to criminalize dissent and silence and eliminate opponents, including Bizimungu, who was convicted on divisionism charges and sentenced to fifteen years in prison shortly after he resigned as President.[81] The state has also co-opted a traditional Rwandese justice mechanism, known as *Gacaca*, a practice of grassroots, community-based dispute resolution through local tribunals.[82] The Kagame government oversaw the nationalization of Gacaca, controlling tribunal outcomes and coercing ordinary Rwandans to participate in "scripted reconciliation" and reinforce a state-approved narrative of the genocide, with the looming "threat of state punishment" forcefully encouraging compliance with the RPF-legitimizing narrative.[83] Internationally, Gacaca has been hailed as a successful

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[76] Filip Reyntjens, "Constructing the Truth, Dealing with Dissent, Domesticating the World: Governance in Post-Genocide Rwanda," *African Affairs* 110, no. 438 (2011): 1–34, https://www.jstor.org/stable/41240167.
[77]Andrea Cassani and Luca Tomini, *Autocratization in Post-Cold War Political Regimes* (Cham: Springer International Publishing, 2019), 121.
[78] Cassani and Tomini, *Autocratization*, 120.
[79] Cassani and Tomini, *Autocratization*, 125.
[80] Cassani and Tomini, *Autocratization*, 120.
[81] Ellen L. Lutz and Caitlin Reiger, eds., *Prosecuting Heads of State* (Cambridge: Cambridge University Press, 2009), https://doi-org.myaccess.library.utoronto.ca/10.1017/CBO9780511575600.
[82] Hollie Nyseth Brehm, Christopher Uggen, and Jean-Damascène Gasanabo, "Genocide, Justice, and Rwanda's Gacaca Courts," *Journal of Contemporary Criminal Justice* 30, no. 3 (August 1, 2014): 334, https://doi.org/10.1177/1043986214536660.
[83] Jennie E. Burnet, "Transitional Justice as Interruption: Adaptive Peacebuilding and Resilience in Rwanda," in *Resilience, Adaptive Peacebuilding and Transitional Justice: How Societies Recover after Collective Violence*, ed. Janine

transitional justice mechanism, even receiving direct support, and, inherently, a stamp of approval, from the United Nations Development Programme.[84] The reality of transitional justice in Rwanda, which has overwhelmingly served to consolidate Kagame's authoritarianism, has occurred without meaningful scrutiny, complaint, or opposition from the international community.

D) Conclusion

Kagame acquired power through careful political maneuvering and the exploitation of instability in Rwanda, and the contemporary appearances of justice, progress, and good governance upkept by his regime shroud a strongman. His authoritarianism is largely a product of the power vacuum that consumed Rwanda, and he entrenched himself in the void created by a genocide that ran its course functionally unimpeded by international complacency and the ineffectual UNAMIR mandate. As Kagame has ruled, international actors have engaged with Rwanda just enough to reinforce their own legitimacy, fulfilling the normative requirement of supporting a recovering post-genocide state through investment and other modes of support and strengthening Kagame and his government in the process. Regardless of the realities of corruption, illiberalism, and human rights abuses that lie underneath, development initiatives and facade of liberalism are unquestioningly accepted by the international community, and Kagame's regime endures functionally unopposed.

Case Study 3: Bosnia-Herzegovina

The system of governance in Bosnia-Herzegovina (BiH) lacks the prototypical authoritarian strongmen that have taken root in the wake of genocide in Cambodia and Rwanda, but governance in the nation is far from liberal. Despite regular elections and adhered-to term limits, Bosnia-Herzegovina has followed the classic trajectoryof democratic backsliding, in which "democratically elected leaders subvert political institutions in order to consolidate power."[85] Though it is a nation of just over three million, BiH has three presidents, 14 prime ministers, 180 ministers, and 700 members of parliament across 14 parliaments.[86] It is split into three administrative divisions, with the Federation of Bosnia and Herzegovina (FBiH), comprised of majority Bosniaks and Croats, the Republika Srpska (RS) acting as home to most of the country's Serbs, and the Brčko District as a self-governing multiethnic condominium between the two.[87] The FBiH and RS possess their own

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Natalya Clark and Michael Ungar (Cambridge: Cambridge University Press, 2021), 95–118, https://doi.org/10.1017/9781108919500.005.

[84] United Nations Development Programme (UNDP), "Closure of Gacaca," UNDP Rwanda, January 21, 2022, https://www.undp.org/rwanda/news/closure-gacaca.

[85] Kiran Rose Auerbach, "Accountable to Whom? How Strong Parties Subvert Local Democratic Institutions," *Party Politics* 28, no. 5 (September 1, 2022): 865, https://doi.org/10.1177/13540688211019720.

[86] Inger Skjelsbæk, "Bosnia and Herzegovina – a Failed State 25 Years After the Peace Accords," *Peace Research Institute Oslo (PRIO)*, December 30, 2020, https://www.prio.org/comments/823.

[87] Slobodan Petrović, "The Political System of Bosnia and Herzegovina and the Fault Lines Set down in the Dayton Agreement," *SEER: Journal for Labour and Social Affairs in Eastern Europe* 24, no. 1 (2021): 107–20, https://www.jstor.org/stable/27283801.

parliaments and judiciaries, and as a result are partially autonomous, but governance in BiH is also frequently paralyzed by veto mechanisms that allow ethnic groups to block policy in the name of "vital national interest."[88] The political structure of BiH is simultaneously decentralized and deeply interconnected, and the compartmentalization of different aspects of the nation's political apparatus has proven deeply vulnerable to corruption, exploitation, and co-optation by political elites.

A) Historical Background

The groundwork for this incredibly complex arrangement was laid by the Bosnian War, a conflict following the dissolution of Yugoslavia that was fought between 1992-1995. The fighting primarily occurred along ethnic lines and was characterized by genocidal violence and civilian killing. The genocidal nature of the conflict is best reflected by the 1995 Srebrenica massacre, which saw the deaths of 8,000 Bosniak men at the hands of the Serbian forces. The genocide was shaped by a number of factors, but the legacies of Cold War power structures played a critical role. The development and decline of tensions between the Bosniak, Croat, and Serb groups in the region were particularly exacerbated with the onset of the power vacuum left by the death of Yugoslavia's longtime leader, Josip Broz Tito. Tito ruled Yugoslavia as prime minister and then president, for a total of 37 years,[89] overseeing the nation's departure from the Soviet bloc and effectively isolating the nation through his implementation of a course of non-alignment. During his decades of rule, which encompassed the leadership of Yugoslavia since the state's inception and were characterized by "paternal authority" that positioned him as the father of the nation,[90] Tito failed to establish a clear plan for his succession.[91] The absence of a clear heir left Yugoslavia without a prominent or legitimate leader following his passing in 1980; as "no mode of authority other than the one embodied by Tito was allowed to develop," turmoil and competition ensued.[92] The helm of the nation was passed down to a rotating set of six presidents, a political apparatus that was inherently prone to instability.[93]

The decentralization and fragmentation of the Yugoslav political structure that occurred in the 1980s shifted decision-making from the federal level to the local, republican level. This erosion of the central administrative structure and disbursement of political capital empowered regional leaders, who claimed legitimacy by appealing to the different ethnic groups contained within Yugoslavia. These leaders positioned themselves in direct opposition to the concepts of Slavic unity and "brotherhood and unity" that had been

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[88] Allison McCulloch and Aleksandra Zdeb, "Veto Rights and Vital Interests: Formal and Informal Veto Rules for Minority Representation in Deeply Divided Societies," *Representation* 58, no. 3 (July 3, 2022): 430, https://doi.org/10.1080/00344893.2020.1778065.
[89] Sabrina P. Ramet, *Balkan Babel: The Disintegration of Yugoslavia from the Death of Tito to the Fall of Milošević* (London: Routledge, 2002), 4.
[90] Hinton, *Annihilating Difference,* 206-207.
[91] William Zimmerman, "The Tito Succession and the Evolution of Yugoslav Politics," *Studies in Comparative Communism* 9, no. 1/2 (1976): 62, http://www.jstor.org/stable/45367027.
[92] Hinton, *Annihilating Difference,* 206.
[93] Hinton, *Annihilating Difference,* 206-207.

central to Tito's national ideology;[94] the multiethnicity that was so important to Yugoslavia's state identity had to be discredited by local regimes that sought to acquire stability and legitimacy separate from the Yugoslav entity. Previous occurrences of ethnic violence were manipulated by these would-be national leaders, who strengthened their separatist causes and bases of support by emphasizing ethnic enmity to "create a social climate in which supporters would rally behind them for 'protection.'"[95] This trend worsened as the end of the Cold War neared. As instability in the USSR decreased, and communism became gradually discredited, local leaders reshaped and reinvented communist structures into nationalist ones, which provided them with support but "was not necessarily a radical ideological change" due to the commonalities between communism and nationalism, particularly as an "expression of social collective grievances."[96] The erosion of federal cohesion was worsened In the 1980s with an economic downturn that saw rising debt, inflation, and unemployment, and created resentment in the well-off republics of Slovenia and Croatia, who resisted the prospect of drawing on their resources for the development of poorer regions.[97]

The nascent national movements across Yugoslavia reached a point of no return in 1987, in response to the seizure of power and attempted recentralization of the state pursued by Slobodan Miloševič, a Serbian politician and former banker who drew on patronage networks to seize power in what was functionally an internal coup.[98] He drew on Serb grievances against the Albanian majority in Kosovo to garner support,[99] and, with his newfound power, set out to recentralize the increasingly nationalist republics under a Serbian helm, which alienated Slovenia and Croatia and functionally sounded a death knell for consensus in Yugoslavia.[100] Critically, Miloševič's new leadership role enabled near-total institutional capture of Yugoslavia, including of the Yugoslav People's Army (JNA), which he consolidated under Serb control.[101]

The process of the dissolution of Yugoslavia is complex and cannot be dealt with in sufficient detail here, but the prospect of independence for BiH was much more complicated than in Slovenia or Croatia, which both possessed clear ethnic majorities. The multiethnic composition of the Republic of Bosnia and Herzegovina, which was "43.77 percent 'ethnic Muslim,' 31.46 percent Serbian, and 17.34 percent Croatian" in 1991, manifested as internal political division along ethnic lines; Bosnian officials self-described the republic's political situation as "difficult."[102]

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[94] Hinton, *Annihilating Difference,* 207.
[95] Hinton, *Annihilating Difference,* 211.
[96] Hinton, *Annihilating Difference,* 206.
[97] Klejda Mulaj, "On Bosnia's Borders and Ethnic Cleansing: Internal and External Factors," *Nationalism and Ethnic Politics* 11, no. 1 (2005): 1–24, https://doi.org/10.1080/13537110590927674.
[98] Ramet, *Balkan Babel*, 26.
[99] Louis Sell, "Slobodan Milošević: A Political Biography," *Problems of Post-Communism* 46, no. 6 (November 1, 1999): 12–27, https://doi.org/10.1080/10758216.1999.11655857.
[100] Ramet, *Balkan Babel*, 26.
[101] Ramet, *Balkan Babel*, 58.
[102] Ramet, *Balkan Babel*, 28.

B) International Failures and Genocide in BiH

On March 1 1992, despite strong resistance from the Serbian minority, BiH declared independence from Yugoslavia and was internationally recognized.[103] Fighting broke out almost immediately between JNA-backed Serbs and allied Croat and Muslim militias, and the Bosnian war began in earnest.[104] The civil conflict played out over three years, with severe war crimes and violations of international humanitarian law repeatedly and consistently committed along ethnic lines. The ethnic cleansing was primarily perpetrated by Serbian contingents, first under the banner of the JNA and then the JNA's successor, the Army of Republika Srpska (VRS). The Serbian forces sought to establish homogenous Serb areas that would subsequently be incorporated into "Greater Serbia," and committed genocide in efforts to reach this goal.[105] Along with widespread mass killings, forced displacement, sexual violence, and the destruction of property, the most severe incident of the war was the 1995 Srebrenica massacre. Under VRS leader Ratko Mladić, Serbian forces attacked the enclave, which was ostensibly a UN-backed "safe area,"[106] and killed over 8,000 Bosniak men in "the organized massacre was the worst in Europe's history since World War 2. "[107] Between 1992 and 1995, tens of thousands of Bosniaks and Croats were killed the campaigns of ethnic cleansing carried out by Serb forces, with hundreds of thousands more forcibly displaced.

The genocide occurred in the face of strong international presence. The UN was well aware of the violence in the region, having deployed an initial 14,000-strong peacekeeping force in response to the proliferating violence following Croatian independence in 1991.[108] An even larger peacekeeping mission, the United Nations Protection Force (UNPROFOR) was established in 1992.[109] Despite this, the Serbian ethnic cleansing in BiH was carried out functionally unimpeded. UNPROFOR lacked the "military muscle to refuse the Serbs,"[110] and was characterized by reactivity, only updating the mission's limited mandate and providing new instructions to personnel in the aftermath of incidents of violence. The ineffectual nature of international intervention, despite the highly publicized nature of the genocide, was facilitated by the conflict's framing as a

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[103] Ana S. Trbovich, *A Legal Geography of Yugoslavia's Disintegration* (New York: Oxford University Press, 2008), 227-228.
[104] Sumantra Bose, *Contested Lands: Israel-Palestine, Kashmir, Bosnia, Cyprus, and Sri Lanka* (Cambridge, MA: Harvard University Press, 2007), https://doi-org.myaccess.library.utoronto.ca/10.4159/9780674028562, 108.
[105]Jutta Paczulla, "The Long, Difficult Road to Dayton: Peace Efforts in Bosnia-Herzegovina," *International Journal* 60, no. 1 (2004): 256, https://doi.org/10.2307/40204032.
[106] Isabelle Delpla, Xavier Bougarel, and Jean-Louis Fournel, eds., *Investigating Srebrenica: Institutions, Facts, Responsibilities* (New York: Berghahn Books, 2012), https://doi-org.myaccess.library.utoronto.ca/10.1515/9780857454737.
[107] Hinton, *Annihilating Difference,* 196.
[108] Stathis N. Kalyvas and Nicholas Sambanis, "Bosnia's Civil War: Origins and Violence Dynamics," in *Understanding Civil War: Evidence and Analysis*, ed. Paul Collier and Nicholas Sambanis (Washington, DC: World Bank, 2005), https://doi.org/10.2307/40204032, 193.
[109] Richard Gowan and Daniel Korski, "The Security Council and Peacekeeping in the Balkans, 1992–2010," in *Maintaining International Peace and Security: A Summit Meeting of the UN Security Council*, ed. International Peace Institute (New York: International Peace Institute, 2011), https://doi.org/10.2307/resrep09574.6, 18.
[110] Ramet, *Balkan Babel,* 209.

product of ingrained, primordial "Balkan hatred."[111] This narrative was echoed uncritically by Western media and policymakers, who justified their lack of substantive intervention with the assumption that this dynamic required the war to simply run its course. The United States, retaining its norm-setting ability in as the post-Cold War unipolar moment continued, was largely responsible for the perpetuation and legitimation of this idea. In 1993, with the war ongoing for over a year, American Secretary of State Warren Christopher explicitly described the United States' commitment to minority protection and promotion of stability in Bosnia and in the Balkans more broadly, referencing the nation's "singular powers and influence" as justification for an exceptional role in ensuring to Europe's stability and "[creating] an international standard for the fair treatment of minorities."[112] However, through the worsening of the ethnic conflict that followed, and in the process of regime establishment after, the United States failed in the "nurturing of democracy and the support of environments in which democracy can take root and grow" that Warren described as central to state interests.[113]

Despite their desire to appear as a global promoter of minority rights and European stability, realist concerns prevailed, and American leaders were unwilling to take the kind of decisive actions that would have disrupted the ethnic cleansing, instead doing "just enough not to 'lose' Bosnia…while conditions on the ground worsened."[114] The military balance only shifted after the blatant atrocities of Srebrenica, with a more substantive NATO intervention forcing the VRS into negotiations.[115] The long-term, large-scale atrocities committed by the VRS were enabled by narratives of inevitable ethnic conflict, constrained mandates, and competing political priorities, and were allowed to unfold functionally unopposed until only the most extreme violence compelled decisive military intervention.

C) The End of the Genocide, Transitional Efforts, and Illiberal Consolidation in BiH

The result of the negotiations spurred by the NATO intervention was the General Framework Agreement for Peace in Bosnia and Herzegovina, commonly called the Dayton Agreement, which was signed in December of 1995. It was intended to put an end to the war, stabilize BiH and the surrounding region, and establish a basis for good governance in the fractured nation.[116] The political mechanism of BiH was created according to the consociational model of democracy, which functionally created a loose, ethnically divided federation that should ostensibly facilitate collaboration while accommodating the claims of the different groups in the

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[111] Hinton, *Annihilating Difference,* 201-202.
[112] Keller, Kaussler, and Yang, "American Power and Security, 451.
[113] Keller, Kaussler, and Yang, "American Power and Security, 451.
[114] Jonathan W. Keller, Bernd Kaussler, and Yi Edward Yang, "American Power and Security during the Bosnian War (1993–1995): National Identity, Credibility, and the 'Stalemate Machine,'" *Journal of Balkan and Near Eastern Studies* 19, no. 4 (July 4, 2017): 447, https://doi.org/10.1080/19448953.2017.1280988.
[115] Kalyvas and Sambanis, "Bosnia's Civil War," 194.
[116] Petrović, "The Political System of Bosnia and Herzegovina," 107.

region.[117] The institutionalization of ethnically-rooted power sharing was intended to prevent the renewal of conflict and the resulting dismemberment of BiH while preventing political domination by one singular ethnic group.[118] However, Dayton incidentally incentivized the very phenomenon that it sought to prevent; by "[elevating] ethnonationality to the only form of representation," and encouraging political leaders to appeal to and exploit ethnic tensions in order to acquire support.[119] The agreement which was facilitated by international mediators, including the United States and the UN, and the international community remains involved through the enduring functioning of the Peace Implementation Council and the Sarajevo-based High Representative for BiH.[120] However, even with ostensible ongoing international oversight, Dayton wove the ethnic division of the region into the very fabric of the new political system, functionally counteracting any opportunities for real multiethnic pluralism and laying the groundwork for the festering of competitive authoritarianism that soon followed.

Currently, political competition in BiH is defined by ethnonationalist fragmentation, a dynamic that is diametrically opposed to liberal democracy. The political system established by international intervention has produced a political elite that systematically undermines the democratic system which they are intended to uphold.[121] BiH is rife with corruption, largely due to the compartmentalization facilitated by Dayton. The strict geographic boundaries of the national constituencies of the FBiH and RS have resulted in the development of "strong patron-client linkages along ethnic lines."[122] There is no centralized economic space in the nation, which leaves decisions surrounding industrial, agricultural, and social policies in the hands of local entities, contributing to a trend of "oligarchisation" and embedding clientalist networks in communities across the country. [123] Despite term limits, power remains concentrated in a limited class, with minimal party turnover since the end of the war in 1995.[124] National politicians abuse and manipulate mayoral recall policies in order to support and consolidate their patronage networks, often contradicting records of political success in the process.[125] Though BiH is nominally pluralistic, it has experienced severe erosion of electoral competitiveness and democratic integrity on the national and subnational levels since Dayton, and, its economic, judicial, and

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[117] Joost Augusteijn, Constant Hijzen, and Mark Leon de Vries, eds., *Historical Perspectives on Democracies and their Adversaries*, Palgrave Studies in Political History (Cham: Palgrave Macmillan, 2019), https://doi.org/10.1007/978-3-030-20123-4, 253.
[118] Susan L. Woodward, *Balkan Tragedy: Chaos and Dissolution after the Cold War* (Washington, D.C.: Brookings Institution Press, 1995), https://doi.org/10.2307/40204032, 11.
[119] Augusteijn, Hijzen, and de Vries, *Historical Perspectives,* 254.
[120] Petrović, "The Political System of Bosnia and Herzegovina," 107.
[121] Augusteijn, Hijzen, and de Vries, *Historical Perspectives,* 254.
[122] Claudia Laštro and Florian Bieber, "Democratic Patterns and Party Systems in the Western Balkans," *Zeitschrift für Vergleichende Politikwissenschaft* 17 (2023): 59–75, https://doi.org/10.1007/s12286-023-00564-w, 69.
[123] Laštro and Bieber, "Democratic Patterns," 69.
[124] Patrick Isaac Dick, *High Linkage, Low Leverage and the Three Competitive Authoritarian Regimes in Bosnia and Herzegovina: Explaining Regime Durability* (master's thesis, University of North Carolina at Chapel Hill, 2012), https://doi.org/10.17615/4ahj-0078, 1.
[125] Auerbach, "Accountable to Whom?", 2.

political systems, overwhelmingly shaped by private interests, have unequivocally fallen to state capture.[126] Despite the myriad violations of democratic practice in the political system of BiH, international engagement with the state has functionally legitimized it. The European Union (EU) is a key actor in this dynamic; as BiH seeks accession to the EU, the international community has engaged with entrenched ethnically-based elites, despite accusations of corruption and involvement with patronage networks.[127] This has reinforced the ethno-nationalist power-sharing system established by Dayton and rewarded elites for maintaining formal democratic processes while the reality of limited political competition and unjustly consolidated power endures.

D) Conclusion

The contemporary illiberalism that wracks BiH is a direct consequence of international unwillingness to treat the complex ethnic dynamics of the region with sufficient nuance. The practice of dividing the nation along ethnic lines, has created an overly complex and fragmented political structure that has been repeatedly and severely exploited. Dayton has entirely failed to complete its mandate of delivering genuine democracy. Through complacency, and now through tacit approval, the international community has facilitated the development of a state that is functionally run by a small class of elites that relies on patronage networks and the reinforcement of ethnic division to maintain their power.

Conclusion

In Cambodia, Rwanda, and Bosnia-Herzegovina, the legacies of genocide remain deeply entrenched decades after the conclusion of violence. Despite international efforts to establish transitional regimes that yield democratic outcomes, all three nations are governed by hybrid regimes that maintain the appearance of democracy while functioning as illiberal, authoritarian states that retain international legitimacy. In each case, international dynamics both facilitated the occurrence of genocide and limited the effectiveness of intervention. When the international community did intervene, efforts were often piecemeal, reactive, or ineffectual. The persistence of hybrid regimes in post-genocide states illustrates the broader capacity of genocide to reshape political landscapes and facilitate the establishment and endurance of illiberal governance. The combination of halfhearted engagement by international actors and domestic imperatives for stability in post-genocide states, has repeatedly allowed authoritarian leaders to consolidate power under a veneer of democracy.

The implications of this pattern are profound for contemporary conflict zones, like Darfur and Myanmar. The failure to fully support functional democratization in post-genocide contexts allows illiberal leaders to entrench themselves, exploit political instability, and perpetuate cycles of corruption and undemocratic

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[126] Laštro and Bieber, “Democratic Patterns,” 72.
[127] Pol Bargués and Pol Morillas, “From Democratization to Fostering Resilience: EU Intervention and the Challenges of Building Institutions, Social Trust, and Legitimacy in Bosnia and Herzegovina,” *Democratization* 28, no. 7 (October 3, 2021): 1319–37, https://doi.org/10.1080/13510347.2021.1900120.

practices. The international community must strengthen transitional mechanisms, promote accountability, and work to enforce checks and balances in post-conflict transitional states, both due to moral imperatives and strategic necessities for international stability.

Cambodia, Rwanda, and Bosnia-Herzegovina all serve as warnings that genocide has the capacity to create enduring structural conditions that facilitate authoritarianism. To prevent the repetition of this pattern, the international community must move beyond symbolic, performative intervention. While, in the wake of genocide, all actors seek legitimacy, the historic complacency that has absolved international actors of responsibility while allowing functionally illiberal states to establish themselves and endure is deeply problematic, and the structural and normative gaps between political appearance and reality must be addressed for future societies in transition.

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