

Interstate Relations in the New Millennium

Carolina G Hernandez

Fundamental developments in the last few decades in the form of interdependence and globalization, growing demands for the reform of international institutions, the post-Cold War redefinition of security, ASEAN Vision 2020, and the rise of global values require a reexamination of the norms of interstate relations. Whether these norms will be transformed in a fundamental or an incremental way is a function of many factors, the most important of which is the willingness of states to rein in their sovereignty in the interest of a better managed system of interstate relations and, more importantly, the survival of the state.

INTRODUCTION

IN THE LAST DECADES OF THE 20TH CENTURY SIGNIFICANT DEVELOPMENTS are impinging on the nature of international relations, including the structures and processes through which these relations are managed, as well as the norms and principles that govern them. It will be recalled that the present state system arose following the Treaty of Westphalia that concluded the 30 years war in Europe in 1648. The Treaty ended the Holy Roman Empire's dominance over Europe, symbolizing the end of the old feudal order, followed by the emergence of the modern nation state system. The nation state—sovereign, equal and independent—became the basic unit of the international system and the major actor in international relations. Princes and kings were replaced by modern executives, called presidents or prime ministers, as heads of state and governments. Jean Bodin, the 17th century French philosopher of the modern nation state, enshrined the concept of sovereignty as the hallmark of the state. Within its own

CAROLINA HERNANDEZ is a Professor of Political Science at the University of the Philippines in Diliman and president of the Institute for Strategic and Development Studies, Inc.

territorial domain and its own people, the state is sovereign. It can not be dictated upon by others.

Together, the nation state and the concept of sovereignty continue to define international relations. From these origins various norms and principles governing interstate relations have emerged. These are embodied in interstate practice and international agreements; they underpin intergovernmental organizations and institutions such as the United Nations (UN), and regional bodies such as the Association of South-east Asian Nations (ASEAN) and the ASEAN Regional Forum (ARF). Regional integration in groupings such as the European Union (EU) have somewhat relaxed the concept of national sovereignty through the creation of central bodies such as a regional parliament (European Parliament), a regional executive (European Commission), a regional court (European Court), and a single monetary unit (the Euro). Yet their members continue to retain other elements of national sovereignty that enable them to maintain their basic nature as sovereign states. More importantly, the decision to yield some areas of sovereign state action to a larger unit is in itself an act of sovereignty.

Some of the most important norms and principles of interstate or international relations are the principles of sovereign equality of states, respect for their national boundaries or territorial integrity, non-aggression and non-interference in the domestic affairs of other states. To promote peace and stability, other norms and principles were developed, including peaceful settlement of disputes and international peacekeeping operations in areas of conflict or potential conflict. In the last decades of the 20th century, efforts to develop confidence and trust building and preventive diplomacy measures were initiated for the same purpose within international and regional bodies such as the UN, the Organization for Security Cooperation in Europe (OSCE), and the ARF. But they are all defined by the notion of national sovereignty, so that any international action involving the territory and people of another state requires the prior consent of the affected state.

These norms however were not always observed. Most of the time, the breaches were caused by the imperatives of power and competition. At other times they were caused by commitment to ideals of humanitarianism deemed by some to be higher than the demands of national

sovereignty. Moreover, advances in telecommunications, transportation and information technologies, coupled with the erosion of national borders due to the forces of globalization and the rise of non-state actors in world politics, have created a set of dynamics that challenges the existing norms of international relations based on the nation state and national sovereignty. Keen observers and analysts of contemporary developments note 'the end of the nation state and the rise of region states' (Ohmae 1995), as well as dynamic and fundamental changes in the way people live and work, the way they are organized, and the way power is distributed in society (Friedman 1999).

At present, the Kosovo crisis and the crisis in East Timor are highlighting the imperative to reexamine these norms. Even the enlargement of ASEAN from the original five and then six and then 10 members has led to a reexamination of these norms. The questions that are being raised are: Do these norms and principles of interstate relations fashioned from the mid-17th century and effective until the 20th century continue to be relevant in the 21st century? Would they continue to serve the purposes of international and regional organizations amid a radically changed environment? How can these norms be changed, given the nature of the state system in the beginning of the new millennium? This essay seeks to contribute an exploration of these questions as a first step toward reexamining the prevailing norms and principles of international relations.

A number of imperatives require a reexamination of the norms of interstate relations. They include the fundamental developments that have occurred in the last few decades in the form of interdependence and globalization, growing demands for the reform of international institutions, including the UN, the post-Cold War redefinition of security as comprehensive and cooperative, the requirements of ASEAN Vision 2020, and the rise of global values considered more important than state sovereignty.

GROWING INTERDEPENDENCE AND GLOBALIZATION

GIGANTIC strides in transportation, telecommunication and information technologies have not only shrunk the world and created sensitivities and vulnerabilities between and among peoples and states; they

have also made us highly interdependent with one another. In the process, national borders have become interpenetrable, drastically reducing the capacity of the state to control domestic events. Decisions made elsewhere and events taking place elsewhere have an impact on the domestic dimensions of social and human life. Sometimes this impact is a shattering one, striking where it hurts most and challenging the very survival of societies. The Asian financial crisis that hit the 'miracle economies' of East Asia in many dimensions—economic, social, political, etc.—and at various levels—individual, family, community, nation, corporate business, political regime and ruling elite, etc.—is a convincing illustration of the phenomenon of interdependence and the impact of globalization.

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In addition, the walls built by the Cold War in the form of the iron and bamboo curtains and of ditches and dead ends, all came tumbling down during the last decade of the 20th century. What blew them away 'were three fundamental changes—changes in how we communicate, how we invest and how we learn about the world' (Friedman 1999). No longer are countries divided into the First, Second, and Third worlds. Now all are in the 'Fast World' characterized by the democratization of technology, the democratization of finance, and the democratization of information that together led to the democratization of decision making both within and across societies (Friedman 1999).

Given these developments, it becomes increasingly difficult to distinguish between the domestic and external domains. The borders between states have become porous and it has become increasingly difficult for nation states to hide behind walls that have crumbled due to the combined weight of the dynamic sea changes that have occurred in the last decades of the 20th century. Thus, in thinking about a new, post-Cold War world order, analysts have argued that the interplay between the old order and the vital global issues facing the contemporary world—environment, overpopulation, economic development, refugees, ethnic disputes and struggles for democracy and human rights, transnational organized crime, and others—that must be effectively

addressed is shaped by a mixed set of factors. The facilitating factors are the trends toward democratization and interdependence while the inhibiting factors include the principles of national sovereignty and non-intervention in the domestic affairs of states (Saito 1993).

In sum, these changes have contributed to the erosion of national borders and the ability of the state to control and monopolize various elements of power. The first makes imperative the need to reexamine the inviolability of national territory and non-intervention in the domestic affairs of another state. When borders become porous and meaningless for purposes of control, would it not follow that the lines that used to demarcate the domestic from the external also become blurred and therefore meaningless? The second impact of change implies a democratization of power, whether in the economic, social, technological or political spheres. This means that the state no longer has a monopoly of power in its various forms. In this case, it is necessary to determine the limits of national sovereignty.

INCREASING DEMANDS FOR INSTITUTIONAL REFORM OF THE UNITED NATIONS

THERE are increasing and continuing demands for the reform of the UN on the basis of the argument that it was born over 50 years ago when the world was very different. At that time, there were only a few independent states. The UN's original members were only 50, two of which were not yet fully independent when they signed the UN Charter: India and the Philippines. Recently, the UN cleared the membership of its 189th member. When the UN was established, the US was the only complete power in the sense that its economy was the only one not devastated by the war. To sustain its economic health and effectively meet the rise of communism worldwide, the US needed to promote the economic recovery of Europe and Japan. At the turn of the new millennium, the profile of global power no longer reflects the permanent membership in the Security Council. Ironically, two states against whose potential aggression the UN was established—Japan and Germany—are bidding for permanent membership in the Security Council. They come with impressive credentials in so far as various

elements of national power are concerned. They have also become good global citizens since their defeat in World War II.

The UN was established to put an end to all wars. More specifically, the UN was directed at reducing, if not removing, the ability of aggressor states to wage another war. The victors ensured their special controlling role in the UN's principal organ for peace and security by establishing themselves as permanent members of the Security Council. The US, USSR, China, Great Britain and France rationalized their special role by arguing that those with the capacity to undertake military sanctions against future aggressors must have the power to determine their deployment. However, the distribution of power at the beginning of the 21st century no longer reflects the one that prevailed at the end of World War II. Great Britain and France have declined relative to Japan and Germany, while the USSR imploded and became re-organized into many independent states in the Confederation of Independent States (CIS), though Russia remains the most important among them.

The Cold War dashed the hopes of the UN's founding fathers to promote peace and security in the postwar world. The Security Council became a hostage of superpower rivalry except in the few circumstances when one of them was absent from this body's deliberations to undertake action, including military sanctions under the Charter's Chapter 7 such as during the Korean War, or when they were in agreement to put a stop to conflict such as during the Suez Canal Crisis of 1956. Out of this condition emerged the UN's international peacekeeping role—one that is not found in either Chapter 6 of the UN Charter on Peaceful Settlement of Disputes or in Chapter 7 on Actions with Respect to Threats to the Peace, Breaches of the Peace or Acts of Aggression. International peacekeeping became identified with an imaginary and fictional Chapter 6.5, whose nature is between peaceful settlement (Chapter 6) and action of the sort envisioned in Chapter 7. This and other practices required by situations not foreseen by the founding fathers of the UN need to be incorporated in a reformed UN.

The UN also included a Trusteeship Council to supervise territories detached from the former enemies that were not yet independent. Today most, if not all, of these trust territories have become indepen-

dent and have joined the UN. Given the inadequacy of the resources available to the UN, must it continue to operate and support principal and subsidiary organs that have lost their relevance? These are only a few illustrative examples to emphasize the need for change in institutions such as the UN.

REDEFINITION OF SECURITY

THE end of the Cold War has also led to a redefinition of security. Driven by superpower competition, security during the Cold War was understood in the limited but important context of freedom from external attack and threats to the national territory. The military and the use of force as the final means of defense were at the center of this notion of security. The end of the Cold War led to calls for a new meaning of security,¹ one that is more compatible with the views expressed in the early 1970s both by ASEAN states and Japan, and one recognized before the end of the Cold War by the Organization of Security Cooperation in Europe (OSCE, now the Council for Security Cooperation in Europe or CSCE).

With the implosion of the Soviet Union and the end of superpower rivalry, security increasingly came to be recognized as comprehensive and multidimensional, operating at different levels or forms of human collectivities beginning with the individual person and culminating in

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the international system. Comprehensive security is about human well-being in the physical, economic, social, political, cultural, ecological and other relevant dimensions. Thus, to be secure, there has to be freedom from physical harm, economic development, social harmony and social development, political stability (guaranteed in the final analysis by freedom and popular participation), safety in

and of one's culture and ecological balance. In the last few years, security has increasingly focused on the well being of the individual human person. The problem that the pursuit of human security is sometimes

not compatible with the pursuit of national state or regime security is likely to increasingly preoccupy societies.

Comprehensive security is also seen as multilevel—at the levels of the individual, the family, the community, the society, the state, the ruling regime, the region and the international society. In particular, ASEAN states have argued that these levels, especially the domestic and the external levels, are intimately connected such that regional security can be achieved only if the members of the region have domestic security and stability. These various dimensions and levels interact with one another in numerous and dynamic ways. For instance, economic development contributes to social harmony, social development, regime legitimacy and political stability. It also contributes to economic, social, and eventually political pluralism. It enables the enhancement of defense and military capability against external attack. And security at various levels of human existence is also likely to be served by domestic economic development.

The first task then is to address the domestic sources of insecurity. Hence, ASEAN states have always placed a high premium on national resilience by addressing national problems in various areas ahead of external problems. They were fortunate in that their self-restraint led to a stable region that denied the great regional and global powers an excuse for military intervention at a time when Vietnam was not yet a member of the Association.

On the other hand, Japan's historical baggage and its related constitutional restraints inhibited it from defining security in the narrow military and defense sense. Seeking to move beyond its wartime role as well as rationalize its postwar international role and its defense effort, Japan defined security in the 1970s as 'a chain of tautly balanced national power, including various factors such as economy, diplomacy and politics' (Dewitt 1994). In a 1980 document, Japan identified the six objectives of national security as closer military and general cooperation with the US, an increase of Japan's own capacity to defend its own territory, improvement in relations with China and the USSR, attainment of energy security, achievement of food security, and measures for coping with major earthquakes (Dewitt 1994).

This notion of comprehensive security combined with the view that one's security is obtainable at the expense of the security of others, was current during the Cold War. Now, the notion of comprehensive security maintains that one's security is attainable only with and not against others. Hence, the concept of cooperative security articulated most vigorously by Canadian officials and security scholars came to be incorporated in the new definition of security.

But if security is indeed comprehensive, consists of many dimensions, and operates at many levels, and if these dimensions and levels interact in numerous and dynamic ways, it will be difficult to maintain the distinction between the domestic and the external as argued by the defenders of national sovereignty and non-intervention in the domestic affairs of other states. Comprehensive security will make some challenges to security spill beyond national borders and cause a threat to the security of neighbors. The problem of refugees from Myanmar spilling into Thailand, for instance, has caused serious problems not only for Myanmar but also for Thailand. The latter found it difficult to provide for the living requirements of these refugees camped within its borders. The refugees have also created military and diplomatic problems for both countries that have led to the closing of their borders and to strains in their bilateral relations. Thailand has called for flexible engagement as a norm of interstate relations in ASEAN to give affected states the flexibility to discuss problems originating from within another state that has transborder implications in ASEAN.

In view of this comprehensive understanding of security articulated and practiced by ASEAN leaders, the principle of non-intervention in the domestic affairs of another country cannot remain sacrosanct. Its reexamination must be undertaken if ASEAN is to remain an effective mechanism to promote regional security cooperation.

ASEAN VISION 2020

ASEAN has also adopted its leaders' vision for the Association in the first two decades of the 21st century. Adopted during the informal summit held in Kuala Lumpur on December 15, 1997, ASEAN Vision 2020 seeks to create in ASEAN, now consisting of 10 member states from the geographic area known as Southeast Asia, a 'concert of Southeast Asian

nations', a 'partnership in dynamic development', a 'community of caring societies', and 'an outward-looking ASEAN' (ASEAN Secretariat 1998).

ASEAN as a concert of Southeast Asia nations is envisioned to be a Zone of Peace, Freedom and Neutrality (ZOPFAN) where disputes are resolved peacefully and where the Treaty of Amity and Cooperation (TAC) is a fully functioning code of conduct; a region free of nuclear weapons and other weapons of mass destruction and whose Southeast Asia Nuclear Weapon-Free Zone Treaty is supported by nuclear weapons states; and a region in which the ASEAN Regional Forum has become an established means for confidence-building and preventive diplomacy and the promotion of conflict resolution. ASEAN is also envisioned to be an effective force for peace, justice and moderation in the Asia-Pacific and the world (ASEAN Secretariat, 1998).

Given the links between national and regional resilience, the realization of this part of ASEAN 2020 would require a reexamination of the norms of interstate relations. To cite an example, the role of the ARF in the area of preventive diplomacy presents a host of opportunities for outside or third parties to be involved in the reduction of tension and in containing the effects of armed conflict. While the source of tension or conflict could be internal, such as ethnic conflict, it could spill beyond national borders and present security challenges to immediate neighbors. Preventive diplomacy could mean the involvement of affected states in managing the source of the security challenge. It is therefore very important to clearly define when such external involvement in what started out as a domestic problem may be warranted. Hiding behind the norm of non-intervention in the domestic affairs of another may not be enough.

To make ASEAN a 'partner in dynamic development', its leaders resolved to forge closer economic integration within ASEAN and create a stable, prosperous and highly competitive ASEAN Economic Region characterized by a free flow of goods, services and investments, freer flow of capital, equitable economic development and reduced poverty and socio-economic disparities.

Toward these ends, ASEAN 2020 commits ASEAN members to closer consultations in macroeconomic and financial policies and a full implementation of the ASEAN Free Trade Area, which entails accelerating the

liberalization of trade in services, realizing the ASEAN Investment Area by 2010 and the free flow of investments by 2020, intensifying and expanding subregional cooperation in existing and new subregional growth areas, further consolidating and expanding extra-ASEAN regional linkages for mutual benefit, cooperating to strengthen the multilateral trading system, and reinforcing the role of the business sector as an engine of growth. They also pledge to promote a modern and competitive small and medium enterprises sector that will contribute to the region's industrial development and efficiency; accelerate the free flow of professional and other services in the region; promote financial sector liberalization and closer cooperation in money and capital market, tax, insurance and customs matters as well as closer consultations in macroeconomic and financial policies; and establish interconnecting arrangements in the field of energy and utilities for electricity, natural gas and water within ASEAN through the ASEAN Power Grid and a Trans-ASEAN Gas Pipeline and Water Pipeline, etc. (ASEAN Secretariat 1998).

A closer examination of these measures indicates that some of the well-guarded elements of national sovereignty must yield to an ASEAN-wide body that could move the process of economic integration forward.

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For example, the seemingly innocuous freeing of the flow of goods, services and investments, including professional services, would alter the existing framework where the state controls these flows, and would turn the administration of these matters to a legal or administrative framework beyond the level of the nation state.

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The envisioned 'community of caring societies' is one that is aware of its cultural heritage, bound by a common regional identity, and composed of vibrant and open ASEAN societies where all people enjoy equitable access to opportunities for total human development regardless of gender, race, religion, language, or social and cultural background. The goal is eradication of hunger, malnutrition, deprivation and poverty and the building of strong families that tend to their members,

particularly the children, youth, women and elderly, and the employment of civil society to give special attention to the disadvantaged, disabled and marginalized. Technological competitiveness as well as sustainable development are also advocated. There are likewise agreed upon rules of behavior and cooperative measures for dealing with problems that can be met only on a regional scale, including environmental pollution and degradation, drug trafficking, trafficking in women and children, and other transnational crimes.

The emergence of a community of caring societies will require a transformation of the norms of interstate relations within ASEAN. Specifically, since this envisaged community must address social and other problems that require no less than regional solutions and region-wide arrangements, the present form and scope of the sovereign power ASEAN members enjoy must be adjusted. This also means a redefinition of their rules of engagement.

For example, the problem of the haze from Indonesian forest fires has regularly and repeatedly arisen in the past few years. While there is consensus that it requires the cooperation of Indonesia, Malaysia and Singapore to meet this problem effectively, domestic constraints prevent the formulation of an effective regional response. Perhaps ASEAN would need to form a supranational administrative body to be in charge of addressing this problem; this in turn would require a change in the mindset of ASEAN leaders. A regional response likewise entails a rethinking of the present norms of interstate relations to combat illegal production, trafficking of drugs, illegal trafficking in human beings and arms, money laundering, cyberspace crimes and other forms of transnational organized crime.

Finally, ASEAN Vision 2020 sees 'an outward-looking ASEAN' that plays a pivotal role in the international arena and advances ASEAN's common interests through an intensified relationship with its dialogue partners and other regional organizations based on equal partnership and mutual respect (ASEAN Secretariat 1998). Here, ASEAN's relationships with its partners in the ARF, in the dialogue partnership embodied in the ASEAN Post-Ministerial Conference (PMC), and in other regional organizations are relevant.

Some non-ASEAN participants are critical of the ARF on several counts. Some claim that the ARF is simply a talk shop about essentially non-sensitive security issues. It is not able to even put in the agenda the most important security issues in the Asia-Pacific such as the Korean Peninsula and the Taiwan Strait. Its treatment of the South China Sea disputes in which four ASEAN member states are claimants is likewise seen as unsatisfactory. For instance, it has not prevented China from its creeping occupation of and increasing assertiveness in the disputed areas in the South China Sea despite the fact that ASEAN chairs the ARF and its 1992 Declaration on the South China Sea prevents the claimant states from taking unilateral action that can be seen as provocative by other claimants. Moreover, support for aggrieved claimants by the ARF has not been readily forthcoming.

The ARF is not a player at all in the resolution of various issues on the Korean Peninsula, including Pyonyang's missile development program. The ARF is handicapped by the fact that North Korea is not a participant in the Forum. With regard to the Taiwan Strait and cross strait relations, China's insistence on the domestic nature of the issue and its ability to enforce the 'one China policy' among its diplomatic partners have inhibited its discussion in the ARF. Even in the Track Two mechanism of the Council for Security Cooperation in the Asia Pacific (CSCAP), cross strait relations cannot be taken up because China made the permanent exclusion of the issue from the CSCAP agenda a condition to its participation in CSCAP.

ASEAN's control over the ARF Chair and its agenda is another issue being raised by other participants. To resolve the issue, Track Two players have proposed the model of CSCAP where there are two co-chairs—one from ASEAN and the other from non-ASEAN members. ASEAN may be amenable to this arrangement as it does not lose total control over the leadership and agenda of an ASEAN-initiated mechanism that would not have been established had other regional actors initiated it.²

The ARF has also been criticized for ASEAN's attempt to impose the 'ASEAN way' of doing things on the Forum (Leifer 1996). The 'ASEAN way' includes decision making by consultation and consensus; personalism; informality, flexibility and minimal institutionalization; a non-confron-

tational approach; self-restraint and face-saving. It is governed by the principles of sovereign equality of states, respect for national sovereignty and territorial integrity, non-intervention in the domestic affairs of other countries, and peaceful settlement of disputes. A code of conduct that includes these principles is found in the Treaty of Amity and Cooperation and they are self-inhibiting norms. Critics argue that if ASEAN and the ARF were to continue being governed by these norms and the 'ASEAN way', they will simply have to moderate their goals. In the past, these norms served ASEAN well because its objectives were merely to talk about issues and sweep controversial and potentially divisive issues under the rug in the belief that trying to solve them when the time is not right would only worsen the situation. ASEAN was a successful mechanism for conflict avoidance rather than conflict resolution. The ARF is not likely to be able to do more than ASEAN has achieved if the same norms were to apply to its processes.

To be outward looking will also require narrowing the gap in conceptual and cognitive lenses between ASEAN and its external partners, many of which are advanced capitalist and democratic countries. The divergence in ASEAN and the external partners' perspectives on human rights and democracy is a highly contentious and sensitive fault line (Hernandez 1995) which became apparent during the debate on Asian values of the 1990s and became embodied in the policy disagreement on Myanmar. ASEAN espouses the policy of constructive engagement while its external partners from the West espouse sanctions.

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Committed to the promotion of democracy and human rights in the world and encouraged by the perceived triumph of both market and democracy, these partners have opposed the admission of Myanmar into ASEAN. Failing to achieve their goals, they have embarked on a policy of sanctions against the ruling junta. ASEAN's policy of constructive engagement has the merit of opening lines of communication to the actor being engaged, with the end goal of eventually influencing Myanmar's inevitable economic, social and political transformation.

Unfortunately, this policy could not be launched in any systematic and coordinated fashion because the enlargement of ASEAN membership took place at the same time as the disastrous spread of the Asian financial crisis into most of ASEAN's key economies (Thailand, Malaysia, and Indonesia). The first order of priority for the affected countries was to contain and address the crisis. Myanmar became isolated. This, combined with the western policy of imposing sanctions on the ruling junta in Yangon, forced Myanmar deeper into dependence on its bilateral relations with China, a development that ASEAN had hoped to forestall precisely by accepting Myanmar into ASEAN. ASEAN's partners from the West continued to ignore Myanmar as a regular participant in the ARF and the ASEAN PMC by insisting on separate seating arrangements for its delegates.

EMERGING GLOBAL VALUES VERSUS NATIONAL SOVEREIGNTY

THE second half of the 20th century has seen the emergence of global values that undermine state sovereignty. After World War I, international norms condemning genocide, war atrocities and other forms of violence associated with the waging of war evolved. After World War II, the principles of the Nuremburg trials and the Geneva Convention and the Universal Declaration on Human Rights changed the nature and scope of international norms of state behavior, whether with respect to other states or with respect to the treatment of the human person, either citizen or non-citizen of the relevant state. Henceforth, individuals were to be held liable for crimes against peace, crimes against humanity and war crimes. Henceforth, states could no longer violate the rights of their citizens in the civil, political, social, economic and cultural spheres without being held liable under the rules of international law. Never mind if the concerned state has not acceded to the international human rights instruments. If it is a member of the UN it is accountable for human rights violations under Chapter IX—International Economic and Social Cooperation of the UN Charter.³

The global decline of communism, the apparent triumph of the market system, and third wave democratization encouraged the advanced democracies in the West to promote democracy and human rights with greater force beginning in the 1990s. In its London Sum-

mit of July 1991, the Organization for Economic Cooperation and Development (OECD) came up with a policy linking official development assistance (ODA) with principles of good governance. These include the promotion of democracy and human rights, market liberalization, bureaucratic reform for greater transparency, environmental protection for sustainable development, non-production of weapons of mass destruction, and reasonable levels of military expenditures.

Telecommunications and information technologies have made erstwhile controlled information accessible to outsiders. Now it is increasingly difficult to mask domestic atrocities and violence against peoples. When people are being brutalized and killed in faraway places, telecommunication facilities capturing these images are able to bring them to the intimacy of one's home. In democratic societies, public opinion is galvanized to influence the threat or the use of force against a foreign government that persecutes its own citizens.

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In the last decades of the 20th century, humanitarian intervention tends to undercut the erstwhile prior rights of states to national sovereignty and the sanctity of national borders. The latest of this series of humanitarian intervention despite the objection of the state concerned was Kosovo. There NATO came together to stop the ethnic cleansing of Muslim Kosovars by the Yugoslav government. China and Russia objected to this multilateral initiative outside of the UN. It is not coincidental that they both had the power to block international action in that body and would most likely have vetoed such action because they were both concerned over the possibility of international action against them on a domestic issue of a similar nature.

International action was also undertaken in the case of East Timor, but this time with the consent of the Indonesian government. Had Jakarta not agreed to international peacekeeping in East Timor, it is likely that the international community would have sent peacekeepers just the same. The international community could not ignore the scale of the violence perpetrated by militias that have now been linked to

the Indonesian army by the independent Indonesian commission investigating human rights violations by the military in East Timor. Another important factor that would have led to humanitarian intervention was Indonesia's severely reduced status, following the financial crisis and its aftermath, as ASEAN's informal leader. Prior to July 1997, such a scenario would have been highly unlikely.

Thus, global values rather than national sovereignty are likely to influence the behavior of states, especially powerful states that can enforce the promotion of these values whenever they are seriously challenged and grossly violated. These global values represent another imperative that points to the need to reexamine the norms of interstate relations, particularly the inviolability of national sovereignty and non-intervention in the domestic affairs of other states. The relative power of the object of intervention, the national interests of potential intervenors, and world as well as domestic public opinion will, however, continue to play a defining role in this area.

TOWARD A REEXAMINATION OF THE NORMS
OF INTERSTATE RELATIONS IN THE NEW MILLENNIUM

THE imperatives discussed so far point to the need to reexamine the norms of interstate relations shaped by the Peace of Westphalia and international relations thereafter. Whether these norms will be transformed in a fundamental or an incremental way is a function of many factors, the most important being the willingness of states to exercise auto-limitation—the process of reining in their sovereignty in the in-

terest of a better managed system of interstate relations that accommodate dynamic changes in the world affecting the lives of nation states and more importantly, in the interest of the survival of the state.

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liver on its multifarious functions is to accelerate its demise. Far better to accommodate change by developing other structures that are able to perform some of the traditional functions of the state while reserving

its core functions that cannot be more efficiently and effectively performed by other agencies, such as foreign relations and military defense. In Europe, regional integration has led to the creation of supranational structures and processes in economic, monetary, political, legal and other fields. The members of the EU ceded parts of their sovereignty to these supranatural institutions while they retained their sovereign powers in other fields. The rise of regional economic zones in ASEAN and in other parts of the Asia-Pacific is also an indication of the process where states begin to co-exist with larger groupings of a highly functional nature and where states perform a facilitating role for these regional units to serve national goals.

In the field of politics and security, humanitarian intervention has been carried out in the past, backed by the military power of the world's great powers and supported by world public opinion, especially by the growing number of domestic and international civil society organizations throughout the world. These exercises in humanitarian intervention have also been severely criticized by states that view the promotion of human rights and democracy as inimical to their interests and claim that these issues lie within the sovereignty of the state. In the case of Kosovo, for example, the severest critics of NATO action were China and Russia—China, because of its concern that analogies could be made between Kosovo and domestic issues (Taiwan, Tibet, Sinkiang) and Russia, because of Chechnya and because of concern over the expansion of NATO up to the Russian border.

In ASEAN, Thailand advanced in July 1998 an initiative seeking to relax the principle of non-intervention in the domestic affairs of other states with regard to issues that transcend national boundaries. As already noted, this was prompted by the spill over of refugees from Myanmar with the attendant problems they created for the Thai government. The initiative was not intended to scuttle the principle of non-intervention, but to make the application and observance of this principle more flexible in these cases. Neither was the intention to humiliate the neighbor causing transboundary problems, but to be able to consult and discuss these problems outside the public view. As expected, only the Philippines supported the Thai initiative. However, with a new,

more open and democratic government in Jakarta, the situation could change when the issue is taken up once again by ASEAN.

In this regard, ASEAN would not be breaking tradition, for its members have not been fully observant of the principle of non-intervention. ASEAN collectively intervened in Cambodia after the Vietnamese moved into Phnom Penh in 1978, ousted the Khmer Rouge, and set up a communist regime beholden to Hanoi. ASEAN leaders have also publicly criticized the choice of political regimes of their neighbors. Singapore's senior minister, Lee Kuan Yew, once told Filipinos that what their country needed was more discipline and less democracy as though the two were incompatible. Malaysian local leaders were also suspected of supporting Muslim separatism in both Southern Philippines and Southern Thailand in the 1970s-80s.

A relaxation of the principle of non-intervention would also conduce the promotion and protection of human rights everywhere, but more particularly in those states with long established records of gross and systematic violation of human rights. In addition to the international precedents already mentioned, the international community intervened in South Africa through the UN's anti-apartheid policy that ended only with the political transition that saw the rise to power of Nelson Mandela. Given these precedents and the beneficial functions they have served for distressed and affected populations, and given the spread of democratization and popular participation in decision making inside the state and at the international level where non-state actors have shared the global stage, it is likely that these existing norms would be transformed in the future with or without the active consent of states.

What is required beyond the willingness of states to seize the bull of national sovereignty by the horns due to a fundamentally transformed contextual environment, is a careful examination of the issues where non-intervention may be waived. The most important criterion in this regard is the presence of clear evidence that these issues are no longer purely domestic in character. When these issues have been identified and agreed on, the next requirement is the adoption of a set of guidelines for international action. They could include (a) if possible, and ideally, the consent of the affected state; (b) the limitation of interna-

tional action to certain types of instruments; (c) the participation only of the most directly relevant actors; (d) the transparency of the process; and (e) the presence of mechanisms for accountability.

However, the first obstacle is the remaining lack of trust and confidence between and among nation states in many regions of the world that are the likely subjects and objects of international action. Present efforts at building trust and confidence being undertaken through bilateral action, in multilateral settings such as in ASEAN and the ARF, as well as in informal mechanisms such as the ASEAN ISIS and CSCAP, can only lead to the creation of an environment that is more hospitable to the process of reexamining the norms of interstate relations, including non-intervention in the domestic affairs of other states, in the new millennium.

NOTES

1. See, for example the works of Jessica Tuchman Matthews and David Dewitt, among others that have written on the subject.
2. See the author's *Track Two Diplomacy, Philippine Foreign Policy and Regional Politics*.
3. Article 55 declares that the UN shall promote as a basis for creating 'conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on the principle of equal rights and self determination of peoples', among others 'universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.' Article 56 states: 'All Members pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55'.

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