EAST ASIA AND THE PRINCIPLE
OF NON-INTERVENTION:
Policies and Practices

Linjun Wu

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EAST ASIA AND THE PRINCIPLE OF NON-INTERVENTION: POLICIES AND PRACTICES

Linjun WU*

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I. INTRODUCTION

The debate on the principle of non-intervention or non-interference, both at the global and regional levels, constitutes significant challenges to inter-state relations and the nature of inter-governmental cooperation. The implications of this development are complex. First, it challenges the traditional belief that states are the most legitimate actors in international relations and the only players of the agenda for bilateral, regional and global interaction. Second, it also challenges the structure of the inter-state system. Since non-intervention is closely tied to the security of states and the stability of inter-governmental relations, any modification may generate new sources of tension among nations that honor the sanctity of state sovereignty.

States in East Asia have been considered strong defenders of the most traditional concepts of national sovereignty. In practice, even rhetorical criticism was regarded as violating the principle of non-intervention. Governments generally refrained from open criticism of their neighbors because this fundamental principle of non-interference is seen as the most important factor for regional stabil-

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ity. However, East Asian states are not immune from debating changes. Increasing globalization, the rise of civil society, and the increasing significance of the concept of human security have all provided the impetus to review the relevance of the sacrosanct principle of non-intervention. There is now an emerging school of thought that advocates the merits of non-observance of the principle — on a case-by-case basis. Many concepts such as "constructive intervention," "constructive involvement," "flexible engagement" and "enhanced interactions" have been mentioned in official and academic discussions.

This paper explores the policies and practices of the principle of non-intervention among East Asian states, including Mainland China, Japan, Korea, Taiwan and members of ASEAN. This principle has faced many challenges in practice and it has not been unyielding in the last few years. So far, leaders in the region rhetorically still maintain their traditional respect for the principle, but their practices have been inconsistent.

II. THE NORM OF NON-INTERVENTION AND SOVEREIGNTY

Non-intervention, based on the principle of national sovereignty, has historically been the norm for international behavior. International covenants, including the United Nations Charter, consistently prohibit any state or group of states from intervening in the domestic affairs of another state.1 The definition of intervention used in the UN is "coercive interference — economic or military, unilateral or multilateral — with the essentially autonomous internal affairs of a country."2 Coercion is central to the concept; a foreign presence with the consent of a host state should be distinguished from an intervening force. In practice, the UN has been careful to satisfy the requirement, especially in situations that could be seen as being intrusions into domestic affairs, including humanitarian intervention.3 The legal basis for making an exception lies in the text of chapter VII of the Charter, which conditions the exercise of coercive powers by the Security Council on a finding that a situation constitutes a threat to international peace and security. For

1. This norm has been reaffirmed repeatedly in declarations by the UN General Assembly, notably the 1965 Declaration on Intervention and the 1970 Friendly Relations Declaration.
this reason, the past decade has witnessed the inability of the UN Security Council to prevent mass killings and deportations. The UN’s incapacity to intervene quickly in the savage internal conflicts of Bosnia, Somalia and Rwanda, and its uncertainty about the role the organization should play during any such intervention, have exposed the premier international organization to mounting criticism. In fact, based on the same norm of non-intervention, efforts to stop ethnic cleansing in Kosovo were an “illegal” act because they lacked Security Council authorization.

In the past decade, many people have found it necessary to place conditions on such time-honored ideas as sovereignty and non-intervention. Secretary-General Boutros-Ghali gave the report “An Agenda for Peace” before the UN General Assembly in 1992. He argued for the need to broaden the mission of the United Nations “to address the deepest causes of conflict: economic despair, social injustice, and political oppression.” He introduced the concept of “post-conflict peace-building” to include support for the transformation of deficient national structures and capabilities, and for the strengthening of new democratic institutions. He concluded that demands had been emerging to set aside the historical norm of non-intervention to ensure protection of human rights and perhaps even to impose democratic governance.4

Many similar concerns have been raised in the UN and other international forums. The UN Charter embodies the view that security cannot be achieved by a single state in isolation. The term “international peace and security” implies that the security of one state depends on the security of other states as well. In 1994, the UN adopted an amendment that permits international action in cases where the Security Council judges that the violations of the security of the people or so gross as to require an international response on humanitarian grounds.5 Jacques Poos, Luxembourg’s Deputy Prime Minister and Minister of Foreign Affairs, speaking at the General Assembly in 1995 said that the principle of non-intervention in the internal affairs of a state should “no longer serve as a shield for flagrant and massive violations of human rights.”6

These voices have become stronger in the last few years. In September 1999, Secretary-General Kofi Annan addressed the opening meeting of the UN General Assembly, strongly arguing

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4. Id., p. 4.
that “state sovereignty, in its most basic sense, is being redefined by the forces of globalization and international cooperation.”

III. THE PRINCIPLE OF NON-INTERVENTION IN EAST ASIA

At the regional level, the principle of non-interference is pervasive in documents of Asian organizations and official statements. The Bangkok Declaration of 1967, the document that founded ASEAN, indicated a desire for regional co-operation in the spirit of equality and partnership and for regional peace and stability through respect for the principles of the UN Charter. Other regional documents that have elaborated the basic principle of non-intervention include: the Zone of Peace, Freedom, and Neutrality (ZOPFAN) Declaration (1971), the Declaration of ASEAN Concord (1976), the Treaty of Amity and Cooperation in Southeast Asia (1976), the Northeast Asia Security Cooperation (1994), the Chairman’s Statements of Asia-Europe Meeting (ASEM) (1996), and the Co-Chairmen’s Summary Report of the Meetings of the ARF Intersessional Support Group on Conference Building Measures (1998 and 1999).

The ASEAN Declaration (Bangkok Declaration)
August 8, 1967
Bangkok

CONSIDERING that the countries of South East Asia share a primary responsibility for strengthening the economic and social stability of the region and ensuring their peaceful and progressive national development, and that they are determined to ensure their stability and security from external interference in any form or manifestation in order to preserve their national identities in accordance with the ideals and aspirations of their peoples;

Zone of Peace, Freedom and Neutrality Declaration
November 27, 1971
Malaysia

INSPIRED by the worthy aims and objectives of the United Nations, in particular by the principles of respect for the sovereignty and territorial integrity of all states, ab-

stention from threat or use of force, peaceful settlement of international disputes, equal rights and self-determination and non-interference in affairs of States;

RECOGNIZING the right of every state, large or small, to lead its national existence free from outside interference in its internal affairs as this interference will adversely affect its freedom, independence and integrity;

REITERATING our commitment to the principle in the Bangkok Declaration which established ASEAN in 1967, "that the countries of South East Asia share a primary responsibility for strengthening the economic and social stability of the region and ensuring their peaceful and progressive national development, and that they are determined to ensure stability and security from external interference in any form or manifestation in order to preserve their national identities in accordance with the ideals and aspirations of their peoples";

DO HEREBY STATE: 1. That Indonesia, Malaysia, the Philippines, Singapore and Thailand are determined to exert initially necessary efforts to secure the recognition of, and respect for, South East Asia as a Zone of Peace, Freedom and Neutrality, free from any form or manner of interference by outside powers;

Declaration of ASEAN Concord
February 24, 1976
Indonesia

8. Member states shall vigorously develop an awareness of regional identity and exert all efforts to create a strong ASEAN community, respected by all and respecting all nations on the basis of mutually advantageous relationships, and in accordance with the principles of self-determination, sovereign equality and non-interference in the internal affairs of nations.

Treaty of Amity and Cooperation in Southeast Asia
February 24, 1976
Indonesia

Article 2. In their relations with one another, the High Contracting Parties shall be guided by the following fundamental principles:
a. Mutual respect for the independence, sovereignty, equality, territorial integrity and national identity of all nations;
b. The right of every State to lead its national existence free from external interference, subversion or coercion;
c. Non-interference in the internal affairs of one another;

Article 11. Member states shall endeavor to strengthen their respective national resilience in their political, economic, social-cultural, as well as security fields in conformity with their respective aspirations, free from external interference as well as internal subversive activities in order to preserve national identities.

Proposal for Northeast Asia Security Cooperation
May 1994
Bangkok

The NEASED is based on the following principles: respect for sovereignty and territorial integrity; non-aggression and no threat or use of force; non-intervention in internal affairs; peaceful settlement of disputes; peaceful coexistence; democracy and respect for human dignity. In the long term, the NEASED will come to enhance preventive diplomacy and cooperative security.\(^8\)

Chairman's Statement of the First Asia-Europe Meeting (ASEM)
March 1996
Bangkok

Article 5. The dialogue among the participating countries should be conducted on the basis of mutual respect, equal-

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\(^8\) At the 1st Senior Officials Meeting of the ASEAN Regional Forum (ARF-SOM) in May 1994, the Korean government officially proposed the Northeast Asia Security Dialogue (NEASED) among the governments of six northeast Asian countries: South and North Korea, the United States, Japan, China, and Russia. Since the inauguration of President KIM Dae-jung in February 1998, common interest in the necessity of the Northeast Asia Security Cooperation has been expanding through the summits between Korea, Japan, China and Russia. However, North Korea continues to oppose it, arguing that it is a conspiracy to eternalize the disintegration on the Korean peninsula by getting other countries involved. Meanwhile, China still remains inactive, considering North Korea's position. Japanese Prime Minister Obuchi has also expressed his wish to realize the Northeast Asia Security Cooperation on various occasions, since his proposal of the six-party talks at the Korea-Japan Summit in October 1998, <http://www.mofat.go.kr/web/sec.nsf/>. 
ity, promotion of fundamental rights and, in accordance with the rules of international law and obligations, non-intervention, whether direct or indirect, in each other's internal affairs.

Co-Chairmen's Summary Report of the Meetings of the ARF Intersessional Support Group On Confidence Building Measures
November 4-6, 1998, Honolulu, USA and March 3-5, 1999, Bangkok, Thailand

41. A) Enhanced Role for the ARF Chairman
i). Good offices role: There was general support among participants for the idea of the good offices role for the ARF Chairman. This could include the understanding that such a role would be given to the ARF Chairman on a case-by-case basis, when there is request, and based on a set of specific principles which include respect for sovereignty and non-interference in the internal affairs of other states.

41. D) Views were also expressed that in making requests for voluntary background briefing, participants be mindful of the principles of non-interference in the internal affairs of other states and respect for sovereign decision.

Joint Statement on East Asia Cooperation
November 28, 1999
Manila, Philippines

1. The Heads of State/Government of Brunei Darussalam, the Kingdom of Cambodia, the People's Republic of China, the Republic of Indonesia, Japan, the Republic of Korea, the Lao People's Democratic Republic, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand, and the Socialist Republic of Vietnam, and the Special Representative of the Prime Minister of Malaysia at the ASEAN+3 Summit in Manila, expressed satisfaction with the rapidly developing relations among their countries.

4. In this context, they underscored their commitment to handling their mutual relations in accordance with the purposes and principles of the UN Charter, the Five Principles of Peaceful Co-existence, the Treaty of Amity and
Cooperation in Southeast Asia, and the universally recognized principles of international law.

On many occasions, foreign ministers of states in the region and chairmen of ASEAN have had to issue press statements repeating their willingness to maintain the principle of non-intervention, such as at the time of the Vietnam War, Indochina's refugee problem, and on "Kampuchean" Independence.

**Joint Press Statement The ASEAN Foreign Ministers Meeting to Assess the Agreement on Ending the War and Restoring Peace in Vietnam and to Consider Its Implications for Southeast Asia**

February 15, 1973
Kuala Lumpur

4. The meeting was gratified that the Agreement contained elements that are in many respects similar to the principles enunciated in the Kuala Lumpur Declaration and that this might signify the beginning of the realization of a Southeast Asian Zone of Peace, Freedom and Neutrality, *free from any form or manner of interference* from outside powers.

**Joint Statement The ASEAN Foreign Ministers on Indochina's Refugee Problem**

August 16, 1979
Kuala Lumpur

3. The Foreign Ministers recalled the joint communiqué of the Twelfth ASEAN Ministerial Meeting, Bali, Indonesia 30th June 1979, in which they reaffirmed their previous Joint Statement, Bangkok, 12th January 1979, strongly deploiring the armed intervention against the independence, sovereignty and territorial integrity of Kampuchea.

**Statement by the Philippine Foreign Minister As Chairman of the ASEAN Standing Committee (on the Cambodia Issue)**

February 6, 1981
Manila

2. They should abide strictly on the principles of the UN Charter, in particular the principle of respect for the independence, sovereignty and territorial integrity of states
and the right of peoples to determine their own future free from external interference, subversion or coercion.

5. The ASEAN States find these proposals unacceptable. Not only are these proposals misleading in character, they also seek to justify and perpetuate the continued Vietnamese military occupation of Kampuchea and to deny the right of the people of Kampuchea to determine their own future free from outside interference and coercion.

6. Any proposal which ignores the call for the withdrawal of foreign forces from Kampuchean territory and the exercise of the rights of Kampuchean people to determine their own future, free from outside interference, subversion and coercion, defies world opinion and cannot form a basis for a durable solution of the Kampuchean problem and the establishment of lasting peace and stability in Southeast Asia.

Statement by the Chairman of the ASEAN Standing Committee on the So-Called Elections in Kampuchea
March 27, 1981
Manila

These elections contravene the provisions of UN General Assembly resolution 35/6 which call for the withdrawal of foreign troops from Kampuchea and for UN supervised elections to allow the Kampuchean people to determine for themselves their own future, free from outside interference, subversion or coercion.

Statement by the Chairman of the ASEAN Standing Committee on USSR Appeal
March 27,1981
Manila

1. In my capacity as chairman of the ASEAN Standing Committee, I am releasing ASEAN’s response to the appeal made by the Soviet Union concerning recent proposal made at Ho Chi Minh City for a conference between ASEAN and the other states in Southeast Asia.

2. ASEAN maintains that the crux of the problem is the continuing conflict in Kampuchea resulting from Vietnam’s unlawful occupation of that country by force in vio-
loration of the fundamental principles of the non-aligned movement and the principles enshrined in the UN Charter. Those UN principles animate the declaration of ASEAN Concord and the Treaty of Amity and Cooperation which serve as the bases for active cooperation and friendship among ASEAN member states. Foremost among these principles are mutual respect for the sovereignty, independence and territorial integrity of states, non-interference in the internal affair of states and non-resort to force or threat of the use of force in the conduct of relations between states.

4. That resolution spells out two issues: the withdrawal of foreign forces from Kampuchean territory within a time frame and the exercise by the Kampuchean people of their sovereign right to self-determination free from outside intervention or interference.

**An Appeal for Kampuchean Independence by the ASEAN Foreign Ministers**

September 20, 1983
Jakarta

3. In order to restore Kampuchea’s independence, sovereignty and territorial integrity, the Foreign Ministers further appeal to all countries concerned to refrain from all interference, either direct or indirect, in the internal affairs of Kampuchea and to respect the neutral and non-aligned status of Kampuchea, which is essential to the legitimate security concerns of all countries in Southeast Asia.

**Statement by the Chairman of the ASEAN Standing Committee on the Kampuchean Problem**

February 24, 1986
Manila

In its statement, the CGDK stressed the importance of national reconciliation among the Kampuchean people, free from external interference, as an essential element to a lasting settlement of the Kampuchean problem and also reaffirmed its willingness to enter into direct negotiations with Vietnam to discuss the basic elements of a just and lasting settlement of the Kampuchean problem.
Joint Statement The Special Meeting of the ASEAN
Foreign Ministers on Cambodia
July 10, 1997
Kuala Lumpur

While reaffirming the commitment to the principle of non-intervention in the internal affairs of other states, they decided that, in the light of unfortunate circumstances which have resulted from the use of force, the wisest course of action is to delay the admission of Cambodia into ASEAN until a later date.

IV. VOICES FOR RECONSIDERING THE PRINCIPLE IN THE REGION

Since late 1997, voices in the region have requested modifications of the non-intervention policy. In July 1997, the Deputy Prime Minister of Malaysia, Anwar Ibrahim, called upon ASEAN to adopt a policy of “constructive intervention” in Cambodia. Anwar argued that ASEAN “has to accept the dawning reality that with the entry of new members, new problems will emerge.” In June 1998, the Thai Foreign Minister, Surin Pitsuwan, argued that ASEAN’s principle of non-interference should be replaced by “constructive intervention” in those cases where “a domestic concern poses a threat to regional security.” Surin’s view cast back the frustration of the Thai security bureaucracy over the failure of its policy of constructive engagement towards Myanmar to achieve any positive outcome. As a result of opposition from ASEAN members, Surin modified his proposal to “flexible engagement.” This new formulation was spelled out in a short “non-paper,” which was circulated at the 1998 ASEAN Ministerial Meeting in Manila. Surin argued that if ASEAN failed to address the Asian economic crisis and the challenges of globalization and interdependence, the association’s credibility and capacity to promote and protect its interests would erode.

The purpose of “flexible engagement” was to create an ASEAN regional community in which individual members had responsibilities as well as rights. Surin argued: The dividing line be-

between domestic affairs on the one hand and external or transnational issues on the other is less clear. Many "domestic" affairs have obvious external or transnational dimensions, adversely affecting neighbors, the region and the region's relations with others. In such cases, the affected countries should be able to express their opinions and concerns in an open, frank, and constructive manner. Thailand’s new policy of "flexible engagement" was backed by the Philippines but failed to secure the endorsement of any other ASEAN member. The proposal was bitterly criticized by Myanmar and publicly rejected by Indonesia, Malaysia and Vietnam. Although discussed at an informal meeting of ASEAN ministers, it was not placed on the official agenda and therefore not mentioned in the final communiqué.\footnote{12}

In December 1999, the Council for Security Cooperation in the Asia-Pacific (CSCAP) working group on Comprehensive and Cooperative Security held a meeting in Seoul, South Korea to discuss the evolving concept of non-intervention.\footnote{13} While failing to reach a consensus, this working group provided a summary of conclusion note. (See appendix I for official Summary of Discussions: Seventh Meeting of the CSCAP Working Group on Comprehensive and Cooperative Security.)

\section*{V. THE POLICIES AND PRACTICE OF NON-INTERVENTION IN EAST ASIA}

Usually, intervention in recent times has taken five principal forms: rhetorical and diplomatic gestures and pressures, economic sanctions, legal instruments like the international criminal tribunals and the International Criminal Court, covert action and armed force. However, states in the East Asia have practiced non-intervention in a most rigid and demanding form. It all started from the


\footnote{12} "ASEAN Split on Non-Intervention Policy Change," \textit{South China Morning Post}, July 21, 1998, \texttt{<http://special.scmp.com/AsianCrisis/Indexa21.asp>}. \footnote{13} The CSCAP is a "track two" informal organization. It has five working groups: Confidence and Security Building Measures (CSBM), North Pacific Working Group (NPWG), Comprehensive and Cooperative Security, Maritime Cooperation, and Transnational Crime Working Group. The researcher is a regular participant of these working groups.
ASEAN states. They drew up an elaborate sketch with four main demands:

1. Refraining from criticizing the actions of governments of member states towards their own people;
2. Directing criticism at the actions of states that are perceived to constitute a breach of the principle of non-intervention;
3. Denying recognition, sanctuary, or other forms of support to any rebel group seeking to destabilize or overthrow the government of a neighboring state;
4. Providing political support and material assistance to member-states in their actions against subversive activities.\(^\text{14}\)

In other words, the concept of non-intervention in ASEAN has been interpreted somewhat differently from the practice of the Western world. Verbal criticism could be considered as “interference with other state’s domestic affairs.” Governments of ASEAN in particular and governments in East Asia in general have often refrained from open criticism of their neighbors, even during periods of high bilateral tension. In most cases, critical commentary in the media was frequently followed by government apologies to the offended party.\(^\text{15}\) This overt stance in favor of non-interference seems incongruous with a more subtle, historical approach of “actual interference” in each other’s affairs. It is sometimes argued that ASEAN’s success is based on the “the ASEAN way.” This approach to regional diplomacy stresses decision-making by con-


\(^{15}\) For instance, in 1991, after Malaysian TV showed a CNN report on the scenes of a massacre in Dili, East Timor, Prime Minister Dr. Mahathir sent his Information Minister to Jakarta to extend a personal apology. This common practice not only recognizes the mainstream media as generally closely linked to the government, but also reflects a belief that if the media did anything to heighten tensions between countries, governments should intervene to correct this. There were, for example, no open criticisms of military coups in Thailand, martial law in the Philippines, Indonesian actions in East Timor, or the use of detention without trial in Malaysia and Singapore. At the most, expressions of concern were conveyed privately. John Funston “ASEAN and The Principle of Non-Intervention: Practice and Prospects, ” in David Dickens and Guy Wilson-Roberts eds., *id.*, p. 8.
sensus and non-interference in another state’s internal affairs. In short, ASEAN represents the triumph of process over institutionalization.

In brief, traditional non-intervention or non-interference has become inextricably rooted in the minds of the region’s political elite. No better example can be found than the inclusion of communist Vietnam as ASEAN’s seventh member in 1995. ASEAN members have refrained from criticizing Vietnam’s political system even though the country’s leaders repress communism at home. This policy was the most evident in 1989, when the brutal suppression of the democracy movement in Tiananmen Square took place. Many ASEAN states, particularly Singapore, spoke up for China and considered economic sanctions by the West as an intervention in internal affairs.

VI. POSITIONS TOWARD MODIFYING THE NON-INTERVENTION POLICY

Generally, positions and attitudes within East Asia toward modifying the principle are divided. Generally speaking, a state that is more integrated in the international system is more supportive toward the modification. Some state policies are still shifting to accept the notions of interdependence and the need at times for intervention. Other states are strong defenders of the principle. These countries reject external criticism of their human rights situation, religious policy, and other domestic activities. They do not believe sovereignty is limited.

16. Address given by H. E. Mr. Rodolfo C. Severino, Secretary-General of the Association of Southeast Asian Nations, at the ASEAN Scholars’ Roundtable organized by the Konrad Adenauer Foundation and Singapore Institute of International Affairs, Singapore, July 3, 2000, <http://www.asean.or.id/seegen/sg_siaw.htm>.


18. CHU Shulong describes three categories of attitudes on intervention and sovereignty in the region: A non-traditional group of countries (Japan, South Korea) that is more developed economically in East Asia accept relatively new concepts of national sovereignty and support and participate in international interventions; a middle group (ASEAN countries) that has shifted in recent years to accepting notions of interdependence and the need at times for intervention; and the traditional group (China, North Korea, Burma, Vietnam) that strongly defends the principle of non-interference in international affairs. CHU Shulong, “China, Asia and Issues of Sovereignty and Intervention,” Pugwash Occasional Paper, Vol. 2, No. 1 (January 2001), p. 2; <http://www.pugwash.org/reports/rc/com-china.htm>, p. 1.
**ASEAN**

To most ASEAN states, the idea of strict adherence to non-intervention and respect for sovereignty has two purposes. For one thing, it has been an important mechanism to keep major power rivalries out of their internal and regional affairs. This was particularly important in the context of the Cold War rivalry between the United States and the Soviet Union, but was also and continues to be seen in the broader context of East-West and North-South political relations. For another, this principle has been used as a political guarantee of peaceful relations between neighboring states whose sovereign authority was being challenged from within their own borders. This had a special significance for states with multiethnic populations and the consequent conflicts that this situation can bring. In either case, non-intervention was closely tied-in with the security of developing states. For this reason, ASEAN states have been very sensitive about taking any action involving other countries’ domestic affairs.

Vietnam, Malaysia and Myanmar are the countries in ASEAN that usually oppose intervention, and which most strongly defend the principle of noninterference in internal affairs. They reject external criticism of their human rights situations, religious policies, and other domestic activities. They do not believe sovereignty is limited. Most have strongly opposed international interventions in Bosnia and Kosovo as well as American-British military operations in Iraq.

Thailand, the Philippines, Singapore, Indonesia and Brunei—countries which used to strongly defend national sovereignty—are becoming more accepting of certain types of international intervention.

**The PRC**

Among other major players in the region, the PRC and North Korea are considered hearty defenders of the non-intervention policy. China is particularly anxious over the dilution of state sovereign rights. The PRC’s strong attitude is based on imperial...
incursions into China during the nineteenth and twentieth centuries and the country's multi-ethnic composition, which includes 65 nationalities, with many minorities living in border areas. Demands of independence in Tibet, Xingjing and other regions, heighten Chinese sensitivities to issues of intervention and sovereignty.\textsuperscript{20} Above all, there is the issue of Taiwan, which is \textit{sine qua non} considered an internal Chinese affair. Taiwan remains the most important and sensitive issue to be resolved, and the one that could most easily spark conflict in East Asia. While the PRC has legitimate concerns about intervention, these concerns are less valid regarding anxieties that other countries will interfere in its internal affairs.\textsuperscript{21} There is a need to think of intervention in the context of enhancing individual and human security more broadly, not in legalistic terms of humanitarian intervention. However, it was noted that the concept of human security would be slow to take root in China, given less emphasis on the individual in Chinese society. PRC concerns about the importance of the policy have been expressed in many bilateral treaties, such as in the normalization of Sino-Japanese relations and in many regional multilateral cooperation forum, such as the ASEAN Regional Forum (ARF).

\textbf{Treaty of Peace and Friendship between Japan and the People's Republic of China}
Signed at Beijing, 12 August 1978
Entered into force 23 October 1978 by the exchange of the instruments of ratification at Tokyo

\textbf{Article 1}
1. The Contracting Parties shall develop lasting relations of peace and friendship between the two countries on the basis of mutual respect for the principles of sovereignty and territorial integrity, mutual non-aggression, non-intervention in each other's internal affairs, mutual benefit, and peaceful coexistence.

\textsuperscript{20} CHU Shulong, \textit{op.cit.}, p. 2.
Fourth ARF, Opening Statement by H.E. Qian Qichen  
Vice Premier and Minister of Foreign Affairs, People’s Republic of China  
July 27, 1997  
Kuala Lumpur

In view of the reality of the Asia-Pacific region and its special features, it is important to observe the principles of respect for sovereignty and non-interference in each other’s internal affairs in the activities of ARF and make efforts to expand common ground beyond differences, increase confidence, and accommodate the security concerns of all parties.

Fifth ARF, Opening Statement by H.E. Tang Jiaxuan  
Minister of Foreign Affairs, People’s Republic of China  
July 27, 1998  
Manila

To develop state-to-state relations on the basis of the Five Principles of mutual respect for sovereignty and territorial integrity, mutual non-aggression, non-interference in each other’s internal affairs, equality and mutual benefits, and peaceful coexistence constitutes the political foundation and prerequisite of security at both regional and international levels.

The PRC has traditionally developed a people’s peace diplomacy. China has been siding with the peoples of the Third World, supporting their fight for liberation against imperialism. This support, at least theoretically, has been given within the limits of the principle of non-intervention. The PRC has adopted the Five Principles, which insist on non-intervention and peaceful coexistence. As a permanent member of the Security Council, the PRC has always used its veto power with restraint, and has insisted on interstate democracy supporting the smaller and weaker states of the Third World.

The PRC is very concerned about the intervention of “Western humanitarianism.” On every occasion, the leaders of the PRC have reminded their partners to avoid such influence in the region. On December 9 and 10, 1999, PRC President JIANG Zemin and Russian President Boris Yeltsin held a second informal summit. After in-depth exchanges of views, Chinese and Russian authorities expressed the importance of the equal status of all sovereign states
and the non-interference in other states in the name of humanitarianism in the diplomatic communiqués.  

The two leaders maintained that all members of the international community should be treated equally, enjoy the same security, respect each other in their choice of development paths, respect each other's sovereignty, not interfere in each other's internal affairs. . .  
The two sides also stressed that the equal status of all sovereign states should be guaranteed. . .  

The two sides point out that negative momentum in international relations continues to grow and the following is becoming more obvious: the forcing of the international community to accept a unipolar world pattern and a single model of culture, value concepts and ideology and the jeopardizing of the sovereignty of independent states using the concepts of "human rights are superior to sovereignty" and "humanitarian intervention". . .  

On a few occasions, the PRC has supported international interventions as in East Timor and some African countries. The logic for PRC support and participation in these international interventions, while rejecting outside interference in Chinese "domestic affairs," according to official comment is the following: The interventions noted above were "requested, or accepted, by the relevant states or agreed by United Nations."  

Where the Indonesian government accepted international intervention, many interventions in Africa were United Nations operations based on overwhelming passage by the Security Council or the General Assembly.  

In the Cambodian case, the PRC has strongly argued that "non-interference in other countries' internal affairs is the paramount principle that should govern international politics." China has come out in support of HUN Sen's position. "China opposes any act by the international community to impose an international tribunal on Cambodia," said QIN Huasun, Chinese permanent representative to the United Nations, in late March. "The question of Cambodia is entirely an internal issue of Cambodia, and should be

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23. In January 2000, China called on the international community to help bring about an end to the strife in Angola. CHU Shulong, op.cit., p. 6.
dealt with by the Cambodian government and its people without external interference.”

**Japan, South Korea, and Taiwan**

Japan, South Korea, and Taiwan are more integrated in the world system and they often share positions on sovereignty and intervention with European and North American nations. Each of them has supported a few international interventions with a variety of human, financial, and material resources. However, none of these countries has yet legally defined its position regarding the non-intervention principle. Japan, in particular, has been very cautious. In general, Japan tends to worry about the question of authority. In the case of NATO action in Kosovo, Minister for Foreign Affairs, Masahiki Komura, expressed “understanding” but no full support, because this action lacked Security Council authorization. In the case of Iraq, after the US-led multi-national force conducted bombing raids to punish Baghdad for humanitarian violations against the Kurdish minority in the north, Prime Minister Hasimoto announced that “Japan understands and supports the actions taken by the United States military forces as long as they are necessary to ensure Iraqi compliance with relevant UN Security Council Resolutions.” In the case of East Timor, Foreign Minister Komura welcomed the adoption of Security Council Resolution 1264, which mandates the multinational force to enter Indonesia as a stabilizing force working in cooperation with the Indonesian Government and the Indonesian National Forces. In other words, the difference in the position of Japan stems from if the UN Security Council agrees to such intervention. However, in dealing with ASEAN states, Japan traditionally has abided by ASEAN’s rule of non-intervention. Japanese officials do not give direct assistance to ASEAN states for security related issues and also refrain from criticizing any domestic issues in ASEAN countries.

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Korea also has no firm position regarding this issue. In the East Timor case, the Korean government decided to participate in the Australian-led multinational peacekeeping force. The decision, according to Korean scholars, was based on three reasons. First, Indonesia agreed to such a multinational peacekeeping force. Second, a majority of the Korean people supported intervention to provide human security for the East Timorese. Third, leaders in the government, especially President KIM Dae-Jung, supported intervention to protect human rights.27

Occasionally, the Korean government has also expressed concerns about human rights issues. On September 5, 2000, South Korea issued a statement concerning opposition leader Aung San Suu Kyi’s situation.28 However, there is no consensus or consistency regarding the issue of intervention either.

Statement by Korean MOFAT Spokesman on the Political Situation in Myanmar

The Government of the Republic of Korea expresses its concern about the recent situation in Myanmar, in which the political activities by opposition leader Aung San Suu Kyi were restrained on the ground of Madame Aung San Suu Kyi’s personal safety and the headquarters of opposition National League for Democracy (NLD) party was temporarily closed down. The ROK government considers the Myanmar government’s conduct to be an encroachment upon human rights and infringement of a democratic order.

The ROK government hopes that the Myanmar government will undo the closure of the NLD headquarters and embark on dialogues with all political parties including Madame Aung San Suu Kyi, and thereby join the global trend of democracy by achieving genuine political harmony.29

As for the position of the ROC, Taipei has never officially proclaimed its position on intervention policy. Being a small political player in the region, the island has also been cautious about its offi-

East Asia and the Principle of Non-Intervention

social statements. However, the new government, led by the Democratic Progressive Party, has announced that it would apply the concept of human security as the major part of foreign policy. In practice, Taiwan has not intervened in the domestic affairs of any country. Since cross-Strait relations are the most critical issues that Taiwan currently faces, understandable is that Taipei hopes the international community offers some “support” when the PRC issues a military threat.

VII. NON-INTERVENTION AND ITS IMPLEMENTATION IN THE REGION

Although the voices for modifying the traditional policy of non-intervention did not reach consensus, actual practices in the area have undergone some changes in the past decade. There are a few cases in which states in the region have intervened in the internal affairs of others and some have indicated a slow acceptance to the policy of criticizing other states. Non-intervention policy is indeed confronted with many challenges. First, there are new emphases on issues such as human rights and even the promotion of democracy. Second, globalization has continued to have a big impact on inter-state relations in many perspectives. There is the rise of increasingly severe transnational problems — such as economic crisis and environmental concerns, large-scale migration flows, and organized crime networks — that requires inter-state cooperation in order to be resolved. Finally, since world security is increasing indivisible and comprehensive, traditional military threats that endanger one state could have an immediate bearing on the economic, political and social problems of other states.

In brief, although states agree not to meddle in each other’s internal affairs, with the growing challenges in the region, the traditional position of the principle of non-intervention can not be all that sacrosanct. On some occasions, not only have individual states in the region not held back when domestic issues in another country adversely spilled over, but they have also shown their concern on some human rights issues as well.

(1) Human Rights

With the end of the Cold War, the PRC and ASEAN states increasingly became targets of Western assertiveness on the issue of human rights. Under pressure, ASEAN states formulated a so-called “ASEAN consensus on human rights” at the 24th ASEAN Ministerial Meeting (AMM) in Kuala Lumpur. This consensus
shared the PRC's human rights theory. Both emphasize that the concepts of human rights vary from one country to another because of differences in cultural traditions and the level of economic development. In developing countries rights to economic subsistence and development should take precedence over political and civil rights. The international application of human rights should not violate national sovereignty and the issue of human rights should not be linked to economic cooperation.  

Among the original five ASEAN member states, Indonesia, Malaysia and Singapore felt most vulnerable to the Western human rights campaign until Vietnam, Laos and Myanmar were admitted into the organization in the latter half of the 1990s. In the authoritarian states of Malaysia, Indonesia and Singapore, limitations on individual political freedoms are part of the ruling doctrine. The dictatorial regimes in Myanmar, Vietnam and Laos impose even more severe and systematic restrictions on individual rights. However, in the newly democratized Philippines and Thailand, human rights violations are not justified by the governing doctrines. These two states are more like Japan, Taiwan and South Korea, and have developed a democratic society in the past decades. In these states, there is a strong public constituency for protecting human rights and various non-governmental human rights organizations are allowed to operate legally. The Tokyo and Taipei governments officially have applied the concept of human security as a major concept of their external policy.  

Although concern for human rights and democracy are still divisive, some states have yielded on human rights violation cases.

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30. This ASEAN consensus on human rights was determined largely by the views of Singapore, Malaysia and Indonesia and accepted by the association at their insistence. Although the Philippines and Thailand did not share the same convictions, they went along with their ASEAN partners in the interest of group cohesion. Chen Jie, "Tactical Alliance: Southeast Asia and China's post-1989 human right diplomacy," *China Rights Forum*, Fall 1998, <http://www.hrichina.org/crf/english/98fall/e4.html.2001/3/8>.

The East Timor Case

The East Timor case modified the regional principle of non-intervention from two perspectives. First, President B. J. Habibie offered a big concession he finally decided to hold negotiations on "special autonomy" for East Timor in January 1999 and approved UN involvement in September 1999. Indonesians have perceived the case of East Timor as an act of external intervention in Indonesian domestic affairs. The arrival of the Australian-led International Force in East Timor (INTERFET) following the orgy of destruction by pro-Indonesian militias in the territory, which was still seen as a legitimate part of Indonesia, has been considered a slap in the face of the sovereignty of the country. Habibie's government and the military leadership were condemned and criticized for their failure to prevent foreign intervention. Domestically, waves of demonstrations that followed the arrival of INTERFET in East Timor indicated a degree of domestic rejection of intervention by outside forces. Key Indonesian leaders have also expressed bitter resentment against Australia's deep involvement in East Timor. If the Indonesian government had not continued to be a particular target of international criticism of human rights, Habibie would have delayed the entanglement of the international community in its domestic affairs.

Second, the case eventually requested the involvement of many Asian countries, including the PRC, Japan, Thailand, South Korea, Singapore, Malaysia, Cambodia and the Philippines, which traditionally were apathetic to the region's human rights records. In fact, in 1991, the world already knew about the incident in which an estimated 50 to 270 East Timorese were killed by Indonesian security forces during a funeral procession in Dili, the capital. Many western countries reacted strongly and two aid donors, the Netherlands and Canada, suspended their aid programs. However, there was little criticism of Indonesia from states in East Asia. Non-intervention was invoked by other counties in the region to ward off international criticism over their human rights records. Many governments showed their hesitation to express the support of the adoption of Security Council Resolution 1264, which mandated the multinational peacekeeping force to enter Indonesia as a

33. The official estimation is that 50 East Timorese died; the unofficial one is 270 people.
stabilizing force working in cooperation with the Government and the National Armed Forces. For many Asian states, the decision to participate in the Australian-led multinational peacekeeping force was still counted as an intervention given the overwhelming pressure that was applied behind the scenes so that President Habibie would agree to such an arrangement. However, while states were self-conscious about its implementation, the participation of the INTERFET made a strong case for interference in the name of human rights.

**The Anwar Ibrahim Case**

The arrest and detention of former Malaysian Deputy Prime Minister Anwar Ibrahim has also drawn criticism from Asian neighbors. Anwar was arrested on September 20, 1998 and initially held without charge under Malaysia’s Internal Security Act (ISA). The verdict was seen as part of an ongoing punishment of Anwar for his open criticism of Prime Minister Mahathir. He was eventually accused of using the powers of his office to interfere with investigations into alleged sexual offences and sodomy. According to Amnesty International, Anwar was considered a threat to the government. The government wanted to “remove Anwar Ibrahim from political life and to discredit him publicly.” Anwar was sentenced in April 1999 to six years in prison. His appeals were rejected.

Other than the United Nations and human rights activists, several foreign governments openly criticized the use of the ISA to detain Mr. Anwar and his supporters. Among them, the Philippines, Indonesia and Singapore caught the most attention. Both Philippine President Joseph Estrada and Indonesian President B. J. Habibie made strong statements of support at that time. Estrada

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34. The attitude is evident in the reluctance of some to send troops to East Timor. In deference to Indonesia, Malaysia, despite being the first to commit to a multinational force, subsequently wavered over commitments to a multinational force in East Timor, though finally agreeing. Robin Ramcharan, “ASEAN and Non-Interference: A Principle Maintained,” *Contemporary Southeast Asia: A Journal of International & Strategic Affairs*, Vol. 22, No. 1 (April 2000), p. 76.

35. The Internal Security Act allows indefinite jail without trial.


37. They initially planned to cancel the 1998 APEC leadership meeting held in Kuala Lumpur.
even met with Anwar Ibrahim’s wife to show his concerns.\textsuperscript{38} Former Singapore Primer LEE Kuan Yew called Malaysia’s handling of the case “an unmitigated disaster.”\textsuperscript{39} Then Foreign Minister Ali Alatas of Indonesia said that these statements should not be construed as intervention since they did not voice agreement or disagreement with the Malaysian government and because these statements were of a personal nature.\textsuperscript{40} However, Malaysia perceived the statements supporting Anwar were evidence of violating the principle of intervention and complained of Estrada’s and Habibie’s lack of diplomatic experience.\textsuperscript{41}

\textbf{(2) Globalization}

Globalization has continued to gather momentum in the last few decades, which has had a great in impact on inter-state relations. Many scholars have agreed that globalization, a new phenomenon in Asia, has a number of core characteristics.\textsuperscript{42} First, there is an unprecedented economic interdependence, driven by cross-border capital movements, rapid technology transfer, and communication and information flows. Second, there is the rise of a range of non-conventional security issues, including environment, narcotics trafficking, illegal labor and refugee flows, and money laundering, which have gained increased momentum and constantly pressure states to increase inter-state cooperation. Third, new actors have arisen that challenge state authority, such as civic groups and the non-governmental organizations (NGOs). These groups condemn and criticize what they perceive as the problem without concern for the sovereignty of their neighbors. For them, the notion

\begin{itemize}
\item 40. John Funston, \textit{op. cit.}, p. 16.
\end{itemize}
of national sovereignty no longer serves as a relevant barrier to express such concerns beyond their respective national boundaries.\textsuperscript{43}

As a result of globalization, states are inevitably more concerned about the domestic problems of their neighbors that may have an impact on the well-being of other states and of the region as a whole.\textsuperscript{44} In addition, the media revolution continues to open the whole world to scrutiny, and remarks or criticism of other countries' domestic affairs have become not so alien.

\textit{The Financial Crisis Case}

The economic crisis of 1997-1998 has demonstrated the reality of the integration of East Asia's economies. The crisis spread from Thailand, following the devaluation of the baht in July 2, 1997, to Indonesia, Malaysia and the Philippines by the end of August and the depreciation of the South Korean won in November. In turn, this had reverberations in the rest of Southeast Asia. Singapore and Taiwan also experienced “modest” currency depreciation during September-October 1997. At the same time, Hong Kong's currency also came under severe pressure. Thus, all East Asian countries suffered from the contagion to some degree. As Ramkishen S. Rajan has noted, the most important message from the crisis is “economic policies in any one economy can and do reverberate rapidly to other economies in the region in the form of contagious currency crises, with consequent detrimental effects on the real economies.” “This provides the analytical basis for encouraging some sort of 'peer pressure,' 'club spirit' or broader form of economic cooperation that promotes the pursuit of sustainable and prudent macroeconomic policies in each economy in the region.”\textsuperscript{45}

At the beginning of the 1997 financial crisis in Asia, various efforts were made to enhance economic cooperation. The first ASEAN Finance Ministers Meeting (AFMM), in March 1997, agreed on a greater exchange over macroeconomic policies, and many Asian states meeting in Manila in November agreed to make this more systematic. A peer surveillance scheme, the ASEAN

\textsuperscript{43} Fu-Kuo LIU and Linjun WU, "The Antiquated Principle of Non-intervention on the Verge of Transformation: Taiwan's perspective," in David Dickens and Guy Wilson-Roberts, \textit{op.cit.}, p. 65

\textsuperscript{44} Carolina G. Hernandez, "Toward Re-examining the Non-Intervention Principle in ASEAN Political Co-operation," \textit{The Indonesia Quarterly}, Vol. 26, No. 3, p. 164.

Surveillance Process (ASP), was endorsed by the ASEAN finance ministers.\textsuperscript{46} The overall objectives of the ASP included: (a) assist ASEAN members in spotting a potential crisis and responding to it accordingly; (b) assess the vulnerability of ASEAN members to financial disruptions and crises; (c) improve the coordination of ASEAN members’ economic policies through the dissemination of sound practices that meet international standards; and, (d) promote a “peer monitoring” environment among ASEAN members through a review of potentially vulnerable sector. Conceptually, the ASP was envisaged to deal not only with conventional macro-economic indicators, but also to examine the regulatory and supervisory functions in the financial sector, corporate governance issues and various measures of external indebtedness.\textsuperscript{47}

The Manila framework was also agreed to at the fifth Asia Pacific Economic Cooperation (APEC) summit in Vancouver in November 1997. The APEC framework includes the following initiatives: (a) a cooperative financing arrangement that would supplement IMF resources; (b) enhanced economic and technical cooperation, particularly in strengthening domestic financial systems and regulatory capacities; and, (c) a mechanism for regional surveillance to complement the IMF’s global surveillance.\textsuperscript{48}

In light of the regional dimension of contagion, major initiatives have been undertaken in the financial and macroeconomic spheres in ASEAN and APEC. However, cooperative arrangements have met some resistance. There was an agreement that data only be submitted on a voluntary basis. The terms “peer review” and “peer monitoring” have been very vague. Authorities in the region have tended to be reserved about their economic and financial situations. Some states fear that they might be required to reveal national secrets. As a result, the push towards maximum transparency by the ASEAN and APEC arrangement has not gathered momentum as initially designed, and economic monitoring mechanism still lacks total transparency. It is extremely difficult to operate a regional surveillance mechanism effectively when states

\textsuperscript{46} The ASEAN Surveillance Process (ASP) was initially under the purview of the Asian Development Bank (ADB) and recently transferred to ASEAN Secretariat in Jakarta.

\textsuperscript{47} CHANG Li Lin and Ramkishen S. Rajan. “Regional Responses to the Southeast Asian Economic Crisis: A Case of Self-Help Or No Help?” IPS Working Papers, No. 8 (June 1999), Singapore: The Institute of Policy Studies, pp. 8-10.

\textsuperscript{48} “Strengthening the Foundations for Growth,” in The APEC Economic Leaders’ Declaration, November 18, 1998.
still stick to non-intervention in one another’s affairs and the criticism of other countries’ economic policy is still more or less perceived as unorthodox. Whether or not peer surveillance can prevent future financial crises remains to be seen, the current reality no longer favors the old ways of handling economic issues. East Asia’s finance ministers and central bankers have significantly intensified intra-regional consultations since 1997. At the very least, the discussion of surveillance at the regional levels is readily available. The non-intervention principle will push for modification. All this being said, although the desire by the regional economies to preserve some degree of confidentiality has been strong, and states do recognize the need to balance this push towards transparency.

The Haze Problem

Regional interdependence extends to the environment. The idea of a review of non-intervention had also been helped along by the issue of the “haze” caused by forest fires in Indonesia. The “haze” resulted from the burning of wide areas of land by Indonesian agro-industrialists to create plantations for pulpwood, oil palm, and rice.49 These fires led to environmental and health problems not only in Indonesia, but also in Brunei, East Malaysia, Singapore, and to a much lesser degree, parts of the southern Philippines.50 Indonesian officials initially took an unconcerned approach to the problem, seeing it as a domestic rather than regional matter. There had been suggestions that any attempt to influence Indonesia on this issue constituted a breach of the principle of non-intervention.51 However, for many other ASEAN states, the issue was not a purely internal matter for Indonesia, considering the severe transboundary effects and damage. Simon Tay, a nominated member of

49. Satellite evidence showed that most of the fires were started on large land-holdings and plantations, which were run by large conglomerates, many with international and regional investors, and not small-scale indigenous farmers as the Indonesian government had stated. Simon Tay, “What Should be Done about the Haze?” *Indonesia Quarterly*, Vol. 26, No. 2 (1998), pp. 99-117.

50. The haze generated concern not only for environmental and health reasons, but also for its economic impact in the form of a significant drop in tourism revenue. See World Wildlife Fund, quoted in Address by H. E. Rodolfo Severino, Secretary-General of ASEAN, “Regionalism: The Stakes for Southeast Asia,” at the Institute of Defense and Strategic Studies (IDSS), Singapore, May 24, 1999, <http://www.asean.or.id>.

Singapore's Parliament and the Chairman of Singapore Institute of International Affairs, laid the blame for the fires squarely on the failure of the Indonesian system to enforce its own laws and regulations, and to manage the country's resources in order to pursue sustainable development.\textsuperscript{52} Tay further pointed out that the "ASEAN" way, which prescribes non-intervention in the internal affairs of Indonesia, is a misconceived notion. Haze is not an internal matter and international law holds that a state is responsible for trans-boundary harm that results from activities on its territory, or is carried out by the state or within its control. This trans-boundary character requires a reconsideration of non-intervention as it applies to ecological disasters of this magnitude.\textsuperscript{53}

In fact, ASEAN members have also attempted to improve environmental cooperation among themselves and with non-ASEAN states. Such steps include the adoption of an ASEAN Strategic Plan of Action, 1994-1998, which tried to integrate environmental and development concerns in the decision-making process of governments.\textsuperscript{54} The plan failed, however, due to weaknesses endemic to the ASEAN way—namely the preference for non-interference in the domestic affairs of member states and for non-binding plans instead of treaties.\textsuperscript{55}

In 1997, many ASEAN states, particularly the Singapore Government, registered their concerns with Indonesia over the haze problem caused by massive forest fires. President Soeharto took the unprecedented step of apologizing for the haze and instructed his bureaucracy to co-operate with his ASEAN partners in combating the forest fires. The re-occurrence of the haze in August 1999 led to calls for ASEAN countries to take stronger action against Indonesia with some critics actually suggesting that Brunei, Malaysia and Singapore take Indonesia before the International Court of

\textsuperscript{52} Simon Tay, supra note 49, p. 102.

\textsuperscript{53} Simon Tay, "Fires and Haze in Southeast Asia: Challenges to Regional Cooperation in ASEAN and Asia Pacific," Community Building in Asia Pacific, Asia Pacific Agenda Project 2000, Tokyo: Japan Center for International Exchange, 2000, p. 51.

\textsuperscript{54} This plan sought to foster government and private sector interaction, to strengthen institutional and legal capacities; to establish a regional framework on biological diversity conservation and sustainable use, and to promote the protection of coastal zones and marine resources. K.L. Koh ed., Selected ASEAN Documents on the Environment, 1996; Also see, "Joint Press Statement of Fourth ASEAN Ministerial Meeting on Haze," ASEAN Economic Bulletin, August 1998, Vol. 12, No. 2, pp. 223-5.

\textsuperscript{55} The Agreement on the Conservation of Nature and Natural Resources is the only treaty negotiated among ASEAN members, but it has not been ratified by a sufficient number of members to be in force.
Justice. For states that have suffered consequences from the haze, the non-interference principle has not served environmental challenges well and cannot be maintained as “an icon in the face of ecological disaster that knows no boundaries.”56 The fires and haze are opportunities for Asia Pacific countries to recognize their interdependence and together seek ways to address the trans-frontier effects.

**The Taiwan-DPRK Nuclear Waste Deal**

Regional interdependence extending to the environment can also be shown in the case of the Taiwan-North Korea Nuclear Waste Deal. In January 1997, Taiwan’s state-run electricity company signed a contract with North Korea (DPRK) to transport 60,000 barrels of low-level radioactive waste (LLRW), with the option of shipping 140,000 more barrels to the DPRK for interim storage. In return, the DPRK would receive $227 million from Taiwan. Taipei viewed the Taiwan-North Korea deal as an act of international cooperation or pure commercial activity. The LLRW, according to Taipower, was to consist mainly of fibers, tools and clothing used in handling radioactive materials. The material would not pose much of a safety threat to the environment or raise any nuclear proliferation concerns. Taipower promised that the procedure would be conducted in strict accordance with the International Atomic Energy Agency (IAEA)-promulgated international standard procedures as embodied in the Code of Practice on the International Trans-boundary Movement of Radioactive Waste.57 To further IAEA understanding of the deal, Taipower sent representatives to Vienna, Austria and presented the IAEA with background and related safety information. In this deal, Taipower emphasized the disposal life cycle of the LLRW, that is the packaging, shipping, and storage of the waste, as well as the site, design, licensing, construction and operation of the repository.58 Taipei stated that the concept of international and regional cooperation in the disposal of radioactive waste has been considered by the international community as a possible waste management approach in IAEA’s yearbook.

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57. Premier LIEN Chan said his government would not intervene in the nuclear waste shipment, saying it was a lawful, safe business deal with no moral issues involved. *China News*, February 3, 1997, p. 1.

of 1994 and 1996. Recognizing the nature of Taipower’s LLRW and that relevant international regulations would be complied with, IAEA settled that it would not intervene in the implementation of the contract.

It is important to note that the ship that would be used to transport the nuclear waste was under construction in Japan, and Taiwan’s nuclear power plans have depended heavily on American technology and supplies. Pressure from these two countries would probably have been more than enough for Taiwan to call off the deal. But, Japan and the United States had very little to say about this matter. It was the ROK government that strongly opposed the deal.

On February 16, the South Korean foreign minister asked his counterparts from 24 European and Asian nations to pressure Taiwan not to ship nuclear waste for storage in North Korea. YOO Chong-ha, Foreign Minister of South Korea, said the nuclear storage plan was unacceptable for four reasons. First, environmental standards in North Korea are low. Second, the IAEA is already overburdened in carrying out surveillance on North Korea’s nuclear program, suspected of developing weapons. Third, the deal would set a morally wrong international precedent, as it would allow a rich country like Taiwan to exploit an economically desperate regime. Fourth, the deal would have a “negative impact” on efforts to control North Korea’s nuclear program. It was the first plea by such a high-ranking South Korean official for international support against the deal. The international environmental group Greenpeace also denounced the shipments, claiming the waste would contain highly radioactive materials produced in the nuclear power generating process. On February 5, 1997, South Korean environmentalists staged a protest aboard 40 ships off the west coast to rehearse a sea blockade of Taiwan’s nuclear waste shipment to


60. The silent attitudes of the Washington and Tokyo on this controversy may indicate either that they disagree with Seoul on how to handle North Korea, or that the whole issue can be decided on its technical merits. See Szu-yin Ho, “When Technicality Meets Morality: The Taiwan-DPRK Nuclear Waste Deal,” paper prepared for Sixth Meeting of the Confidence and Security Building Measures (CSBMs) Working Group in Washington D.C., May 23, 1996. It is also noteworthy that the PRC is on the South Korea side. Central Daily News, February 3, 1997, p. 10.


North Korea. They claimed they would use ships to prevent Taiwanese ships from reaching the North’s western port of Nampo.\(^{63}\) Several members of South Korean anti-nuclear protest groups and Taiwan Environmental Protection Union worked together to protest the deal in Taipei and six South Korean anti-nuclear activists also went on a hunger strike.\(^{64}\)

Despite Taipower workers noting that South Korea had no right to interfere in what they called a legitimate business deal between Taipei and Pyongyang, the deal was finally called off.\(^{65}\) This is a typical case of how protests by governments and civil society can change the policy of other states in the region.

\(\text{(3) Comprehensive Security issues}\)

Security in today’s world has become more comprehensive than before. Security operates on many sectors and the domestic, regional and international arenas. In other words, trade, finance, information and the massive advancement of science and technology have all integrated people in a way that danger to one has an immediate bearing on all.

\textit{The 1995-1996 Taiwan Strait Crisis}\n
The tensions between mainland China and Taiwan have always been an uncertain factor for states in the Pacific region. Since President LEE Teng-hui’s visit to the United States in mid-1995, Beijing has begun holding occasional military exercises adjacent to Taiwan. On March 5, 1996, China announced it would start firing new test missiles between March 8 and 15, two weeks before Taiwan held its first democratic presidential elections. The tests appeared to be aimed at intimidating voters and reducing support for President LEE Teng-hui, the leading contender. Beijing renewed a threat to use force to prevent Taiwan’s independence and has repeatedly accused Mr. Lee of trying to chart a separatist path for the island. The announcement of the tests came on the opening day of the National People’s Congress, where Prime Minister Li Peng warned other nations to steer clear of the dispute between mainland China and Taiwan (Beijing regards the island as a renegade province). In China’s equivalent of a state-of-the-union address, Mr. Li declared that “the question of Taiwan is China’s internal affair and China


will brook no interference by out-side forces under whatever pre-
text and in whatever form.” Mr. Li said China’s position that the
island and mainland be treated as one country dates from 1949,
when Chinese Nationalists fled to Taiwan after losing the civil war
in China to the Communists.

The announcement of the missile tests warned ships to stay
away from the two boxed areas, one 35 to 65 kilometers off
Keelung, the island’s second biggest port, which is near Taipei, and
the other about 30 to 50 kilometers off Kaoshiung, the island’s big-
gest port to the southeast.66 Taiwan assailed Beijing’s plans to con-
duct missile tests near the island and called on the international
community to take action against China.67

Although deeply concerned by the Chinese missile tests near
Taiwan, Japan and other countries in the region are carefully avoid-
ing any strong criticism for fear of offending China. The bluntest
message at that time was made by LEE Kuan Yew, senior minister
of Singapore. He said that countries in the region “will not under-
stand why China can not be patient and resolve the matter peace-
fully, when using force will damage both China and Taiwan, and
also hurt third parties,” including East Asian nations. The use of
force, he added, would set back the real chance China now has of
becoming an industrialized nation in 25 years.68

One of the missile target zones is less than 65 kilometers (40
miles) from a Japanese island, Yonaguni, and nearly as close to that
island as it is to Taiwan. But, the Japanese government played
down its worries, taking a low-key stand. Japan’s chief government
spokesman, Seiroku Kajiyama, would go no further than calling
them “regrettable.” Mr. Kajiyama said that “they are going to have
a strong effect on shipping, fishing and international flights, so we
do want to urge self-restraint.” Some countries, like the Philippines,
also called for restraint, but were reluctant to criticize China pub-
licly.69 Countries such as South Korea showed their concerns by

67. Then Prime Minister LIEN Chan issued a stern rebuke over the tests “I, repre-
senting the government, raise a serious protest and demand that Chinese Communists
stop this provocative behavior immediately.” Then the Foreign Ministry condemned
Beijing’s “unbridled behavior” and urged the international community to “uphold jus-
March 5, 1996, p. 6.
69. Nicholas D. Kristof, “Cautious Asian Allies Take Low-Key Approach to Chi-
simply stating impartial facts: Deputy Prime Minister Rha Woongbae said "the missile crisis across the Taiwan Strait has exposed instability at the core of Asia and highlighted political risk to regional economies." Many others bit their tongues for fear of annoying their increasingly powerful neighbors in Beijing. Indonesia was the most obvious case. Foreign Ministry spokesman Ghaffar Fadyl told Reuters that they were unconcerned at the planned exercises. "It seems to me to be an ordinary exercise conducted by many countries, so I have nothing to comment on this."70

Asian officials seldom voice menacing views of China in public. Some analysts note that Beijing has conflicting claims with South and North Korea, Japan and four Southeast Asian countries over maritime jurisdiction in vast areas with rich oil, gas and fish resources in the Yellow Sea, the East China Sea and the South China Sea. If Beijing can achieve its goals in Taiwan by military means, it may be encouraged to use similar methods to regain other territory that China claims it owns.71 True, most East Asia states all affirm the group's "one China" policy. However, many East Asian states are heavily dependent on trade, making them vulnerable to escalating military harassment. A safe and peaceful environment is needed to develop prosperous economies. East Asian countries did not want to be involved in the 1995-1996 Taiwan Strait Crisis.72

This policy was also manifested in Asian states' reactions towards the standoff between the United States and the PRC during the first week of April 2001. When a U.S. spy plane and a PRC F-8 fighter jet collided over the South China Sea, strained relations between Washington and Beijing frayed nerves throughout Asia. Many East Asia states worried that the standoff over the fate of the U.S. Navy surveillance plane and its 24 crewmembers on China's Hainan Island could upset markets and jostle fragile security arrangements elsewhere in the region.73 However, none of the Asian states would comment on the issue and all maintained a "neutral" position on the saga.74 Philippines president Gloria Macapagal-Ar-

72. Although the crisis did get much response from the states in East Asian, it caused the largest naval movement by the United States in the Asia-Pacific since the Vietnam War.
73. The U.S. Navy Ep-3E Aries II, with 24 crew aboard, was forced to make an emergency landing on China's Hainan Island.
royo said in a very whimsical way: "Very seldom do other countries get involved when elephants are pitted against each other."

VIII. CONCLUSION

East Asian States' rhetoric and practice toward the principle of non-intervention or non-interference have not been all consistent. Basically, most states in the region have repeated their willingness to maintain their traditional respect for the principle. On November 23-24, 2000, Southeast Asian leaders again proposed creating a new East Asian trade alliance that could redefine the continent's political and economic landscape. The group's relevance has also been called into question by its insistence on adhering to a non-interference doctrine, even in the case of military-ruled Myanmar, which is accused of human rights violations and the use of forced labor.

However, with the growth of globalization, the importance of human rights issues and broader definitions of security, the traditional concept of non-intervention has demonstrated flexibility in the last decade. To the extent that some form of intervention was allowed, it was to ensure the recovery of the economies or environment and their sustained future growth. Human rights concerns were not absent in some of the states. At ASEAN's Hanoi Summit, Vision 2020 commits ASEAN to work towards creating "caring societies" in which "all people enjoy equitable access to opportunities for total human development regardless of gender, race, religion, language, or social and cultural background." From March 31 to April 2, 2001, at the ninth meeting of the CSCAP Working Group on Comprehensive and Cooperative Security, government officials and scholars in the region tried to define the concept of human security. In the future, if domestic impulses towards human rights and democracy become stronger, and the role of non-state actors strengthens in the region, the concept of intervention for human

78. The Ninth Meeting of the CSCAP Working Group on Comprehensive cooperative Security, March 21-April 2, 2001, Wellington, New Zealand. Although the meeting did not have substantial consensus, all participants agreed that human security, including human rights, is becoming more important in the regional agenda.
rights causes will likely become more acceptable than before. In addition, issues that involve trans-frontier effects, such as environmental problems or economic cooperation, states are likely to be more frank towards each other. Nevertheless, governments would still exercise some restraint and abide by the old concept of the non-interference principle, particularly when the problem involved more self-confident and influential leaders in the region.
APPENDIX I

Summary of Discussions: Seventh Meeting of the
CSCAP Working
Group on Comprehensive and
Cooperative Security 1-2 December 1999,
Seoul, South Korea
Mely Caballero-Anthony and David Dickens

The CSCAP Working Group on Comprehensive and Cooperative Security held its Seventh Meeting in Seoul, Korea on 1-2 December 1999. The main objective of this meeting was to reflect on the principle of non-intervention in general and, in particular, to understand what this principle is and how it is applied in the Asia-Pacific context. The meeting discussed several papers presented by participants, which included an examination of their respective governments’ perspective on the principle of non-intervention.

The following themes emerged during the discussions.

1. Understanding and Clarifying the Concept of Non-Intervention

- The principle of non-intervention is a universally accepted norm in inter-state relations. It is guaranteed by the United Nations Charter that calls for non-interference in the domestic affairs of sovereign states and remains a fundamental principle governing international relations today.
- This principle is generally observed and strongly supported by countries in the Asia-Pacific.
- Intervention refers to the intervention in the domestic affairs of a state without that government’s consent.
- Intervention in domestic affairs of states is not the same and cannot be confused with the alternative concepts of “constructive intervention,” “constructive involvement,” “flexible engagement” or “enhanced interaction” which have been recently proposed by some states in the ASEAN region.

2. Challenges to the Principle of Non-Intervention

Some participants agreed that regional and global developments have provided the impetus for the current debate on the principle of non-intervention. These developments have led to calls
for possible reconsideration of the strict observance of and re-
thinking the relevance of the sacrosanct principle of non-interven-
tion. Among these developments raised by some participants are:

- The changing nature of post-Cold War international relations.
- The impact of globalization.
- The rapid economic development and economic integration of the Asia-Pacific region.
- The advances in technology and media revolution.
- The strengthening of civil society in many states.
- The increasing significance of the concept of human security.

However, some participants felt that these factors do not war-
rant a reconsideration of the principle of non-intervention.

3. Conditions for Intervention

In spite of the challenges to the principle of non-intervention, the meeting generally agreed that the sanctity of non-intervention must be upheld except in the case of humanitarian intervention as decided by the Security Council in accordance with the United Na-
tions Charter.

Humanitarian intervention is permissible in cases of gross viol-
ations of human rights. Some participants felt that in carrying out this function certain conditions must also prevail, such as:

- There must be consent from the local people.
- There must be support from the international community.
- There must be a clear and limited objective.
- There should be a high probability of success.

4. Responding to Challenges outside the Ambit of The Principle of Non-Intervention

The experience of ASEAN has been instructive in providing cases where states can respond to the challenges brought about by the rapid changes in the domestic and regional environment by be-
ing constructively involved without having to intervene or be perceived as intervening in each other’s domestic affairs.

In the non-traditional security areas, such as border problems, illegal migration, drug trafficking, and environmental disasters, ASEAN has demonstrated how cooperation can be enhanced fur-
ther to adequately address these issues. Yet, the meeting also real-
ized that the slow and incremental progress of cooperation within
ASEAN reflected the constraints and limitations that these regional states have in providing for effective regional mechanisms to resolve and manage these problems. The participants noted, however, that efforts were being made to enable ASEAN to more effectively address issues affecting their mutual peace and security through enhanced dialogue and cooperation.

5. Outstanding Issues

The discussions left open several relevant issues and important questions pertaining to the issue of intervention. These are:

- Mechanisms: how and in what form to intervene?
- Timing: when to intervene?
- Resources: whether there are sufficient financial and human resources?
- Role and legitimacy of regional organizations.

There were questions raised on how to deal with the issue of self-determination and handling the problem of secession, particularly on the question of which side to support: i.e. the government or the people concerned.

Finally, there was also the question of how to deal with creeping cases of human rights violations when these have not reached crisis proportion.
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