Humanitarian Intervention and the Question of Sovereignty: The Case of ASEAN

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Abstract

The Association of Southeast Asian Nations (ASEAN) has thrived as a regional institution that defends the traditional understanding of Westphalian sovereignty. In the post-Cold War era, however, pressure from within the international community to redefine sovereignty to accommodate humanitarian intervention has placed ASEAN in a difficult position. Historically, ASEAN has actively opposed the idea of humanitarian intervention. However, the ASEAN states have had to acknowledge that such a norm is emerging within the international society. Moreover, ASEAN’s inconsistent defense of its professed values, particularly its reaction to the US invasion of Iraq, has undermined ASEAN’s ability to defend the traditional definition of sovereignty.

Introduction

Until recently, the consensus within the international community was that the foundations of the international system were built upon Westphalian state sovereignty. This meant that sovereign governments were the final authority within their own states. States expected each other to practice non-intervention in the internal affairs of other sovereign states. This formulation of sovereignty is now under attack from many different quarters. Some critics of traditional state sovereignty argue that many states hide behind Westphalian principles when perpetrating heinous human
rights abuses against their own citizens. These critics argue that all states should meet certain basic standards of human rights. States failing to meet these standards should be subject to international sanctions, up to and including humanitarian intervention.

There are still many states willing to defend the traditional understanding of sovereignty. Most of the states of the developing world fear that “humanitarian intervention” can easily become a convenient excuse for more powerful states to justify their interventions in the affairs of weaker states. Moreover, there are strong ethical arguments to be made in favor of traditional sovereignty. Nonetheless, it seems clear that a new norm of humanitarian intervention is gradually emerging within the international system. While states continue to debate the circumstances under which such interventions should take place, there is a growing international consensus that the global community must act in situations involving the extreme abuse of human rights anywhere in the international system. “Sovereignty” must be redefined to encompass this new imperative.

This chapter evaluates the issues raised by the redefinition of sovereignty in the context of the states of Southeast Asia. The states of the Association of Southeast Asian Nations (ASEAN) have long championed traditional Westphalian sovereignty. Indeed, as we shall see, ASEAN’s fundamental principles are committed to a vision of the international system that presents non-intervention and state autonomy as the core values of regional interaction. This chapter critically evaluates how the changing international ethics of sovereignty may affect the operation of these principles. As the rules of sovereignty change, how will ASEAN respond, and what are the implications of this normative shift for the state-building process within Southeast Asia?

The following discussion focuses upon humanitarian intervention as an ethical shift in the international understanding of sovereignty. This concern with humanitarian intervention is part of the influence that political globalization is having on the international system. This chapter does not address the challenge to sovereignty from economic globalization. Nonetheless, the discussion of ASEAN necessarily includes an implicit consideration of the economic effects of globalization. ASEAN’s struggle with the changing definition of sovereignty includes an effort to defend sovereign authority from the encroachments of international economic forces. This is part of ASEAN’s larger struggle to come to terms with the principle of non-intervention.