



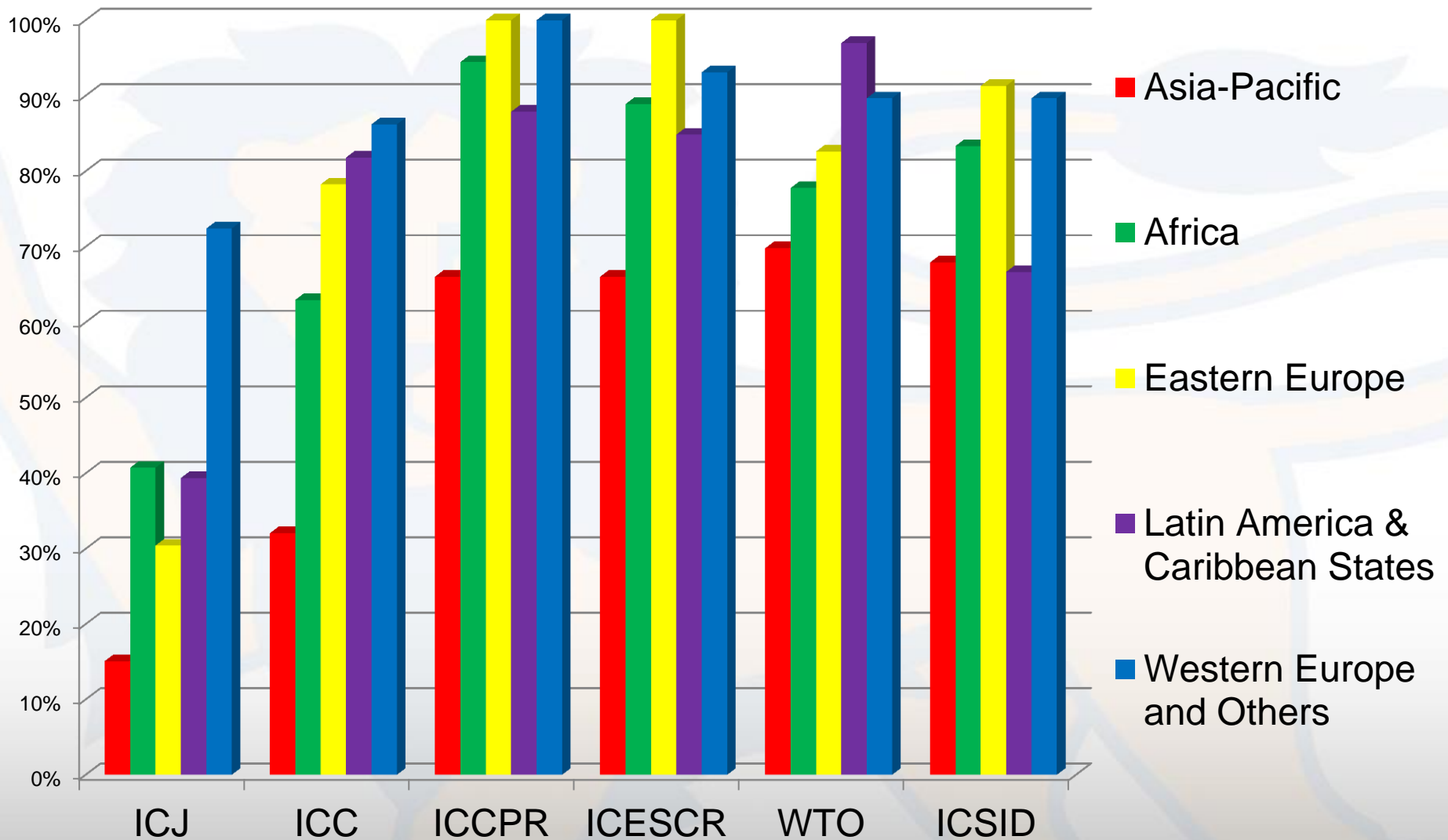
Asia's Ambivalence About International Law & Institutions: Past, Present, and Futures

Dr. Simon Chesterman

Dean and Professor of Law

Faculty of Law

National University of Singapore



Outline

1. Past

- a) The legacy of colonialism
- b) Unequal treaties
- c) Post-War trials

2. Present

- a) Is Asia's under-participation significant?
- b) How might we explain it?

3. Futures

- a) Status quo
- b) Divergence
- c) Convergence



The trial of Warren Hastings in Westminster Hall (1789).
Engraver; Pollard, R. Aquatinter; Jukes, F. Artist; Dayes, E.
Medium; Aquatint



Henri Meyer - Illustration from supplement to "Le Petit Journal", 16 January 1898.



INTERNATIONAL
MILITARY
TRIBUNAL
FAR EAST



和平共处五项原则 发表六十周年纪念大会



Conference Marking the 60th Anniversary
of the Five Principles of Peaceful Coexistence

2014年6月28日 北京
June 28, 2014 Beijing



Outline

1. Past

- a) The legacy of colonialism
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- *Regional institutions*
- *Treaties*
- *Voice*
- *Dispute settlement*

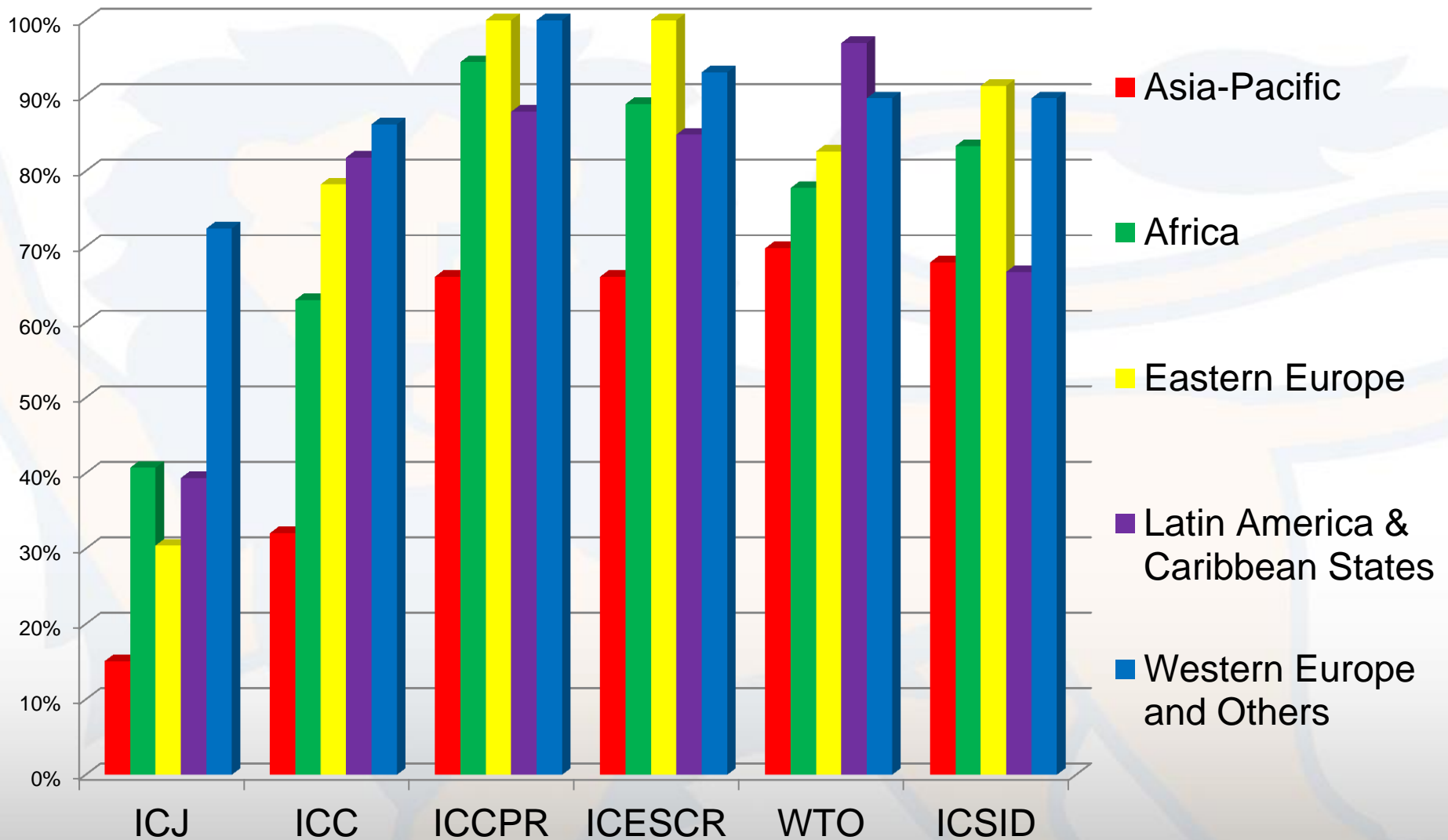
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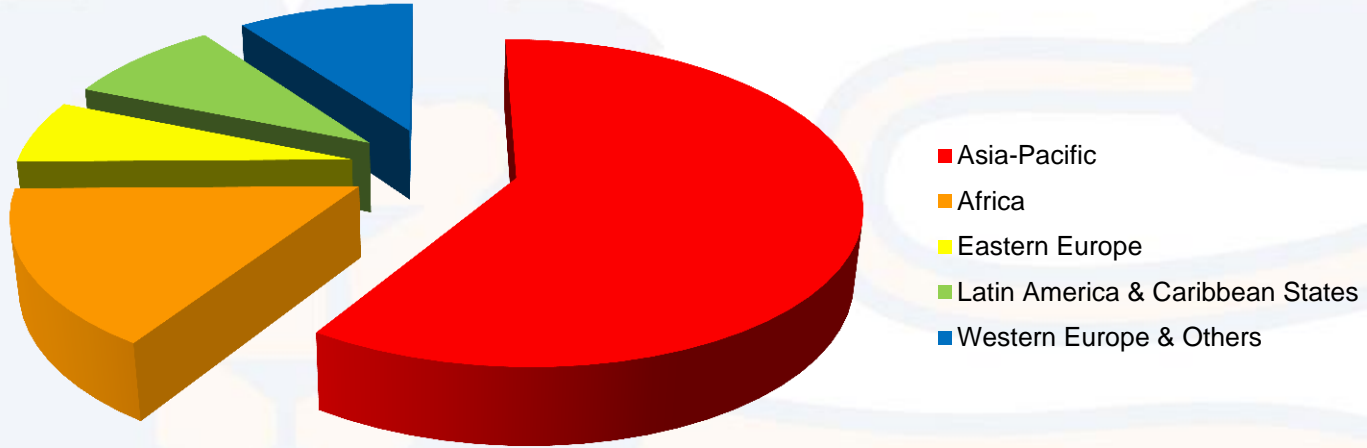
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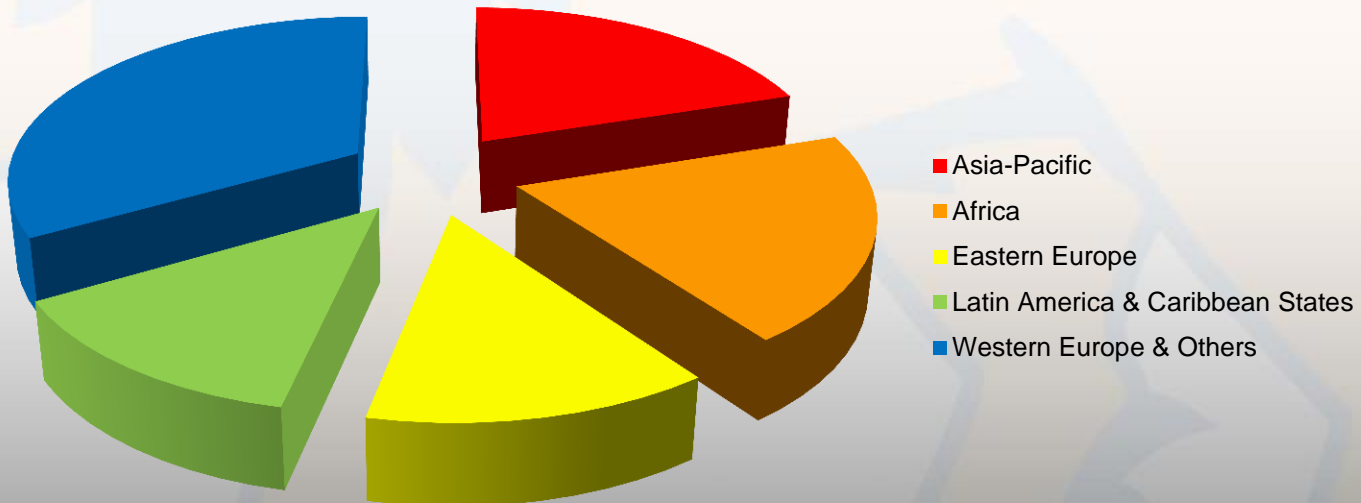


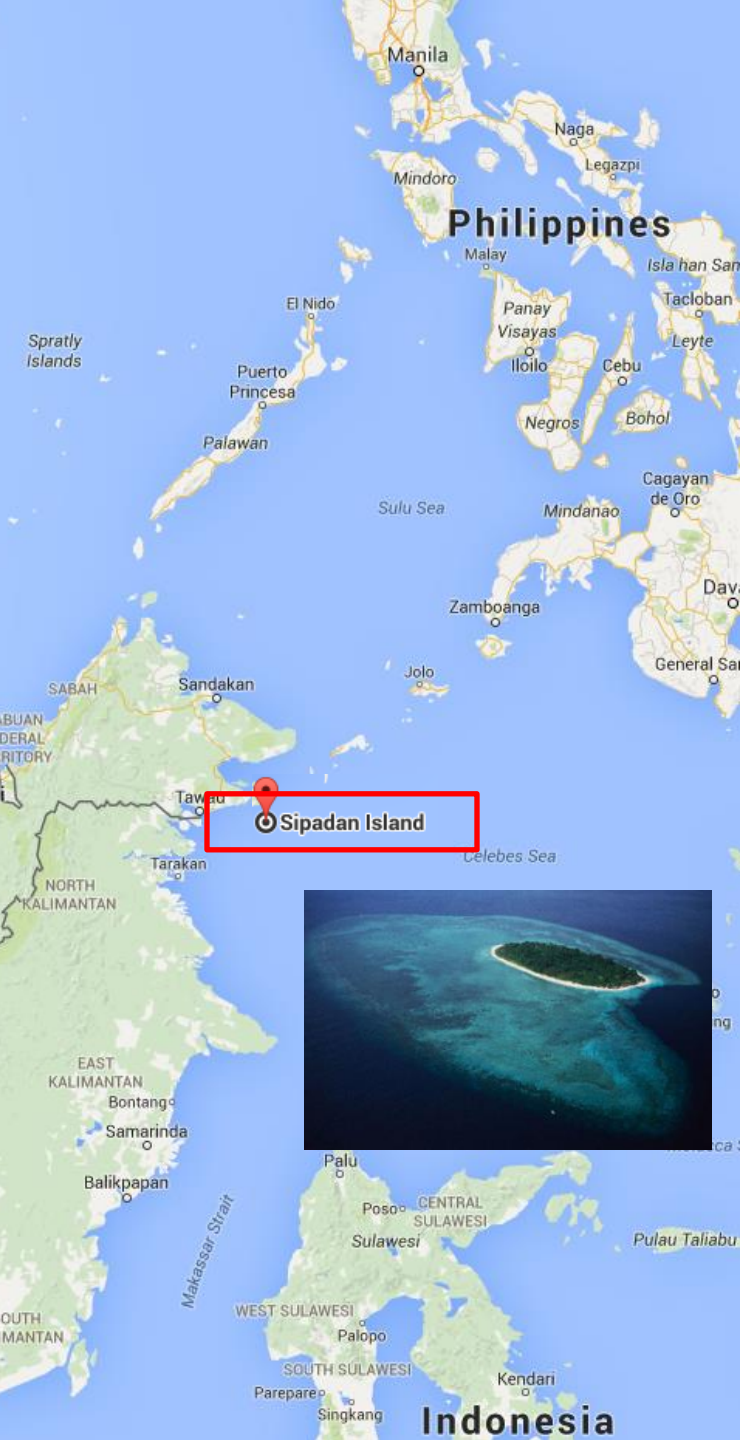


Population



Seats on UN Security Council





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- a) Is Asia's under-participation significant?
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- *History?*
- *Diversity?*
- *Power?*
- *Inertia?*

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GLOBAL TRENDS 2030:

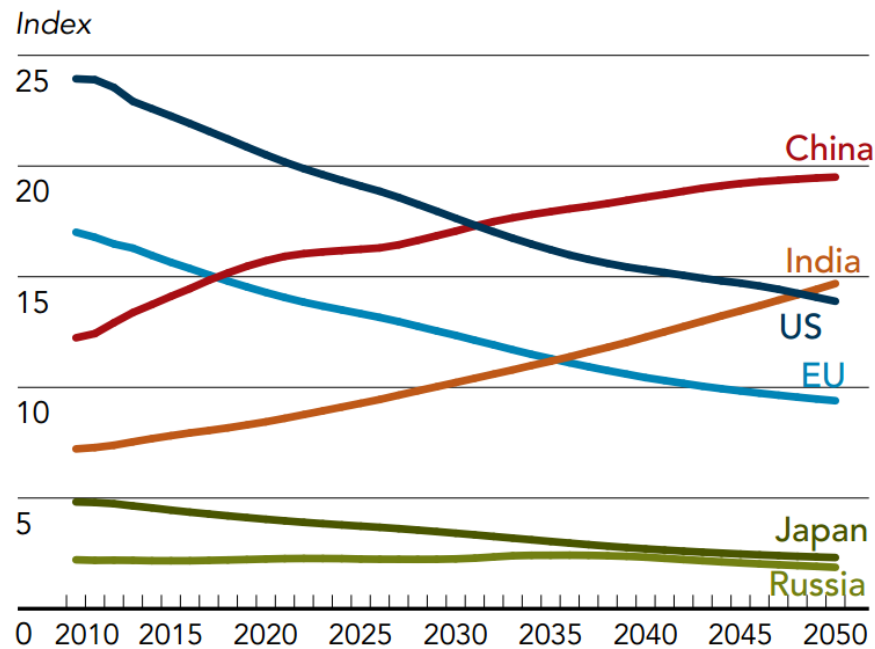
ALTERNATIVE WORLDS

a publication of the National Intelligence Council

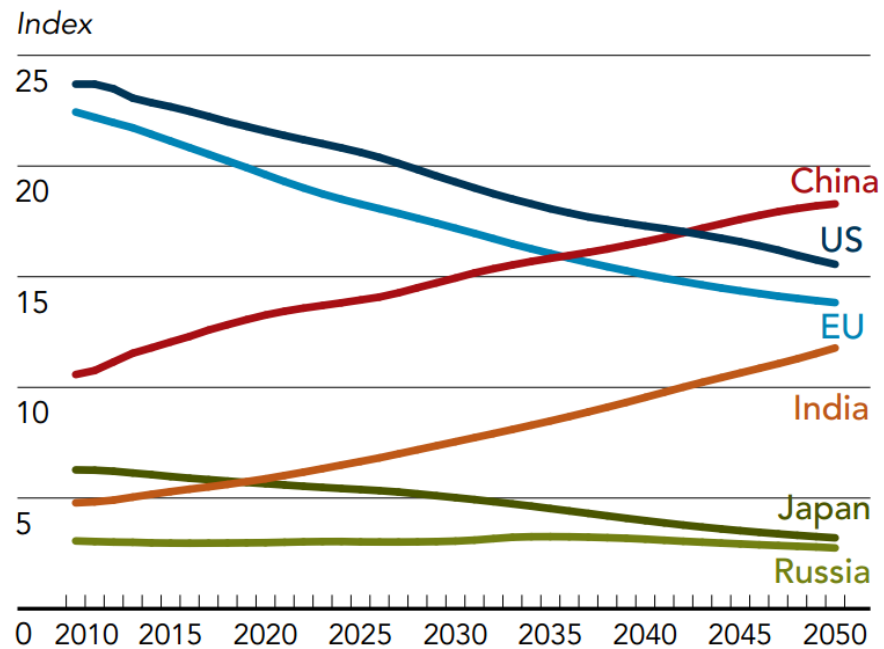


Westphalia

Traditional, Four-Component Power Forecast



New Multi-Component Global Power Index Forecast



Bangkok Declaration (1993)

- While human rights are universal in nature, they must be considered in the context of a dynamic and evolving process of international norm-setting, bearing in mind the significance of national and regional particularities and various historical, cultural and religious backgrounds

Vienna Declaration and Programme of Action (1993)

- While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms.

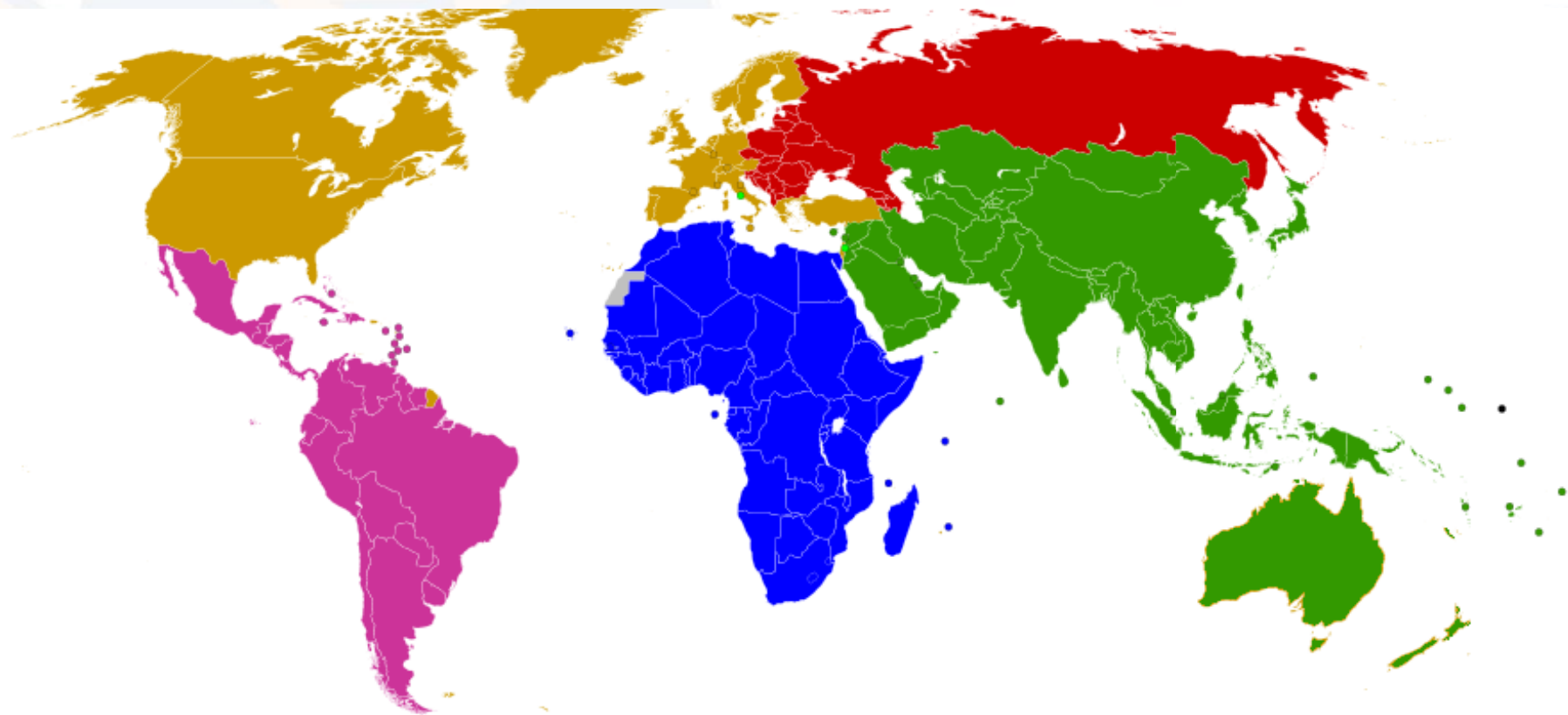
ASEAN Human Rights Declaration (2012)

- All human rights are universal, indivisible, interdependent and interrelated. ... At the same time, the realisation of human rights must be considered in the regional and national context bearing in mind different political, economic, legal, social, cultural, historical and religious backgrounds

AIIB

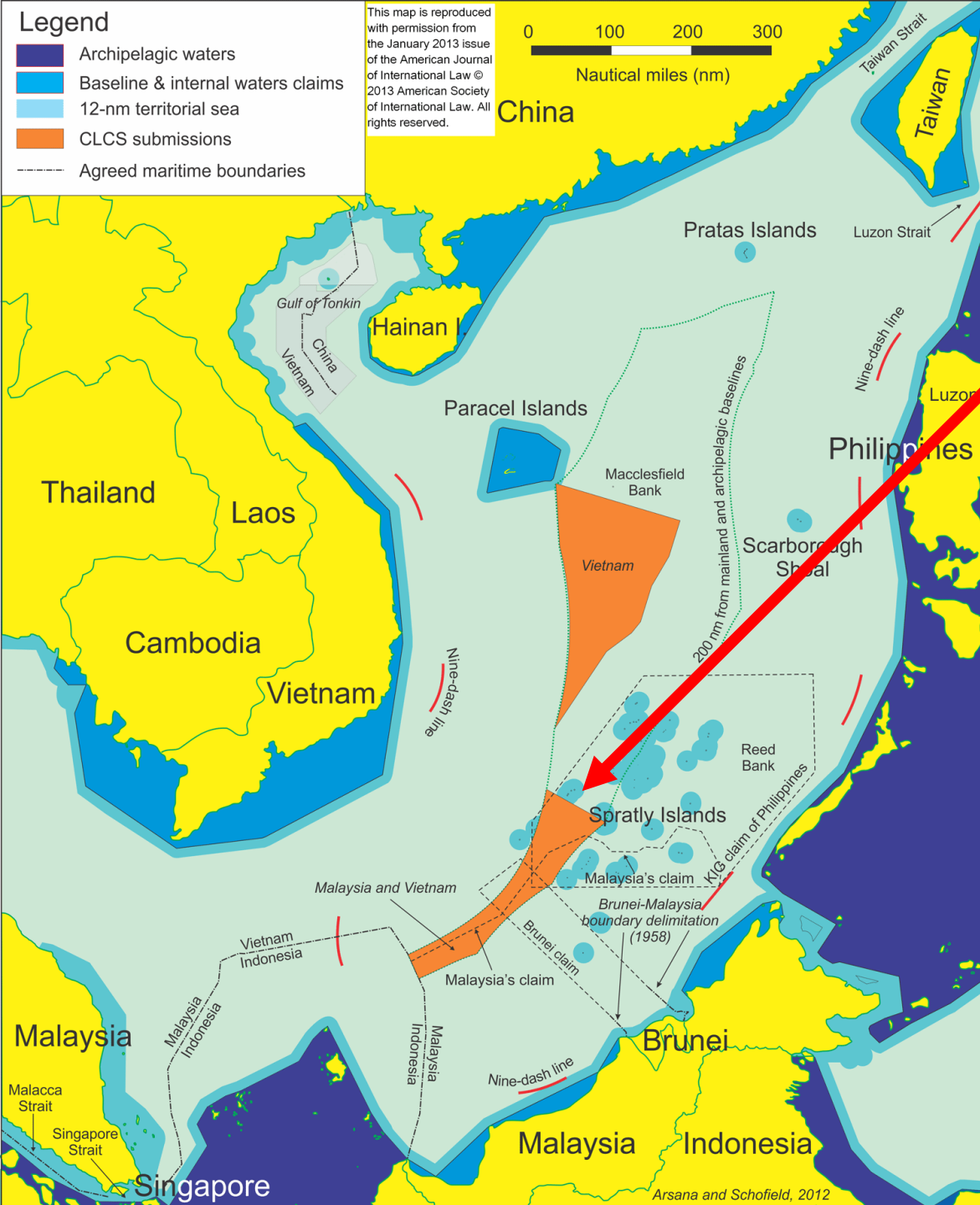
The Asian
Infrastructure
Investment Bank

The Multilateral
Interim
Secretariat



- Legend**
- Archipelagic waters
 - Baseline & internal waters claims
 - 12-nm territorial sea
 - CLCS submissions
 - Agreed maritime boundaries

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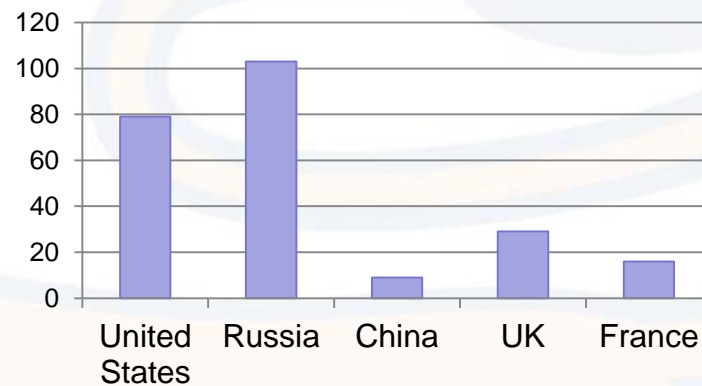
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 - c) Convergence
- *Eastphalia?*
 - *Regionalization?*
 - *Parallel institutions?*
 - *China on the UNSC?*
 - *Investment law?*
 - *Diplomacy?*

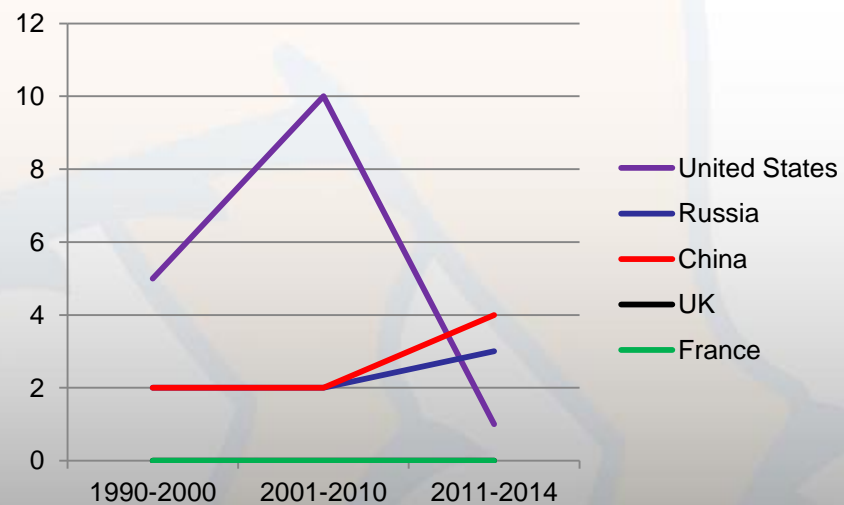
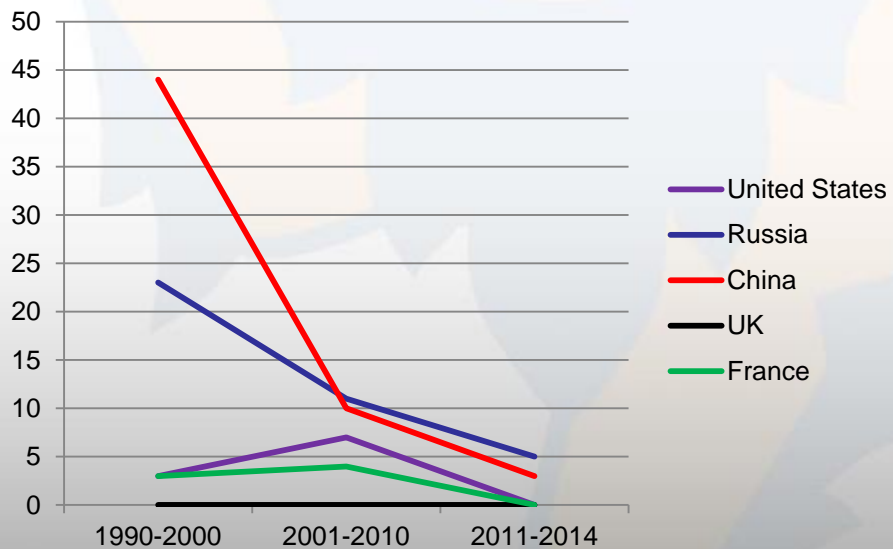


P5 vetoes on UNSC

1946-2014



P5 abstentions on UNSC



1950s–1964
Era of Infancy

New IIAs: 37
Total IIAs: 37
New ISDS cases: 0
Total ISDS cases: 0

1965–1989
Era of Dichotomy

New IIAs: 367
Total IIAs: 404
New ISDS cases: 1
Total ISDS cases: 1

1990–2007
Era of Proliferation

New IIAs: 2663
Total IIAs: 3067
New ISDS cases: 291
Total ISDS cases: 292

2008–today
Era of Re-orientation

New IIAs: 410
Total IIAs: 3271
New ISDS cases: 316
Total ISDS cases: 608

Independence movements

**New International
Economic Order (NIEO)**

**Economic liberalization and
globalization**

**Development paradigm
shift**



INTERNATIONAL MONETARY FUND

INTERNATIONAL MONETARY FUND



CHRISTINE
LAGARDE