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

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

2014年6月28日 北京
June 28, 2014 Beijing
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GLOBAL TRENDS 2030:
ALTERNATIVE WORLDS

a publication of the National Intelligence Council
Westphalia
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.
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3. Futures
   a) Status quo
      • Regional institutions
      • Treaties
      • Voice
      • Dispute settlement
      • History?
      • Diversity?
      • Power?
      • Inertia?
   b) Divergence
      • Eastphalia?
      • Regionalization?
      • Parallel institutions?
   c) Convergence
      • China on the UNSC?
      • Investment law?
      • Diplomacy?
## Evolution of Investment Disputes

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<th>Era</th>
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### Independence movements

- New International Economic Order (NIEO)
- Economic liberalization and globalization
- Development paradigm shift