Revisiting the Principle of Non-Intervention: A Structural Principle of International Law or a Political Obstacle to Regional Security in Asia?

Friday 13 April 2012  1–2pm (light lunch provided)

Friday Lunchtime Seminar Series
Dr Hitoshi Nasu  ANU College of Law

Phillipa Weeks  Staff Library, ANU College of Law (Bldg 5), Fellows Road, The Australian National University

It has been observed that Asian states have maintained a strict interpretation of and adherence to the principle of non-intervention. In the contemporary, globalized world, the principle of non-intervention remains a significant legal issue particularly for regional effort to address a wide range of transnational security issues in the absence of a regional collective security mechanism. This paper revisits the principle of non-intervention with a particular focus on the application and interpretation of the principle by Asian states for the purpose of considering its implications for regional efforts to address transnational security issues. To that end, this paper advances three main arguments. First, the principle of non-intervention needs to be interpreted, not simply by reference to the practice of international organizations, but more importantly by examining the views expressed by individual states as to what is considered to be an intervention into matters within the domestic jurisdiction of a state in the context of a specific situation that confronts them. Second, Asian states’ approach to the principle of non-intervention has been shaped by the imperative of their own security concerns that prevailed at different points in time. Third, the emerging regional norm of comprehensive security requires an institutionalized mechanism to ensure that the principle of non-intervention is maintained only to the extent necessary to protect the security of national regime without impinging upon regional efforts to address transnational security issues.

Dr Hitoshi Nasu is a senior lecturer in law at the Australian National University, teaching international law, international security law, international humanitarian law, military operations law, and migration law. He is currently the convener of the LL.M. in International Security Law stream, which is launched at the ANU College of Law in 2012, and a co-director of the Australian Network for Japanese Law (ANJeL). He holds Bachelor and Masters degrees in political science from Aoyama Gakuin University and a Masters degree and a PhD in law from the University of Sydney. He is the author of International Law on Peacekeeping: A Study of Article 40 of the UN Charter (Martinus Nijhoff, 2009) and a co-editor of Human Rights in the Asia-Pacific Region: Towards Institution Building (Routledge, 2011).

The views expressed in this seminar are those of the presenter and do not necessarily represent the views of The Australian National University

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