

"intrusiveness" with the desirability of safeguarding certain key areas of national, "sovereign" Canadian interests;

- (6) there needs to be a better understanding among Canadian jurisdictions and the general public about the nature of an "intrusive" international order and its long term implications for national interests in various policy areas.
- (7) specific areas for possible Canadian initiatives might include: compulsory dispute-settlement mechanisms in the CSCE; an enhanced conflict prevention centre under the CSCE, with NATO as the security arm of the CSCE process; continued work on human rights "implementation" in the lead up to the 1993 World Conference, and a more vigorous United Nations role in peace-making, complementary to the traditional forms of peace-keeping.

1. The Old Inter-State System

A. Sovereignty:

The modern international legal system is anchored to the twin concepts of the nation-state and national sovereignty. These imply the exclusive jurisdiction of a state over specific territory or territories and over a more or less defined population. In brief, sovereignty can be defined as "the condition of being constitutionally independent", which underpins the legitimacy of the nation-state.

These concepts have given rise to two other principles which are seen as integral to national sovereignty: territorial integrity and political independence. The modern international order and its institutions, such as the United Nations, have been built on a foundation of membership by allegedly single, separate and sovereign entities. Consequently, states - rather than individuals or groups - have been considered the principal subjects of international law. The United Nations entrenched the idea of the sovereign equality of states in its Charter; Article 2.4. reads: "All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations."

Prior to the Second World War, this "statist" concept of international relations was amply reflected in the distinction between domestic and international affairs, defined in Article 2.7 of the United Nations Charter. In essence, the protection of human rights, as well as other national actions affecting the "subjects" of states, were considered purely domestic affairs and beyond the reach of international law. What a state did to its nationals was its own business.