21世紀の課題
平和と安全保障を考える

ISSUES FOR THE 21ST CENTURY
THINK PEACE AND SECURITY

ENJEUX POUR LE 21E SIÈCLE
PENSEZ PAIX ET SÉCURITÉ

April 17 / *17 avril 2001*
2001年4月17日
Canadian Embassy / *Ambassade du Canada, Tokyo*
カナダ大使館　東京

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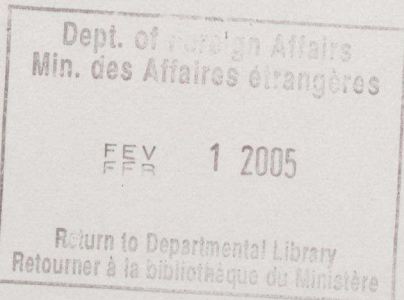Canadian Embassy / *Ambassade du Canada, Tokyo*
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Preface

As part of the *Think Canada Festival 2001,* the Canadian Embassy organized in Tokyo on April 17th a symposium on *Issues for the 21ˢᵗ Century: Think Peace and Security.* The objective of this symposium was to reinforce Canada-Japan collaboration on peace and security issues and to explore critical peace and security challenges faced by both countries at the opening of the 21ˢᵗ century.

The *Think Peace and Security* symposium brought together a select group of Canadian and Japanese experts, including former Canadian Foreign Minister the Honourable Lloyd Axworthy, and former UN Under-Secretary-General for Humanitarian Affairs Yasushi Akashi. The symposium focused on present and future challenges in key areas, including: international institutions and peace and security; state sovereignty and security; humanitarian intervention; the impact of technological change on peace and security; and, issues in maritime security. The scale and reach of this symposium was a first for Canadian security cooperation with Japan, providing a unique opportunity to expose Japanese experts to Canadian thinking and, at the same time, enabling participants to expand their networks of contacts.

We wish to thank all of the distinguished speakers and commentators who participated in our *Think Peace and Security* symposium for their innovative contributions. These provided for dynamic discussions and offered a wealth of interesting new ideas for broader, longer-term collaboration. We would also like to express our sincere appreciation to our university partners in this undertaking for their invaluable assistance: York University's Centre for International and Security Studies; and, Keio University. As well, we thank the Asahi Shimbun for its extensive coverage of, and support for, this event.

This publication contains the papers of five Canadian speakers at the *Think Peace and Security* symposium, the keynote speech by former Foreign Minister Axworthy, as well as comments from Japanese experts made in response to the Canadian presentations. The opinions expressed herein represent the views of the individual authors and not necessarily those of the Government of Canada or of the respective Canadian and Japanese institutions.

Rob Wright
Ambassador

Préface

Dans le cadre du *Festival Pensez Canada, 2001,* l'Ambassade du Canada à Tokyo a organisé, le 17 avril, un symposium sur *les Enjeux pour le 21ème siècle: Pensez paix et sécurité.* Le but était de renforcer la collaboration Canada-Japon en matière de paix et de sécurité, et d'examiner les grands défis des deux pays à l'aube du nouveau siècle.

Le Symposium a rassemblé un groupe d'éminents spécialistes, dont l'ex ministre canadien des Affaires étrangères, l'honorable Lloyd Axworthy et l'ex Sous-Secrétaire Général des Affaires humanitaires de l'ONU, M. Yasushi Akashi. On y a abordé les défis d'aujourd'hui et de demain, dans des domaines critiques tels que les institutions internationales et la paix et la sécurité; la souveraineté et la sécurité; l'intervention humanitaire; les répercussions des changements technologiques sur la paix et la sécurité; et les questions de sécurité maritime. D'une ampleur sans précédent pour notre coopération bilatérale en matière de sécurité, l'événement constituait une rare occasion d'exposer la perspective canadienne aux experts japonais, tout en permettant aux participants d'élargir leurs réseaux.

Nous tenons à remercier tous les éminents conférenciers et les intervenants pour leurs apports innovateurs, qui ont nourri de vifs débats et semé une profusion d'idées originales susceptibles de porter encore plus loin notre collaboration. Nous désirons également exprimer toute notre gratitude à nos partenaires universitaires pour leur aide inestimable: le Centre d'études internationales et de sécurité de l'Université York et l'Université Keio. Nous tenons aussi à remercier le journal Asahi pour ses reportages en profondeur et son appui.

Cette publication réunit les rapports des cinq conférenciers canadiens, le discours-programme de l'ex ministre Axworthy, ainsi que les commentaires des experts japonais. Les opinions exprimées sont celles des auteurs et ne représentent ni les opinions du gouvernement canadien ni celles de leur propre institution ou organisation.

Rob Wright
Ambassadeur

序文

　「見えてくる、カナダ２００１」の一環として、カナダ大使館は4月17日、東京にてシンポジウム「21世紀の課題：平和と安全保障を考える」を開催しました。このシンポジウムの目的は、平和安全保障問題における日本・カナダ間の協力強化並びに21世紀初頭に両国が直面している重大な平和安全保障問題の探求でした。

　「平和と安全保障を考える」シンポジウムには、明石康元国連人道問題担当事務次長やロイド・アクスワージィ前外務大臣等、日本とカナダの卓越した専門家が参加し、国際機関と平和安全保障・国家主権と安全保障・人道的介入・平和と安全保障に与える技術革新の影響・海洋安全保障問題といった現在並びに将来の課題が取り上げられました。このシンポジウムほどの規模の大きさと範囲の広さはカナダの日本との安全保障協力にとって初めてのことで、日本の専門家にカナダの考え方に接する絶好の機会を提供すると共に、参加者は交流を深める事ができました。

　「平和と安全保障を考える」シンポジウムに御参加いただいた素晴らしい発表者並びにコメンテーターの方々すべての創造的な貢献に感謝申し上げます。ダイナミックな議論と、より広範囲で長期的な協力に向けての興味深く新しいアイデアの数々を提供してくださいました。また、本イベントの実現に向け貴重な御協力をいただいた慶応大学並びにヨーク大学国際安全保障研究センターに心から感謝申し上げます。同様に、このイベントを大きく取り上げてくださり、御支援いただいた朝日新聞にも感謝申し上げます。

　この出版物は、「平和と安全保障を考える」シンポジウムにおける５人のカナダ人の発表内容、アクスワージィ前外相による基調演説、並びにカナダ側の発表に対する日本側の専門家のコメントを収録しています。これらは個人の見解であり、必ずしもカナダ政府や日本・カナダの各所属機関の見解ではないことをお断りしておきます。

ロブ・ライト
大使

Contents

Table des matières

目次

ISSUES FOR THE 21ST CENTURY
THINK PEACE AND SECURITY

Welcome Address by Ambassador Edwards

Distinguished speakers and participants at this *Think Peace and Security* symposium, ladies and gentlemen,

Ohaiyou Gozaimasu, good morning, bienvenue à l'Ambassade du Canada.

Welcome to the opening of a symposium that promises both to enrich our appreciation of key issues we face in these early moments of the 21st century, as well as provide us with exciting new ideas for future bilateral cooperation.

Over the past years, Canada-Japan collaboration on peace and security issues has evolved from a seemingly improbable idea, to become an important and dynamic aspect of our relationship. We have seen our two countries cooperating closely on dramatic and important new undertakings, such as the hard fought and highly successful campaign to ban anti-personnel landmines. We have organized, together, initiatives in the ASEAN Regional Forum, touching on peacekeeping and the control of small arms. And, we have created and run a number of very successful, high-profile events, including our Symposium on Peacebuilding for Development in 1999, at the time of the visit of Team Canada to Japan, and two key bilateral symposia on peace and security cooperation in Vancouver and, last November, here in Tokyo.

En parallèle, bien que de façon moins visible, nous avons établi un mode de coopération au niveau de travail sur des questions d'intérêt commun, comme l'effort international pour contrôler et éliminer les armes de destruction massive. Ces échanges se sont étendus aux fonctionnaires de différents ministères - par exemple aux Affaires étrangères et dans nos agences de développement international et de défense - et aux membres des ONG, des universités et des centres de recherche. Nous avons fait des progrès constants et notre coopération bilatérale s'est enrichie.

It is in this positive spirit of Canada-Japan collaboration that we offer today a symposium designed to explore key peace and security challenges faced by both countries at the opening of the 21st century. In the Asia Pacific region we are experiencing a time of great change - regional balances are shifting, new powers and challenges are emerging. Today's *Think Peace and Security* symposium promises to examine these factors in a forward looking manner, with presentations by Canadian and Japanese experts that are both challenging and innovative.

The symposium will begin with a look at 'Perspectives on Asian Peace and Security in the 21st Century.' Professor David Dewitt, of York University's Centre for International and Security Studies, will develop for us his views on this issue, based upon a long and rich career focused on issues of Asian security. His remarks will be the subject of a commentary by Dr. Tomoyuki Kojima of Keio University.

Our keynote speaker will be Dr. Lloyd Axworthy, former Foreign Minister of Canada, and currently Director and CEO of the Liu Centre for the Study of Global Issues in Vancouver, who will direct us in 'Rethinking State Sovereignty and Security in the 21st Century.' Dr. Axworthy is a Canadian of international renown; a statesman who, while foreign minister, succeeded in convincing the world's governments and leaders of the need to treat as important the well-being not just of states, but of individual persons as well. Dr. Axworthy's presentation will be the subject of comments by Mr. Kazumoto Momose, Senior Writer with the Asahi Shimbun.

In the afternoon we will offer four sessions, each on a different challenge for peace and security. The first will look at 'International Institutions and Peace and Security: Future

Directions' with a presentation by a Canadian scholar well known in both Canada and Japan, Dr Kal Holsti, of the University of British Columbia. Dr. Holsti's remarks will be commented on by a scholar and practitioner of international renown, Mr. Yasushi Akashi, Chairman of the Japan Centre for Preventive Diplomacy, and former Under-Secretary-General of the United Nations.

Session two will address a topic of considerable current interest and controversy, that of 'Humanitarian Intervention: Ethics and International Law.' We will hear a presentation by one of Canada's leading scholars in the field of international law, Dr. Craig Scott, of Osgoode Hall Law School. We will then be offered comments on this presentation by Professor Yozo Yokota, recently of the University of Tokyo, and currently Professor at Chuo University and Special Advisor to the Rector of the United Nations University.

Our third afternoon session will look at a the 'Impact of Technological Change on Peace and Security' in a presentation by Professor Ronald Deibert of the University of Toronto. This is a 'leading-edge' theme that will occupy us a great deal in the months and years to come. Professor Yuzo Murayama of Osaka's University of Foreign Studies will offer comments.

And finally, in the afternoon's fourth session, we will look at an issue of considerable importance to countries like Japan and Canada, with significant maritime interests. Canada's Special Advisor on Policy to our Maritime Forces Pacific Headquarters, Dr. Jim Boutilier, will speak on 'Issues in Maritime Security.' Commenting on Dr. Boutilier's presentation will be Professor Naoyuki Agawa of Keio University.

Before we begin, however, I would like to encourage all participants and guests to actively engage in discussions. You have all come here today out of interest in these issues, and I invite you to share your own expertise and experience with others, to exchange and challenge ideas. This is an opportune forum to present challenging new ideas and explore new territories. I hope that this forum will provide all participants with an expanded network of contacts, illuminate new areas for collaboration and help enshrine the critical habit of dialogue. At the same time, as we seek to build upon the successes realized thus far in our bilateral cooperation, I hope that your deliberations will provide us with a wealth of productive new ideas for future development to further expand and enrich our relationship.

Alors, commençons sans plus tarder le *Symposium sur la paix et la sécurité*. La journée s'annonce passionnante. Le menu intellectuel que nous proposons couvre une variété de sujets comme on n'a jamais vue pour une période de discussion aussi courte. C'est une occasion unique de démontrer et de célébrer le dynamisme de la relation entre le Canada et le Japon.

Again, let me welcome you all, participants and guests, to this, the Canadian Embassy's first *Think Canada*: *Think Peace and Security* event. And let me extend a special thank you to both Keio and York universities and the Asahi Shimbun for the extensive support they have provided in organizing this symposium.

Now, let me turn to Professor Dewitt, and ask him to begin with the symposium's opening address. Professor Dewitt, if you please.

2

PERSPECTIVES ON ASIAN PEACE AND SECURITY IN THE 21ST CENTURY

David B. Dewitt, Director
Centre for International and Security Studies
Professor of Political Science
York University
Toronto, Canada

I. Introduction

International relations scholars have been beset by dichotomous understandings. For instance, some scholars assume that the norm is conflict; while for others it is cooperation; both believe that military capability is necessary, one to prepare for war, the other to avoid it; and both sides in this debate often imbue the exact same factor — the military — as the cause of the consequent but different outcome. The realist tradition, dominant though no longer unchallenged in the western literature, argues that in the absence of some supra-national body which can enforce authority and thereby manage relations between autonomous states, inter-state politics reduces itself to Hobbesian self-help. Peace and stability are the exception and, in any case, are transitory; insecurity and conflict, struggle and violence will be the norm as states challenge based on their material conditions and derivative interests. These scholars view the late 20th Century emergence of a more coherent and distinct regional interstate system within Asia as merely another phase in the journey, one which is as fraught with conflict and with the potential for major war as in the past, only now with the added destructive potential of modern weapons.

On the other hand, liberal theorists are more optimistic, seeing that in the face of these material and structural conditions there are also forces which temper the tendency towards competition and conflict. As the American scholar Aaron Friedberg recently commented, "following Immanuel Kant, most contemporary liberals base their optimism about Asia (and about the world as a whole) on the pacifying effects of increased economic interdependence, the spread of democracy and the growth of international institutions. Liberal theorists have always believed that capitalism and trade would be potent forces for peace."[1] Combining this with the evolution of the contemporary multilateral system and the slow but, as some would hope, inexorable spread of democracy, and one has a recipe for the belief that peace and security will be the legacy of this new century. For liberals, interaction brings cooperation and a perceived realization of the mutual benefits which accrue from avoiding conflict, what Karl Deutsch many years ago, when exploring the future options for post-war Europe, thought of as a security community. Globalization, essentially a market phenomenon, adds new dimensions to the meaning of borders and boundaries, of institutions and agencies, and of cooperation and conflict. Globalization is thus an important variable in the quest for peace and security.

The mandate I have been given is to explore "perspectives on Asian peace and security in the 21st Century" and thus set the stage for the papers which are to follow, themes which will move us to consider a broad range of issues which concern the larger international community. The task I face is daunting. It is somewhat presumptuous if not foolhardy for

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[1] Aaron L. Friedberg, "Will Europe's Past Be Asia's Future," *Survival* 42:3 (Autumn 2000): 147-59.

anyone to predict outcomes when the issues to be faced are of such complexity and uncertainty. Nor do I wish to foolishly identify one factor as more important than any other just because it has a singular regularity which, on the surface, seems to be critical, and thereby blinds me to the many other qualities which are contingent and possibly even determining. I should declare, therefore, that while I would prefer to believe that the liberal theorists of international relations are correct — that interactions and learning temper conflict and promote cooperation while military force is there to prevent war and to facilitate negotiated resolutions to disputes -- I acknowledge that the historical record favours the realists where a combination of material and ideational interests create dynamics of competition and conflict, and where the military contribute to the classic security dilemma and thereby are as provocative as they are reassuring.

The question is whether the first years of the 21ˢᵗ Century are ushering in a period in Asia in which the costs of conflict and the benefits of cooperation significantly exceed any perceived gains from violence? Moreover, can this be achieved with only relatively weak international institutions, in a region of tremendous inequalities, where both major powers and lesser states are struggling with profound domestic changes, often including challenges to authority, where through the forces of globalization many have a sense that they are not able to control their own economic destiny, and where the 1997-98 Asian financial crisis seems to have provided only a temporary pause in the upward trend in military expenditures while calling into doubt the earlier models of Asian development?

Kurt Campbell, a former senior official in the Clinton administration, is but one of a number of analysts who recently have noted that "the last ten years have led many observers to expect predictability and rationality in the progression of Asian events." He observes that while "some commentators have tended to play down the consequences for Asia of the conclusion of superpower competition...the end of the Cold War in fact triggered a series of crucial events in Asia whose ultimate manifestations will only be realized in the coming years."[2] Although there are no surprises here, it would be useful at least to take a moment to be reminded of these events and some of the related issues.[3]

- First, the end of American-Soviet rivalry removed a core rationale for Sino-US cooperation and freed up American resources which, from the Chinese perspective, are seen as being redeployed in an effort to contain China's emergence as a significant regional and international presence. We are witnessing the evolution of more strained relations between China and the US, and unless a new foundation for this especially important bilateralism is found, it is likely to aggravate both China's domestic affairs as well as its foreign relations. China's policies on the Taiwan Straits issue, the Korean Peninsula, the South China Sea disputes, and on nuclear and related WMD and missile proliferation are increasingly at odds with positions held by many states, not least Japan and the United States, though we must acknowledge that recent American policy, including of course ballistic and theatre missile defence, contribute significantly to Chinese discomfort and to its perceived degrees of freedom. China's

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[2] Kurt M. Campbell, "The Challenges Ahead for U.S. Policy in Asia," *FPRI E-Notes* (March 30, 2001); the complete text is forthcoming in the summer 2001 issue of *Orbis*.

[3] Some of the events noted in this section are drawn from the already cited Campbell and Friedburg, but also from a wide range of other sources. In general, there are no surprises here; the issue is more what one makes of these various events or situations.

place in regional security issues, including within the ASEAN Regional Forum, although now somewhat more flexible, remains a matter of concern.

Further, the complex set of domestic as well as foreign implications of accession to the World Trade Organization, some of which may feed the fissiparous tendencies within modern China which have lain dormant for the last one hundred years, others likely to challenge the economic competitiveness of both the high technology and the labour intensive industries of Northeast, Southeast, and South Asia, are likely to further aggravate China's engagement of its neighbours as well as the larger international community. Moreover, should even the more modest energy projections for the next fifteen to twenty years be accurate, we will be witnessing a China which consumes more oil than the European Union, whose energy consumption by 2020 is expected to equal that of all OECD countries combined, whose dependence on off-shore sources heightens its vulnerabilities to externalities,[4] making both the South China Sea and its overland routes into Central and Western Asia even more vital, and therefore offering strong impetus to a slow but steady buildup of military capacity, especially one with power projection capabilities. A more benign and even optimistic view, of course, could read these same factors as favouring the creation of a strengthened multilateral cooperative security system involving the principal regional states in which new ways of accessing and transporting oil and natural gas facilitates both economic and diplomatic opportunities of benefit to all, confirming China as a responsible regional ally.

- Second, the revised US-Japan security agreements and defence guidelines continue to provide the most significant strategic framework in East Asia. However, given the tensions between Japan's concern, on the one hand, with the continued political will of the United States to remain engaged, and on the other, the political sensitivity throughout the region with continued American forward deployment, Japan has begun to explore the potential expansiveness of its security identity and defence perimeter although remaining sensitive to its own historical legacy. Given the potential capabilities of the JSDF, this is of some concern to others in Northeast Asia. While attempting to reposition itself on both foreign and defence policies, Japan faces serious domestic economic, institutional, and political challenges which affect both regional and global issues. Whichever choices the Japanese government and people make, any progress on the creation of a stable and cooperative security environment in Northeast Asia is dependent on Japan's capacity to take a nuanced but nevertheless leadership role in reassuring and in creating confidence in matters of inter-state relations in East Asia. Japan must contribute to reducing and managing uncertainty in Northeast Asia.

- Third, the increased North Korean isolation that came from the realignment of Chinese, Russian, Japanese, and American interests and then was exacerbated by the death of Kim Il-Sung forced the transitional regime of Kim Jong-Il to reconsider options, not least how far its proclaimed *Juche* ideology of "self-reliance" could be

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[4] Vladimir I. Ivanov, *The Energy Sector in Northeast Asia: New Projects, Delivery Systems, and Prospects for Co-operation* (North Pacific Policy Papers #2: Program on Canada-Asia Policy Studies, Institute of Asian Research, University of British Columbia, 2000), page 10.

sustained. The ensuing years, during which the country has had to grapple with devastating floods and famines, has witnessed a number of strong diplomatic moves, including multilateral efforts such as the novel and important KEDO (Korean Peninsula Energy Development Organization) which emerged out of the 1994 General Framework Agreement, and the various initiatives by Japan, Australia, Canada, and the European Union, summits with South Korea and the United States, a tit-for-tat game on strategic issues, a selective opening to limited humanitarian assistance, and a broadening and even deepening of its tentative engagement of the larger international community. Yet throughout all this, the Kim Jong-Il regime has not been hesitant to provoke and to remind not only the South Koreans but also Japan, the United States, as well as China of its capacity to threaten and to act. The DPRK continues to explore various military options including its relations with an assortment of supplier states and as an exporter of military hardware and technology. Whether it sees itself as a potential spoiler in the evolution of a more benign regional security arrangement is difficult to judge, though this will likely depend as much on what occurs with Chinese-Russian relations and US-Japan policies as it will with the evolution of intra-Korean affairs. The continued strength of a substantial conservative faction within South Korea tempers opportunities for more rapid and deeper efforts by the South to engage the North. "One people, two systems, two countries" remains the most likely scenario for the coming years, though increased exchanges are likely to dilute the rhetoric of intransigence and threat, thereby delaying either a soft or hard landing.

- Fourth, the first post Cold War decade for Southeast Asia was turbulent. It has witnessed ASEAN enlargement, the creation of the Asean Regional Forum, the hardening of the Myanmar regime, the breakout of Vietnam, the 1997-98 financial crisis, and the downfall of President Suharto with the ensuing intervention in East Timor. Southeast Asia continues as an area of uncertainty in both national and intra-regional affairs. No longer a singular strategic asset or pawn in east-west relations, Southeast Asia nevertheless remains a significant arena of competition and potential conflict, although it also holds out the possibilities for cooperation. For the littoral states who have boundary disputes of significance, especially but not only with China, the South China Sea offers competition over possible but unproven mineral wealth and fishing stocks but also an arena where efforts to learn how to manage inter-state disputes and create cooperative regimes can be explored. Due to the continued importance of the sea-lanes-of-communication for trade, especially but not only oil and natural gas, for free passage of blue water navies, and for the acknowledged need to find better ways to address the ongoing problems of piracy and smuggling, the South China Sea also offers a venue for creating improved flexible cooperative security norms and instruments. Its strategic importance to local, regional, and global actors suggests that this sub-region is a place for the development of norms and principles of inter-state behaviour, for confidence-building measures, and for opportunities to establish habits of dialogue among countries whose geography determines the inevitability of their common interests in this area.

- Fifth, the dramatic nuclearization of South Asia is a challenge — and for some an affront — both to Asian and global security. Viewed by those who favour the strengthening of regional and global security norms and principles, especially the NPT and the MTCR, the tit-for-tat nuclear explosions coupled with their respective

efforts to enhance missile delivery capacity does not augur well for Asia and occurred at least partially because the absence of the prior overarching strategic structure of the Cold War meant that no longer were there key constraints imposed on such precipitous activity. This new South Asian security environment raises the spectre of legitimizing such activities, worries the major nuclear powers (albeit for variously different reasons), and introduces concerns which spill over into Southeast Asia on the east and Southwest and Central Asia to the west and north. The continued festering of the Kashmir question aggravates all this and significantly impedes improvements towards subcontinental peace and security.

• Sixth, the fragility of many of the governing regimes in Eastern Asia came to dramatic and tragic visibility in the wake of the 1997-98 financial crisis. In a perverse way this confirmed the accuracy of the "performance legitimacy" model of government when many of the new middle class found themselves in positions not entirely dissimilar to the urban labourers and the agricultural workers and peasants, and joined in an unholy alliance against those upon whom they had invested their futures. Again, for those who take the position of the overwhelming importance of the Cold War structure as a constraint on local events, this crisis of confidence in the productivity and stability of the "Asian tigers" is linked to the intersection of the forces of globalization and the creeping norm of institutional intervention which has emerged during the past decade.

I agree with many who argue that the ending of the Cold War, though seen primarily as an east-west, transAtlantic phenomenon, did have a profound effect on Asia. The other papers in this modest collection address a number of these in the larger context of global affairs. Their relevance to Asian peace and security in many cases will be obvious. Clearly, the situations on the Korean Peninsula and in Central Asia were most immediately affected by the ending of the Cold War, while the significant degradation in Russian military, diplomatic, and economic capabilities regarding both the Asian continent and its maritime environment provided a catalyst for numerous alterations in interstate relations, perhaps most markedly with China. But all that must wait for another paper another time.

I would caution us not to see all this in an overly deterministic manner. Many of the issues which I have briefly noted are events or policies which are contingent in time and space and may be somewhat transitory. In most cases they have at least partial explanations rooted in the forces and structures of indigenous as well as regional social, political, and economic life. It is too simple to assign causality merely to the alteration — albeit rather significant — in the bipolar strategic environment, though I do think that there is ample evidence to suggest that the ending of the Cold War changed the degrees of freedom within which many Asian countries were able to reposition themselves, thereby affecting policy and spawning a new range of activities, including both challenges and opportunities. What has not been addressed are the longer-term, underlying structural conditions which may constrain or otherwise affect interests and policies of governments, of elite sectors within a country, and of the larger masses.

A number of phenomena are independent of the ending of the Cold War. For example, demographic change — notably uneven rates of growth depending upon family planning programs, domestic economic conditions, changes in education patterns, rural-to-urban migration, accessibility of health care, to name but some of the underlying dynamics — in the largest Asian countries is slowing down, and while the absolute growth is significant,

so too is the decline in that rate of growth.[5] This augurs well, over the longer term, for the carrying capacity of Asia, though in the short term security of food and shelter remain concerns in some areas. Economic change is most remarkable in terms both of the direct economic benefits and as a multiplier. If the predicted substantial rates of growth for some countries are obtained (such as China where the projected rates are 7%-8% annually)[6], not only will standards of living, including consumption, increase, so too will expectations and, of course, energy requirements, imposing enormous demands on the social structure and on the political system. As Vladimir Ivanov, now a senior scholar at the Economic Research Institute for Northeast Asia located in Niigata, Japan, recently wrote:

> The growing consumption of energy in Asia will be among the leading factors affecting the global energy demand from 2000 to 2020. In 1993 the total GDP of the Asian region...was 23 percent of world total. It is expected that by 2010 this share could reach 36 percent. At the current rate, energy consumption in low-income and middle-income countries could double every 13 years. By the year 2010 Asia as a whole is likely to experience a growth of 45 to 50 percent in energy use, with imports supplying the bulk of the increase....with energy demand in East Asia...double that of the 1992 level. Asia is likely to face stiff challenges in meeting its energy demands.[7]

The transformation of the global economy through changes in the technologies associated with resource extraction, industrial and post-industrial production, telecommunications and, of course, broadly based knowledge industries affects all countries, albeit in dramatically unequal ways. It is affording China and India remarkable opportunities to move forward and likely to undercut large sectors of the economies of other Asian countries, a process which undoubtedly will cause stresses in interstate relations. And, as we all are aware, these technologically-driven, knowledge intensive changes are having a profound impact on how militaries are perceiving their own futures, and their potential vulnerabilities. Scholars of the causes of war would caution us to worry about the implications of these disparities, about the instabilities which may accrue, especially in a region of historical animosities and ongoing territorial disputes, where in each subregion there is at least one country which perceives itself to warrant having — though not yet achieving — a singular role as regional hegemony, though others may contest that claim.

Garrit Gong, in a recent article published in a collection honouring the late distinguished scholar of Japanese politics and Asian affairs, Seizaburo Sato, noted the importance of what Gong called the phenomenon of "remembering and forgetting in East Asia."[8] I need not pursue this in any detail. The significance of history, myth, and memory are evident both as a source of pride and energy as well as a repository of mistrust and

[5] Joel E. Cohen, "Population problems: Recent developments and their impact," *Asia-Pacific Review* 7:2 (2000): 86-98.

[6] This is the figure hypothesized to be the minimal required given their projected population growth along with their anticipated change in the labour force (and many have predicted much higher).

[7] Ivanov, *The Energy Sector in Northeast Asia*, page 8.

[8] Garrit Gong, "Remembering and forgetting in East Asia: Strategic dimensions in history," *Asia-Pacific Review* 7:2 (2000): 41-50.

animosity.[9] Its legacy, however, casts a shadow over whether opportunities afforded by the challenges of the 21st Century will be seen as points of conflict and contestation or of cooperation.

This opening paper is intended to introduce our Japanese audience to Canadian perspectives on peace and security in the Asia Pacific. Although a discussion of Canada and Asia Pacific security should be a separate paper, but let me at least conclude my presentation with a few remarks on this topic. The easiest entry point is to note that, as with most western governments, those foreign policy issues of primary concern to Canadian governments address the basic questions of enhancing what are loosely referred to as core values, of sustaining Canadian culture and institutions, and of improving the quality of life of Canadian citizens; hence, economic relations, trade and investment, and immigration remain in the forefront of the bilateral agenda, while peace and security, including human security and of course human rights and democratization, are at the cutting edge of Canada's multilateral efforts.   I stress that for the Canadian government, multilateralism is viewed as complementing and not replacing sustained bilateralism to international affairs.

This is reflected in the history of Canada's involvement in and relations with the Asia Pacific community. Canada has had a continual presence in matters of peace and security in Asia and in the larger Asia Pacific for over half a century. Our diplomatic and military involvement has been in cooperation with others under multilateral auspices. While some Canadian bilateral policy has not been immune to serious criticism — for instance, regarding sales of military hardware in the region, or the sale and transfer of nuclear technology, or balancing economic and trade interests with human rights concerns in relations with China, or expressing concern over nuclear proliferation in South Asia while also seeking ways to pursue commercial interests — by and large Canadian involvement in issues of conflict and security are widely regarded as responsible and moderate. Canada's non-imperial history coupled with its special relationship especially with the United States but also with the other NATO countries, the European Union and many of the major developing states has been viewed as an asset that Canada brings into this region. The Canadian preference for multilateral institutions and processes, though at times strained by the ongoing commitment-capability gap in Canada's international engagements, remains a preferred approach to security involvement. From within Canada, the changing demographics of Canada, wherein the vast majority of our new citizens are of Asian origin, where the newspaper with the largest circulation in western Canada is in Mandarin, and where trade and investment between Asian countries and Canada is now second only to Canada's bilateral flows with the United States, means that Asia is not merely a hyphenated part of the Canadian identity, but has emerged as an essential element in Canada's social, political, and economic life.

In the beginning of the 1990s, the Canadian effort through the North Pacific Cooperative Security Dialogue to promote informal regionalism in Northeast Asian security

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[9] Whether in educational reform, cultural expressions and symbols, or the reluctance of militaries and other government agencies to share information, we all are aware of the ways in which "remembering and forgetting in East Asia" intrudes into everyday life as well as interstate relations. Many of us would like to believe that the intense forms of direct communication now afforded by the electronic highways would enhance understanding and break through negative stereotypes. However, the opposite may obtain, where with the heightened atmosphere of enlarged militaries and where technologies may reduce warning times, policy options may be significantly reduced, and threat carries much greater costs of mismanagement thereby leading to pressures for pre-emption or at least counter-threat escalation.

relations through fostering habits of dialogue at both the track one and track two levels was but a start, albeit controversial at the time, to regional multilateralism.. Since then, we have witnessed the emergence of APEC and the ARF on the official level, with CSCAP at the track two level. Although all three forums have yet to accomplish what many had hoped, all contribute, if even hesitantly and unevenly, to building confidence and reassurance as they grapple with sensitive issues of economic, diplomatic, and military consequence.

The primary security issues in Asia that concern Canada are weapons proliferation — nuclear, chemical and biological weapons along with increasingly sophisticated delivery systems, various missile and missile defence systems, relevant technologies, landmines and small arms — nontraditional security threats, especially environmental and transnational criminal activities, and setbacks to democratization, good governance, and human security, particularly of citizens whose safety is threatened by their governments or through being caught up in intrastate conflicts.[10] The actions of the major states in the larger Asia Pacific region are also at issue when they raise the potential of aggravating existing interstate relations or undermining efforts to solidify an emergent sense of regional security. While the aggravated Chinese-American relationship is of dominant interest, the Taiwan Straits and the Korean Peninsula, as well as the situations in Indonesia and between India and Pakistan, are of heightened importance.

One way in which Canada can make a difference is to sustain its commitment to the centrality of regional multilateralism as a means to entrenching norms and principles of cooperative security, where governments acknowledge the importance of reducing the utility of military force as the instrument of choice in resolving disputes and seek collaborative measures to reassure. In this way Canada also can support the underlying thesis of comprehensive security espoused by a number of Asian states, including Japan. In an enormously complex and varied region such as Asia, where borders and boundaries are often still in dispute, where history is a living memory and helps shape current policy and future expectations, where domestic affairs have been subject to external interventions, and where the pressures of modernization and globalization clash with tradition and sovereignty, most challenges no longer can be dealt with unilaterally. Canada should be and often has been a willing and able partner in trying to better manage and ultimately resolve issues of tension. The quiet but effective efforts in support of the South China Sea conflict management workshops is but one example; others include training in peacekeeping and peacebuilding, facilitating third country post-conflict reconstruction, offering expertise in judicial as well as security sector reform, and of course the promotion of cooperative security mechanisms throughout the region and in collaboration with Asian partners in the UN system.

"Asian peace and security in the 21st Century" cannot be a question; it must be an assertion. The costs are too great for it to be otherwise. The major issues, therefore, are: to better manage areas of protracted hostility; to prevent disputes from escalating into military conflict; to resolve outstanding disagreements; to facilitate peaceful domestic change; to mobilize international institutions in support both of the integrity of sovereign states and the well-being of its citizens; to promote norms of compliance with standards of behaviour codified in international law; to manage unanticipated consequences of well-intentioned policies; to cushion the dislocations attendant with the forces of globalization.

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[10] This paragraph is informed by the draft paper by Allen Sens and Brian Job, "Asia Pacific Security Outlook: Canada — 2001," to be published in Charles Morrison, ed. *Asia Pacific Security Outlook* (Honolulu: East-West Centre, 2001).

Asia remains a region of autonomous, often fragile, highly unequal states, for which military power will remain an essential instrument of foreign, defence, and security policies. Yet the last decade has witnessed some remarkable movement by many Asian governments to become fully engaged partners in the international community. The creation of the ARF and APEC, although both facing substantial difficulties, are important indicators of the potential utility of introducing "habits of dialogue" and multilateral processes into the larger Asia and Asia Pacific arenas. Also not to be discounted are the emerging track two dialogue channels as well as the increasingly vibrant sectors of civil society. Moreover, as Asian countries become increasingly active and powerful within the global multilateral system, and as more of them accede to the broad range of treaties and regulatory regimes, the probability of managing competitive and conflictual relations through diplomatic means increases. It is in all of our interests to facilitate this process of enhanced engagement and security cooperation.

COMMENTS IN RESPONSE TO THE PRESENTATION BY
PROFESSOR D. DEWITT

Professor Tomoyuki Kojima
Keio University

Entering into the new century, the world is moving in a big scale. Globalization is one aspect of such big movements. Globalization is not easy to bring about, however. The ministerial conference of the WTO at Seattle ended with no conclusion in December 1999, and no prospect for the new round remains clear. The COP 6 in November, 2000 failed in making any scheme to regulate CO2's discharge, and the United States of America declared to reject the agreement in the COP 6. Taking into consideration such a complicated trend for globalization, therefore, a movement towards regional cooperation appears more active. This is another aspect of phenomena symbolizing the new century.

The East Asian region is among such movements. The year 2000 might be recalled in a future as the epoch-making one for regional cooperation in East Asia. The Seventh Session of the ARF (the ASEAN Regional Forum) talking on security issues was held on July, accepting the membership of North Korea, which had been regarded as one of unstable actors in this region. The stages that the ARF had drawn at the very beginning went through those of confidence-building and preemptive diplomacy and now entering into that of conflict resolution. China has been active as its original member, hosting the group for confidence building, and having a talk on August to lay out an action rule at the South China Sea with Southeast Asian nations which claim the Nansha (Spratly) Islands with China.

On November, the unofficial summit meeting of the APEC (Asia-Pacific Economic Cooperation) was convened at Brunei. The North-South confrontation between advanced and developing countries became sharper due to the trend of globalization, and the "identity crisis" of the APEC became reportedly intensified as a result. It is the summit meeting of "ASEAN 10 " immediately after the APEC that suggested the future direction for the East Asian region. In other words, the "10 " of Japan, China and South Korea" appears more effective as the regional cooperation within the East Asian region, rather than the APEC including the United States, Russia, the EU and other members outside the region.

This summit is a conference of top leaders in 10 countries of Southeast Asia and three countries of Northeast Asia. The conference at this time was held at Singapore, and took a big step to setting up a regime of multilateral collaboration in the East Asian region. The most symbolic is the proposal for the "East Asian Zone" initiated by Singapore. The East Asian Zone reminds us of the Great East Asian Prosperity Zone initiated by Japan during the war time, but this time is not initiated by Japan at all. The initiation was done without Japan. This proposal was simultaneously introduced by President Kim Daejung, South Korea and Premier Mahathir, Malaysia. The establishment of the "Free Trade Zone" and the regularization of the "Summit" are included in this "East Asian Zone." In case of the Free Trade Zone was proposed by the trilateral coalition among Singapore, Thailand and South Korea, and then Japan was asked to accept this proposal by these three parties.

The Free Trade Zone is to set up the regional group for economic cooperation between the ASEAN which is scheduled to start the AFTA (ASEAN Free Trade Area) in 2002 and North East Asia of Japan, China and South Korea. This attempt might lead to the revival of the EAEG (East Asian Economic Group) proposed by Premier Mahathir and failed with the harsh opposition by the United States.

The latter is to provide a new type of forum where all leaders in East Asia could sit and talk on any issues including security as well as economic development. The existing " 10 plus " is the meeting in which the ASEAN has taken an initiative and invited three countries

from Northeast Asia as guests. The "East Asian Summit" is a meeting where all leaders in this region join and talk on equal basis.

The attempt to set up a kind of multilateral collaborative regime is not only seen in Southeast Asia, but also now expanding into the East Asian region as a whole. This expansion has accelerated the new trend in Northeast Asia, where no scheme for multilateral collaboration has existed at all. Now, the quest for such scheme has finally been taken place in this region. The first North-South summit meeting was held since the disintegration of the Korean Peninsula, and reached an agreement of peaceful coexistence between the different regimes while having the national integration as a long term goal. As for multilateral collaboration in the Northeast Asian region, Japan, China and South Korea have consented the regularized summit meeting of these three countries and the implementation of "People's Exchange Year" among three countries in 2002.

Furthermore, such multilateral collaboration in East Asia is now applying not only to the economic sphere but also to the security one. This region has the ARF to deal with security issues. Countries outside this region are among its members, however. On November, 1999, a talk on security issues within this region was decided in the summit meeting of "10 " at Manila. The Manila summit declared that this summit would talk on security as well as economic cooperation, though having reached an agreement on the establishment of the "East Asian Forum." This Singapore summit reached a basic consensus on setting up the "East Asian Summit," where regional security as well as economy could be discussed without countries outside the region.

In order to facilitate such movement, Japan and China must play a more active role. The expectation to Japan's contribution appears much higher than the past among the region, especially Southeast Asia. This high expectation seems to stem from Japan's achievements having aimed at "security and prosperity" in the East Asian region. The recent example of its achievements could be seen in its decisive role in the process to overcome the monetary and financial crisis in this region. China, too, made a significant contribution including more than 6 billion dollars and its strong stance to keep the stable exchange rate of Chinese currency (reminbi). However, it is only Japan that provided more than 100 billion dollars to cope with this regional crisis. The "Miyazawa New Plan" with 30 billion dollars with no conditionality to provide countries in economic difficulties is highly praised as the support that "Japan's face can be watched." Thai's prime minister has mentioned, " No one in Bangkok does not know the name of Miyazawa, for his plan has provided more than 150 thousands' citizens with jobs."

China, too, seems to become positive towards multilateral collaboration in this region, and appears to accept Japan's role in this collaboration. Back to three years ago, China was not in favor of Japan's proposal to set up the AMF (Asian Monetary Fund) along with the United States. Such passive stance has already been changed. President Jiang Zeming showed his positive response to Premier Mahathir's proposal for the East Asian Monetary Fund in September, 1999. China joined in last April the agreement for swap scheme to cope with another monetary crisis. Towards the FTA (Free Trade Agreement), too, China has begun to show its positive stance. It has proposed the FTA with ASEAN at this summit meeting. As for the "East Asian Summit," China seems not to accept completely this proposal, but has agreed to discuss its concrete content in a working group. As long as the economic development would remain long as the top priority for the "Great revival of Chinese Nation," China requires the peaceful environment at the surrounding region and the multilateral cooperation from the region including Japan.

Such change of China's stance is undoubtedly due to its own decision, and yet some influence would come from Japan's engagement policy towards Japan having lasted for more than 20 years. Japan's engagement policy has been to support China's stable development and China's responsible power to take responsibility for peace and development in the East Asian

region. In order to implement this policy, Japan has provided more than 60 billion dollars including 26 billion of ODA and 34 billion dollars of untied-loans with low interest rate by JBIC.

The establishment of multilateral collaboration regime will take a long way with some difficulties. Its prospect will be dependent on several factors and actors. Important among them are the U.S, Japan and China. The Bush administration seems to have no special attention to the multilateral trends in the East Asian region though attaching importance to Asia in the security sphere whose main target is China.

The recent clash incident of military planes between the U.S. and China showed the unstable aspect in the bilateral relationship between the U.S. and China which are the two major powers to have strong impacts on security in this region. China might have to adopt the harder stance against the U.S. if the U.S. strategy would regard China as its potential enemy rather than its strategic partner. Otherwise, China would maintain its collaborative diplomacy in order to carry on its economic development for realizing the greater revival of Chinese nation by the year 2050.

No setback for multilateral cooperation in this region will come if Japan and China would keep their cooperation with the U.S. support. The cooperation between Japan and China has been written in the joint declaration signed in November, 1998. According to this declaration, Japan and China reached an agreement to changing the framework of the bilateral relationship from that of "neighboring friendship" to that of "partnership of friendship and cooperation to make a contribution to peace and development in Asia for the 21 century." The final question goes to Japan's willingness and capability. In either economy or politics, no time seems left for Japan's structural reform.

RETHINKING STATE SOVEREIGNTY AND SECURITY IN THE 21ST CENTURY

Keynote Speech

The Honourable Lloyd Axworthy
Director and CEO of the Liu Centre for the Study of Global Issues

Thank you very much, and welcome to everybody. I am reminded at this opening session that one of the last and most poignant meetings I had in Japan was with the late Prime Minister Obuchi; he and I became quite good friends during the time when his foreign ministry invited me to join him at the opening ceremonies of the Nagoya Olympics. He was sponsoring, as you will recall, an opening ceremony that had to do with the landmines campaign, a demonstration of the universal commitment. Just as I was walking up the stairs to join in these celebrations, I got a note that the Prime Minister expected me in Cabinet the next morning to talk about Kosovo. I recall this very much because the last words I had with Keizo were, "I will see you soon;" and, unfortunately, we never did. So, I suppose one of the things that brings me here today is the opportunity to pay tribute to a very good friend and a man with whom I spent many hours talking about security issues.

Let me also say that I am really quite thrilled at the Ambassador and the Embassy staff who have made such an effort to extend in so many categories and fields of endeavour the "Think Canada" process. A few years back, we commissioned an international survey about what the rest of the world thought of Canada, who they thought Canadians were. First reports back were a little discouraging. The one Canadian that virtually everybody around the world knew was Pamela Lee Anderson, an actress in the television program Baywatch. And, of course, the pollster told us the reason why everybody knew her is that they saw more of her than anybody else. The only encouraging part of the survey, I thought, was that the Ukrainians were almost the exception to the rule. They said, in rating what they thought as the strongest characteristics of Canadians, that we were the sexiest people on the earth. Needless to say, their foreign aid budget substantially increased after that. Whether this has a direct connection with the Think Canada program, I am not sure; but I was told that in successive surveys it showed that the instructions for our diplomats to go out and make ourselves much better known has resulted in Pamela Anderson being displaced by Shania Twain as the most popular Canadian abroad. So, we have gone from bikinis to country music in a very short span of time. It shows the power of diplomacy working at its finest.

This morning, in the 20 minutes I have, I will string together 20 minutes of 30 second clips, which is the normal standard fare. But, I will try to string them together in what I hope can be some reflections for you on the changing nature of security in the world and how it applies to this region, and certainly how we see it as Canadians.

I'd really like to start by telling you a story about a young girl named Emma. Now, if some of you think you've wandered into a lecture on Jane Austen's chief character, I haven't totally made that wholesale transition. But, I go back to what some wise person once said, that the narrative of politics today is the human story, not the soliloquy of the State; that often we learn more from looking at the world through the eyes of individuals, and in their stories, than we do by trying to develop a high level of abstraction and frameworks, important as they may be. We can understand a great deal of what we are doing by listening to people's stories.

I had an opportunity in the course of the five years that I was foreign minister to meet a lot of interesting people, as you might know, from Fidel to Madeleine to others. Most of them I met at funerals, which was among the primary responsibilities for foreign ministers, to attend those kinds of functions on behalf of the State, and such kinds of formal ceremonies.

But the one person that stuck in my mind, really hauntingly so, was a young 13 year old girl who voyaged all the way from Northern Uganda to attend a conference in Winnipeg last fall, in September, on war affected children. She was part of a group of young people from various war affected countries, who we invited to the conference, which was mainly made up of NGOs and foreign ministers and others. But, during the course of those meetings, she asked if she could meet with me. I agreed, and we sat together along with some people from one of the NGOs sponsoring her visit. The story is important, because it taught us so much about what is changing in the nature of security today.

Emma had been kidnapped when she was 9 years old by a group called the Lord's Resistance Army, a rebel group working out of the Sudan which would cross the border of Northern Uganda. They would steal young children and, in this case, turn them into sex slaves. She was violated on a repeated basis by the leaders of this band. She was pregnant with child by the age of 11. Then the story gets even more absurd and more violent, because she then made, according to her, a decision to try to break out of his pattern of abuse and asked if she could also become a warrior and join the rest of them. The leaders agreed on the grounds that she would prove her courage. To do that she had to go back to her own village in the Northern part of Uganda, and kill one of her villagers, which she did, a member of her family, her uncle. That was her proof of her mettle, her willingness to become part of the group.

She escaped about a year ago and was relocated to a refugee camp. And, if some of you think that was a rescue or a new revelation, one has to look at a report that was recently commissioned by the Canadian International Development Agency on what happens to the refugees in that area. There are about 400,000 almost squeezed into about one square km; AIDS and HIV viruses are as rampant as you can imagine; violence continues; there is often a shortage of food and other basic necessities. And, the irony is that when the fighting ceases, and this goes back and forth in certain cycles, the villagers and the refugees, as you might expect, make an effort to go back home; but, in so doing, they cross over fields that are heavily mined by the Lord's Resistance Army and therefore suffer the penalty of death and injury, as is so often the case where mine fields have been heavily strewn. It really is living between Scylla and Charibdis, just to use the old Greek term. There isn't much of a choice.

The reason I felt Emma's story was important to tell is because so much of what is happening in the world is really encompassed in almost a micro-way by that kind of experience. It's a world that is not so unique. There are children in Cambodia, Sri Lanka, Colombia and Sierra Leone who are daily faced with the same kinds of experiences. Just last week, the New York Times had a headline about a young 12 year-old, named Juan Fernandez who had joined the FARC, one of the rebel groups. He was boasting that he had killed 8 people in a firefight as part of his admission into the group. And so, it is a commonplace experience; and, I don't think we are foreign or strangers to it. We see it visited nightly on television screens and in our newspapers.

And, it's also our world, too. That's the leap of judgment and observation that we have to make. That while it may seem far off and sometimes irrelevant, especially as we sit here in these comfortable chairs in this wonderful embassy in downtown Tokyo, it is part of the global reality, the dark side, the underside. And, it carries an impact for us and our children. And you say, "Why? Why should we be involved; why should we care; why should this be a security issue?" Emma's world is far away and, to paraphrase a comment that is too often heard in various circles and in national capitals in particular which are shrouded by the tenants and principles of realpolitik, "there is not much national interest to protect in Northern Uganda. No trade opportunities there."

But, it does go back to that great mystery; the question that I think has eternally plagued human kind ever since we acquired judgment of why the fate and future of one group or individual should be somehow the concern of another group or another individual? It

means: where do we draw the line respecting our responsibilities? Where do we begin to take on our sense of where our duty lies? Is it just with our families? Many, of course, retreat into that position. Our neighbourhoods, our communities, even our countries? How far does it go beyond? It's a question that has a variety of answers. But one thing we can say for sure is that the answer, increasingly in this age, in this new part of the 21st century, is that more and more of us are saying that our responsibility lies in that broad almost universal community that we have come to belong to, that there is a sense of duty to those beyond our immediate circle and our immediate area. Just as we see today, as we will witness next week in Quebec City in Canada where thousands of young people gather around a conference of the summit leaders of the Americas, to protest and express their views. It's not because those young people from Victoria or Waterloo or Quebec City are feeling so deprived. They are there on behalf of a large number of other people who they also believe are not being treated equitably or fairly.

I was at my old alma mater in Princeton a few weeks back, and was reminded by one of my professors that as a barefaced, almost shoeless young Canadian from the Midwest back in the '60s, I participated in civil rights demonstrations and movements even though i wasn't my own country; but, the right of those to be given fair treatment and the question of race was one that motivated us all.

I think it's useful to recall the words of Michael Ignatieff, who is one of Canada's great intellectual treasures, when he said, "In the real world, billions of human beings live in despotic regimes or collapsed states where nothing is secure, and they need human rights because they are the only rights they have." This helps us to see rights as a residual system of entitlement irrespective of citizenship. Human rights are the rights of men and women when all else fails. It's a lesson I think we need to take to heart because, through that prism, looking at questions of the security of individuals, I think it begins to tell us a lot about the way in which we should respond to the world that we live in.

Later, you will hear from my colleague at UBC, Kal Holsti, who has done a lot of work on the changing nature of war; and we have members of our own defence forces here from both countries. One thing that has changed dramatically is that generally 90% of victims are now civilians, not those in uniforms. There has been a sharp reversal from the earlier part of the last century. While human life is no more sacred whether you are with or without uniform, the reality is that civilians are now generally paying the price. And not just paying the price, but they usually are the targets of the war. They are the way in which the conflict is strategized so as to eliminate or expel large numbers of civilians to create a utopian role where there is no other enemy, whatever their religion or background or class may be. And, if they are to survive, they end up in a sort of mass of refugee camps that populate this world; and through those refugee camps we see the incubators of future violence. No one has to know a great deal about history to realize how much of today's conflict has been spawned in the refugee camps in the Middle East, in Northern Afghanistan, Northern Pakistan or other parts around the world, simply because they become the breeding ground.

Conflict also has an enormous impact upon the question of human disease and public health. If one puts an overlay of a map of Africa and looks at the incidence of AIDS development, you can almost see it following a complete sort of parallel with areas where conflicts and wars have taken place. So, when we talk about the story of Emma and the extreme conditions of Northern Uganda, we only have to think about our own condition, and how much we can be affected or influenced by those kinds of decisions. And, new strains of viruses can be released. I recall reading a study that was done by one of the international study groups on the consequences of the refugee movement from Rwanda, after the genocide, into Northern Zaire, where as a part of survival they simply ripped down a huge rain forest; that became part of their fuel for their food and maintenance for over two years. What scientists discovered was that the destruction of that rain forest released into the human

community a whole series of new viral strains that no one had ever seen before, and which now scientists and doctors and medical people, in the various centres around the world, are trying to get a grasp on how to find an antidote to these new strains of diseases. So, the conflict itself carries with it not just the direct consequences for those immediately involved; it has a whole series of repercussions. It is the classic sort of pebble in the pond in which the waves move outward and no one is immune. And, it also goes to the heart of perhaps the most significant challenge...certainly the one that I faced during my time in the Ministry...to the thinking and the norms and standards of the world as we have known it for the last two centuries: that it is the fundamental right or responsibility or duty of the international community, however defined, to protect the vulnerable, whomever this may be, and thereby assert the supremacy of international humanitarian law over the question of sovereignty. It is controversial, it is provocative, but it is real, it happens. It's not an abstract, academic issue; it's one that cabinets and ministers and officials and NGOs, and all those in decision making, face virtually every week or month of the year. At what point, under what conditions and under what criteria, where people's basic rights are being violated and abused, is there a right to step in and say no. And, if you don't step in, if you stand back and say, "one will allow that kind of massive violation to take place," does one become complicit in the abuse itself?

Those are certainly questions that we faced during the issue of Kosovo; and I am intrigued and interested about the increased commentary about that because of having lived through it in a very direct way and in a very anguished way. For me it was not an exercise of some sort of passing responsibility, of having to answer a question to the opposition or make a statement to the press. It was one that went down to a deep, gut wrenching decision about whether one would recommend to your cabinet participation in the bombing campaign on behalf of a group of people who were being ethnically cleansed in a far off country. If you think that is easy, if you think that is something that is part of some sort of abstract analysis, forget it. It's probably one of the toughest decisions that anybody has to make. And yet, it is being made daily, often without much advice, framework or judgment. And that's why the question of security and sovereignty becomes so important in this first part of the century, because this is the very nature of the challenge we have to face.

As many of you know, our answer to it was to establish what we call the human security agenda. It was to emphasize that in parallel to the question of national security, the protection of the state, one also had to assert the security of the individual, and to constantly use that as not just a parallel but increasingly a guidepost, a navigation aid, as we try to walk through very turbulent and very changing times. It really dealt with the just-in-time issues, the ones that we had to deal with on a daily basis. And, it was one in which we had to constantly examine how, with a limited frame of resources and with commitments to international agreements and multilateralism, how we would be able to make a difference, how we could try to influence a change.

It asserts not only that question of individual protection, it also takes note of what I think is perhaps one of the dramatic changes taking place in the area of security and how you make decisions on it. And that is the emergence of a whole new galaxy of actors and players internationally; not just the big corporations, even though they do play an important role and a significant role on security matters, but also an increasing number of civil groups, NGOs as we like to call them, who are mobilizing around the world through the power of information systems. I recall, before I was foreign minister, I was the Minister of Human Resources, the social affairs minister. This is an interesting dichotomy of my government; I was responsible for UN conferences dealing with human rights and social responsibility and women and so on. But I learned one lesson: how effective and smart the civil groups were in using the new techniques of technology to mobilize and organize and get their way. I Remember in Beijing, at the Women's Conference, governments had spent months organizing a new agenda, and we were completely short circuited within five hours by feminist groups, and the agenda

changed on a dime. Perhaps most interestingly, and it is one that I know is the subject of good, serious, academic research, is the emergence of a new set of covenants and practices of institutions dealing with humanitarian law, establishing new standards, beginning to establish what in fact is the norm of behavior, not just for the State but for individuals within the State.

We have talked actively about the landmines campaign. There was a clear case where a weapons system that was part and parcel of virtually every military arsenal in the world was finally judged to be unnecessary or not utilitarian because of the fact that every year it killed or maimed anywhere from 50,000 to 80,000 people, and therefore had to be changed and altered. Without going into the specifics of it, because I think the campaign is well known, it did demonstrate in a very vivid way that this new coalition of like-minded states, and NGOs, and international organizations like the Red Cross could come together as a new power block, a new superpower, if you like, in a dispersed world...a virtual superpower, in order to make itself an effective force for change. It became the form of a tipping agent, to use that new market jargon, in which you begin to shift from one paradigm to another. And, the end result: I participated in a ceremony just last December in Ottawa, two years after the treaty was signed, before all the sceptics; and I can recall people in Canada who, after we announced we were inviting countries to come to sign the treaty in the year, told us that we had really lost it this time, that we had really gone off the deep end. But, after two years of the treaty coming into power, 22 million landmines have been destroyed. The rate of fatalities in Cambodia has dropped by 50%; in Mozambique even more. There it was... an example of how you could build up.

Let me just speak for a moment to what is not given nearly the same kind of recognition but in many ways carries even higher level of portent and implication for this new world and this new century. That is the international criminal court, which is the first new international institution of our age. The fact that there are close to 30 ratifications of that court really means that we are now at the point of establishing a new regime of universal jurisdiction holding individuals accountable for acts of crime against humanity. Establishing that really is, to me, the great moral imaginative leap of this new century; that we will actually develop a new institution, because of the coalition I talked about, and establish the new norms and standards to go with it.

The open question, the one that is still being debated, is whether we will also develop an effective enforcement mechanism to accompany it, such as the responsibility to intervene under certain circumstances. That is why the Prime Minister in the Millennium Assembly last fall announced that we would establish an international commission made up of a number of distinguished scholars and practitioners from around the world to examine that question and to table a report with the Secretary General this fall; something to try to put it into some framework. And, I think the Commission that Mrs. Ogata will lead on human security is also an equal attempt to try to come to grips with the issue.

So, that was really the way in which human security for us was not some kind of public relations gimmick, it was not some kind of personal crusade, as some of our academic friends in Canada like to call it. It was simply a hard, serious way of trying to come to grips with a new reality. That is what it was, a new sense of security, a new sense of what was required and what was needed. And it has now become much more widely accepted and debated and exercised around the world.

Let me make two other points about it. First, it is not exclusively about conflict as we normally conceive it. It is also about drug trafficking; the golden triangle here in Asia supplies about 60 or 70% of the world's heroin, and is organized by an industry that has $1.3 trillion in revenues, which is far more sophisticated and capable than many countries' governments, and can organize itself in an incredibly powerful way. If any one country, even the great superpower we live next to, thinks they can stop it by themselves, forget it, they can't. It is going to require a much higher level of multilateral, international cooperation;

collaboration between defence forces, police, enforcement, intelligence, and community based organizations, in order to respond to it. Illegal trafficking of human beings is now becoming rampant and everywhere a plague. No one is safe from being kidnapped and moved to another country for a variety of abusive reasons.

Terrorism has become again something that plagues international commerce and the role of global intercourse and dialogue. I recall within the first 6 months of becoming a foreign minister I was dealing with a terrorist bomb attack in a subway in Paris where a young woman was killed, a businessman blown up over Mozambique, a young woman from Alberta killed in Chechnya as a nurse, an Ambassador kidnapped, a plane hijacked. And all of a sudden for Canadians, who are global minded in their approach, they were realizing as students, as business people, and as tourists that the global society in which they lived was not all that secure. And that the responsibility of our State was to try to go back to that basic responsibility of providing their security; but, recognizing that we could not do it by ourselves and therefore had to develop that new and quite substantial investment in new international cooperation.

Think about it for a moment. I was at a conference in Washington two weeks ago, where somebody from the New Administration was arguing ferociously about the importance of international trade agreements and how everybody should live up to international agreements to protect patent law. But when it came down to international agreements to protect human beings, they simply weren't there. That is one of the issues that has to be joined: where's Banquo's ghost going to be? Is it going to hover in the background and say, "It's okay in a sense to shift our sovereignty and to buy in and write our commitments to international trade or investment or commercial or financial or monetary agreements. But when it comes to protecting individuals, then we simply must exercise our right to be ourselves."?

I'm going to miss some of the things I would like to say because my time is limited. But, let me just come back to some of the agendas that this new approach to security brings into the debate, and that people here particularly from the think tanks, and the academies, and universities, policy centres should be looking at.

First, one that has real centrality for experiences in Asia is the question of environmental security. One of the interesting things I am now discovering as a private citizen in the university is being stimulated by all these smart young men and women who are doing incredible research in a number of areas in the scientific fields. I remember sitting not so long ago with a group of young "post docs" who were working in the field of forestry and water resources. They basically said as scientists, "We can begin to predict a variety of forms of disasters that will affect human beings in a very fundamental way, but we don't know what to do about it." Do you realize, by the way, there are more refugees everyday caused by shortage of water than by war? And yet, the environmental institutions are toothless and, perhaps even more than that, becoming increasingly the source of scorn. There is no definition of environmental crime; there is no security council to require countries which are substantially abusing to deal with their environmental problems.

Let me use for example what happened in that fire haze in Indonesia two years ago. Again scientists have been able to document quite accurately that the impact on respiratory illnesses in the Malaysian peninsula for hundreds of millions of people was dramatic and caused by an environmental initiative from one state upon a number of people. Now, how do you respond to these things? And do we? Do we simply say, "That is not important, the others are"? Or do you begin to look seriously at this question of how you begin to apply equal, effective security responsibilities to people in the environmental field?

A second issue, is one that I hope Ron Deibert will talk about later when he talks about technology. One of the real answers to the anti-globalist movements, these people out there protesting legitimately in many cases from my point of view, is to begin to find ways to

get them to participate, to find the ways of making international organizations transparent and accountable and democratic, interactive. There is a huge potential; and yet, where we are prepared to spend literally billions of dollars on research into how to improve e-commerce so that third world countries can buy washing machines and pearl necklaces over the Internet, we spent minuscule amounts in developing the public uses of the Internet and the wire systems. In terms of how do you improve human rights, how do you open up systems, how do you make it transferable, what an incredible opportunity for people in the research fields to begin to establish that kind of new technology to bring to the force of democracy.

Thirdly, let me make a final point. If you agree with me, at least in part, that some of the human security issues that I tried to elaborate this morning are important, that they do affect people, that they are risky and carry with them enormous dangers and hazards for millions of people around the world; if you agree in part, then we'd better understand that while efforts are being made to develop new institutions to collaborate on those matters, we also are in danger of having the whole agenda hijacked, taken over by efforts to re-ignite the arms race and nuclear proliferation and the kinds of issues that we thought we were at least making progress on. I won't get into case and form, but things like the missile defence programs and others, which are being hailed as a form of enhancing security, in fact, in my view, will begin not only to undermine security but will be as economists would say, "You will lose your opportunity cost." The resources and time and energy that must go into dealing with human security issues will be totally obliterated and transferred because people will be having to focus again on how to contain the nuclear genie. That to me is a very vital issue and one that I think we are far too passive about, far too unengaged about. The public is being kept in the dark, literally, on most of those issues, and yet it is the one that carries with it enormous meaning and consequences for individual rights.

So, I thank you for the opportunity to talk a little bit about where I think things are going. Let me close in going back, just for a moment, to Emma. She came all the way to Canada to see if she could convince some people to do something about what was happening in Northern Uganda. Maybe I can close on an optimistic note, because I think that is the way we Canadians like to be. But on Monday night in Ottawa, as my last act cutting the umbilical cord, a group of friends and former staffers are holding a "roast" which is a Canadian way of poking sort of a stick in your eye, which is the way we like to say our good-byes. But, for the privilege of going over all my foibles and weaknesses, they are going to pay $250 bucks each, and we are going to raise $50,000 dollars to open a conflict peace centre in Northern Uganda, so that Emma knows that her trip was not in vain. Thank you very much.

COMMENTS IN RESPONSE TO THE KEYNOTE SPEECH OF DR. AXWORTHY

Kazumoto Momose
Senior Writer, Asahi Shimbun

Before beginning to speak about today's subject, I would like to talk a little bit about our honourable guest, Mr. Axworthy.

It was October 5th, 1996 in Ottawa. I still remember that, while the Conference Centre was filled with long, long applause, I could not believe what Mr. Axworthy had said in his statement. Having stressed broad adherence in the world community to a total ban of landmines, he said, "I have one final point to adhere to your action. That point comes both in the form of an invitation and a challenge. The challenge is to see the treaty signed no later than at the end of 1997". He continued to say, "Canada is prepared to convene a meeting in December 1997 to sign to the treaty".

At that point, the idea of the like-minded countries, like-minded governments and people rather, which was later called the Ottawa Process, was not new to me. But nobody was confident with the idea. Actually, one year earlier, even Canada was cautious about the idea of a total ban. So, I was really surprised to see the bold and determined decision by the new Canadian foreign minister who was appointed at the beginning of 1996.

Today, everybody knows what followed that historical announcement. I would say that the decision to implement the human idea, with the spirit of challenge, really changed current history.

Therefore, it is a great honour for me on this occasion to have the chance to talk about Mr. Axworthy's speech here.

With regard to this speech, my understanding of the ideology that Canada is holding up as a goal is the following: "International society has reached the stage where it is the security of human beings, rather than the security of states, that must be assured. Accordingly, the policies and the diplomacy of nations must place prime importance on human rights and human security."

Mr. Axworthy is the one who endeavoured to develop Canadian foreign policy in line with this goal. This can be seen not only in his work on the landmine issue that I mentioned a moment ago, but also in his work on issues such as arms reduction, human rights, the environment, and UN peacekeeping operations. The path that Canada is taking is highly instructive and filled with suggestions for those who believe that Japan, as a peace-loving nation, should seek not to become a military superpower but a humanitarian superpower.

The Canadian way, however, poses a number of questions and issues for consideration as well. One is that, as in the case of landmines, no matter how wonderful an idea is, it has no meaning if it is not carried out. There is, for example, the problem of the relation between national interest or the interests of people in one's own country and the lofty ideal of "human security" on a world scale. In the real world, are there not many instances when that ideal and national interests do not necessarily coincide? What are we to think then? What action are we to take?

Let me mention some concrete examples:

1. It goes without saying that, for the sake of human security, drugs to treat AIDS should be made available to developing countries at low cost. However, that means that drug companies in wealthy countries will lose the rights – in some cases small but in some cases big – that they have acquired concerning those drugs. It is the duty of countries

and of governments to also defend the rights and interests of companies within those countries. How can these two be reconciled?

2. The same thing can be said with regard to the environment. There is now controversy regarding the Kyoto Protocol.

3. With regard to defence, many countries have formed alliances to defend themselves. To what extent are those alliances to be sacrificed to give priority to "human security"? Canada defied the opinion of its ally, the United States, in leading the movement for a total ban on antipersonnel land mines. It looked, however, as if Japan was hesitating right up to the last moment. What then are we to say about arms reduction issues such as nuclear weapons or missile defence?

I am certain that the audience here has a lot of questions for Mr. Axworthy on his political philosophy. Our time is limited, so I think I should stop here. Let us move to the most important agenda........a dialogue with Mr. Axworthy.

INTERNATIONAL PEACE AND SECURITY IN THE EARLY NEW MILLENNIUM: INSTITUTIONAL RESPONSES

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When the delegates of the wartime United Nations coalition met in San Francisco in April 1945, their purpose was to create, for the third time, an international institution that could deal effectively with the main kinds of problems that had created the great wars of the previous two centuries. The first effort—the Concert of Europe—was generally effective in the sense that its institutional structure and norms helped to reduce the incidence of classical interstate wars in Europe. The second attempt, League of Nations, reflected the deep divisions between the great powers of the era of the 1920s and 1930s, and as an institution was incapable of dealing effectively with the serial aggressions of Germany, Soviet Russia, Italy, and Imperial Japan.

The primary task of the United Nations was to maintain international peace and security. In 1945, that term generally referred to preventing the kinds of military aggressions and territorial conquests that were the hallmarks of the 1930s and the direct sources of World War II. The essential problem in international relations was the use of force between states, primarily in the classical form of governments using their armies, navies, and air forces to defeat their adversaries through military campaigns. These wars were the classical Clausewitzian uses of armed force for political purposes, where alternative means such as diplomacy could not achieve them. The Charter of the United Nations clearly reflects this interpretation of the meaning of international peace and security. Chapter VI of the Charter establishes various procedures for the peaceful resolution of international conflicts, based on the traditional liberal belief that many if not most international conflicts are the result of poor communication, misunderstanding, and faulty perceptions. Through the use of conciliation, fact-finding, mediation, and legal procedures, states involved in conflicts could negotiate lasting solutions to their problems. Chapter VII, in contrast, was designed to deal with cases of direct aggression, where, as in Hitler's invasion of Poland in 1939, a state sought conquest and was impervious to peaceful methods of conflict resolution. The solution to this type of security threat was the instrumentality of collective security (where all member states came to the aid of the victim of aggression), and coercive forms of dissuasion.

The great peace conferences of the modern era have generally sought to prevent the wars of the past. We can excuse statesmen for concentrating on important historical lessons and for having only limited abilities to foresee future types of security problems. This is the dilemma of the United Nations: it was created to deal with the problems of the 1930s, and not with the kinds of security threats that have unfolded in the world since 1945. It has thus had to improvise and to learn new conflict resolution techniques as it went along. In some cases, as we will see, it has simply not become involved in some issues.

Types of Security Problems and Conflicts since 1945

Interstate wars were a prominent feature of the diplomatic landscape of Europe for the last one-half millennium. Between 1648 and 1945, there were 119 wars within Europe, and after 1919, throughout the states system, including Asia. This meant that a new war broke out on average once every 2.5 years. Put in terms of the probabilities of any typical state being involved in a war in any year, the chances were one in six. These numbers have changed dramatically since 1945. We now have more than 185 states, and although there

have been about 38 interstate wars and large armed interventions (e.g., Vietnam, Afghanistan), the probabilities of any state being involved in a war have dropped to one chance in 20 (calculated from figures in Holsti, 1996: appendix 1). In other words, the main problem of "international peace and security" is no longer the classical one of states using their military forces against each other in Clausewitzian-style wars. These types of conflicts still exist, of course, but they are not nearly so prevalent as the drafters of the United Nations Charter assumed in 1945. What have been the main types of security problems since 1945?

The first is the traditional power rivalry, of which we have seen many examples in European diplomatic history. The Cold War was in part such a rivalry. Today, the most virulent classical rivalry is between India and Pakistan. It has resulted in three classical interstate wars since 1947 and there is a continued possibility of militarized—including nuclear—conflict between them. The relationship between the United States and China today has many of the characteristics of a traditional power rivalry. Israel's relationship with its neighbours also contains many of the characteristics. Greece and Turkey, on the other hand, may be in a period of transition to a more normal interstate relationship.

Traditional rivalries constitute an important threat to international peace and security because most of them have high escalation potential. The mechanisms to conduct the rivalries include deterrence strategies, arms races, economic warfare, and subversion. The relationships are also characterized by poor understanding of intentions, confusion over purposes and diplomatic manoeuvers, sabre-rattling, intense espionage activities, stereotypical thinking, assumed malevolence, and resistance to third party diplomatic intervention or mediation.

International institutions have played only a peripheral role in these types of conflict. The United Nations was active in the early years of the Middle East problem, and secured the fundamental principles underlying an ultimate settlement (e.g., Resolution 242). For the past twenty years or more, however, it has been an inactive observer of the rivalry, as the United States has become the main intermediary. The United Nations was primarily a diplomatic theater where the Soviets and NATO powers used various fora to denounce each other. There were serious UN-sponsored arms control and disarmament negotiations throughout the Cold War, but few of these led to important outcomes. The most meaningful negotiations on these issues took place outside of the United Nations. That organization has passed various resolutions pertaining to the Kashmir issue, but for the most part the United Nations has not taken an active role in seeking to ameliorate this classical rivalry. It has also been reasonably active on the Cyprus issue—which constitutes one significant element of the Greco-Turkish rivalry—but otherwise has been content to sit on the sidelines as the United States and occasionally NATO have been the main interlocutors seeking to help manage the relationship. The United Nations, finally, plays no role in the looming China-United States rivalry. It is significant, perhaps, that the recent mini-crisis over the downed American intelligence aircraft was handled on a strictly bilateral basis.

In brief, those kinds of interstate relationships that present the greatest dangers to international peace and security are precisely the ones in which the United Nations has played at best only a peripheral role. The parties to traditional rivalries have generally ignored the procedures of both Chapters VI and VII of the Charter, preferring to conduct their dangerous relationships on a bilateral basis, or occasionally accepting the interjection of one or more of the great powers.

In 1945, although resistance to colonialism was already in the air, the delegates at San Francisco could not imagine that some colonial peoples would take up arms to end the paternal and often exploitative relationships typical of empire. Yet, since 1945, a high proportion of wars has been fought under the ideological banner of "self-determination." In some cases, as in Algeria, the cost in human lives reached more than one million. We might call these "birth of state" wars. At least 19 occurred between 1947 and 1975. The role of the

United Nations in these wars was primarily to validate the use of force and to legitimize the destruction of colonialism. The authors of various resolutions in the organization attempted to get universal recognition that wars of national liberation were "just" wars, and thus did not require the utilization of Chapter VI of the Charter, or justify reprisals under Chapter VII. Various resolutions also de-legitimized all forms of colonial control and transformed the principle of self-determination into a right. In brief, the organization did not accept the view that such wars constituted a "threat to international peace and security." On the contrary, the prevailing opinion in the organization was that it should do everything possible to legitimize the use of force so that colonial peoples could achieve independence. The role of the United Nations was thus one of a catalyst to help bring about historical change and to de-legitimize all forms of colonial authority.

We might call the third type of conflict "state death" wars. These are essentially wars about political legitimacy within states. They have little to do with relations between states, or classical, Clausewitzian wars that have typified diplomatic history. "State death" wars have many characteristics that distinguish them from classical interstate wars (see below), and they are the manifestations of different types of legitimacy problems. We can distinguish between four different types:

1. secession wars. These are wars where a people or community use military force to protect themselves against government abuse, preferring independence to other forms of political pluralism such as federalism, autonomy, the guarantee of minority rights, and the like. We call them "state death" wars because a pre-existing state will fundamentally change its territorial and constitutional contours if the secession succeeds. Examples include the Tamil armed secession movement in Sri Lanka (since 1985), the various independence movements in Burma (since 1962), the successful and bloody secession of East Pakistan (Bangladesh) from Pakistan (1970-1971), the failed attempt at armed secession by Biafra (1965), and the violent secession of Croatia and Bosnia from Yugoslavia. Kosovo is a probable case, since the terms under which it is a virtual protectorate of NATO are likely to lead to its eventual independence.

2. state collapse wars. This is the situation where public authority within a state disappears or collapses, leaving a general condition of security chaos and/or where local warlords or criminal elements establish some feeble forms of authority, but usually at local levels only. Examples include Somalia, starting in 1994, Lebanon starting in 1976, Liberia starting in 1991, and Tajikistan, starting also in 1991.

3. extended civil wars, where various factions seek to gain power, usurp authority, or ethnically cleanse territories under their control. The prize is capture of state authority. Examples include Angola (starting in 1984), the Congo, on and off since independence in 1961, Sierra Leone since 1993, and the Sudan, on and off since 1955.

4. politicides and genocides. These are perhaps not wars in the common sense of the term, because two or more armies are not in armed conflict with each other. Rather, the main targets are distinct groups of civilians, sometimes defined by their political beliefs, and sometimes by their ethnic, language, and/or religious affiliation. Sometimes the categories overlap. Examples include China's "great proletarian cultural revolution," the mass killing of communist and/or Chinese ethnic minority people in Indonesia in 1965, Pol Pot's reign of terror in Kampuchea in the 1970s, and the genocide in Rwanda in 1994.

Paradoxically, the United Nations has taken its most active role in precisely this third category of conflict. These conflicts have the least likelihood of escalation and are the

furthest removed from genuine "threats to international peace and security." The United Nations has become most directly involved in wars <u>within</u> states, and not wars between states. It had no history of this kind of activity, and has had to learn, to improvise, and to twist the meaning of Chapter VII so that its interventions would have some semblance of legitimacy. We have thus seen the United Nations transformed from an organization that was designed to provide states with security against external threats and aggression, to an organization that seeks to protect individuals and groups from the depredations of their own governments, of secessionist movements, or of their neighbours. And where authority has collapsed, the United Nations has become the primary resuscitator of statehood. It has attempted to restore some semblance of meaningful sovereignty, where state incapacity has been caused by corruption, systematic looting by the state against its own citizens, lack of leadership, ethnic rivalry, and some of the legacies of colonialism. As it did in de-legitimizing colonialism, the United Nations has become a major agent of state survival of those very colonial entities that had sought independence, only to fall into war and government incompetence shortly after achieving it.

Results

From the perspective of average citizens in one of these potential or actual "death of state wars," the main threats to security come from their own neighborhoods, not from the possibility of conquest by a foreign state. The statistics are clear on this: since 1945, many more people have been killed by their own governments and by warring factions within their own country than by foreign armies. Many more have been ethnically cleansed or otherwise lost their homes and livelihoods by the actions of their friends and neighbours, and by their own governments, than by foreign invaders. The great problem of the late twentieth century and the beginning of the new millennium is not international peace and security, but national and individual peace and security.

These are scarce commodities. Clausewitzian pre-1945 wars lasted an average of 2.5 years. In contrast, "death of state" wars have on average lasted more than 25 years (Holsti, 1990: 713). In the classical wars of European diplomacy, less than five percent of participants' civilian population were casualties of war. This figure rose to fifty percent in World War II, mostly the result of indiscriminate bombing, the Holocaust, and the organized killing of prisoners of war by Soviet and Japanese jailers. But in "death of state" wars, civilians have constituted between eighty and ninety percent of the casualties. Of these, women and children make up the largest part (Cf., Kaldor, 1997). Most classical wars end with a definitive peace treaty that ushers in a new interstate relationship. In contrast, the failure rate of armistices and peace treaties in "death of state" wars is high: almost 40 percent collapse within five years of the signing of agreements (Heraclides, 1997; Wallensteen and Sollenberg, 1997; Licklider, 1998). Even where active killing has ended, the situation rarely returns to anything that could be considered normal. Korea has been divided for more than one-half century. Cyprus has been divided since 1964. Bosnia and Kosovo are likely to be *de facto* NATO/OSCE protectorates for at least a decade and probably more. The Palestine-Israel peace "process" launched under the Oslo accords in 1993 has led to more, not less, violence. Why do we see these characteristics in "death of state" wars, the most common form of violence since 1945?

Reversing Clausewitz and Rousseau: The De-Institutionalization of War

"Death of states" wars have given a new name to organized violence. Despite reams of documents outlining humanitarian law in war, despite a growing universal condemnation of using organized violence for political purposes, and despite the elimination of colonialism, war has become increasingly de-institutionalized. By this, I mean that the traditional rules, norms, and etiquette of war developed over the past four centuries have become anachronisms and irrelevant in the "death of state" wars. These wars no longer follow any rules, traditions, or elements of honor between warriors, and particularly between warriors and civilians (Cf., Ignatieff, 1998). Even the Clausewitzian notion of war, a politically-controlled alternative to diplomacy and other techniques of interstate influence, used *in extremis* to defend or achieve known political objectives, plays only a minor role in these wars. And Rousseau's comment that in war "man kills in order to win. Man is not so monstrous that he would win in order to kill" is also reversed in these modern wars. Consider some of their main characteristics as we have observed them in Liberia, Sierra Leone, Somalia, Rwanda, Bosnia, Tajikistan, and elsewhere:

1. Frequently the political objectives of these wars become blurred and sometimes even disappear. In an armed/terrorist conflict that typically continues, on and off, for more than a quarter-century, war becomes a way of life and an end in itself. The purposes of war become privatized. War is a means of enrichment, predation, and extortion. From the 83 different militias operating in the Bosnian and Croatian wars (United Nations, 1994: par. 14), to Charles Taylor in Liberia, the Revolutionary United Front in Sierra Leone, and UNITA in Angola, crime and enrichment become the primary purposes of military activity. This motivation runs from the top, where "leaders" systematically loot national resources to sustain and enrich themselves, down to the hopped-up teenage "soldiers" manning roadblocks that are essentially extortion devices. In these circumstances "political" aims become secondary or disappear altogether (Reno, 1998, 2000; Keen 2000).

2. In the Clausewitzian notion of war, the purpose of military activity is to win, that is, to inflict military defeats upon the foe to the point where it chooses to surrender. In subsequent peace negotiations, the political ends of organized violence are put into treaty form and thus create a new legal regime. In many "death of state" wars, the purpose is not to win because political goals are unknown or mere rhetoric. The main purpose of military activity is to gain control over national assets, including natural resources, manpower, forced labor, and opportunities for various criminal activities ranging from sexual slavery to gun running and control over narcotics networks.

3. In some of these wars, if winning is an objective, it becomes only a prelude to killing. In modern times, Hitler invented the notion of wars of extermination (although there were predecessors in some of the colonial wars), where the purpose of winning was to enable him to reduce the populations of his conquests to slavery or extermination. In Rwanda, the concept of winning was defined in terms of maximizing the number of Hutu killed. In brief, Rousseau is reversed

Clearly, these "death of state" wars are a new type of phenomenon, distinct in their essential characteristics from the kinds of wars that the United Nations was designed to deal with, that is, classical Clausewitzian wars between states. What has been the institutional response to them?

The United Nations and "Death of State" Wars: Quandaries of Conflict Resolution

The United Nations improvised the concept and practice of peacekeeping (although the League of Nations sponsored one operation in the city of Vilnius in the early 1920s). Its forms and functions were clearly derived from Clausewitzian concepts of war. The tasks of the first UN operation—UNEF—in 1957 were to separate the Israeli and Egyptian conventional armies, to patrol cease-fire lines, and to monitor the various de-commissioning agreements associated with the cease-fire. In 1961, in its first foray into a war of secession, the United Nations force in the Congo added to its repertoire of functions the tasks of coercing one faction into giving up the fight. It retained the fiction of impartiality between the combatants, but in effect supported the central Congolese government against the breakaway Katanga province. In Kampuchea, the operation expanded to include war rehabilitation, rebuilding infrastructure, police tasks, organizing elections, overseeing small arms disarmament, and running the government prior to the elections. The tasks of peacekeeping had expanded exponentially from earlier experiences, to include peace-building and peace enforcement. In the Kampuchea case, one of the most successful in UN history, the essential purpose of the peacekeeping operation was to resuscitate a failed state. But even here, the old norms of impartiality remained—at least at the official level.

United Nations peacekeeping operations are hampered by all sorts of logistical and financial problems. These have been addressed in the recent Brahimi Report. But I argue that these technical problems are not the main issue. The essential difficulty is the overhang of the old peacekeeping philosophy of strict impartiality, and the assumption that most conflicts are the consequence of misunderstanding, poor communications, and faulty stereotypes. The characteristics of "state death" wars suggest otherwise. In the condition of state collapse, secession, or the erosion of public authority, criminality and warlordism take over. We saw in the United Nations operation in Bosnia the consequences of the ideology of impartiality. While the operation no doubt saved thousands of lives and successfully delivered humanitarian assistance to hundreds of thousands, it is also the case that the UN became the pawn of the various factions. UN soldiers had to stand by as up to 7,000 Muslim men were hauled out of the "safe zone" of Srebrenica to be massacred by the Bosnian Serbs. The UN could do little to shut down dozens of concentration camps and special camps where women were systematically raped and exchanged as sex slaves. Here was an operation that, although it provided some protection for some people, basically failed to address the essential problem. Its mandate was to ameliorate the symptoms of war, not its sources. The war ended only when the Europeans and Americans, late in the day, drummed up enough courage to compel the parties to the disaster to agree to peace terms. This involved the threat and use of force, clearly on behalf of one of the parties to the conflict.

The problem for the United Nations, then, is not so much technical as intellectual. The members of the organization must decide that in some of these "death of state" wars, there are factions that can help resolve the problem, and others that are its source and have a structural interest in continuing the killing. The norm of impartiality is inappropriate in these circumstances and is likely to lead to the kinds of humiliations inflicted upon the UN operation in Bosnia.

To make effective responses—that is, to stop the killing in the first instance, to protect the civilian population, and to help establish some sort of political authority that has a foundation in popular legitimacy—the members of the United Nations need to explore new norms that are more consistent with notions of aggression contained in Chapter VII rather than the norms implicit in Chapter VI. These would include a clear statement condemning parties that are the source of the problem, and supporting those that are potential solutions to the problem. To abandon the norm of impartiality contains serious political risks—including the use of the veto—but there must be some recognition that not all aggressions are those

where the armed forces of one state cross into the territory of another. In "death of state" wars, aggressors can include governments, warlords, secessionist movements, and civil war factions.

In practical terms, what can the United Nations do to help bring an end to these "death of state" wars? Here is a list of possibilities, all of which go far beyond traditional ideas of peacekeeping:

1. massive demonstrations of force to cow quasi-criminal organizations such as the Hutu government in Rwanda in 1994, various militias in ex-Yugoslavia, UNITA in Angola, the RUF in Sierra Leone, and other criminal-based organizations that prey on civilians (Cf., Mueller, 2001: 16-18).

2. actual armed intervention and the use of force, if necessary, as was the case of NATO in Bosnia and later in Kosovo.

3. effective quarantine of the leadership of any faction or government that is systematically abusing civilian populations, or that is aiding a rebel movement or abusive faction in a neighboring state. This idea has recently been implemented in the case of Liberia.

4. partitions. This has been an unpopular idea because it has the potential of encouraging secessionist movements around the world. However, attempts to create multi-ethnic states where the populations demonstrably refuse to live with each other in peace have not worked so far. Bosnia is a good example of hope over experience. The plan of reconstituting a pluralist Kosovo looks more like a fairy tale than a reasonable prospect. At the moment, the only alternative to partition is moving populations, a form of internationally inspired ethnic cleansing. Partition is an extraordinarily difficult and potentially divisive proposal, but one that should at least enter the domain of public debate. To date, the international community has taken the position that international frontiers are sacred and can not be altered as part of a solution to a "death of state" war. The practice needs to be re-examined.

5. International paternalism: the creation of protectorates and trusteeships. Bosnia and Kosovo are effectively international protectorates. A combination of United Nations, NATO, and OSCE political directorates in both territories are the locus of decision-making authority. Paternalism has a lengthy history in the society of states. Among British liberals in the nineteenth and early twentieth century, the justification for colonial rule was a "sacred trust" of tutelage to lift savages, barbarians, and pagans into a higher level of civilization, to the point where self-rule became a possibility. We use a different nomenclature today, but contemporary paternalism is essentially the same in its underlying logic. Arrangements in Bosnia and Kosovo indicate that these territories will remain under international trusteeship until their peoples have adopted democratic political institutions, guarantees of human and minority rights, and developed the constitutional and political infrastructure that are consistent with modern notions of political legitimacy. Although the United Nations has thoroughly de-legitimized all forms of colonialism and alien rule and altered the principle of self-determination into a fundamental human right, it will have to re-think the principled stand in favor of a revised version of trusteeship. At the moment, intense debate about the limits of sovereignty and non-interference norms suggests a developing norm of "conditional sovereignty." If this is indeed the case, then the debate cannot stop with the question of when it is legitimate to intervene. It must go beyond it to

examine as well the <u>consequences</u> of intervention. In almost all cases, they will involve a lengthy stay to rebuild a state or to lay the foundations for acceptable forms of rule. If the practices look like trusteeship, then we should have the courage to call them what they are.

This last option raises immense issues about international pluralism, tolerance of difference, the importance of Westphalian norms of sovereignty and non-intervention, and the like. But the alternatives to trusteeship look equally bleak. Where governments or civil war factions systematically abuse their populations or selected segments of them, is the best alternative to look the other way, that is, to let these "death of state" wars run their course? Few have hailed the members of the United Nations for having done exactly this in Rwanda. And what would have been the consequences if no one had done anything to try to stop Milosevic's extreme solution to the Kosovar uprising?

The United Nations response to enduring rivalries and to great power confrontations has been basically to ignore them. It has, in contrast, acted vigorously and frequently to "death of state" wars, the predominant form of organized violence in the contemporary international society. However, its actions remain under the intellectual rubric and norms of traditional peacekeeping operations, where impartiality, severe limitations on the use of force, and the assumption of a brief operation all hinder effective action. Traditional forms of peacekeeping are based on faulty diagnoses on the origins and character of "death of state" wars. Once an appropriate diagnosis emerges, then new norms and instrumentalities for effective action will need to be developed. This will be an extremely difficult task because it will need to acknowledge that in our times the essential function of the United Nations is no longer to maintain international peace and security as understood by the authors of the Charter, but to sustain and resuscitate national peace and security.

31

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COMMENTS IN RESPONSE TO THE PRESENTATION
BY PROFESSOR K. J. HOLSTI

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I highly appreciate this opportunity organized by the Government of Canada. To us Japanese, Canada is a good example, a model of having a creative, individualistic foreign policy with great emphasis on its multilateral activities. Despite its close relations with the United States, Canada has been able to stake a unique ground to impress upon the world its own personality and its own vision. I witnessed, through my many years at the United Nations, all kinds of healthy initiatives Canada had taken in fields such as disarmament, human rights, African development, UN reform, UN peacekeeping and other areas. I think that the alliance with the United States should not be a constraint on our pursuing multilateral diplomacy through UN or regional organizations. I often compare Canada's role in peace and security matters in Asia to the role which the Scandinavian powers like Sweden, Finland, Norway and Denmark, have played in strengthening the European framework of peace and security. I think this is a very important role Canada plays and I only hope Canada will continue and even strengthen and broaden its cooperation with Asian countries, particularly with Japan, in reinforcing security in Asia, particularly in East Asia.

As to Professor Holsti's extremely thoughtful analysis of the kinds of wars we have experienced in the last five or six decades, I have no quarrel with most of his analysis. I think that what he calls the wars of death and the wars of birth are often times, as he points out, two sides of the same coin. Contrary to what UN Charter framers thought of typical wars in the first decades, UN experienced many wars of birth of new nations, and the positive role the UN played in that period cannot be forgotten. But wars of birth are wars of death for pre-existing classical states. In the 90's, we experienced a lot of wars, not of national liberation as such, of many ethnic groups which wanted to assert their independence or greater autonomy. I am afraid that in the 21st century this type of conflict will be inherited.

Professor Holsti points out that UN has not had too much impact with regard to traditional wars between states. This is quite disturbing and worrisome for all of us, particularly in Asia where there are some remnants of the Cold War and signs of serious inter-state conflicts, or at least tensions. We must address with renewed energy what we ourselves can do and what the UN can do in this context. Here reliance on a more traditional means of diplomacy is perhaps more effective than multilateral means through the United Nations. But we can think of some creative combination of traditional bilateral, regional, multilateral means, with the universal means of the United Nations.

One should not discard the possibility of reformed and reformulated UN peacekeepers being deployed transitionally on the 38th parallel in the Korean Peninsula as a stabilizing force. I think you have noted some interesting remarks by Kim Jong-Il of North Korea that he would favour, as would South Korea, the continued presence of US troops, while such a force would mean a complete change of their terms of reference if it is to become a genuine UN presence.

As Professor Holsti has pointed out, many international conflicts have been resolved or attenuated through the use of methods mentioned in Chapter 6 of the UN Charter. A few times, Chapter 7 has been invoked, sometimes successfully as in the Gulf war, sometimes not so successfully as in the Bosnian war. I am in full agreement with Professor Holsti in

suggesting that the recommendations contained in the Brahimi Report of last August are in the nature of strengthening UN peacekeeping, and we should welcome it.

We should also be aware that peacekeeping operations are not a panacea for all conflicts. They are most effective under certain circumstances. In Cambodia, it was very useful for two basic reasons, that is: agreement of the parties in conflict to accept an important UN role; and agreement by the major powers involved to help sustain the framework of peace agreed to by all parties. In other conflicts, when there is the absence of these preconditions, the UN had to struggle, even though it had to go in for necessary humanitarian reasons. We could not expect great success from them; they were, after all, an holding operation for valid humanitarian reasons. But UN peacekeeping, as is often said, cannot keep peace where peace does not exist.

We should be extremely careful to avoid unfortunate escalation, which takes place in the Security Council – an escalation of UN mandates from Chapter 6 to Chapter 7. In Bosnia, there was a mere verbal escalation, without any substantive change, of UN mandate. Many governments were compelled to escalate wording into Chapter 7 without giving the UN force in the field the necessary resources, personnel or equipment.

Professor Holsti is right in pointing out a great evolution which has taken place in the UN itself. The UN Charter seldom, if ever, talks about wars within states. But if you look at the Millennium Declaration adopted by the UN last September, there are, four or five references to the governance within states as well as to governance between states; there is clearly cognition of the importance of internal matters. This shows that we have come a long way in our interpretation and application of Article 2, paragraph 7, on non-interference in internal matters. We are, however, far away from a broad international consensus on the limitations on national sovereignty. Many states in Asia and Africa, including important countries such as China and India, are sceptical of the notion of humanitarian intervention by the international community, although in China, the notion of sovereignty seems to be undergoing some changes if you look at remarks and articles by some Chinese scholars.

As Professor said, importance of massive demonstrations of force is better than the actual use of force. The actual use of force as a last resort may be necessary, but we should avoid it as much as possible. In the Bosnian war, although the UN Secretary-General and myself were sharply criticized for not invoking NATO's air power, I must say that we made good use of the *possibility* of NATO's air power coming into play in pursuing our negotiations. In February '94 and April '94 we were able to conclude important cease-fire and arms withdrawal agreements in that way. But, some governments and some sections of media wanted to see the *use* of force. They wanted to see blood to be shed. The UN did not comply with this, because it wanted to maintain its role as an impartial mediator in order to be able to continue cease-fire negotiations and humanitarian assistance.

I subscribe to Professor Holsti's many different scenarios of dealing with inter-ethnic conflicts. We should not be categorical on this matter, since different situations call for different solutions. Partitions and the cessations should not be considered as the best available means. This is a prescription for divisions, subdivisions and the creation of many states which may not be viable. The best solution is definitely the better protection of basic human rights and rights of ethnic minorities. This was tried in Croatia but some European states were among the first to ignore the recommendations of the Badinter Commission, which led to the independence of countries such as Croatia without sufficient guarantees given to minorities which finally revolted. These are some of the challenges we face today. I'm glad Professor Holsti did direct our attention to these different types of wars and different

types of conflicts in which we have to find different remedies. The UN is deficient and weak, but in the absence of any better solutions, we may still have to use it while improvising and improving it.

My last word is the importance of combining peacekeeping with peacemaking efforts and peacebuilding efforts. Peacekeeping is often highlighted, but in Cyprus, for instance, had we had more creative, more imaginative combining of peacekeeping operations with peacemaking efforts, we might have resolved that question as such at a much earlier period. But this was not done and we are still saddled with the Cyprus. I think that a more holistic, more comprehensive and more determined approach is absolutely necessary, but this might be too much to hope for from the actual political leadership in many countries.

INTERPRETING INTERVENTION:
LINKING IMPLICIT SECURITY COUNCIL AUTHORIZATIONS
AND EXPRESS GENERAL ASSEMBLY RECOMMENDATIONS

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1.   INTRODUCTION

Since NATO's intervention in Yugoslavia during the Kosovo crisis, a number of leading actors have been pushing for general recognition of the lawfulness of "humanitarian intervention", in certain circumstances and in the absence of express authorization from the United Nations Security Council. Various normative phenomena have begun to emerge in the 1990s that suggest that the practice of some actors (both state and non-state, including the UN Secretary-General) and the relative acquiescence of others have combined to produce a widening and deepening view that a Security Council consensus sufficient to produce a binding resolution explicitly authorizing the use of force is, while desirable, not in all contexts necessary for an intervention to be considered lawful. The primary contexts in which these phenomenon have played themselves out have been: the use of military force against Iraq as a means of enforcing compliance with the United Nations weapons inspection regime for that country as well as a means of enforcing no-fly zones over areas of northern and southern Iraq; the intervention of a regional organization known as ECOWAS into Liberia; and the war launched by NATO against Yugoslavia as a result of the crisis in Kosovo. One irony of these developments is that they have occurred in tandem with a quantum leap in Security Council activities in the 1990s, an evolution of international governance in the peace and security field that one might have expected would have led to even less acceptance of any freedom of states to circumvent the Council. In the face of this irony, the mounting sense of the acceptability of either threatening or using force without express authorization of the Security Council seems in part explicable because of the fact that some protagonists have begun to settle on a series of justifications that manage to present interventions not as acts of blatant side-stepping but rather as acts that have been undertaken in some form of collaboration with the Council. Alongside these intertwined political and moral discourses, we are also witnessing the rising influence of various legal theories of *implied* authorization and strong purposive arguments that contend that legal validity can be generated through decision-making processes that fulfill the collectivist spirit of the Security Council's scheme even as they depart from the letter of the United Nations Charter text.

Receptivity to the aforementioned emergent justifications has arguably been bolstered by four developments that sometimes complement, but also sometimes exist in tension with, the apparent resurgence of Security Council authority since the end of the Cold War. First of all, there has been a rise in discursive influence of various actors in "transnational civil society" and the successful adoption, many would say appropriation, by

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state and interstate actors of humanitarianism is a powerful normative language in transnational relations.

Secondly, a certain triumphalism and resurgent messianism has fuelled the impatience of the world's hegemony, the United States, and its in-law, the United Kingdom, with any 'obstructionism' by other P-5 powers (notably China and Russia but also France), as well as positions taken by states like India that are dismissed as self-serving and/or illiberal. Thirdly, the economic levers available to the more affluent states, in particular the United States, and the formal criteria for participation in the global economic order (notably, admission to the WTO) have made many states much more likely to accede to 'lobbying' from affluent states. Fourthly, non-formalist, open-textured theories of international law have come into their own, such as the contextual and process-oriented approaches associated with the New Haven School of International Law.[2] The congeniality of such theories of international law has developed partly for reasons internal to discourse in the scholarly community of international law and international relations and partly because these theories fit better with the agendas of the actors described in the above sentences.

Against this backdrop, the purpose of this paper is to relate this evolution of an implicit-authorization rationale to comments made by Dr. Lloyd Axworthy about the decision- making process in which he participated as Minister for Foreign Affairs for Canada during the Kosovo crisis.[3] Dr. Axworthy noted how Canada's Department of Foreign Affairs and International Trade (DFAIT) considered whether, at the point at which NATO military intervention was imminent, authority to intervene could be interpretively distilled from the existing body of Kosovo-related Security Council resolutions. He notes that he and his advisors considered that these resolutions were indeed not sufficient. Accordingly, Canada gave its consent to the military initiatives of NATO having arrived at the view that such use of force was illegal under the current state of international law. I agree with this conclusion, and also respect the fact that Canada more or less decided the issue of intervention over Kosovo was therefore one of compelling moral justification for acting unlawfully. The tragic choice faced by former Foreign Minister Axworthy has clearly contributed to a real concern on his part, as well as on the part of other leading politicians such as the Minister of Foreign Affairs of the Netherlands, to see the legal framework changed so as to eventually secure recognition of the power, even the duty, to intervene in situations of extreme humanitarian necessity.[4]

What I would like to suggest is that the Canadian government's inquiry -- could authority be read into the existing complex of Security Council resolutions? -- is itself significant because of its apparent willingness to entertain the possibility that express authorization may not in all circumstances be necessary. Despite the highly dangerous dimensions of such a theory, a theory that I would note is embraced by the United States and to some extent the United Kingdom, it is worth considering whether *evolving re-interpretation* may not be the preferable way to think about accommodating humanitarian

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[2]   For a classic and accessible introduction to this approach, see Michael Reisman, "International Lawmaking: A Process of Communication," (1981) *Proceedings of the American Society of International Law* 101.

[3]   The Hon. Lloyd Axworthy, Keynote Speech, Delivered to the "Think Canada" *Conference on Issues for the 21st Century: Think Peace and Security*, Tokyo, Japan, 17 April 2001.

[4]   See Lloyd Axworthy, Minister of Foreign Affairs of Canada, "Human Rights and Humanitarian Intervention," Notes for an address (2000/29), Delivered in Washington, D.C., 16 June 2000; and Jozias van Aartsen, Foreign Minister of the Netherlands, "Opening Remarks" in International Peace Academy, *Humanitarian Action: International Peace Academy Report*, Report of a Conference, New York, 20 November 2000, Annex II, p.12.

intervention to the greatest extent possible within the UN Charter itself, by resolutely insisting lawfulness *does* require Security Council authorization and at the same time being more flexible in determining what constitutes authorization. In other words, can and should the complex of words and conduct of Security Council members and closely-related actors like the Secretary-General sometimes be reasonably interpreted as clearly welcoming and, to that extent, authorizing intervention despite the failure to adopt a binding resolution that explicitly says so?

Before moving into the heart of the paper, I feel compelled to say that I do have profound misgivings about the process of Charter re-interpretation as it is currently evolving due to the overbearing role of the United States, and the West in general, and due to relative lack of critical self-awareness of many states that their silence and pragmatic acquiescence is feeding into a normative realignment of UN Charter peace and security law. Greater transparency and less manipulation is needed for the process I am about to describe to be something that I would feel comfortable treating as a legitimate form of evolutionary constitutional reform. But, that said, I do see what is starting to happen as a more sophisticated way of understanding the relationship of legality and morality in global governance on peace and security issues than an approach which views things in either one of two other ways: (a) an approach that sees legality as a static question of reading the UN Charter text textually and, as a corollary, formal Charter amendment as the only way to create greater responsiveness of the international community to humanitarian crises around the world; or (b) an approach that pushes us to view the ethics of intervention as about either moral breaches of constitutional (UN Charter) law or as about endorsing a theory of exceptionalism whereby the world's leading military power simply asserts the power to advance the purposes of a 'just' world order as it sees fit when it sees fit, while denying that this power is a general legal permission for other states notably regional powers like India, Brazil, Russia, China, Indonesia, or Nigeria to do the same.[5]

This major caveat having been lodged, I nonetheless view the justificatory process surrounding Kosovo and also Iraq as a process that can be provisionally embraced as the opportunity to channel our energies towards a more *collectivist* process of re-interpreting the UN Charter in a way that stands a chance of attracting a sufficiently general consensus -- a consensus that is far from existing at the moment. In that respect, while I will not have time to elaborate, it is worth outlining at this stage how a variety of kinds of collaboration might provide a process-oriented basis for harmonizing law, politics and morality. Such collaborative processes, first of all, help get us as close to legality as possible by promoting overarching legal values through engaging in collective decision-making that may not satisfy precise legal-formal requirements of the UN Charter but which nonetheless adhere quite closely to its spirit. Secondly, quite apart from rubbing shoulders with legality, collectivist consensus-seeking processes necessarily involve putting a premium on persuasion and a corresponding merger of self-interest with a broader consensus on the general interest to be served by advocated courses of action. Related to this moral benefit, such processes also help mitigate the potential for abuse and thus help increase the legitimacy portion of a course of action to the extent that external observers can feel reasonably confident that a decision was not taken as a pure assertion of power. Thirdly, the foregoing benefits interact with questions of political effectiveness. Widespread support enhances the credibility of

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[5] On US normative exceptionalism, see, on the academic front, Michael Glennon, "American Hegemony in an Unplanned World Order," (2000) 5 Journal of Conflict and Security Law 3; and, on the journalistic front, Christopher Hitchens, "Rogue Nation U.S.A.", (May/June 2001) *Mother Jones* 32.

collective resolve to act forcefully which enhances individual diplomatic efforts, for example by allowing diplomatic actors (including the Secretary-General) to *warn* offending regimes about the need to change their conduct without directly *threatening* them. Credibility of the resolve to act at the international level is further enhanced to the extent that the collective processes of decision-making help deepen political will at the domestic level and lessen the chances that electorally-sensitive governments will be fickle in the strength and longevity of their support for forceful measures as a function of the waxing and waning of the tolerance of the domestic electorate for involvement in foreign military action.

These introductory comments in mind, I now proceed to a core example of the process of UN Charter interpretation as it has occurred during the 1990s with respect to Iraq. It is not claimed that the use of military force in the Iraq context has been an example of compelling humanitarian necessity (indeed, concomitant use of economic sanctions on Iraq has contributed significantly to a humanitarian disaster in that country) but rather an example of more traditional perceptions of necessity because of an extreme security threat.[6]

2.   IRAQ AS PRECURSOR TO KOSOVO

Security Council Resolution 678 authorized states cooperating with Kuwait to use "all necessary means" to force Iraq's withdrawal from Kuwait and also to "restore international peace and security in the area."[7]   After Operation Desert Storm succeeded in ousting Iraqi forces from Kuwait the Security Council adopted Resolution 687.[8]   It imposed a cease-fire on all combatants and also established UNSCOM, the UN's most ambitious and sophisticated monitoring regime to date.   UNSCOM was charged with the mandate of discerning Iraq's continuing WMD (weapons of mass destruction) programs and verifying that weaponry and weapon-making capacity had been destroyed by Iraq.   A comprehensive sanctions regime was also associated with the weapons-inspection regime.   The removal of sanctions was the intended prize for Iraq once it had complied with all requirements to eliminate its WMD capacity.   In relatively short order, Iraq resisted the UNSCOM inspections regime by employing a gamut of tactics to do so.   This included engaging in periodic games of brinkmanship with the United States and the United Kingdom whenever the latter states made clear that they were willing to employ military force as a response to Iraq's non-compliance with Resolution 687.   Starting with the United States, a number of states including Japan began to advance or accept an interpretive theory which contended that, if the inspections requirements of Resolution 687 were "materially breached", then the cease-fire mandated by Resolution 687 could reciprocally be considered by states which had been cooperating with Kuwait as having been suspended.[9]   The consequence of this

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[6]   I do not wish to deny that the concerns about the production and possible re-use of some weapons of mass destruction by the current or a future Iraqi regime does not have a humanitarian component.   It clearly does.   The goal of preventing a capacity to use such weapons as chemical and bacteriological warheads is clearly something of a legitimate humanitarian concern from a preventative perspective.   The use of the term "weapons of mass destruction" includes mass death.

[7] Security Council Resolution 678 (1990), 29 November 1990.

[8] Security Council Resolution 687 (1991), 3 April 1991.

[9] This is an argument by analogy with the provisions on material breach of treaties: see article 60, Vienna Convention on the Law of Treaties, 27 January 1969, 1155 U.N.T.S. 331.

suspension of the requirement to respect the cease-fire is, according to this theory, that the original Resolution 678 becomes applicable again -- in particular, the authorization to use "all necessary means . . . to restore international peace and security in the area." There are all kinds of problems with the plausibility of this interpretive theory of the relationship between Resolutions 687 and 678, not least being the chronological problems of Resolution 678 having envisioned a *restoration* of peace and security. Such a mandate quite clearly did not contemplate the *revision* of the *status quo ante* through a comprehensive disarmament programme aimed at Iraq.

Leaving aside the issue of whether Resolution 678 is capable of bouncing back into shape as a consequence of any serious non-compliance with Resolution 687 by Iraq, the example I would like to invoke is the interpretive evolution within Security Council practice that has (arguably) occurred despite vocal contestation by a permanent member of the Security Council. Central to the narrative are the roles played by statements made by the President of the Security Council and by the UN Secretary-General. The UN Charter accords no interpretive role to either actor let alone a role in which their statements would have dispositive significance. In the case of the member state of the Security Council that holds the Presidency at a given point in time, the President's statements are, by commonly accepted practice, issued only where the President of the Security Council at the time in question is confident that the statement in question reflects the consensus of the Security Council members.

In early 1998, Secretary-General Annan went, on his own initiative, to Baghdad in order to seek concessions from Iraq which would have the effect of avoiding threatened military strikes by the United States in particular. After Annan's return to New York in March 1998 with a Memorandum of Understanding, many actors in the United States' foreign policy apparatus were incensed at his intervention which had made it politically impossible for the United States to go ahead with its military strikes -- strikes that it viewed as necessary in light of a persistent pattern of bad faith non-compliance by Iraq with the UNSCOM regime.[10] To soften the sting, the Security Council adopted Resolution 1154 in which it was stated that the "severest consequences" would result should Iraq not live up to the Memorandum of Understanding it had just entered into with Secretary-General Annan.[11] However, during the debate over the terms of that resolution, China stated emphatically that the warning of "severest consequences" in Resolution 1154 would not, in China's words, lead to "automatic authorization of the use of force against Iraq."[12] The President of the

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[10] United Nations – Iraq Memorandum of Understanding of 23 February 1998, (1998) 37 *International Legal Materials* 501.

[11] Security Council Resolution 1154 (1998), 2 March 1998 at para. 3: "The Security Council …[s]tresses that compliance … is necessary for the implementation of resolution 687 (1991), but that any violation would have severest consequences for Iraq."

[12] For the Summary Records of China's remarks, see UN Doc. S/PV.3858, at 14 (1998). On the fact that China was reported to have the support of two other permanent members, see John Goshko, "3 on Security Council Oppose 'Automatic Trigger' on Iraq" (28 February 1998) *Washington Post* A20: "…[D]iplomatic sources said that France, Russia, China and council members belonging to the Non-Aligned Movement, all of which have opposed military strikes, are insisting that any resolution require further council consideration before force is authorized. The sources said these countries are agreeable to warning Iraq of potential consequences but, as of now, refuse to accede to the idea of an automatic trigger."

Security Council issued a statement of interpretive significance: "The Security Council warns of the serious consequences of Iraq's failure to comply immediately and fully . . ."[13] It can be seen from this statement that the President does not take direct issue with China's phraseology. In other words, there is not a disavowal of China's view that there is no automatic authorization of the use of force should Iraq not comply with the MOU. However, what is of great interest is that the President chose not to reiterate the specific language of Resolution 1154 ("*severest* consequences"). Instead, the adjective chosen is "serious". Why is this significant? On at least one prior occasion, in 1993, the Security Council President also employed the same term when warning Iraq of "serious consequences".[14] Following that 1993 warning (indeed, only two days later), the United Kingdom, the United States and France went on to bomb Iraqi targets in southern Iraq. Thus, from a standard common-law point of view, I would note what would appear to be a careful reliance by the President on a precedent involving a very deliberate decision to use a phrase which had, five years earlier, been interpreted by three other Security Council permanent members to permit them to engage in military attacks on Iraq. Beyond this point about not taking specific issue with China and reaching back to an existing Security Council precedent, there is also a very important element of semantic logic in the President's formulation. By this I mean that, if "serious consequences" are now understood as an implicit signal by the Security Council that force may be used, then "severest" consequences must *a fortiori* be even clearer as an implicit authorization.

In this second Iraq-centred context -- that is, the interpretive question of whether or not Resolution 1154 could be construed to permit Security Council members to use force should Iraq not live up to the recently-brokered MOU brought back by Annan from Baghdad -- it is highly significant to note that there was another solo performance in the interpretive tug-of-war over what Resolution 1154 was permitting. Secretary-General Annan himself got involved. In a US television news appearance, he was asked, should Iraq not comply with the MOU, whether the use of military force would require a new Security Council resolution or whether Resolution 1154's language would be sufficient to allow willing states to take military measures against Iraq. In very closely constructed sentences, Annan noted that the United States had consulted broadly throughout the crisis that had resulted in Annan going to Baghdad to seek the MOU. Then, Annan said the following: "The Russians, the French and Chinese …resisted [the] idea of automaticity. And therefore, if the United States had to strike, I think some sort of *consultations* with the other members would be required."[15] Now, recall China's own carefully chosen words in the debate over the language of Resolution 1154. China had objected to an interpretation of the words "severest consequences" that would permit an *automatic* recourse to force. Some eight months later, in November 1998, United States, United Kingdom, and France eventually did decide to use military force on the basis of Iraq having continued to fail to comply with both Resolution 687 and the March 1998 MOU. For purposes of the present discussion, what is significant

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[13] Statement of the President of the Security Council, UN Doc. S/PRST/1997/49.

[14] Note by the President of the Security Council, UN Doc. S/25091 (1993). And see Christine Gray, "After the Ceasefire: Iraq, the Security Council and the Use of Force," (1994) 65 *British Yearbook of International Law* 135, at 154, 167.

[15] Quotation as reported in "Annan: U.S. must consult before attacking Iraq," 8 March 1998, Web posted at 4:50 PM EST (2150 GMT), viewed on 20 June 2001 at http://www.cnn.com/WORLD/9803/08/iraq.wrap/index.html. The remarks of the Secretary-General were made on ABC News' *This Week* (ABC television broadcast, 8 March 1998).

(and needing of more study) is the extent to which these states engaged in consultations with other Security Council members before unleashing their bombing campaign in November 1998. Did they do so believing that at some level China had sent a normative signal that it understood that force could result without a subsequent, fresh resolution by virtue of its own careful choice of words during the debates over Resolution 1154 and its subsequent lack of objection to the President's Statement after Resolution 1154 had been adopted?

What, precisely, is the relevance of the foregoing narrative? Four points can be made. First of all, as I hope has emerged with some clarity from the discussion itself, a Security Council-oriented practice of engaging in layered signalling games blurs with the creation of real-world, shared understandings on how to go about interpreting Security Council resolutions in which the implicit authorization of the use of force (Resolution 1154) was at stake. Secondly, as a corollary to the first point, the handling of Iraq suggests how the frames of reference within which Security Council resolutions are drafted are constantly evolving. Another way of putting this point is to say that baseline understandings evolve in such a way that formulations initially viewed as opaque by external viewers and as coded by internal participants come to take on a clarity such that, for example, the search for implicit authorization of the use of force can evolve from a broad contextual inquiry into a simple semantic exercise of identifying a key phrase which has been invested with particular meaning at some point in time. So, just as "all necessary means" (recall Resolution 678) is now accepted code for Security Council authorization of military force and, as such, virtually 'express' authorization within the language community in question, the practice of warning of "serious consequences" has perhaps become generally understood by the permanent members of the Security Council as a warning that future military action may occur without a subsequent Security Council resolution expressly authorizing that action. From a lawyer's perspective, on a model of statutory drafting practice, when the Security Council goes on to use the same language again, the lawyer concludes that it is intentional and that interpreters are meant to understand the words in the new case as they have come to be understood in light of previous practice.

Thirdly, Security Council resolutions are framed not only by the Council's own practice but also by the UN Charter itself and by all of the presumptions of interpretation that one can infer from it. For example, two American scholars in a recently co-authored article conclude that the interaction of the Charter's text and overarching policy considerations yield an interpretive rule that Security Council authorizations of force must be explicit, or at the very least clear, and not implicit.[16] Lobel and Ratner start with two fundamental Charter values, the peaceful settlement of disputes and the principle that force is to be used "in the interest of and under the control of the international community." From these twin values, they argue that an overriding policy must be viewed as part of Chapter VII, namely that the Security Council must retain "strict control" over the initiation, duration and objectives of force. If the argument for this policy is indeed a sound one, then specific consequences are entailed with respect to interpreting the meaning of Security Council resolutions and, what amounts to the same thing, in terms of the language that the drafters of the Security Council resolution must use if they seek to secure certain results. Two such consequences, from Lobel and Ratner's perspective, is, again, that there is a requirement of explicit Security Council authorization of force and also that, in some grey zone between the explicit and the implicit, ambiguous aspects of authorization should be narrowly construed.[17]

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[16] Jules Lobel and Michael Ratner,"Bypassing the Security Council: Ambiguous Authorizations to Use Force, Cease-fires and the Iraqi Inspection Regime," (1999) 93 *American Journal of International Law* 124.

[17] *Ibid*. at 219.

The broader point that emerges from the example just given is that there is a symbiotic link between the premises and conventions governing the interpretation of Security Council resolutions and the interpretation of the UN Charter itself. As such, what we may be witnessing with the various levels of collaboration in coded silences and half-hearted resistance is a simultaneous re-interpretation of the Charter's premises through a Security Council practice that has begun to condone, even embrace, the possibility of treating Security Council resolutions as containing implicit authorizations to use force.

The fourth and final point of relevance that emerges from the Iraq example is that it helps understand why a focus on customary international law as a locus for new law on humanitarian intervention may make little sense. Given the UN Charter's special 'constitutional' status, customary international law cannot contradict the UN Charter, unless the customary norm is of that very special kind known as *jus cogens*. At most, custom can develop in a subject area covered by the Charter only in a way that complements the Charter or, conceivably, in a way that conflicts with some Charter values if the Charter can be reasonably understood as having created a permissive gap in the text within which custom is to be permitted to develop.[18] The essential point is that the Charter and custom exist in the shadow of each other, each conditioning the other, such that references to the customary law on humanitarian intervention should be more self-consciously understood as really about interpretive practice related to the Charter.[19] It makes little sense *conceptually* to say custom evolves separately from an interpretation of powers and duties within the Charter itself. But also, from a *policy perspective*, one must prefer evolutionary interpretations of a constitutional instrument to an approach that effectively creates a gap in the applicability of the constitution precisely in the fields in which one would expect it to apply with full force. Thus, humanitarian intervention is best seen either as something condemned to be morality's rebuke to legality in situations where necessary action is not forthcoming because of Security Council reticence or blockage, or as a practice in quest of lawfulness through the complex interpretive interaction of words and conduct with the UN Charter text. Given that it is extremely unlikely that a formal UN Charter amendment can occur any time soon, the pressure to embrace intervention interpretively as part of an evolution of the meaning of the Charter itself is understandably great. The burden of my account of some of the interpretive

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[18]It is this latter move that some scholars and states attempt to make when they argue that article 51 of the UN Charter should be viewed as permissive and not preclusionary in terms of the circumstances that generate a right of self defence. Article 51 states that self defence is triggered if "an armed attack occurs". There are those who make the point that this language should not be read as if it says "if and only if an armed attack occurs". In this way, these scholars seek to find open space in the customary round for the law of self defence to develop as custom.

[19]While being at pains to emphasize custom exists apart from the Charter, the International Court of Justice could nonetheless be read as having said something similar in *Military Activities In and Against Nicaragua Case (Nicaragua* v. *United States of America)*, [1986] I.C.J. Rep. 14 at para. 181: "However, so far from having constituted a marked departure from a customary international law which still exists unmodified, the Charter gave expression in this field to principles already present in customary international law, and that law has in the subsequent four decades developed under the influence of the Charter, to such an extent that a number of rules contained in the Charter have acquired a status independent of it. The essential consideration is that both the Charter and the customary international law flow from a common fundamental principle outlawing the use of force in international relations."

controversies concerning the Iraq situation and the discussion of the normative significance of those narratives has been to demonstrate that there is good evidence that the interpretive re-fashioning of the UN Charter's law on peace and security is being pursued with some vigour by key actors, not only states such as the United States and the United Kingdom but also a particularly charismatic and influential Secretary-General.

3. THE UN CHARTER AND EVOLUTIONS IN MEANING

It is by now trite law that evolutionary meanings *are* possible both as a matter of general international treaty law and also as an accepted way of viewing the capacity of the UN Charter to have prevailing meanings revised in light of some form of consensus. Let us speak of "interpretive evolutions" as the general category for meanings that evolve whether simply by clarification (where there is an initial period in which ambiguity produces disagreement and thus no consensus meaning, but consensus on meaning that evolves) or whether by a radical re-reading of the text. Let us use the term "legislative interpretations" to refer to interpretive evolutions in meaning which are closer to the latter end of the spectrum, that is, interpretations in which there is an element of re-writing the text -- either by implying rules and principles into the text or by consciously reading words in a way that does not accord either with their ordinary meaning or with what is commonly understood to have been their original meaning at the time of adoption of the text.

However radical an interpretive evolution in meaning may be, the key point is that the evolution is inextricably connected to the practice of argument in which text is brought to bear on concrete situations and, with time, certain interpretive arguments prevail. An oft-given example of interpretive evolution arising through argumentative practice in the UN Charter context is that of Article 27(3).[20] This provision sets out the voting requirements for a Security Council resolution to be adopted, such adoption in turn being necessary for the Security Council to bind states to its will. One of the conditions for a resolution to be adopted is that nine "affirmative" votes are needed and also that the "concurring" votes of all five permanent members are required. Two issues have arisen. First of all, can an abstention by a permanent member count as a "concurring vote[]"? Secondly and more radically, can the requirement of the "concurring votes of the permanent members" be satisfied when one or more permanent member is absent from the vote and thus casts no vote at all?

With respect to the abstention-as-concurring issue, interpretive controversy has been relatively mild. With some fits and starts, ambiguities in both the text and in the negotiating record for article 27(3) were resolved through consistent practice starting as early as 1946.[21]

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[20] "Decisions of the Security Council on all other [non-procedural] matters shall be made by an affirmative vote of nine members including concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting." Article 27(3), Charter of the United Nations, 26 June 1945, Can. T.S. 1945 No.7.

[21] Lobel and Ratner, *supra* note 16, at 135, note 42. See also Constantin Stavropoulos, "The Practice of Voluntary Abstentions by Permanent Members of the Security Council Under Article 27, Paragraph 3, of the Charter of the United Nations," (1967) 61 American Journal of International Law 737, notably at the article's final sentence at 752: "That practice [of voluntary abstentions counting as concurring votes] has been acquiesced in by other Members of the Organization, and can now be considered a firm part of the constitutional law of the United Nations."

Certainly, abstentions are now universally understood to count as concurring votes. Indeed, China has, throughout the 1990s, quite consistently practised a policy of abstaining in many contexts in which it is uncomfortable with the military interventionism being proposed by the Security Council.[22] In this way, China's concur-but-do-not-affirm policy has permitted a form of consensus to develop that has permitted the Security Council to become exceptionally active in a number of crises during the 1990s.

With respect to the absence-as-concurring issue, one crisis – the Korean peninsula crisis of 1950 -- has come to be taken as being interpretively definitive by many commentators and most, if not all, states. In protest at the recognition of the Nationalist Taiwan-based regime being treated as the government of China for purposes of representation in the UN, the Soviet Union had been boycotting the Council for some five months when North Korea invaded South Korea.[23] In the absence of the Soviet delegate, the Security Council adopted a series of four recommendatory resolutions that in effect recommended that states assist South Korea in its self-defence and then that such states wishing to give such assistance should place their forces and equipment under the unified command of the United States. On one account, a large percentage of the members of the UN of the day (some 53) sent messages of support for the Security Council initiative.[24] The Soviet Union's position was that these resolutions were *ultra vires* because of the Soviet Union's failure to concur due to its absence. This view was *de facto* overridden by the generality of support for the Council combined with the passage of time, such that this general interpretation took on a *de jure* life as the governing interpretation on the question of absence within article 27(3). I say "the generality of support" because the mechanism by which this interpretation was validated should be viewed as one of general, as opposed to universal, recognition of the interpretive evolution in question. Unlike on the abstention-as-concurring issue, it would be an obfuscation in the absence-as-concurring context to speak of the acquiescence of states as having been the validating mechanism without specifying that one key interested actor did not acquiesce. Thus, an interpretation evolved rather as customary norms evolve: with general and widespread support, but without the need for all interested actors to be participating in the practice that produces the normative shift – even a key actor in the context, here a permanent member on an issue crucial to its special place in the UN system.

The article 27(3) example falls closer to the end of interpretive clarification of an ambiguity in the Charter text than it does to the end of what I have called legislative interpretations. This partly accounts for how it is that, with time, the Soviet Union's lack of participation in the initial forging of the interpretation on the absence question has notgenerally been treated as fatal to that interpretation. There is, however, another major example of interpretive evolution of the UN Charter that is significant for our discussion

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[22] "On April 4, 1946, Australia was the first non-permanent member, and on April 9, 1947, the United Kingdom was the first permanent member, not to take part in a vote of the SC. This practice, which has been followed by other permanent members of the SC, has been used most frequently by the People's Republic of China." Bruno Simma and Stefan Brunner, "Article 27" in Bruno Simma, ed., *The Charter of the United Nations: A Commentary* (New York: Oxford University Press, 1994) 433 at 453.

[23] Myres McDougal and Richard N. Gardner, "The Veto and the Charter: An Interpretation for Survival?" (1951) 60 *Yale Law Journal* 258 at 259.

[24] *Ibid.*.

because it involves a clearly 'legislative' interpretation -- indeed, some would say it came very close to an interpretive amendment of the UN Charter or, less provocatively, to an interpretive modification -- and occurred in the face of vocal resistance from powerful states. The example in question is that of the re-interpretation of the meeting of Chapter XI of the UN Charter entitled "Declaration Regarding Non-Self-Governing Territories." This term -- "Non-Self-Governing Territories" -- is amongst the baldest euphemisms in international history, in that it served as code for colonies. Yet, in terms of express language, the significant point is that Chapter XI makes no express reference to colonization.[25] Apart from the semantic avoidance of calling colonization for what it was, the text also contains no duty to de-colonize or any right of "non-self-governing" peoples through independence if they wished, as a collectivity, to take that course. Rather, the paternalistic and indeed racist notion of a sacred trust became the governing concept according to which the only duty in the UN Charter on the Administering Power (the colonizer) was to attend to the well-being of the populace and to foster the movement of the non-self-governing population towards a state of "self-government".[26]

Yet, despite the hurdles of text and power, anti-colonial states and especially newly decolonised states began to use the UN General Assembly as the locus for a normative battle against colonization in which the right of peoples to self-determination was the battle standard. Despite the lack of receptivity to a duty to decolonise -- and indeed a complete failure to even acknowledge that colonization existed -- in Chapter XI of the UN Charter, this coalition of states and supporting actors from civil society succeeded in having a high-normative resolution of the General Assembly passed which affirmed the right of all peoples to self-determination and listed the right of a people to organize itself into an independent state as one of the choices such a people could make whatever the will of the colonizing power.[27] This 1960 Colonial Declaration increasingly was invoked as the authoritative interpretation of the meaning of Chapter XI of the UN Charter to the point that, in relatively short order, the right of colonized peoples to self-determination and the associated right to become independent were read into the UN Charter despite the lack of any express recognition of either concept in the text itself.[28] Institutions evolved to push this normative

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[25] Chapter XI consists of two articles, articles 73 and 74, neither of which use the word "colony" or any derivative.

[26] It is only with respect to a special kind of colony called the "trust territory", which in effect are colonies of losing powers in both World War I and World War II, that the UN Charter specifically refers to the independence of the peoples of trust territories as a goal, however much a hedged goal. The specific mention of independence with respect to this form of territory and its stark absence in relation to the broader category of Chapter XI non-self-governing territories reinforced the textual and background assumptions that the UN Charter did not intend that colonizing powers be under a duty to de-colonize. See Chapter XII, articles 75-85 and notably article 76, of the UN Charter entitled "International Trusteeship System".

[27] *Declaration On Granting Independence to Colonial Countries And Peoples*, GA Res. 1514 (xv), 14 December 1960 [colloquially known as the Colonial Declaration].

[28] See e.g. W. Ofuatey-Kodjoe, "Chapter Seven: Self-Determination" in Oscar Schachter and Christopher Joyner, eds., *United Nations Legal Order*, vol. 2 (New York: Cambridge University Press, 1995) 349 at 350: "Still others have argued that the principle of self-determination has evolved into a legal right by virtue of UN practice. For instance, considering the Declaration on the Granting of Independence to Colonial Countries and Peoples, Rosalyn Higgins arrived at the conclusion that 'that Declaration, taken together with seventeen years of evolving practice by the

understanding and to put colonizing states under a spotlight, notably the Decolonization Committee that was and to some extent continues to be in charge of identifying those peoples who are to be considered non-self-governing and to oversee the process of decolonization, usually through a UN-supervised vote on political status. We thus see an example of a virtual constitutional amendment to the UN Charter in an area of high political salience and against the wishes of very powerful actors, a phenomenon which occurred by way of an interpretive strategy that harnessed the normative force of the General Assembly in its capacity to adopt special resolutions called declarations. An important element of the story is that the interaction between the General Assembly's initial and subsequent pronouncements on the decolonization question and the UN Charter text occurred in a context in which the UN Charter itself expressly states that, other than for certain matters internal to the workings of the UN, General Assembly resolutions are recommendatory only. That being the case, the way in which Chapter XI came to be rewritten highlights the sterility of thinking that embraces a rigid dichotomy between binding and non-binding legal effect and obscures the reality that legality operates as much in degrees as in an off/on fashion, especially in international relations.

The decolonization example further gives rise to the following important points. First of all, the initial resistance of colonizing states to some kind of duty to decolonize did not last all that long once the anti-colonial coalition had succeeded in having the Colonial Declaration adopted in the face of resistance from a clutch of states. As such, we can see that interpretive change need not be initiated with all parties onboard. Nor, however, can it be imposed by some interested parties without having eventually achieved some threshold of acquiescence on the part of those inclined to object to the legal development. In tandem with the notion of acquiescence, it is helpful to think in terms of some kind of requirement of sufficiently-general recognition of the international community as a whole as a way to think about legal development occurring in a 'legislative' fashion -- that is, in a fashion that binds all members of the community.

In this respect the interpretive change to the UN Charter's law on colonized peoples would seem to have similarities to the way we think about the evolution of customary norms. However, there may be important differences between the extent of acquiescence or the comprehensiveness of general recognition with respect to treaty texts as compared to customary norms. Whatever the epistemological problems may be, we tend to view these texts as having a certain 'objective' existence. We speak of their meaning being 'in' that text in light of its purposes and context(s). Of course, we do realize that meaning is something generated by interpretive communities creating shared understandings. In that sense, we are not naïve: texts do not generate their own meaning. So, by 'objective' I mean the *idea* of something chronologically prior to the act of interpretation, something legislated through a legitimate process which requires us to imagine it, the text, as having its own integrity and thus standing apart from any given state's or societal sector's understanding of it. To this extent and for present purposes, texts are, simply put, real.

All this suggests the potential for authoritative new interpretations that are not necessarily consensus ones, and that indeed can be argued to be legally correct in the face of resistance by powerful actors -- at least, as long as other important actors who share the same interests as the resisters have begun to embrace the new legal development (against interest, as it were) so as to increase the confidence with which we can understand the legal development as reflecting the common interest. In domestic law we are used to interpretations through the courts as creating, through decision, meanings that are accepted

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United Nations organs, provide ample evidence that there now exists a legal right of self-determination'." Rosalyn Higgins is now the British judge on the International Court of Justice.

as law even if incredibly powerful social and political interests have been resisting that interpretation. There is no such court-like actor in the international system, the International Court of Justice certainly not playing a parallel role. However, the decolonisation example suggests that *political* institutions, most notably the General Assembly, can play a very special role in interpretively rewriting texts even in the face of serious resistance.

4.   FROM KOSOVO TO THE GENERAL ASSEMBLY

Having set the scene with some discussion of the normative politics in the Security Council over Iraq, we now turn to the Kosovo crisis. It is common ground that there was no explicit authorization for NATO's use of force against Yugoslavia in late March of 1999. As well, no one would argue that there was any *explicit* retroactive endorsement of NATO's decision to go to war when the terms of the peace settlement with Yugoslavia were incorporated into Security Council Resolution 1244.[29] Yet, the idea of *implicit* authorization

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[29] The lack of explicit retroactive endorsement is in considerable contrast to the retroactive response by the Security Council to ECOWAS' 1990 intervention into Liberia. In that context, the Security Council did not go so far as to expressly say that what was an illegal intervention was to be treated as retroactively validated as lawful, but the language of "commend[ing]" the intervention was used. See Security Council Resolution 788 (1992), 19 November 1992, in which, in operative paragraph 1, the Security Council "[c]ommends ECOWAS for its efforts to restore peace, security and stability in Liberia." In addition, in paragraph 4, the Council uses more implicit but still significant language when it "[c]ondemn[ed] the continuing armed attacks against *the peace-keeping forces* of ECOWAS in Liberia" (emphasis added). There is also an indirect form of "support and endorsement", albeit in the preamble only, when the Council welcomes *the Organization of African Unity's* "endorsement and support" of ECOWAS. By such a double reference to a pan-continental regional organization and a sub-regional organization, the Council may well have wanted to signal that the retroactive validation found in paragraph 1 (recall "commends ECOWAS...") had something to do with the depth of legitimacy created by two regional organizations acting in concert, a signal even more strongly hinted at by another preambular paragraph "[r]ecalling the provisions of Chapter VIII [Regional Arrangements] of the Charter...". As Resolution 788 occurred a full two years after the ECOWAS intervention, evidence of ongoing acquiescence by the Security Council during those two years would help bolster an interpretation that paragraph 1 of Resolution 788 amounts to a retroactive validation removing any unlawfulness that might have otherwise attached to the act of intervention. In this respect the following observations by Christine Gray in "Chapter Six: Regional Arrangements and the United Nations Collective Security System" in Hazel Fox, ed., *The Changing Constitution Of The United Nations* (London: British Institute of International and Comparative Law, 1997) 91 at 104-105 are of interest: "In this [Liberia/ECOWAS] instance ... it is striking that not much attention was paid in the Security Council even to the question of the legality of the operation under the UN Charter. States in the Security Council debates simply assumed that ECOWAS had legally established peacekeeping forces. The ECOWAS communiques to the Security Council made no express reference to Chapter VIII but Nigeria spoke of 'ECOMOG as holding the fort for the UN in accordance with Chapter VIII'. The USA and China spoke simply of the peacekeeping forces set up by ECOWAS and appeared to assume their legality...".
Some commentators addressing the Kosovo intervention have leaped on Resolution 788's treatment of the Liberia situation as a precedent for the possibility of Security Council sanctioning an intervention after the fact: see e.g. Christopher Greenwood, "International Law and the NATO Intervention in Kosovo," (2000) 49 *International and Comparative Law Quarterly* 926 at 929. This is fine as far as it goes -- and indeed this is an important benchmark against which future Security Council resolutions do indeed need to be interpreted -- but the

in some kind of mutually supportive relationship with *implicit* retroactive validation has some support as the way we might think about the possible lawfulness of the NATO action. However, those making such an argument have an uphill battle to fight. No single provision in any single Security Council resolution can be pointed to as the textual location for inferring either a prior authorization or an *ex post facto* validation. Rather, any lawfulness such as may exist can only be 'located' in the Security Council texts taken as a whole and viewed over time, not as isolated snapshots.

Now, allow me to note that I am an adherent to a set of views about law, including international law, that sees both the identification of law and its articulation in concrete decision-making contexts in terms of a rhetorical enterprise. Rhetorical theories of law and justification emphasize that lawfulness should not be seen as an either/or matter, and even less one in which formal textual sources may be invoked to the exclusion of other relevant considerations that possess various degrees of normative weight in argument. Legal justification becomes a matter of the degree of persuasiveness of an overall argument, in which a multiplicity of interconnected individual arguments are composed into some harmonious whole and in which the cumulative persuasive force of the totality of arguments is assessed in terms of the aesthetics of the ensemble. Such assessment includes both formal properties of coherence in argument and the receptivity of particular audiences to particular kinds of arguments or combinations thereof. From this standpoint, the role of shared, or at least compatible, premises play a crucial role in linking diverse arguments and contributing to their combined force.[30]

What, then, have been the main arguments that some advocates of the lawfulness of the NATO intervention have put forward (albeit each advocate emphasizing specific arguments more than others and combining them in different ways)?[31] First of all, many

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simple fact of a post-intervention Security Council resolution seeking to deal with the results of an intervention does not in itself amount to the support and endorsement of the intervention itself. Absent something explicit along the lines of what the Security Council said about the Liberia context, the Council must be taken only to be dealing with the aftermath of a war in the best fashion that it can, as it would deal with any war however illegally initiated.

[30]The kind of premises to which I refer include understandings about the *prime facie* legal standards in play, about the facts, about the nature and function of the law and of the particular decision-making institution called upon to act, about systemic background values that cocoon legal reasoning, about the balance between textual, contextual and instrumental arguments in one's approach to interpretation, and so on. For an account of how political and moral discourses can insinuate themselves into the realm of legal rhetoric in the use of force context, see Craig Scott, "Grenada, Nicaragua and Panama: Tracking Force-for-democracy Discourse in the 1980s" in Yves LeBouthillier, Donald McRae and Donat Pharand, eds., *Selected Papers in International Law: Contribution of the Canadian Council of International Law* (The Hague-London-Boston: Kluwer Law International, 1999) 169 esp at 195-200.

[31] These have been distilled and amalgamated from the accounts in the following articles, *inter alia*: Bruno Simma, "NATO, the UN and the Use of Force: Legal Aspects," (1999) 10 *European Journal of International Law* 1; Ian Brownlie and C J Apperley, "Kosovo Crisis Inquiry: Memorandum on the International Law Aspects," (2000) 49 *International and Comparative Law Quarterly* 878; Ian Brownlie and C J Apperley, "Kosovo Crisis Inquiry: Further Memorandum on the International Law Aspects," (2000) 49 *International and Comparative Law Quarterly* 910; Christine Chinkin, "The Legality of NATO's Action in the Former Republic of Yugoslavia (FRY) Under International Law," (2000) 49 *International and Comparative Law Quarterly* 345; Greenwood, *supra* note 30; Vaughan Lowe, "International Legal Issues Arising in the Kosovo Crisis," (2000) 49 *International and Comparative Law Quarterly* 358; Ruth Wedgwood, "NATO's Campaign in Yugoslavia," (1999) 93 *American Journal of International Law* 828;

start with the fact that the Security Council had indeed taken cognisance of the escalating humanitarian crisis in Kosovo and adopted Chapter VII resolutions that made clear that Yugoslavia was under a legal duty to remedy the situation. Secondly, prior to March 1999, a strategy of threatening force had already been used by NATO. Most notably, US diplomatic envoy Richard Holbrooke had gone to Belgrade in the fall of 1998 in order to threaten Milosevic with military force should he fail to agree to a cessation of violence in Kosovo. Milosevic did indeed agree to such cessation and also to the insertion of OSCE (Organization for Security and Cooperation in Europe) observers. Security Council Resolution 1203 of October 1998 did not condemn the threat of force that had produced this agreement, but rather welcomed the agreement secured with the assistance of threats by "endorsing and supporting" the agreement.[32] The reader will recall that this is the exact formulation used in 1991 with respect to actual, as opposed to threatened, military intrusion into Liberia by ECOWAS. So, while it remains common ground that the Security Council did not repeat this formulation once NATO had actually intervened and Yugoslavia then surrendered in the summer of 1999, the Security Council had indeed been willing to adopt a resolution in the fall of 1998 that stood for some kind of acceptance that threats of force may well be tolerated at a certain level by an enthusiastic embrace of results that appear to have only been achievable through such threats. This alone suggests a significant potential legislative reinterpretation of the UN Charter given that Article 2(4) prohibits, on its face, the threats of force and not only the use of force.[33]

Louis Henkin, Kosovo and the Law of 'Humanitarian Intervention'", (1999) 93 *American Journal of International Law* 389; Richard Falk, "Kosovo, World Order, and the Future of International Law," (1999) 93 *American Journal of International Law* 412; and Michael Reisman, "Kosovo's Antimonies," (1999) 93 *American Journal of International Law* 425; Foreign Affairs Committee, House of Commons, United Kingdom, 4th Report of the House of Commons Foreign Affairs Committee (7 June 2000), HC28-I, accessed on 13 April 2001 at http://www.fas.org/man/dod-101/ops/2000/2802/2801.htm.

[32] Security Council Resolution 1203 (1998), 24 October 1998 at para. 1: "Endorses and supports the agreements signed in Belgrade on 16 October 1998 between the Federal Republic of Yugoslavia and the OSCE, and on 15 October 1998 between the Federal Republic of Yugoslavia and NATO, concerning the verification of compliance by the Federal Republic of Yugoslavia and all others concerned in Kosovo with the requirements of its resolution 1199 (1998) , and demands the full and prompt implementation of these agreements by the Federal Republic of Yugoslavia."

[33] All of that said, Resolution 1203 does not expressly refer to the means adopted to achieve the agreement with Yugoslavia, so there may still be some room to say that the Security Council simply did not address the question of the unlawfulness of any actions by NATO in the lead up to that October 1998 agreement. As well, some might be inclined to say that the loosening of tolerance for the rule against threatening force in international relations, assuming Resolution 1203 is an example of that loosening, does not in and of itself mean that the actual use of force in the same circumstances so as to produce the same agreement would have been welcomed in the same fashion. However much diplomats wish for threats of force to be understood as credible threats, there is a qualitative difference between threatening and actually carrying out military action.

Thirdly, as the NATO action against Yugoslavia was underway, Russia brought a motion before the Security Council that sought to have the NATO states condemned for an illegal initiation of a war. However, it appears that Russia radically miscalculated because that motion was voted down 12-3. Only China and Namibia joined Russia in voting for its motion. While it is a completely disingenuous argument (that some, especially the United States, have nonetheless attempted) to suggest that this vote alone amounts to a validation of NATO's action, it remains the case that, from a perspective where normativity is a matter of weight, the view of the large majority of the Security Council is not without significance in the overall calculus of whether there are sufficient reasons to adjudge NATO to have acted lawfully.[34]

Fourthly, Secretary-General Kofi Annan once again stepped up to the plate in order to play an important discursive role. On at least one occasion, he as much as said that his view is that the UN Charter must be sufficiently flexible to allow for properly motivated uses of force in certain humanitarian crises. He said, on one occasion: "It is indeed tragic that diplomacy has failed, but there are times when the use of force may be legitimate in the pursuit of peace."[35] Just as it is accepted in international legal discourse to invoke the writings of academics and the pronouncements of various courts and tribunals as well as the public pronouncements of states and international organizations, there would seem to be no principled reason not to require that some importance be attributed to the considered opinion of the leading official of the world's leading international organization. While Annan has not exactly been a reticent figure in making public pronouncements on various matters during his tenure as Secretary-General (recall the Iraq example), it is decidedly the case that, when he does, his public comments are very carefully chosen and formulated. This makes the preceding quotation all the more important to take seriously and to parse.

Fifthly, the fact that Article 53 on regional enforcement exists may have some relevance in the overall structure of argument. What Article 53 makes clear is that regional organizations are specifically contemplated as a legitimate agency of the United Nations for

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[34]It is important to note here that NATO states may have thought that they had Russia's quasi-consent to use force. Tim Judah in his book *Kosovo, War and Revenge* (New Haven: Yale University Press, 2000) 183-185 describes how the foreign minister of Russia, Igor Ivanov, had said at a meeting with NATO foreign ministers that Russia would veto any resolution brought to the Security Council seeking permission to use force (i.e. of the "all necessary means" kind), but that if the Security Council was avoided entirely all that Russia would do would be to "'make a lot of noise'" through a public protest. NATO's legal strategy may have assumed that Russia would not bring the matter to a vote in the way that it had actually did and thus that there would be no voting record of P-5 opposition. This is all to say that, even as the failed motion by Russia indicates a majority of the Security Council were opposed to condemnation of NATO, it simultaneously is an important official record that the intervention did not have the support of two permanent members, China and Russia. It should also be noted in passing that there are several reasons why it is unacceptable for the NATO states to have invested so much meaning in the statements made by Foreign Minister Ivanov on that one occasion; however, elaboration of this point will have to wait until another occasion.

[35] In Judith Miller, "Conflict In The Balkans: The U.N.; The Secretary General Offers Implicit Endorsement of Raids" (25 March 1999) *New York Times* A13., Secretary-General Anan is quoted as saying: "I deeply regret that, in spite of all the efforts made by the international community, the Yugoslav authorities have persisted in their rejection of a political settlement, which would have halted the bloodshed in Kosovo and secured an equitable peace for the population there. It is indeed tragic that diplomacy has failed, but there are times when the use of force may be legitimate in the pursuit of peace."

using force in collective security contexts.[36]   Of course, the fact that regional organizations may use force does not mean that they may use force based on their own appreciation of the situation and judgment.   Article 53 is tolerably clear that any regional enforcement action requires authorization of the Security Council, unless of course it involves not collective security as such but, rather, an act of collective self-defence.   All of that said, however, the presence of Article 53 may suggest that the consensus necessary to produce regional enforcement of the kind carried out by NATO in the Yugoslavia context *may* be an area where *implicit* authorization may be more justifiable, such that Security Council resolutions may be construed more flexibly in this context than, for example, if it is a situation of a single hegemonic state intervening on its own into another country.[37]

Sixthly and finally, the Security Council resolution that inserted KFOR forces into Kosovo after the brokering of the peace agreement with Yugoslavia did not aver to the means by which peace came about.[38]   While the aforementioned "support and endorsement" that had occurred with respect to the temporary cease-fire agreement in the fall of 1998 was not repeated, some would contend that the failure to expressly condemn the means used in March 1999 and onward amounts to a form of Security Council acquiescence.   As the argument might go, an endorsement of an outcome produced through the use of force triggers a responsibility to expressly condemn the use of force leading to that outcome or have it understood that the use of force has been accepted.   For many obvious reasons, this is a particularly weak argument from a formal legal perspective.   It amounts to saying that those engaging in unlawful military activity can validate their own behaviour if they happen to be permanent members of the Security Council, by blocking any attempt to have that behaviour condemned when the Security Council attempts to deal with the aftermath of their military incursions.   The perversions of this line of reasoning do not need to be emphasized other than to note that, within the current framework of the Security Council, the failure to achieve the explicit "support and endorsement" of China and Russia is of greater significance for the lawfulness of NATO's action than is the failure of the United States, the United Kingdom and France to condemn their own actions through the Security Council.   It should also be note that this is a particularly weak form of argument in light of the ECOWAS/Liberia precedent.

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[36]Article 53 reads in part: "The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council…." Here, it must of course be noticed that NATO has consistently resisted characterizing itself as a regional organization precisely in order to avoid an undue degree of accountability to the United Nations. To the extent that this is formally the case even if in substance NATO is indeed a regional organization, the remaining points to be made with respect to Article 53 must be approached more in terms of a close analogy than in terms of a directly applicable argument.

[37]Recall the linkage of the ECOWAS/Liberia precedent to regional enforcement, *supra* note 28. This loosening of the standard for the interpretive importing of authorization into a Security Council resolution of course makes most sense where the intervention at issue is into a member state of the regional organization. This was not the case with respect to the NATO intervention, as Yugoslavia was out of area with respect to NATO's membership.

[38] Security Council Resolution 1244 (1999), 10 June 1999.

At that time, an actual military incursion had occurred and the Security Council *did* use language that seemed clearly to validate that incursion and not simply the state of affairs produced by it. So, while the ECOWAS intervention suggests that retroactive validation of some kind does fall within the jurisdictional purview of the Security Council, it at the same time undermines the case that any such validation took place in the Kosovo context.

I have already indicated that I am open to a theory of legal analysis that permits more flexible argumentation than a traditional legalistic point of view would allow. However, it is not as if anything goes. 'It is all a matter of interpretation' cannot become a way of saying that any interpretation is valid as long as it put forward with some kind of straight face. Accepting that the legal enterprise is more complex than many conventional approaches does indeed have its serious dangers notably that, in a decentralized world order (especially one with a single hegemon), the powerful may simply come to expect that their assertions carry with them the kernel of their only legality. The notion of the persuasiveness of an overall argument based on cumulative reasons cannot be allowed to generate into a simple crude listing of supporting reasons or even a listing of reasons with some attempt to invoke a quantitative metaphor by arguing that, on balance, the arguments in favour (of legality or illegality) outweigh the arguments against. There must be a web of coherence that, in ideal terms, is persuasive to reasonable observers. And where no arms-length reasonable observers have a determinative role in pronouncing upon legality, the degree of support for a position from the significant majority of interested actors and especially from those actors that the legal system has already designated as having a special importance, notably the permanent five members of the Security Council) must be viewed as an important surrogate in terms of identifying which interpretive community must find an overall argument to be persuasive for that argument also to be recognized as legally valid. A justificatory narrative cannot simply dismiss such factors as what the text appears to say or the counter-interpretations of non-supportive states. Rather than being seen as an on/off switch, legal authority is indeed best seen as a matter of degree where neither received understandings of texts' meanings nor a lack of wide consensus are absolutely dispositive, *but* are still essential factors that have to be accounted for in such a way that a compelling case is made as to why they do not, ultimately, govern the result. For example, the text must at least continue to mean that implicit authorizations based on holistic readings of Security Council resolutions in their discursive context cannot be lightly presumed, and that the community at large must at least be persuaded that, as Richard Falk has put it, "diplomatic alternatives to war have...been fully explored in a sincere and convincing manner."[39] In Kosovo, many states -- including many states looking at the matter in good faith -- are not convinced that this was the case.[40]

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[39] Falk, *supra* note 30 at 856.

[40] Here I would draw attention to the significance of one point made by Dr. Axworthy in his April 2001 Tokyo speech, *supra* note 3, when he revealed that Canada, during the Kosovo crisis, considered various different ways of trying to engage Russia so as to try to secure Russian agreement on *a different resolution* from one that would simply have authorized NATO states to use "all necessary means" based on NATO's judgment of necessity. Mention was made of the possibility that an economic forum such as the G8 might been an avenue to have explored, had the right conditions been in place for such an initiative. In that regard, I would note that it does not take great imagination to imagine that Russia may well have accepted that some intervention could be justified if it was centred on providing significant military support to the onsite OSCE observers on the ground in Kosovo as a result of the fall 1998 agreement between NATO and Milosevic. If Russia also had been content with some arrangement that would have involved itself in the military contingents, it is not at all unlikely that China would have followed its

However, for present purposes, I will leave one counterfactual (whether or not Russia could have been successfully engaged) in order to turn to another counterfactual, namely whether we would now be faced with a different interpretive terrain if NATO had gone to the General Assembly to attempt to secure a Uniting for Peace Resolution.[41] The best consideration of this issue is probably found in the detailed report of the UK Parliament's Foreign Affairs Committee.[42] There, it is reported that the FCO (Foreign and Commonwealth Office) of the United Kingdom had done a sounding and felt that they would not have been able to get the two-thirds majority needed for the adoption of a Uniting for Peace Resolution. Here, as I will soon refer to the Uniting for Peace Resolution as part of the way forward, it is important to understand that I am not assuming that the General Assembly has authority by virtue of the Uniting for Peace Resolution to authorize a military intervention that is not otherwise lawful on a legal basis such as the right of self-defence or the consent of the relevant state parties.[43] However, I am also assuming that the General Assembly may *recommend* enforcement action going beyond self-defence or invitation

consistent practice of abstaining. In this way, a very different resolution might have gone forward in the Security Council as compared to the sort that Russian Foreign Minister Ivanov warned would be vetoed by Russia if brought before the Council -- to emphasize, a resolution that would indeed have authorized the use of force against Yugoslavia's will but in a way far different from the full-blown air campaign that NATO opted for. I have strong views on the failure to have fully pursued what I call "the Russia option", but, as with the earlier footnoted discussion of the significance of Ivanov's role, elaboration of these views will need to be put aside for another occasion.

[41] GA Res/337A, UNGAOR, 5th Sess., Supp. No. 20, at 10, UN Doc. A/1775 (1951).

[42] Foreign Affairs Committee, *4th Report*, *supra* note 30.

[43] Note that, because the Uniting for Peace Resolution foresees only a *recommendation* of action by the General Assembly, consistent with its powers under article 10 of the Charter, it is misleading to say the General Assembly authorizes the intervention itself; rather, what it authorizes to binding legal effect are the expenses associated with a military operation that it has recommended come into being. In terms of the observation that this "authorization" is limited to interventions that would otherwise be lawful if states organized themselves outside the auspices of the UN. The International Court of Justice in *Certain Expenses of the United Nations*, 1962 ICJ 151 (Advisory Opinion) determined that financial levies on UN members to cover UN expenses arising from two peace-keeping operations (one in the Congo and one in the Middle East) was within the General Assembly jurisdiction. But these missions were within the purview of states to have organized on their own due to the consent of the relevant actors. Similarly, once the Soviet Union returned to the Security Council and began to veto further Council resolutions on the Korean conflict, the General Assembly called on states to aid the UN Supreme Command, but here the title for intervention was one which states, again, could have invoked without UN authorization, namely, collective self-defence. (It was the Korean conflict which led both to the adoption of the Uniting for Peace Resolution and its first invocation.) This is all to say that, quite apart from the binding force of any Uniting for Peace initiative, the General Assembly has never, to the knowledge of this writer, purported to use the Resolution as a way to authorize or order what the Charter assigns as the Security Council's function: enforcement action that cannot be justified by either self-defence or invitation.

situations even if it could not go on to authorize expenses to support such action (were states to act on the recommendation).[44]   Only if other bases for intervention evolve that do not require Security Council approval (e.g. a free-standing power of humanitarian intervention) could the General Assembly piggyback on that lawfulness to both recommend such action and go on to authorize expenses to support a UN operation that results from states acting on the recommendation.

So, what is the significance of going to the General Assembly if the starting point is that the Security Council currently retains the only legal power to authorize humanitarian intervention and if Uniting for Peace resolutions of the General Assembly are, in formal terms, simply recommendations?   The starting point must be that open acknowledgement is needed that it is a form of interpretive amendment of the United Nations Charter that is at stake in seeking to make it lawful for states to intervene in other countries for humanitarian reasons, in limited circumstances and without express Security Council authorization. As such, the General Assembly is surely as important a forum as any in terms of helping to nudge along a new authoritative consensus about what its governing text – the Charter -- should mean.   That, after all, was exactly the role that the General Assembly played with respect to the previously described interpretive amendments to the UN Charter with respect to decolonization, to which I will return again shortly.

So, putting aside the question of the degree of bindingness of General Assembly resolutions, the central issue is one of finding *implicit* Security Council authorization by

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[44] Hailbronner and Klein share this view:

> From [the reasoning of the ICJ in *Certain Expenses of the United Nations*], …it remains unclear whether recommendations of the GA can also include the adoption of enforcement measures.   Consideration of the fundamental division of functions between the SC and the GA, and also the practice of the organization, support the interpretation that the authority of the GA is only limited … when the GA is of the opinion that binding enforcement measures according to Chapter VII of the Charter, for which the SC alone is responsible, are to be decided upon.
>
> There is a decisive difference between the recommendation of enforcement actions, and the actual taking of such measures.   This is illustrated by the formal definition of the term 'enforcement', according to which the existence of an 'enforcement action' is not determined by the character of the action itself but by the binding nature of the measure taken.   Therefore a non-binding recommendation is not to be considered 'action', so that the GA is not prevented …from recommending coercive measures.   This norm only recalls the fact that the GA shall not take any enforcement measures binding on all member states.

Kay Hailbronner and Ekhart Klein, "Article 10" in Bruno Simma, ed., The Charter of the United Nations: A Commentary (Oxford: Oxford, University Press, 1994) 227 at 233.

Such valid recommendations of "coercive measures" would function in effect as recommendations to the Security Council because states would not be able to invoke General Assembly authority as a ground of lawfulness should they act on the General Assembly's recommendation.   To the extent the General Assembly recommends intervention to states outside the self-defence and consent bases for intervention, then it is recommending unlawful conduct.   Any subsequent levies to pay for UN expenses related to unlawful uses of force would have to be seen as *ultra vires* the General Assembly.

seeking far wider and representative consensus than occurs when all of the interpretive analysis focuses on the words and conduct of fifteen Security Council members and, most notably, the five permanent members. With respect to the question of the degree of legal force attached to the envisaged General Assembly pronouncements, bindingness is not the pivotal question in a more open-ended framework in which what matters is the cumulative persuasiveness of multiple arguments. The normative value of a specific argument must be appreciated differently where any given argument is not being relied upon as the single and sole source of legal validity. In this respect it is significant, if only in terms of language used, that the FCO official testifying to the UK's Parliamentary Foreign Affairs Committee did acknowledge that "a resolution of the General Assembly would have been *particularly persuasive* [even though] the U.N. Charter still specified that military action required Security Council endorsement."[45] That said, it also bears mentioning that the same FCO official went on to tell the Committee that the voting pattern of fifteen Security Council members was more significant than a two-thirds General Assembly vote would have been. He said: "[But] in some ways a bare two-thirds majority would have been less persuasive than the majority (of twelve to three) actually secured in the Security Council on 26 March 1999," when Russia unsuccessfully proposed a resolution condemning the start of the NATO bombing.[46]

The contrast drawn by the FCO official warrants further comment. It revealed just how problematic is any conclusion that we can interpret the Security Council as having implicitly authorized or endorsed NATO intervention. Was the FCO official doing a crude quantitative comparison, and concluding that the 80% defeat of the Russia motion in a vote of 15 states is more significant than a vote of 67% of some 200 states would have been? Keep in mind that the issue here is one that goes to the heart of a structural reinterpretation of the central constitutional text of the global legal order. It also points to a broader issue of legitimacy in the evolving process of reinterpreting the Charter. In that regard, I return now to the 1960 Colonial Declaration.

The resistance of colonial states and their allies to this Declaration did not stop those states wishing the abolition of the inhumanity of colonialism from adopting the resolution by a significant majority. It then became the normative magnet around which deeper and broader consensus emerged, then marginalized the remaining western colonial powers, and eventually produced the earlier-mentioned reinterpretation of Chapter XI of the UN Charter. My argument is that a process of this nature is far more legitimate -- and ultimately effective in terms of taking root in general consciousness -- than a strategy that remains content with the ad hoc, less-than-transparent signalling game that is represented by the Iraq and Kosovo examples. Dr. Axworthy in his Tokyo speech referred to the emergence of a sophisticated and passionate transnational civil society capable of allying with progressive state positions and otherwise shaming states as a whole into doing the right thing, such as on the land mines issue.[47] Can such a "new power bloc" referred to by Dr. Axworthy be marshalled to help achieve a declaration on legitimate humanitarian intervention that would draw inspiration from the Colonial Declaration?

It has not been my purpose to arrive at a point where I would suggest what the substantive content of such a resolution would be. However, consistently (I hope) with the

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Foreign Affairs Committee, *4th Report*, *supra* note 30 at para 128 (emphasis added).

[46] *Ibid.*. It is of course not surprising, given the United Kingdom's position in the Kosovo crisis, that he would have taken this position.

[47] Axworthy, Keynote Speech, *supra* note 3.

general positions I have advanced to the point, my tentative view is that such a humanitarian intervention declaration is best directed toward the Security Council or, viewed from a different perspective, toward the states who happen to be the members of the Security Council at a given time. The declaration would not be framed as a set of criteria for unilateral intervention – that is, intervention that cannot be justified by reference to a Security Council mandate. That is to say, the principles that would be stated in such a declaration should be framed in such a way that it serves as the basis for collective consideration of when and how intervention should occur *with* Security Council backing. The substantive criteria, the decision-making processes and any institutional innovations that would be "recommended" to the Security Council by the General Assembly in the envisaged standing resolution would be designed to shine a global spotlight on Security Council politics so as to mobilize the power of shame on a timely basis and create something resembling a much more transparent process than currently exists.

By constructing the General Assembly Declaration as a recommendation with respect to an international *duty*, we would simultaneously be constructing a framework that the General Assembly could draw upon in specific crises to assess whether or not the Security Council had acted reasonably with respect to any given crisis in terms of either failing to authorize intervention when needed or not "fully explor[ing]" diplomatic alternatives "in a sincere and convincing manner" (to invoke again Richard Falk's language on the last-resort principle) or authorizing the wrong kind of intervention. In those instances when the General Assembly can achieve a significant majority in favour of an express call for intervention or an express view that humanitarian intervention is not justified by the facts at hand, this express statement can then become an interpretive baseline against which one interprets Security Council resolutions that do not contain express authorizations or clear retroactive validations. In terms of a crisis-by-crisis role of the General Assembly, I am envisaging a normative document that would resemble the Colonial Declaration in terms of its statements of general principle but also have an operational element that would resemble an updated Uniting for Peace Resolution. Let us call the resolution the Declaration on Interventions for Human Security (DIHS). DIHS could create a streamlined process involving a special committee of the General Assembly that meets in informal session to parallel all Security Council activity dealing with humanitarian crises that are on an alert list drawn up by the committee, so as to be prepared to pass judgement should the Security Council fail to act in accordance with the criteria set out in the overarching substantive principles of the DIHS.[48]

I have no illusions about the fact that many will react to this concrete proposal by dismissing it as not just abstract but also naive. All that I can say at this stage is that international politics has had a way of embracing naivety in recent years -- whether we are talking about the Land Mines Convention or the successful adoption of the Statute of the International Criminal Court or the successful targeting and delaying of the adoption of a Multilateral Agreement on Investment as a result of a concentrated civil society campaign or the flourishing attempt to reset the global economic agenda through street protest. I do not envisage that such a declaration as the hypothetical DIHS would be one that most, if any, of

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[48]It would be evident to scholars of UN law that such a declaration would probably also need to reorient the balance of powers between the General Assembly and the Security Council beyond that endorsed in the *Certain Expenses of the United Nations* judgment of the ICJ, to the relatively limited extent of allowing the General Assembly to consider crises that are under active consideration by the Security Council while they are under such consideration. This is why I have taken care to indicate that the General Assembly would be in *informal* session.

the permanent five members of the Security Council would support. But it is possible that a creative combination of humanitarianism and multilateralism could build momentum, albeit unpredictably, that would eventually pressure the major players to reconcile themselves with this process. Very savvy organizing would undoubtedly be needed to build state coalitions and alliances with key actors in civil society. For example, it seems to me that the early and central involvement of the Organization of African Unity in a DIHS initiative is crucial given that Africa is the continent that currently hosts the widest and most serious range of humanitarian crises and which has seen a host of failures of the international community to intervene, either preventively or reactively. There is evidence of a much more sophisticated approach to the question of the balance between concerns of imperialism and imperatives of humanitarianism in Africa. Very few people are starry-eyed about the dangers of an intervention model but, at the same time, there does seem to be widespread resentment in many African countries over Western indifference (if not callousness, if not racism) reflected by Western unwillingness to save African lives, especially after the Somalia syndrome had set in. As well, China might be engaged in the initiative by elevating its policy of abstention throughout the 1990s as a model to be emulated by other members of the Security Council in situations where a large majority of Council members representing a significant cross-section of states are in favour of a particular resolution.

COMMENTS IN RESPONSE TO THE PRESENTATION BY
PROFESSOR C. SCOTT

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I enjoyed reading Professor Craig Scott's paper, as well as his oral presentation. Professor Scott addresses the issue of the ethics of unauthorized humanitarian intervention, such as NATO's air attack in Yugoslavia during the Kosovo crisis. He specifies "ethics" as "legality", "morality" and "political judgement". Since I am a lawyer, I will only comment on the "legality" of such humanitarian intervention, leaving discourse on "morality" and "political judgement" to other experts.

When we discuss the "legality" of the "use of force" in today's world, we must begin by analyzing the provisions of the Charter of the United Nations.

The most important Charter provision in this connection is given in paragraph 4 of Article 2, which 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 manner inconsistent with the Purposes of the United Nations."

By virtue of this provision, all Member States of the United Nations are prohibited to resort to force. However, the Charter makes three specific exceptions to this general rule.

The first exception is the use of force authorized or permitted by the Security Council decisions under Chapter VII, Article 42, of the Charter. The second exception is the use of force as part of a UN peacekeeping operation (PKO). Such an operation is not specifically mentioned in the Charter, and therefore there have been doubts cast about its legality under the Charter. However, the International Court of Justice has declared, in its advisory opinion concerning Certain Expenses of the United Nations, that the UN has the power to organize and dispatch UN forces in order to maintain peace. The third exception is the use of force in self defence, as authorized under Article 51 of the Charter.

The question here is whether the so-called "humanitarian intervention", or "the use of force in the territory of another state without its consent on the grounds of humanitarian concern", can also be justified under the UN Charter. The immediate answer would be in the negative. Since the use of force in general is prohibited under Article 2, paragraph 4, and the use of force in the name of humanitarian intervention is not considered to be one of the three exceptions mentioned above, such use of force is not permissible under the Charter. This is the logical and ordinary interpretation of the relevant Charter provisions.

However, I should like to offer another interpretation of the Charter provisions. Let us take another good look at the provision of the key article, Article 2, paragraph 4. The wording of this provision does not prohibit all types of use of force. To put it in another way, Article 2, paragraph 4, does not prohibit Member States from use of force if it is not "against the territorial integrity" or "political independence" of another state, and if it is not "inconsistent with the Purposes of the United Nations". Humanitarian intervention, such as the NATO attack over Kosovo, is not "against the territorial integrity" or "political independence" of Yugoslavia. Furthermore, it is consistent with the Purposes of the United Nations. Article 1 of the UN Charter clearly states that one of the Purposes of the United Nations is "[t]o achieve international cooperation in solving international problems of an

economic, social, cultural, or humanitarian character". Thus, such use of force can be regarded as an action to solve an international problem of humanitarian character.

As I have argued, humanitarian intervention is legally permissible under the Charter of the United Nations and, therefore, under international law. However, since such argument is based upon a liberal interpretation, and since it is related to basic issues of war and peace, state sovereignty, and non-interference, we have to apply it very, very carefully. In other words, we should not open a door for the use of force in disguise. In order to avoid misuse of humanitarian intervention as a convenient way for military action against another state, we should attach strict conditions without which humanitarian intervention cannot be permitted. I identify six such conditions.

1. The objective of such use of force must be genuinely humanitarian. In order to avoid any future controversy over the nature of such use of force, it is strongly recommended that a state or states intending to act in the form of humanitarian intervention must try by all means to get the sanction of the UN Security Council or the General Assembly (possibly under the Uniting for Peace Resolution of 1950).

2. There must be imminence or urgency for taking such action. If there are other more peaceful means to solve the humanitarian problem in question, such means must be pursued first.

3. The humanitarian action must be in proportion to the nature of humanitarian concern. It is absurd to take a strong military action in the name of humanitarian intervention and kill, for instance, one hundred persons in order to save the life of a few victims.

4. In any circumstance, humanitarian military action should obey all rules applicable to war and armed conflict (international humanitarian law).

5. The governments taking humanitarian action must have the courage to stop, if it has become clear that the objectives cannot be achieved at all, or without causing serious physical damage or gross human casualties.

6. The governments taking humanitarian action must be responsible for all damages and casualties caused as a result of taking such action.

With these six conditions, I dare to say that humanitarian intervention is legally permissible.

UPLOADING THE "REVOLUTION IN MILITARY AFFAIRS": WAR, PEACE, AND SECURITY IN THE HYPERMEDIA ENVIRONMENT

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One of the more dynamic debates in the security studies field in recent years has been that surrounding the so-called "Revolution in Military Affairs," or RMA. Briefly, the RMA thesis holds that new information and communication technologies are fundamentally transforming the nature and practice of warfare. In addition to being an important focal point of scholarly debates, however, the RMA has also begun to affect the military posture of states around the world. In this paper, I provide a critique of the RMA thesis, and by extension, the merits of pursuing the policies that emanate from it. As I argue below, the RMA provides faulty prognostications for the future of war, and that pursuing force restructuring along lines spelled out in the RMA literature will lead to dubious ends counter-productive to global and human security.

The Revolution in Military Affairs (RMA)

There are two related dimensions to the RMA. The first centers on a transformation within the organization of military units. Its main components are the belief that new information and communication technologies allow for the integration of once-discrete military operations and that branches of the military need to move in the direction of an integrated "system-of-systems." The 1991 Gulf War and its display of smart weapons and space-based reconnaissance systems provided an important landmark for such thinking. With the development of advanced computing and communication systems, military strategists began to push for the abolition of hierarchical lines of control and divisions within military units towards a seamless integration of force structures, from the soldier in the field to the commanding officer in headquarters.

This integration of systems extends even beyond individual states to coalitions of states and allies. Proponents of the RMA argue that the armed forces of states like Canada, Japan, Great Britain and Germany, among others, should strive for inter-operability with the United States. To do so, it is argued, advanced research and development of new information technologies is required, as well as coordination of military procurement and policy among allied states.

The second dimension is much more fundamental, focusing not on the organization of the military per se, but on the changing nature of warfare. The argument is that we are in the midst of an epochal shift in the way in which warfare takes place. Whereas in the past war was an armed contest over land or territory, with the state that could bring the most material capabilities to bear being the victor, today dominance in war corresponds to a superior ability to collect, integrate, and apply information to the battlespace.

As opposed to the application of greater mass and explosive power to industrial targets and opposing forces, the future of war, so the argument goes, will feature the targeting and disruption of electronic information systems, such as stock exchanges and telephone grids. As opposed to shells, missiles, and guns, the main ingredients of such wars are viruses, Trojan horses, distributed denial of service attacks, and other forms of electronic jamming. Those actors with the greatest ability to collect and analyze information while "blinding" their opponents will come out victorious.

The RMA thesis is more than theoretical speculation; it has influenced the security policies of a variety of states around the world. Most of the activity is centered in the United States, both in terms of the thinking and development of strategies, R&D, and force restructuring. However, other states have studied the RMA and have taken steps to alter their force structures as well. The RMA is debated vigorously in China, France, Canada, Japan, Israel, and most other industrialized states as well, and has begun to affect their force structures and weapons acquisition programs. It is not uncommon to hear justifications for new weapons systems being made in countries like Canada or Japan, for example, on the basis of inter-operability with advanced U.S. weapons systems.

There have also been episodes of the RMA thesis in practice: examples that seem on the surface to provide support for the broader RMA thesis about the coming transformation of war. Apart from the aforementioned Gulf War, the 1999 NATO bombing campaign targeted Serbian information and broadcasting systems, while Serbian hackers attacked U.S. and allied websites. Thousands of website hacks, distributed denial of service attacks, and viruses are reported each year, some of which are politically motivated and carried out by states. In 1999, for example, Internet service providers that hosted websites of the outlawed Chinese religious group, Falun Gong, were crippled by a series of distributed denial of service attacks. Attacks on providers in Missouri, United Kingdom, and Canada were then traced back to accounts belonging to the Internet Monitoring Bureau of the Public Security Ministry, the Beijing Application Institute for Information Technology, and the Information Center of Xin An Beijing of China. The attacks suggest that recommendations that China develop a "cyberwar" capability, as expressed in the *Liberation Army Daily*, may actually be in the process of being carried out.

The *Real* revolution in military affairs

Although the RMA thesis has been scrutinized extensively and has generated intense debates, the RMA literature as a whole has been narrowly confined to what one might call the "war-strategic" level of analysis. War-strategic analysis assumes the existence of competitive military interaction among states and its practical aim is to achieve success in war. Such confinement, however, obscures the wider social and political significance of new technologies, which are changing the global environment within which state-military organizations operate, and not just the nature and practice of war fighting organizations alone.

New information and communication technologies are, in other words, fundamentally transforming the architecture of world politics as a whole. These transformations, I argue, constitute the *real* revolution in military affairs and call into question many of the more fundamental assumptions and claims made in the RMA literature.

The most important of the transformations are occurring in the global political economy, and in particular regarding the way in which new information and communication technologies have helped facilitate a complex integration of industrialized -- and even many developing -- countries' economies. Over the last 30 years with increasing intensity, a dramatic mutation has occurred in the way in which production and finance is organized. Once nationally based production processes have begun to disaggregate and spill across territorial borders. Linked through information networks, firms have increasingly unbundled their disparate production processes, locating them in centres around the globe that are most amenable to particular elements of the production process. For example, a firm might locate its marketing operations in New York, financial management in London, product assembly in Hong Kong or Shanghai, and data-entry processing in New Brunswick. Or, individual firms might reach joint ventures with other firms on co-production arrangements that spread across borders. This particular mutation towards transnational production is reflected in rising

figures on foreign direct investment, in the growing proportion of intra-industry trade as part of total world trade, and in the sheer number and size of transnational corporations.

An equally remarkable shift has occurred in the area of global finance, where new information and communication technologies have transformed global capital markets. Stock exchanges now no longer require a physical trading floor as electronically-linked exchanges, such as NASDAQ, operate globally in a 24-hour marketplace. Through the Internet, websites provide niche information and online micro-trading on a myriad of financial services from around the world. Complex artificial-intelligence software systems developed by securities firms handle vast, complex stock portfolios and react instantaneously to slight shifts in the global market. Leased lines, "virtual private networks", intranets, and specialized electronic transfer services, like the Society of Worldwide Interbank Financial Telecommunications (or SWIFT), provide the ever-intensifying, real-time links among these various distributed nodes.

Like the tightening of a knot, each advanced application of information and communication technology in the global financial sector has deepened and amplified the global integration of capital markets in a planetary web of complex speculative financial flows. Stocks, bonds, and other instruments of debt are continuously traded, bounding from exchange to exchange in response to slight shifts in the market -- often without human intervention as computer programs handle portfolios for traders. The entire *volume* of capital speeding through global currents is thus truly staggering, and at times seems almost incomprehensibly large compared to more readily identifiable figures. Today, foreign exchange transactions now amount to over 1.5 trillion dollars per day.

Together, these transformations in the nature of production and finance have spawned a vast global network -- a pulsating organism that circulates information and services around the world. Its dense mass covers a swath in the middle of the planet, linked by major nodes centered in Beijing, Singapore, Taiwan, Hong Kong, Vancouver, Los Angeles, Toronto, Chicago, New York, Washington, London, Paris, Bombay, and Berlin. It is here that the networked epistemic communities -- the virtual elite -- are located and the operating codes for the rest of the system generated. "Soft Power" has become the catchphrase for the type of knowledge-generation that is created by this elite, which in practice translates into domination of film, video, newspaper, and other media underpinned by the structural power of capital. From this central mass, networked tentacles stretch out into southern and northern regions, drawing in raw materials, consumer merchandise, and processed data. Pulsating stratospherically above and around this networked mass is the 24-hour circuit of "casino capital," shifting astronomical sums in a swarm of electrical impulses.

This web of hyper-networked, global economic interaction has created enormous structural pressures on states to liberalize, privatize and conform their regulatory regimes in directions broadly favorable to a neo-liberal economic agenda. Such pressures are manifest in multiple areas, as a number of scholars have pointed out, but for the purposes of this paper the pressures on the area of national security policy are most significant:

1. Across the industrialized and developing world, formerly national or publicly controlled telecommunications and broadcasting services have been broken-up, liberalized and privatized such that the previously close relationship between the national-security state and the communications sector no longer exists. National, public broadcasting – so crucial to the formation of "national" identities – has been replaced by transnational, private, "narrowcasting."

2. Encryption technologies, once closely guarded by national security agencies, have spread widely, in part because of distributed technological developments and in part because of regulatory shifts unleashed at the behest of corporations who need to ensure the security

of their transnational information flows. Multiple and dense webs of encrypted communication networks, that bind the disparate tentacles of global production and financial systems together, criss-cross national borders and are largely impervious to outside penetration or eavesdropping.

3. Space-based reconnaissance systems – once the most secretive of military-intelligence technologies – are now widely disseminated as commercial services.

4. Technological research and development is now increasingly focused on civilian and consumer/entertainment applications reversing the long-standing priority given to military goals. Whereas in the past consumer applications of new technologies were only secondarily justified for their potential "spin-offs" from military applications, today the military is forced to scour the consumer market for their advanced technology applications.

Because of these pressures and forces, most states have been, in effect, turned *inside-out* -- locked in and interpenetrated by social forces and technologies now partially beyond their control. It is as if they are now digitally embalmed in an electronic web or their own spinning. Indeed, the vast majority of post-industrialized states -- Canada, the United States, France, Germany, Great Britain, Japan, and others -- now behave more like a single, multi-headed organism than a collection of sovereign independent units.

Central claims of the RMA thesis concerning a coming revolution in war appear suspect when considered in the context of these more broad transformations in the architecture of world politics.

First, because the post-industrialized states' economies are so increasingly integrated through complex transnational production structures, financial flows, and social networks, there are no incentives, plans, or motivations among these states to go to war with each other. The G7 countries have formed themselves into a "pluralistic security community" in which war has been effectively ruled out and rivalries instead channelled into commercial areas among private corporations with operations in multiple national jurisdictions. What war fighting occurs involving these countries is now entirely directed outward, typically to spheres of ethnic conflict in the developing world or among former communist states. In conflicts such as these, information warfare techniques appear largely irrelevant and unsuitable to the major tasks at hand, which typically involve policing, disarmament, peacekeeping, and small-arms conflict. Among states with the capacity to do so, then, information warfare is largely irrelevant or unsuitable to the primary tasks at hand.

What about info-war among these states and states outside of their pluralistic security community? While the scenarios of major info-war with states outside of the G7 zone, perhaps with China and Russia, may be more plausible, the *costs* of engaging in such wars are increasingly high. Were these states to unleash electronic assaults on information infrastructures outside of the G7, there would be repercussions on their own economies. Because of changes in the global economy outlined above, most industrialized corporations have operations in numerous multiple national jurisdictions around the world. For example, ScotiaBank Inc. of Canada is an international financial institution with $200 billion in assets that services 4 million customers in 50 countries. A financial service institution heavily dependent on networked communications, its operations would be vulnerable to a networked assault unleashed by Canada on virtually any other country on Earth. By engaging in info-war assaults on stock exchanges and telephone grids – however remote -- Canada would, in effect, be targeting one of its own national corporations, and hence itself. Other states in the G7 are equally as dependent for their economic vitality on the transnational production networks outside of their own territorial jurisdictions.

But beyond the possibility of wounding one of their own national subsidiaries, the type of assaults on electronic infrastructures imagined in RMA-like scenarios would be largely unpredictable in scope and possibly enormous in costs. An attack on one could very likely become an attack on all, in other words. One of the central characteristics of the Internet is its distributed architecture. While this architecture allows for multiple, independent transmission of messages at the speed of light, it is also vulnerable to the chaotic spread of information – a vulnerability most vividly demonstrated by the rapid and unpredictable spread of viruses. The so-called "Love Bug" virus, for example, was unleashed in the Philippines by a young computer science engineer and spread within a few hours to affect computers around the world, shutting down businesses and costing upwards of billions of dollars of damage in over 20 countries. One need only look at the ripple effects of the 1997 Asian Financial Crisis on G7 economies to imagine the type of information blowback that might occur if something like the Shanghai stock exchange were targeted by the United States in an all out info-war.

Indeed, so potent are these inter-connections that it is possible they may create a system-wide deterrent effect analogous to that pertaining to nuclear weapons. Just as states are constrained from using nuclear weapons against each other because doing so would be tantamount to committing suicide, post-industrialized states will be constrained from attacking other states' information infrastructures because of the consequences that would ripple back and affect their own economies. There is a clear potential for information "blowback", in other words, in the type of cyberwars outlined in the RMA thesis. We refer to the nuclear deterrent effect as MAD, or "mutual assured destruction." With apologies to users of APPLE computers, I suggest we refer to the hypermedia deterrent effect described above as mutual assured crashes, or *MAC*.

Of course, rational disincentives to go to war are no guarantees that war will not, in fact, occur. More often than not, war is not rational. However, the constraints on these states going to war with each other in the hypermedia environment go beyond calculations of self-interest and cost to the very *means* to engage in such wars. Somewhat paradoxically, the more states begin to probe the frontiers of information war and raise awareness of the threats and vulnerabilities of the information age, the more the actors who are dependent on global information infrastructures work to ensure the security of their networks. This entails the *hardening* of communication flows through advanced firewalls, encryption technologies and so-called virtual private networks maintained by private security services. Beyond increasing the impermeability of computers and networks – and making info-war attacks more difficult to carry out -- such strategies actually amplify the density and complexity of transnational information networks, further accelerating globalization processes, deepening the structural market pressures on states, the integration of their economies, and the "hollowing-out" of states. The solutions offered to the perils of information insecurity, in other words, actually amplify trends in the direction of globalization and interconnectedness outlined above.

Conclusion

Contrary to the major claims made on behalf of the RMA, the present condition and future of war is not a high-tech, Nintendo-like virtual battle among states with the capacity to do so. It is, rather, a low-tech affair fought with machetes and machine-guns, instead of computer mouses and simulations, among states and ethnic groups that have likely never made a phone call, let alone used a Global Positioning System.

The *real* revolution in military affairs is that wars, let alone RMA-like scenarios, are unlikely to occur among the post-industrialized core states. Their economies are so closely integrated that they have, in effect, formed themselves into a quasi-federal, global security community. Such a profound transformation in world order is changing the security *problematique* from an inter-state, to an intra-planetary dimension. From now on, it is world domestic politics.

It is in this new context of world domestic politics that the RMA should be assessed. Countries that are allied to the United States should be wary of supporting a wholesale shift towards a paradigm that may have more to do with serving the needs and interests of a revitalized Cold War military-industrial-complex than a real strategic necessity. Such concerns should be particularly potent in light of the rather ominous implications of an RMA-like restructuring for international security: the surveillance of electronic communications; the possibilities of a renewed arms race in ballistic missile technology, multiple-warhead delivery systems, and outer space weaponry; and the development of information warfare techniques. Instead of contributing to these dubious ends, attention should be directed towards securing and bolstering the global communications infrastructure for an emerging world polity.

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THE IT REVOLUTION, MUTUAL DEPENDENCE, AND THE REVOLUTION IN MILITARY AFFAIRS

Comments in Response to the Presentation by Professor R. Deibert

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I would like to make a two-point response to Professor Deibert's presentation. The first point I would like to address is the idea that increased integration among countries brought about by advances in information and communications technology will reduce the possibility of war. As Professor Deibert points out, increased interdependence among nations definitely raises the costs and lowers the incentives of waging war. However, that will not necessarily lead to the eradication of war since acts of war are not based on economic logic such as calculations of economic costs and benefits.

According to a calculation of the costs and benefits of the American Civil War by Claudia Goldwin and Frank Lewis, the total cost of that war including loss of life, destroyed buildings, and military expenditures--calculated at 1860 prices-- was $6.7 billion, a figure equal to the entire national income for that year. The benefit of the war was the freeing of the slaves. (There is no evidence that the Civil War contributed to industrialization.) We may therefore ask whether it made economic sense to go to that expense to free the slaves. Goldwin and Lewis calculate that if the government had purchased the slaves at market prices and given each slave "forty acres and a mule," the cost would have been just $3.4 billion. If the remaining $3.3 billion had been divided among the freed slaves, it is quite conceivable that the economic status of blacks after the war would have been greatly improved. In terms of economic logic, therefore, it would have been better for the government to purchase the slaves. In other words, this suggests, that war is not waged based on the economic logic of costs and benefits. It follows then that war in all probability cannot be eradicated merely by raising the costs of waging it.

The implication of this is important. Namely, if international relations can be changed and pushed as far as possible in the direction of operating in terms of economic costs and benefits, the possibility of war can be lowered. From that perspective, the current IT revolution and rapidly increasing interdependence are, as Professor Deibert points out, offering us a real chance to lower the possibility of war. We must, therefore, use this opportunity afforded by increased interdependence and come up with concrete policies to change the nature of international relations and push them in the direction of operating on the basis of economic calculations.

China serves as a good example. While it is strengthening its security and power through military expansion, it is at the same time devoting great attention to economic development and, accordingly, steadily integrating itself into the world economy. That is why if you talk to scholars of geopolitics, they usually tell you that China is a potential threat while economists say that China is a land of opportunity because it is joining the world economy. The great implication for East Asia, therefore, hinges on whether China gives top priority to its military or to its economy.

For the security of East Asia, it is clearly desirable that China give priority to its economy and act according to cost/benefit calculations. Were China to move in this direction, it would lower the possibility of military conflict or war in Asia. It is therefore imperative for Japan to consider about what kind of policy it should pursue to move China in that direction. To do so, Japan must first analyze how China links the economy with security.

Should China, like Japan and other countries in East Asia, give increasing priority to the economy, and if it comes to see security in terms of protecting its economic base, China will not become a major destabilizing factor in the security equation. On the other hand, if China were to devote the resources gained from economic growth to pursue militarization, it goes without saying that security would be threatened. How China sees the relationship between the economy and security is an extremely important question for future East Asian security.

Secondly, I would like to respond to what Professor Deibert's remarks about the problems arising from a unipolar focus on the United States. He pointed out that as the IT revolution progresses, it seems to be bringing about a unipolar focus on the United States in the realms of both security and economics. The problem with this, as he indicated, is that although the US is a superpower, its foreign policies are easily influenced by domestic politics. This causes instability often resulting in policy changes which subject US neighbours and allies to a very jerky ride.

This tendency may be exacerbated by the Revolution in Military Affairs (RMA). The most important aspect of RMA is that advances in information and communications technology have made it possible for countries to tie up with each other militarily. Work is now in progress in the United States to tie together independent systems of the army, navy, air force, and marines by means of a network. RMA is indeed "a system of systems." Next, America wants to extend the networks to its allies. In the past, alliances strove for general interoperability by trying to ensure compatibility of weapons, mainly in terms of hardware. With RMA , the focus is shifting to connectivity, i.e. the concept of how to link allies together primarily through software.

Japan can no longer ignore RMA. It has agreed to conduct joint research on a TMD missile defence system with the United States and in August of 1999 signed a memorandum of understanding to that effect. Although there will not be many elements of RMA in the research stage, Japan will inevitably join the US in RMA in the development and implementation stages since connectivity between the US and its allies will be the key to missile defence, i.e. to detect, track, and intercept missiles. Connectivity is what RMA is all about.

Entry to the RMA world will bring Japan face-to-face with a number of issues. For example, how will Japan maintain its identity and independence within the dominating American intelligence network? The US intelligence-gathering capability is overwhelmingly superior to that of Japan. Under such circumstances, it goes without saying that if the US and Japan are linked by a network, intelligence emanating from the US will be superior to that emanating from Japan. Hence, for Japan to enter the RMA world, it will have to think strategically about vital and basic issues.

Even though RMA means "Revolution in Military Affairs," it does not mean the world will change overnight; change will undoubtedly be evolutionary rather than revolutionary. RMA will surely create many small daily problems demanding solutions. To make accurate judgements, allies will have to keep their eyes on the big, long-term questions that RMA poses.

STANDING INTO HEAVY SEAS:
THE NEW MARITIME ENVIRONMENT IN NORTHEAST ASIA

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The maritime environment in Northeast Asia is becoming increasingly dynamic and challenging. Regional navies are modernizing, becoming more powerful, and demonstrating their power projection capabilities by deploying abroad. These and other maritime developments must be viewed over and against a problematic political and economic landscape. Regional insecurity has been heightened by uncertainty about U.S. defence policies, the slowdown in the American economy, the rapprochement between the Koreas, Sino-American relations, the future of Taiwan, and the degree to which extra-regional developments will have an impact on oceanic security. This paper analyzes likely developments over the period 2001 to 2010 and situates them in the context of related regional maritime phenomena. Generally speaking, the maritime environment seems destined to become more insecure. Canada has a demonstrated interest in and concern about these developments. Accordingly, this paper concludes with a discussion of Canada's commitment to regional maritime security.

1.   REGIONAL NAVIES

1.1 The Chinese Navy

The steady growth in the size and power of China's People's Liberation Army Navy (PLAN) is a source of concern. Deng Xiaoping's decision to open China's economy in the late 1970's resulted in a fundamental reorientation of the nation's security posture.[1] Three distinct features characterized that reorientation. First, the national focus shifted from the land to the sea with the development of coastal economies and maritime trade routes. Second, the PLAN ceased to function as a Soviet-style adjunct to the army, and became an independent force in its own right. And third, the navy began to venture farther afield in order to exercise sea denial in the approaches to the Chinese coast.

The PLAN was China's modernization priority in the early 1990's, and the navy became actively engaged in upgrading its surface combatants. However, indigenously designed warships like Luhu-class guided missile destroyers, Jiangwei-class guided missile frigates, and subsurface assets remained inadequate and old-fashioned.

The solution lay close to hand, however, Russia was desperate to sustain its defence industries and was eager to sell naval assets to the Chinese. China purchased four Russian Kilo-class submarines, including two "ultra quiet" Type 636 variants, while expressing interest in the next

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[1] Anon., "Jane's Sentinel Security Assessment – China and Northeast Asia", 04 December 2000, p.1

This paper presents the author's private views and should not be construed as representing in any way the official policy of the Department of National Defence.

generation of Russian SSK, Lada (Amur)-class Type 1650s; and a fifth Kilo.[2] Additionally, the Chinese received Russian design assistance in the development of a new Type 093 SSN. At the same time, the Chinese began work on a new generation of SSBN, the Type 094. It will carry the Julang-2 (JL-2) submarine launched ballistic missile. The first of the Type 094s was laid down at Huludao in 2000.[3]

The Chinese have also been able to address their qualitative shortcomings by purchasing 8000-ton Sovremenny-class destroyers from Russia. What makes these vessels significant is the fact that they are armed with SS-N-22 Sunburn Missiles. SS-N-22's have a range of 65 miles, can deliver nuclear or conventional warheads, and are designed to destroy US aircraft carriers. The Chinese Defence Ministry applied for two more Sovremennys in October 2000. While these vessels suffer from engineering problems and are somewhat dated, they constitute powerful additions to the PLAN's surface fleet nonetheless.[4]

Equipped with heavily armed destroyers, frigates and submarines, the Chinese, have begun pushing their maritime perimeter farther to sea. In the 1980's and the 1990's the navy began to talk of a "green water active defence strategy." This doctrine would see the PLAN moving from a sea denial to a sea control posture out to the First Island Chain; exercising control from Vladivostok to the Straits of Malacca as far east as the Ryukyus, the Philippines, and Indonesia. The next step will entail pushing the maritime frontier out to the Second Island Chain in Micronesia by 2050. This expanded zone of sea control is dictated by steady increases in the range of ship-launched sea to shore missiles. The extended sea control zone gives China strategic depth and ensures protection for the nation's merchant and fishing fleets. A forward presence also telegraphs China's new found maritime power to the region, and while Beijing is rhetorically committed to a defensive posture it is fully aware of the value of offensive and pre-emptive operations within the context of that posture[5].

The Chinese have also begun to undertake reconnaissance missions. Unfortunately, some of these missions have resulted in Chinese naval vessels entering Japanese territorial waters. The Chinese have agreed to be more attentive to Japan's maritime boundaries, but continuous surface or subsurface penetration of Japan's oceanic approaches seems likely to be a feature of the next decade.

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[2] Josh Corless, "China Looks to Second Song Class for Solution", Jane's Defence Weekly, October 1999, vol.104, no.8, p.9

[3] Ibid., and Anon., "China 'Stretches' Latest Ming Submarine", Jane's Defence Weekly, 03 January 2001, p.15 and Anon., "Submarines Risk Deep-Sea mishap", South China Morning Post, 24 August 2000.

[4] Nikolai Novichkov, "Second Chinese Destroyer Tested", Jane's Defence Weekly, 26 July 2000, p.24 and Nikolai Novichkov, "Four Sovremennys in Total for Beijing", South China Morning Post, 24 August 2000

[5] Anon., "Jane's Sentinel Security Assessment – China and Northeast Asia", 04 December 2000, p.6 and Chris Bullock, "From Coastal to 'Forward Defence: The Development of a Chinese Naval Strategy for the 21st Century", University of Calgary Research Paper. For a discussion of China's aircraft carrier ambitions, see Pamela Pun, "Mainland Carrier Blocked by Turkey", Hong Kong IMail, 04 December 2000 and Harvey Stockwin, "China Acquires 3 Aircraft Carriers, All Dead", Times of India, 30 August 2000.

1.2 The Russian Navy

While the PLAN has been growing in size, sophistication, and authority, the Russian Navy has been declining precipitously. In 1984, there were no fewer than 18 SSBNs, 17 SSNs 19 diesel-electric submarines (SSKs), 4 guided-missile cruisers, 10 guided missile destroyers, 95 corvettes and a host of other warships in the Pacific Fleet. By 2000, these figures had shrunk to 6 SSBNs, 5SSNs, 8 SSKs, 1 cruiser, 7 destroyers and 13 corvettes. What is more, the quality of the remaining vessels had deteriorated to an alarming degree and the ships' companies had been traumatized psychologically by their dramatically diminished fortunes.[6]

Major Russian warships are rarely seen at sea today. Many remain in commission but never leave harbour. The fleet is paralysed by a shortage of funds for operations and maintenance. There are hardly any spare parts and fuel is at a premium. Currently about the only major units deployed are a small number of SSBNs and Akula II-class SSNs undertaking Cold-War-style patrols.[7]

The most, it seems, that the Russian Navy can hope for is that continued sales of naval equipment to India and China will sustain the nation's naval yards. Those yards are barely operational. What resources there are being directed toward the construction of a small number of Akula II and Severodvinsk-class submarines. Russian navies have traditionally been coastal forces practicing sea denial and supporting land operations. In the short to mid term the drastically diminished Russian Navy seems likely to be consigned to performing these roles.[8]

1.3 The JMSDF

The JMSDF stands in stark contrast to the Russian Navy, being sophisticated, well-equipped, well-trained and second only to the USN in the Asia Pacific region. The JMSDF is the premier navy in Northeast Asia although it operates within a unique set of customary and constitutional constraints that do not apply to other navies in the region. With 130 modern warships and 200 aircraft, the JMSDF is a creature of the US-Japan security relationship in general and the USN in particular.

Japanese defence policy is at a crossroads, torn between the universally recognized right of a nation to engage in collective self-defence, and the provisions of the 1947 constitution that deny Japan the opportunity to exercise that right. However, influential and respected voices are calling for a re-evaluation of the constitution that would permit Japan to function as a "complete" power.[9] The JMSDF is a logical instrument for the pursuit of this goal. It provides the mobility, the versatility and the capacity to enable Japan to contribute to regional and extra-regional stability.

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[6] Anon., "Jane's Sentinel Security Assessment – Russia and the CIS", 02 January 2001, and Richard Sharpe (ed.), Jane's Fighting Ships 1994-1995, Surrey (UK), Jane's Information Group Ltd., 1994, pp 528-563.

[7] Richard Sharpe (ed.), Jane's Fighting Ships 2000-2001, Surrey (UK), Jane's Information Group Ltd., 2000. See also, Anon., "Pacific Fleet Desperate for Fuel", Vladivostok Daily, 13 June 2000.

[8] Scott Peterson, "Cold Realities of Russia's Navy", Christian Science Monitor, 07 February 2001.

[9] Anon., "Japan Eyes Wider Role in War Games", Japan Times, 16 October 2000.

Over the past two decades the JMSDF has steadily widened and deepened its areas of responsibility as well as its operational capacity in response to external developments and domestic reassessments of Japan's international roles. Japan's 1983 White Paper extended maritime responsibility to 1000 nautical miles from Tokyo. The Americans have long urged the Japanese to play a more active role in regional security and the upshot of the Clinton-Hashimoto meeting in 1997 was a decision that Japan should give substantially greater support to US forces in the event of a regional crisis. In addition, it was agreed that the JMSDF's operating areas might expand to include the seas around South Korea and Taiwan in such an event.

The JMSDF has continued to modernize its fleet and enhance its capacity. Japan undertook the construction of Kongo-class AEGIS destroyers in 1990. These have made the JMSDF the only AEGIS-equipped navy other than the USN. In the late 1990's the JMSDF took delivery of two Osumi-class, 8900-ton LPD/LPHs. These vessels have a fairly large helicopter deck and a stern dock suitable for operating landing craft.[10]

Increased levels of piracy in Southeast Asia have been a source of anxiety for Tokyo because of Japan's heavy reliance on seaborne commerce. Three hundred and fifty large merchant ships transit Southeast Asian choke points every day, many of them bound for or from Japan.[11]

North Korean spy vessels were found to have infiltrated Japanese waters in 1999. These incidents caused the JMSDF to open fire in anger for the first time in its history. Similarly, repeated incursions by Chinese "scientific" ships led the JMSDF to re-examine its capacity to respond to such threats. In February 2000 the JMSDF decided to increase maritime surveillance by creating a helicopter squadron consisting of 6 SH69J anti-submarine helicopters. It also set up a "special guard unit" within the JMSDF to enhance the navy's ability to respond to incursions.[12]

In mid-December 2000 the National Security Council, Japan's highest defence body, approved a 5-year, 25.16 trillion yen ($224.8 billion US) defence budget that includes provisions for aerial tankers that will dramatically increase the amount of air-cover that can be provided for JMSDF vessels. Additionally, the budget makes provision for the construction of two new "destroyer" escorts.[13] They will be the largest warships built in Japan since the Second World War. The fact that these vessels have not generated much controversy is a measure of the degree to which public opinion has shifted towards Japan's regional role and its maritime responsibilities.[14]

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[10] Anon., "A Japanese Navy in All But Name", Jane's Navy International, April 1999, p.35
[11] Anon., "Japan Mulls Anti-Piracy Pact with ASEAN", Straits Times, 03 January 2001, and Anon., "Jane's Sentinel Security Assessment – China and Northeast Asia", 04 December 2000.
[12] Ibid.
[13] Anon., Japan Digest, 19 December 2000 and Anon., Agency to Procure 2 Helicopter Destroyers", Yomiuri Shimbun, 07 December 2000. See also, Takuya Asakura, Japan Times, 03 January 2001 for markedly different decommissioning dates: HARUNA, 2008 and HIEI, 2009.
[14] Ayako Doi, "Japan's New 'Escorts', Aircraft Carriers in Thin Disguise", Japan Digest, 19 December 2000.

The new budget also provides for five SSKs, five destroyers and fifteen other surface craft. While the JMSDF is by and large a modern navy, with 65 percent of its current fleet having entered service since 1984, it will have to engage in a substantial building programme over the period 2001 to 2010 if it wants to keep its fleet within acceptable norms with respect to modernity.[15]

The developments that have contributed to the JMSDF's increased strategic reach must be seen within the context of important domestic and external determinants. The prolonged period of economic weakness that Japan has endured and the rapid aging of the "baby boomer" generation are likely to subject the Japanese defence budget to greater and greater pressure.

Two huge uncertainties lurk in the background. First, what will happen on the Korean peninsula? And second, what are China's long-term ambitions? What will Japan's future look like if American forces are withdrawn from Japan? And equally important, what will the security dynamic in Northeast Asia look like following the creation of a new maritime nation of 65 million in Korea and the emergence of a more regionally assertive China? As an insular state, Japan, must be prepared for any or all of these eventualities. Almost irrespective of the outcome, the JMSDF is likely to see itself playing a larger role in the Northeast Asian maritime environment.

1.4 The ROK Navy

The ROK Navy is, in many ways, a navy in waiting. Its ambitions have been delayed by Cold War conditions on the peninsula that have ensured that Seoul's primary focus is on land operations. With army personnel filling roughly 90 percent of the positions in the defence ministry, it is surprising that the ROKN has been as successful as it has.

Awareness of a concerted North Korean destabilization campaign has given the ROK Navy potent arguments in favour of enhanced capability. South Korea is also an export-driven nation heavily dependent on the sea for its commerce, energy imports, and food sources. These factors have occasioned the long-term expansion of ports like Pusan and Inchon and justified the creation of a new maritime ministry in Seoul in the late 1990's.

The ROK Navy is modern, well-equipped and capable of blue water operations. Despite the downturn in the South Korean economy and the potential for rapprochement on the peninsula, the defence procurement budget rose in 2001. Funds have been directed toward the production of three new Type 214-class submarines based on a Howaldtswerke-Deutsche Werfe (HDW) AG design. HDW is scheduled to supply the construction plans, material packages and critical parts for these 1,700-ton boats.[16] Additional funds have been allocated to Hyundai Heavy Industries to build the 214s. The ROKN submarines are

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[15] Anon., "A Japanese Navy in All But Name", <u>Jane's Navy International</u>, April 1999, p.35
[16] Anon., "Large Submarine Order Placed with HDW", <u>Defense-Aerospace</u>, 09 November 2000.

expected to enter service in 2007, 2008 and 2009.[17] The ROKN is also completing work on an earlier generation of SSK, and launched its eighth Chang Bogo-class SSK in 1999. The ninth is about to enter service.[18]

Submarines constitute one critical component of the ROKN. The other is surface combatants. The former workhorses of the fleet are the small 2180-ton Ulsan-class ASW frigates. However, as these were not particularly powerful or sophisticated, the ROKN embarked on an ambitious, three-tiered destroyer building programme. Three heavily armed KDX-1 frigates are entering service, followed by KDX-2 destroyers that will be commissioned by 2010. The biggest challenge for the ROKN will be the successful integration of the weapons systems installed in these vessels. The third generation of KDX-3 will be 7000–ton vessels modelled on the JMSDF's Kongo-class destroyers and will be outfitted with AEGIS combat radars capable of engaging multiple targets simultaneously. They will enter service by roughly 2020, enabling the South Korean navy to join the exclusive USN-JMSDF AEGIS club.[19]

1.5 The ROC Navy

The Republic of China's naval evolution is the result of the interplay of a number of forces; Washington's political resolve and the United States' relationship with China, the policies adopted by Beijing toward Taipei, the growth of the PLAN, and the ROC's ability to exploit loopholes in the legal framework linking Taipei and Washington.[20]

The Taiwan Relations Act of 1979 obliges Washington to ensure that the island has sufficient weaponry to defend itself. Taipei has been adept at securing enough USN assets, either on lease or by outright purchase, to stiffen its indigenously produced fleet.[21] Its seven Cheung Kung-class vessels are locally constructed versions of American Oliver Hazard Perry-class patrol frigates.

In the summer of 2000 the ROC Navy leased the first of two Anchorage-class, 13,700-ton LSDs. It is also leasing two Newport-class tank landing ships which, when coupled with the LSDs, will form an amphibious group for "fast response" missions to counter the threat posed by a PLAN amphibious assault.[22] The ROC is also involved in the purchase of 4 Kidd-class destroyers, which are big ships at 9,574-tons with a speed of 33 knots and a range of 8000 nautical miles. Finally, the ROC has engaged the United States in a "software" transfer program that enables Taipei to acquire defence assets without contravening the letter of the 1982 Beijing-Washington communiqué.

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[17] Kang, Seok-jae, "Hyundai Heavy Picked as Builder of Subs", Korea Herald, 23 November 2000, and Anon, "Sonartech Atlas Wins Korean Submarine Contract", Asia-Pacific Defence Reporter, 20 December 2000.

[18] Josh Corless, "South Korean Consideration of Kilo Goes Public", Jane's Navy International, September 1999.

[19] Richard Sharpe (ed.), Jane's Fighting Ships 2000-2001, Surrey (UK), Jane's Information Group Ltd., 2000.

[20] Anon., "Jane's Sentinel Security Assessment – China and Northeast Asia", 10 May 2000.

[21] Craig Smith, "Taiwan is likely to Ask the US to sell it 4 Destroyers", New York Times, 08 January 2001

[22] Anon., "Land Ships for Taiwan", Asia Pacific Defence Reporter, 06 June 2000.

2.   TMD

Theatre Missile Defense (TMD) is rapidly emerging as a controversial defence imitative in the region.   It is contentious because there is a good deal of confusion over exactly what it is and whether it invalidates the 1972 Anti-Ballistic Missile Treaty.   In addition, there is scepticism about the validity of the testing programme that the US military has undertaken, and doubt about whether such an expensive programme will ever work in practice.   However, the Chinese and the Russians are terrified that it may work.   Russia's only credible deterrence consists of missiles.   Similarly, short and medium range missiles are the key to China's possible reconquest of Taiwan.

In all likelihood, backed by George W. Bush's policies, the US will pursue TMD. Furthermore, TMD may find its first expression at sea in AEGIS-class American, Japanese, or even South Korean warships operating in Northeast Asia.

Distinctions need to be made between the two types of TMD.   Navy Theatre Wide (NTW) refers to a system designed to intercept enemy missiles in the "upper tier" (above the atmosphere) while Navy Area Wide (NAD) is intended for "lower tier" (low level) interception.   NTW can provide anti-ballistic missile protection from a variety of locations while NAD ships have to be located near the installations they hope to protect.   Thus, NTW implies far fewer ships than NAD to accomplish the same end.[23]

Chief of Naval Operations, Admiral Jay Johnstone, USN, confirmed that the "[American] navy's first priority remains to develop effective area and theatre wide defenses at sea."[24]   To facilitate this goal the United States and Japan announced a joint research project on NTW in August 1999.   In line with this agreement Mitsubishi Electric Corporation and five other Japanese firms were selected to take part in a Japan-US ballistic missile defence research project.[25]

In the same year the National Defense Authorization Act directed the US Secretary of Defense to carry out a study of the architectural requirements involved in establishing and operating TMD systems for Japan, South Korea and Taiwan.   The study concluded that an early warning system was vital.   Further, it suggested that a sea-based surveillance system would be the best solution because it would avoid the contentious problem of having to install early warning systems ashore in countries like Japan.[26]

The study revealed that the overriding determinant in assessing battle space coverage was geography.   One ship equipped with TMD was deemed theoretically sufficient for the whole of Japan against a missile attack from North Korea.   South Korea, however,

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[23] Charles Swicker, "Ballistic Missile Defense from the Sea: The Commander's Perspective", Naval War College Review, Spring 1997, Vol. L, no. 2, p. 9
[24] Department of Defense (US) News Services, 05 July 2000.
[25] Executive Summary, "Theatre Missile Defenses in the Asia Pacific Region", A Henry L. Stimson Center Working Paper Report No. 34, June 2000.
[26] "Report to Congress on Theatre Missile Defense Architecture Options for the Asia Pacific Region"

constituted an entirely different problem. The geography of South Korea dictated that any TMD system would have to be a mixture of high and low, land-based intercept systems.[27]

3.   Fisheries

Northeast Asia is arguably the most important fishing area in the world. Forty-five percent of the global catch comes from the region.[28] Statistically, evidence suggests that the world catch may be nearing its upper limit. There are differences from species to species but, overall, the fisheries experience in the seas around Japan points in the direction of impending decline. The number of species within catches is shrinking and the total size of catches is diminishing.

A Food and Agricultural Organization (FAO) (UN) report for 1994 revealed that 60 percent of major fish resources in the world showed a "consistent high level of exploitation or are showing declining yields." Resource rehabilitation was deemed "one of the key issues of the management of fisheries for the 21st century."[29]

A related FAO report indicated that China, Japan, Russia, the United States, Indonesia, Peru, and Chile account for more than one half of the world's capture. Aqua-culturally, China accounts for 68 percent of world production while at the same time fielding the world's largest fishing fleet; 6 million gross tons in 1996. Indeed, between 1990 and 1997, China increased the number of its decked fishing vessels from 60, 000 to 460,000.[30]

Unfortunately, no international body exists to prevent the fish resources of Northeast Asia from being over-fished or to halt the growth of illegal sales of fish in the region. Russian oversight of the fishing industry is weak and law enforcement is inadequate. The parlous state of Northeast Asian fisheries has led nations to begin regularizing their fishing relationships. Were a collapse of fish stocks to occur, the result would be disastrous; robbing the region of vital protein and severely threatening regional security.

4.   Energy

There is a growing energy deficit in the region. Gas is likely to be the fuel of choice over the next two decades. Gas-fired electricity plants are easily built and are less expensive than the alternatives. Increasingly important are the environmental considerations associated with gas. It is a relatively clean burning fuel, compared to coal (the primary energy source for China), and generates less air-borne pollution.

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[27] Ibid.

[28] Alexander Kurmazov and Igor Kazakov "The Politics of Fishery", in Vladimir Ivanov and Karla Smith (eds.), Japan and Russia in Northeast Asia: Partners in the 21st Century, Praeger Publishing, Westport, Connecticut, 1999, pp 296-302

[29] Anon., "Review of the State of the World Fishery Resources: Marine Fisheries", FAO Fisheries Circular No. 920 FIRM/C920, Rome, 1997.

[30] Anon., "The State of World Fisheries and Aquaculture Part I", FAO Fisheries Department; <http://www.fao/docrep/w9900e/w9900e02.htm>

Demand for gas is scheduled to rise by 80 percent over the next twenty years in South Korea and Japan,[31] Japan, South Korea and Taiwan are already the world's largest gas importers. But, how will gas reach these areas of demand? There are two ways: liquefied natural gas tankers or by gas pipeline.

There are a number of ambitious regional pipeline schemes under consideration but they are fraught with problems. Cost, routes, profit sharing, technology, unpredictability of supply, and over-dependence are all critical considerations. Whatever the case, it seems likely that more energy will be moving by sea in Northeast Asia over the next decade, creating new challenges for maritime security.[32]

5.   Shipping

Northeast Asian shipping has coastal and deep-sea components reflective of the state of global economies. The downturn and weakness of regional economies suggests some diminution in deep-sea mercantile traffic. By the same token, the continued strength of the Chinese economy, impending renminbi convertibility, and China's access to the World Trade Organization imply an increase in deep-sea traffic. Certainly, the Chinese and South Koreans are anticipating such increases if their ambitious port development schemes are any guide.

Japan is the largest producer of iron in Northeast Asia and imports 99.8 percent of her iron ore requirements. South Korea is the world's sixth largest producer of steel in the world and imports the majority of her materials for steel making. Most of it will come by sea.[33]

From 1986 to 1995 grain imports to Northeast Asia increased by 47 percent. Japan is the largest single importer of grain in the world. Over the period to 2010 it is estimated that Northeast Asian grain imports will increase from 42.1 percent to 48.8 percent of total world grain imports (1995).[34]

Another element in the shipping forecast relates to the Arctic as a consequence of global warming. It is not a question of whether but when the ice will melt. Five to fifteen years from now there will be significant periods when the seas off Northern Canada are likely to be open to ocean traffic. Thus, Asia could see a distinct increase in ships reaching the region from Europe via the pole.[35]

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[31] Vladimir Ivanov, "Northeast Asia in the year 2020: Environment, Energy and China's Future", ERINA Report, (29) August 1999, pp 11-15.

[32] Martha Caldwell Harris, "Sakhalin Offshore Oil and Gas Development: Prospects and Problems in Multilateral Cooperation", ERINA Report, (36) October 2000, pp 44-50.

[33] Joonsoo Jon, "Critical Non-Energy Import Dependencies in Northeast Asia", in Sam Bateman and Stephen Bates (eds.) Shipping and Regional Security, Canberra, Australian National University, 1998, pp 81-90.

[34] Ibid.

[35] Rob Huebert, Presentation on the Arctic at a Canadian Navy conference, Calgary, 02 March 2001.

6.   Marine Pollution

Shipping is one of the sources of marine pollution in Northeast Asia. Effluents, sewage discharged into the ocean, waste dumping, and offshore oil and gas rigs all contribute to pollution. One third of China's coastal waters are polluted with oil and the Yellow Sea is considered to be dying[36].

The dumping of radioactive waste in the Sea of Japan from decommissioned Russian submarines is a deep source of concern. Some would argue that the Japanese have dumped even more radioactive waste into the ocean. But, the number of barrels of fissile material is only part of the story. The nature of the contents, their location in the ocean, and the depth at which the containers come to rest are important considerations. The real concern is that safeguards are very rudimentary. Japan, Russia and South Korea are participants in the North Pacific Action Plan (NOWPAP), whose function is to measure the effects of radiation on the state of the marine environment through monitoring, measuring, and reporting. However, a lack of data, inadequate funding, and the existence of territorial disputes have severely hampered NOWPAP's work.[37]

7.   Territorial Disputes

The 1982 Law of the Sea (UNCLOS) introduced new conflicts in the Northeast Asian region due to the extension of maritime jurisdictions. Differing interpretations of the UNCLOS have resulted in overlapping maritime claims that have manifested themselves in territorial disputes over the ownership of islands, as well as over marine resources and energy rich areas. These disputes act as a major impediment to maritime confidence building measures and multilateral cooperation.[38]

Article 123 of UNCLOS maintains that the countries bordering enclosed or semi-enclosed seas have a responsibility to cooperate in ocean management, conservation measures, and the coordination of scientific research. Sovereignty remains the greatest impediment to such cooperation. This is a particularly serious problem in view of the trans-boundary nature of fish stocks, marine pollution and ship movements. The highly debatable nature of the maritime landscape in Northeast Asia is a source of continued weakness in the regional security regime.[39]

8.   Maritime Confidence Building Measures

Japan has been at the forefront of maritime confidence building measures in the region. The JMSDF and the ROK Navy engaged in a Search and Rescue Exercise in August 1999. In September 2000 two Japanese destroyers took part in a joint rescue with two Russian

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[36] Karla Smith, "Economic Development and Environmental Issues in Northeast Asia", ERINA Report, (29) August 1999, pp 32-37.
[37] Ibid.
[38] Mark Valencia, "Northeast Asia: Navigating Neptune's Neighborhood", paper held by Dr. J. Boutilier.
[39] Robert Karniol, "More 'Spy Boats' Enter Japan's EEZ", Jane's Defence Weekly, vol. 34, 20 September 2000.

warships and a jet aircraft. In November 2000, the Japanese and the Russians navies agreed to set up a telephone "hotline."[40]

The growing incidence of piracy in Southeast Asia in 2000 led the Japanese to propose an anti-piracy pact with the ASEAN states. Additionally, Japan hosted a meeting of regional coast guards, and organized a Joint Sub Rescue Exercise, that included South Korea, Russia, and United States (China was invited but declined). These maritime initiatives reflect not only Japan's greater willingness to become engaged in the maintenance of regional security, but a gradual, region-wide relaxation in inhibitions with respect to bilateral and multilateral naval contact. Not all navies perceive virtue in transparency and cooperation at sea for fear that these activities will reveal critical weaknesses. Nevertheless, the increased tempo of ship visits, long-range deployments, SAREXs, and agreements related to the Conduct of Unalerted Encounters at Sea (CUES) and INCSEA (Incidents at Sea) suggest a growing awareness of the confidence building potential of navies and the need to ensure that their activities at sea are not detrimental to regional security.[41]

9.   Canada's Naval Role

In the mid 1990s, the Canadian Navy articulated a rolling five-year deployment plan designed to see ships operating in Northeast Asian waters on even years and in Southeast Asian waters on odd years. Canadian Navy ships were in fact, the first western warships to visit Vladivostok in 1990. The Canadian Navy has visited China twice in recent years (Shanghai in 1998 and Qingdao in 2000) and hosted a return visit by a Chinese guided missile destroyer and a tanker to Esquimalt, British Columbia, in September 2000.

Canadian Navy vessels have visited South Korea repeatedly, and the ROKN has made two visits to the Canadian West Coast in recent years. Sendai, Tokyo, Sasebo, Kobe, Fukuoka, and Nagoya have all hosted Canadian vessels while the JMSDF returned the compliment by sending a high-level operational squadron to Esquimalt in 1999.

The Canadian Navy is attuned to and interested in the challenges confronting Northeast Asian navies and coast guards. The Canadian Navy is modest in size but very modern and highly professional. It is dedicated to deepening navy-to navy contacts in the Northeast Asian region.

10.   Conclusion

With the exception of the Russian Navy, the major navies of the region are increasing in size, sophistication and firepower (we have yet to see how the development of the Akula-II and the Project 12300 Scorpion fast attack craft will effect Russian naval prowess). More submarines are making their appearance, as navies move farther afield to demonstrate their

[40] Anon., "Japanese, Russian Navies Agree on Hot Line", BBC Monitoring, 30 November 2000, and Anon., "Russia, Japan Conduct Rescue Drill", Vladivostok News, 12 September 2000.
[41] Sam Bateman, "Naval Cooperation in Northeast Asia: Problems and Prospects". Presented at the 14th Asia Pacific Roundtable, Kuala Lumpur, 03-07 June 2000.

power projection capabilities and national resolve. The possibility of a Theatre Missile Defense system has added a new and volatile ingredient to the regional naval mix.

Elsewhere in the realms of shipping, energy exploration, transportation, fisheries, and pollution we see a maritime environment under increasing strain. Many if not all of the issues enumerated above are inter-related. The lack of regional management mechanisms is a source of concern in view of the trans-boundary nature of many maritime problems. There seems to be every likelihood that there will be more maritime disputes in the future as nations equip themselves with more potent assets.

However, there seems to be a countervailing force at work as well; namely a greater willingness to address vexing problems at sea. One of the major regional challenges relates to incorporating China and North Korea into cooperative dialogues. The Japanese have shown themselves particularly flexible and forward looking in terms of encouraging or participating in maritime confidence building measures. There is a good deal of inertia to overcome, however. Navies are conservative and wary organizations; slow to change or to address traditional animosities.

The Canadian Navy has dedicated itself to deploying to Northeast Asia in a consistent and predictable manner. It is particularly interested in and concerned about the maritime issues described in this paper. The navy has a great deal of practical experience coping with them and is eager to build navy-to-navy relations with a view to contributing to maritime peace and security in Northeast Asia.

COMMENTS IN RESPONSE TO THE PRESENTATION BY DR. J. BOUTILIER

Naoyuki Agawa
Professor, Faculty of Policy Management
Keio University

1. The Issue

I would like to focus on the issue of how best the Japan Maritime Self Defense Force ("JMSDF") can promote peace and security not only in the Northeast Asia but also on a global scale. I would like, in that context, to explore the ways in which JMSDF can cooperate with the Canadian Maritime Force.

2. Strengthening the U.S.-Japan Alliance

As Dr. Boutilier points out, JMSDF's role in promoting peace and security in Northeast Asia has been premised upon and closely linked to the credible and active alliance between Japan and the United States. More specifically, JMSDF has been sharing roles and missions with the United States Navy ("USN") in maintaining maritime security in the region. This was so particularly in the context of the deterrence of the Russian Navy throughout the 1980's. This fundamental premise is unlikely to change in the foreseeable future albeit changed strategic environment in the region and despite changes brought fourth with the advancement of RMA. It is my view that peace and security in Northeast Asia is and will continue to be, to a large extent, a product of continued and strengthened maritime alliance between Japan and the United States enabling USN to have its presence in the waters surrounding Japan and allowing JMSDF and USN to continue operating side by side.

3. Japan's exercising her collective self-defence right

The alliance by definition is a relationship in which one party promises to assist in defending the other party. As Dr. Boutilier also points out, Japan, however, currently takes the position that under her constitution she cannot exercise her collective self-defence right and therefore cannot come to the defence of the United States. This has prevented JMSDF from more actively involve itself in a joint operation with USN. Therefore the most logical way to strengthen the alliance and thus allow JMSDF further to promote to peace and security in the region would be for Japan to change its position on collective self-defence. This would enable JMSDF to work more closely with USN. If Japan were freed from its self-imposed ban on the exercise of the collective self-defence right, the scope of the security cooperation between the United States and Japan would be vastly enhanced.

4. Japan's increased contributions to peace-keeping and humanitarian relief missions

Given Japan's inability for the foreseeable future to exercise her collective self-defence right, Japan needs to explore other means by which indirectly to strengthen the alliance and assist in promoting maritime security. The New Defense Guideline was promulgated along that line of thought, mainly focusing on the so-called Article 6 contingencies. However, Japan should be able to do more by increasing its

81

contributions to peacekeeping and humanitarian relief missions assuming that they result in a substantial burden sharing between Japan and the United States.

5. Protection of sea lanes leading to the Middle East

Concretely, the possibility of Japan's active participation in keeping open and secure the sea-lanes linking Japan to the Middle East should be explored. Japan has a vital national interest in securing these sea-lanes in connection with the continued flow of oil from the region. The nature of Japan's military action in this context, if any, would be solely defensive and reactive and should constitute no constitutional violation. Countries along the sea-lanes share the common interest in keeping the sea-lanes open and secure, would unlikely perceive Japan's increased role in this context as a threat to their security and could work with Japan with or without the UN auspices. And lastly, Japan's increased role in this area would coincide with the strategic interest of the United States and would result in a de fact burden sharing between the two.

6. JMSDF on the high seas

Possible operations by JMSDF in this context may include:
-Maritime observation of cease fire in the aftermath of sea conflict under the U.N. authorization
-Implementing blockade of a peace threatening country as part of the U.N. sanctions
-Surveillance by JMSDF P-3s of pirates, narcotics trafficking, movement of illegal immigrants, etc. on the high seas
-Regular mine-sweeping operations and training in the region
-Construction and deployment of a hospital ship by JMSDF
-Supplying the U.N. operational bases in the region by sea
-Stationing of JMSDF fleet outside Japan for the foregoing purposes
-Stationing of JMSDF P-3's outside Japan for the foregoing purposes
-Formation of standing peace keeping fleet among the navies along the sea lanes with or without the UN sponsorship

7. Co-operation with the Canadian Maritime Forces

In this context, Canadian maritime forces and JMSDF would be a perfect match in undertaking the above listed type of operations. They share the same naval tradition as offspring of the Royal Navy. They have been participating in the RIMPAC exercise since 1980's. They pose no military threat to each other. Their force structure is complementary to each other. They both value operations under the auspices of the United Nations. They have had direct working relationship in the context of UNDOF operations on Golan Heights. They put national emphasis on peacekeeping operations. There seems to be no reason why the two navies cannot extend that working relationship to the sea.

82

8. Backdoor to the exercise of collective self-defense

Ultimately, increased presence of Japanese maritime forces outside the traditional operational areas in the foregoing fashion would in turn necessitate and make more feasible for Japan and the United States to work together in keeping stable and secure these sea-lanes. Ultimately, Japan and the United States should be able to join their forces to deter and foil attempts to destabilize peace in the region even by use of force if necessary. It would be ideal if the Canadian Maritime Forces would join such efforts further to assure the maritime security on a global scale.

6. JMSDF in action

Possible operations by JMSDF in this context may include:
-Maritime observation of cease fire in the aftermath of sea combat under an UN authorization
-Implementing blockade of a peace threatening country as part of the UN sanctions
-Surveillance by JMSDF P-3s of pirates' activities trafficking narcotics or illegal immigrants, etc. on the high seas
-Regular mine-sweeping operations and training in the region
-Construction and deployment of a hospital ship by JMSDF
-Supplying the U.N. operational bases in the region by sea
-Stationing of JMSDF fleet outside Japan for the foregoing purposes
-Stationing of JMSDF P-3's outside Japan for the foregoing purposes
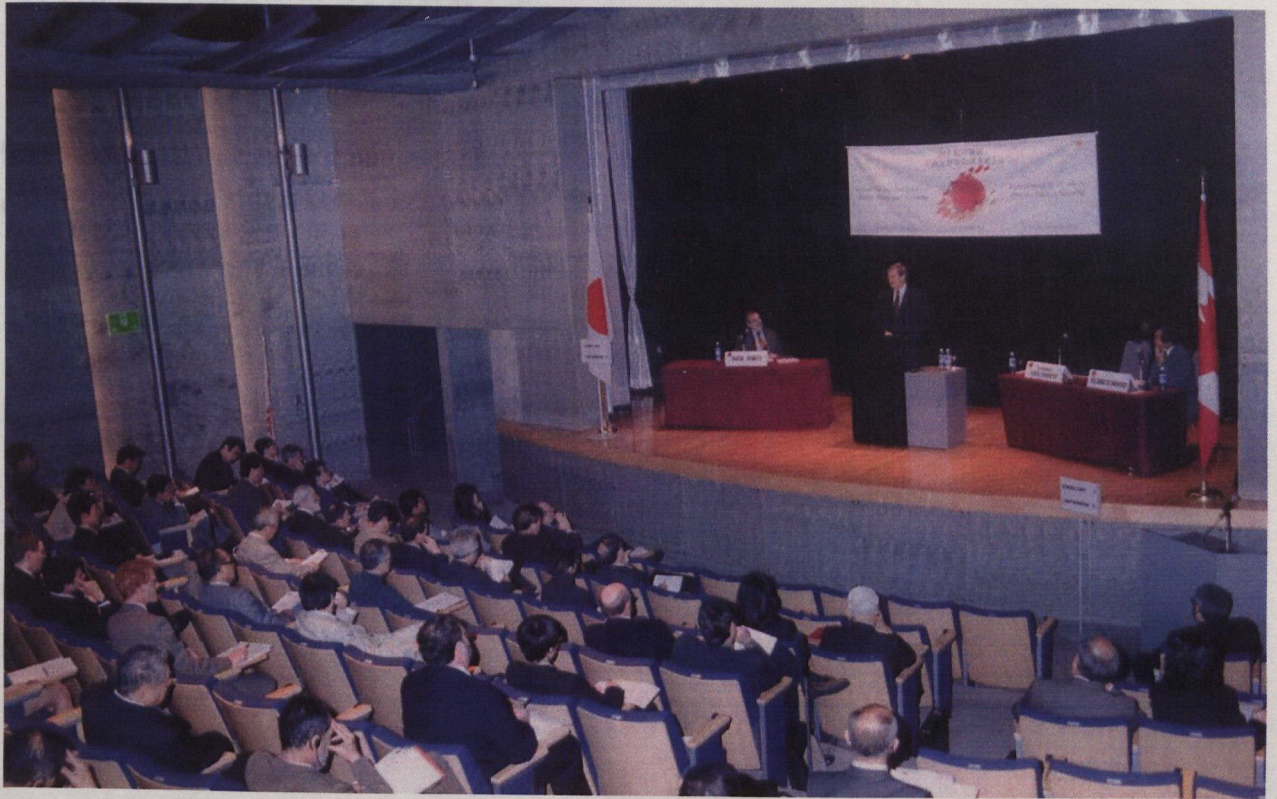-Formation of standing peace keeping fleet among the navies along the sea lanes with or without the UN sponsorship

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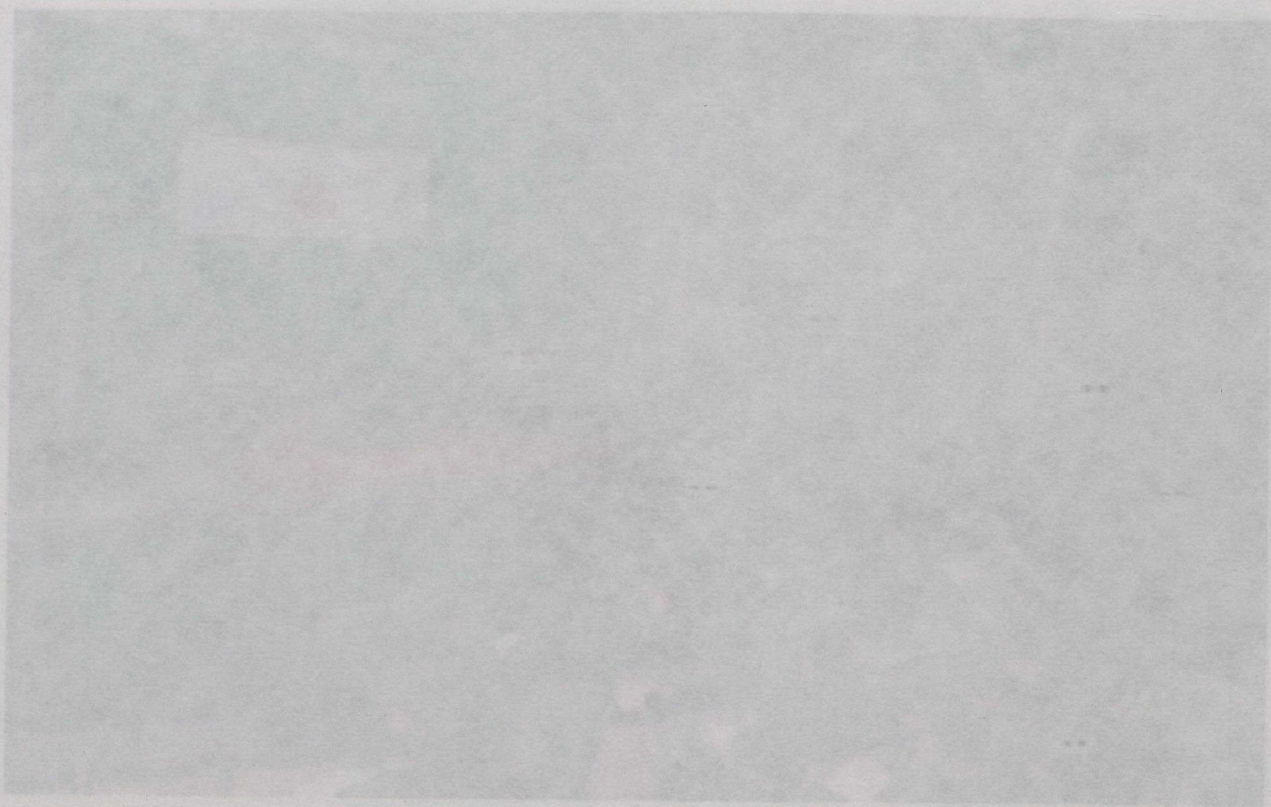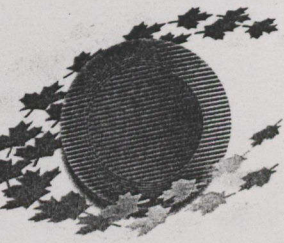
ANNEX
SYMPOSIUM PROGRAM

「見えてくる、カナダ2001」
シンポジウム「21世紀の課題：平和と安全保障を考える」
2001年4月17日（火）、東京
於　カナダ大使館シアター

0930　開会の挨拶
　　　レオナード・J・エドワーズ大使による歓迎の挨拶

0945　開会演説　「21世紀におけるアジアの平和と安全保障の展望」
　　　デイビッド・デウィット博士（ヨーク大学国際安全保障研究センター）
　　　所見：小島朋之教授（慶応大学）

1030　休憩

1100　基調演説　「21世紀における国家主権と安全保障の再考」
　　　ロイド・アクスワージィ前外務大臣
　　　（ブリティッシュ・コロンビア大学リウグローバル問題研究センター所長）
　　　所見：　百瀬和元（朝日新聞編集委員）
　　　質疑応答/討論

1200　昼食

1400　第一部：　「国際機関と平和と安全保障：　将来の方向」
　　　議長：　デイビッド・デウィット博士
　　　プレゼンテーション：　カル・ホルスティ博士
　　　（ブリティッシュ・コロンビア大学）
　　　所見：　明石康（日本予防外交センター会長）
　　　質疑応答

1445　第二部：　「人道的介入：　倫理と国際法」
　　　議長：　デイビッド・デウィット博士
　　　プレゼンテーション：　クレイグ・スコット教授（ヨーク大学）
　　　所見：横田洋三教授（中央大学法学部、国連大学学長特別顧問）
　　　質疑応答

1530　休憩

1600　第三部：　「平和と安全保障に与える技術革新の影響」
　　　議長：　デイビッド・デウィット博士
　　　プレゼンテーション：ロナルド・ディバート教授（トロント大学）
　　　所見：　村山裕三教授（大阪外国語大学）
　　　質疑応答

1645　第四部：　「海洋安全保障問題」
　　　議長：　デイビッド・デウィット博士
　　　プレゼンテーション：　ジェームズ・ブーティリエ博士
　　　（カナダ海軍太平洋本部政策担当特別顧問）
　　　所見：　阿川尚之教授（慶応大学）
　　　質疑応答

1730　閉会の挨拶
　　　デイビッド・デウィット博士

1800－1930　デニ・コモ公使主催レセプション
　　　　　　　於　カナダ大使館シアター前ロビー

「シンポジウム」「21世紀の課題：平和と安全保障を考える」
2001年4月17日（火），東京
第　カナダ大使館シアター

0930 開会の挨拶
　　　アーニー・J・エアーズ大使館による歓迎の挨拶

0945 基調講演　「21世紀におけるアジアの平和と安全保障の展望」
　　　講師　...・ブラット博士（ヨーク大学国際政治研究センター）
　　　座長　小澤...教授（慶應大学）

1030 休憩

1100 基調講演　「21世紀における国家主権と安全保障の変容」
　　　ロバート・ブラ...（コロンビア大学...グローバル問題研究室センター所長）
　　　座長　吉原和男（...神田...委員）
　　　質疑応答／討論

1200 昼食

1400 第一部：「国際情勢と平和と安全保障：将来の方向」
　　　講師　...・ブラット博士
　　　...・コロンビア大学
　　　...（日本国際交流センター理事）
　　　質疑応答

1445 第二部：「人道的介入　復興と国際法」
　　　...・ブラット博士
　　　コメンテーター　...・ブラット博士（ヨーク大学）
　　　座長　横田洋三教授（中央大学国際...関連大学院教授顧問）
　　　質疑応答

1530 休憩

1600 第三部　「平和と安全保障に与える技術革新の影響」
　　　講師　...・ブラット博士、...・パート講師（トロント大学）
　　　座長　行山的三教授（大阪外国語大学）
　　　質疑応答

1645 第四部　「...紛争と環境問題」
　　　講師　...・ブラット博士
　　　コメンテーター　ジェームズ・アーキバリエ博士
　　　座長　阿川尚之教授（慶應大学）
　　　質疑応答

1730 閉会の挨拶
　　　...・ブラット博士

1800-1930 レセプション：...の先生を囲んで
　　　第　カナダ大使館シアターフラザーにて

THINK CANADA 2001

SYMPOSIUM ON ISSUES FOR THE 21ST CENTURY
TOKYO, APRIL 17

THINK PEACE AND SECURITY

0930   Opening of the Think Canada: Think Peace and Security Symposium.
Welcoming remarks by Ambassador Leonard J. Edwards

0945   Opening address: Perspectives on Asian Peace and Security in the 21st Century.
Presentation by Professor David Dewitt (Centre for International and Security
Studies, York University)
Commentary by Professor Tomoyuki Kojima (Keio University)

1030   Coffee break

1100   Keynote speech by the Honourable Lloyd Axworthy, Director and CEO of the Liu
Centre for the Study of Global Issues: Rethinking State Sovereignty and Security
in the 21st Century
Commentary by Mr. Kazumoto Momose (Senior Writer, Asahi Shimbun)
Q&A session

1200   Lunch break

1400   Session One: International Institutions and Peace and Security: Future Directions
Presentation by Professor Kal Holsti (University of British Columbia)
Commentary by Mr. Yasushi Akashi (Chairman, Japan Centre for
Preventive Diplomacy)
Q&A session

1445   Session Two: Humanitarian Intervention: Ethics and International Law
Presentation by Professor Craig Scott (Osgoode Hall Law School, York
University)
Commentary by Professor Yozo Yokota (Chuo University)
Q&A session

1530   Coffee break

1600   Session Three: Impact of Technological Change on Peace and Security
Presentation by Professor Ronald Deibert (University of Toronto)
Commentary by Professor Yuzo Murayama (Osaka University of Foreign
Studies)
Q&A session

1645   Session Four: Issues in Maritime Security
                       Presentation by Dr. James Boutilier, Special Advisor (Policy) Maritime
                       Forces Pacific Headquarters
                       Commentary by Professor Naoyuki Agawa (Keio University)
                       Q&A session

1730   Closing remarks by Professor Dewitt

1800-1930   Reception hosted by Minister Comeau (in the foyer of the Embassy Theatre)

PENSEZ CANADA 2001

SYMPOSIUM SUR LES ENJEUX POUR LE 21e SIÈCLE
### TOKYO, LE 17 AVRIL

PENSEZ PAIX ET SÉCURITÉ

9 h 30   Ouverture du symposium Pensez Canada : pensez paix et sécurité.
Mot de bienvenue de l'ambassadeur Edwards

9 h 45   Discours d'ouverture : points de vue sur la paix et la sécurité en Asie au
21e siècle.
Exposé du professeur David Dewitt (Université York, Centre d'études
internationales et sécurité).
Commentaire du professeur Tomoyuki Kojima (Université Keio)

10 h 30   Pause café

11 h 00   Discours-programme de l'honorable Lloyd Axworthy, directeur et premier
dirigeant du Liu Centre for the Study of Global Issues, Université de Colombie-
Britannique : repenser la souveraineté et la sécurité des États au 21e siècle.
Commentaire de M. Kazumoto Momose (rédacteur principal, Asahi Shimbun)
Séance de questions et réponses et de dialogue

12 h 00   Pause déjeuner

14 h 00   Première séance : les institutions internationales et la paix et la sécurité :
orientations futures
Exposé du professeur Kal Holsti (Université de Colombie-Britannique)
Commentaire de M. Yasushi Akashi (Président du Centre japonais de la
diplomatie préventive)
Séance de questions et réponses

14 h 45   Deuxième séance : l'intervention humanitaire : l'éthique et les lois internationales
Exposé du professeur Craig Scott (Université York)
Commentaire du professeur Yozo Yokota (Université Chuo)
Séance de questions et réponses

15 h 30   Pause café

16 h 00   Troisième séance : les répercussions des changements technologiques sur la
paix et la sécurité
Exposé du professeur Ronald Deibert (Université de Toronto)
Commentaire du professeur Yuzo Murayama (Université d'Osaka, Études étrangères)

Séance de questions et réponses

16 h 45   Quatrième séance : questions relatives à la sécurité maritime
Exposé de Dr James Boutilier, conseiller spécial (Politiques), Quartier général des
Forces maritimes Pacifique
Commentaire du professeur Naoyuki Agawa (Université Keio)
Séance de questions et réponses

17 h 30   Mot de la fin du professeur Dewitt

18 h 00-   Réception organisée par le ministre Comeau (dans l'entrée de la salle de
19 h 30   conférence de l'ambassade).

ANNEX
CURRICULUM VITAE
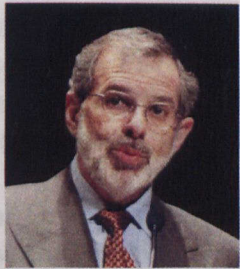
Dr. David Dewitt

Dr. Kal Holsti

Dr. Ronald Deibert

Prof. Tomoyuki Kojima

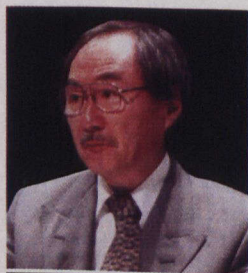Mr. Yasushi Akashi

Prof. Yuzo Murayama

Hon. Lloyd Axworthy

Prof. Craig Scott

Dr. James Boutilier

Mr. Kazumoto Momose

Prof. Yozo Yokota

Prof. Naoyuki Agawa

DR. DAVID DEWITT
CENTRE FOR INTERNATIONAL AND SECURITY STUDIES
YORK UNIVERSITY

David Dewitt (BA, UBC; MA & PhD, Stanford University) is Professor of Political Science and, since 1988, has served as Director of the Centre for International and Security Studies, York University, Toronto. He participated in the creation of York University's Centre for Refugee Studies, Joint Centre of Excellence for Research on Immigration and Settlement, and the Canadian Centre for German and European Studies. In addition to his involvement with York research centres, Professor Dewitt has served as director of the undergraduate program in the Department of Political Science, as member and chair of the Faculty of Arts Tenure and Promotions committee, and on the Senate Committee on Research.

Professor Dewitt is author or contributing editor of eleven books as well as chapters and articles dealing with Canadian foreign, security, and defence policy, regional security and conflict management in Asia Pacific and the Middle East, arms control, nuclear proliferation, and international security. His work on Asia Pacific security includes being co-director of Canada's North Pacific Cooperative Security Dialogue initiative (1990-93), co-founder of the Canadian Consortium on Asia Pacific Security (CANCAPS), and until July 2000 serving as co-chair of the Canadian Member Committee of CSCAP (the Council on Security Cooperation in Asia Pacific). He has just completed co-directing a three year research program, "Development and Security in Southeast Asia" involving over twenty young scholars from Canada and Southeast Asia.

Professor Dewitt is a member of various professional associations. He has been a visiting scholar at Tel-Aviv University, as well as an international research fellow at the Korean Institute of Defense Analysis. He also is a regular participant in research and policy dialogues with Canada's departments of Foreign Affairs and International Trade and National Defence, as well as the Canadian International Development Agency. Among his many outside activities, Professor Dewitt has served as Ontario chair of the National Forum on Canada's international relations (1996) and most recently as co-ordinator of the program on Canada-Japan security cooperation (1999-2001). He is a founding member of the Canada-Korea Forum, former national chair of the Canadian Professors for Peace in the Middle East, on the executive committee of the Canadian branch of the International Institute of Strategic Studies (London), and currently serves as chair of the international executive committee for PISA (the Program for International Studies in Asia) based at the Elliott School of International Affairs, George Washington University.

MONSIEUR DAVID DEWITT
CENTRE D'ÉTUDES INTERNATIONALES ET SÉCURITÉ
UNIVERSITÉ YORK

M. David Dewitt (B.A., Université de la Colombie-Britannique; M.A. et Ph.D, Université de Stanford) est professeur de science politique et il occupe, depuis 1988, le poste de directeur du Centre d'études internationales et sécurité à l'Université York de Toronto. Il a pris part à la création du Centre d'études sur les réfugiés, du Centre conjoint d'excellence pour la recherche en immigration et en intégration et du Centre canadien d'études allemandes et européennes de l'Université. Outre sa participation dans les centres de recherches de cette Université, le professeur Dewitt a dirigé le programme d'études de premier cycle du Département de science politique et a fait partie du comité sur la permanence et l'avancement de la Faculté des arts, qu'il a aussi présidé, ainsi que du comité sénatorial de recherche.

Le professeur Dewitt a écrit, seul ou en collaboration avec d'autres auteurs, onze livres ainsi que des chapitres et des articles portant sur la politique étrangère ainsi que les politiques de sécurité et de défense du Canada, la sécurité régionale et la gestion des conflits en Asie-Pacifique et au Moyen-Orient, le contrôle des armements, la prolifération nucléaire et la sécurité internationale. Dans le cadre de ses travaux sur la sécurité en Asie-Pacifique, il a notamment codirigé l'initiative canadienne de dialogue sur la coopération en matière de sécurité dans le Pacifique Nord (1990-1993), cofondé le Consortium canadien sur la sécurité en Asie-Pacifique (CONCSAP) et, jusqu'à juillet 2000, coprésidé le comité canadien du Conseil de coopération pour la sécurité en Asie-Pacifique (CCSAP). Il a tout récemment mené à bien un programme de recherche qu'il codirigeait depuis trois ans et qui portait sur le développement et la sécurité en Asie du Sud-Est, auquel ont participé plus de vingt jeunes universitaires du Canada et de l'Asie du Sud-Est.

M. Dewitt est membre de diverses associations professionnelles. Il a été chercheur invité à l'Université de Tel-Aviv ainsi que chercheur international attaché à l'Institut coréen de l'analyse de défense. Il participe aussi régulièrement à des dialogues sur la recherche et les politiques avec les ministères canadiens des Affaires étrangères et du Commerce international et de la Défense nationale ainsi qu'avec l'Agence canadienne de développement international. Le professeur Dewitt est également très actif à l'extérieur de l'Université : il a présidé le comité de l'Ontario au Forum national sur les relations internationales du Canada (1996) et, plus récemment, coordonné le programme de coopération en matière de sécurité Canada-Japon (1999-2001). Un des membres fondateurs du Forum Canada-Corée, M. Dewitt a déjà présidé l'Alliance des professeurs canadiens pour la paix au Moyen-Orient et fait partie du comité exécutif de la Section canadienne de l'Institut international d'études stratégiques (Londres). Il préside actuellement le comité exécutif international du PISA (programme d'études internationales en Asie), lancé par la Elliott School of International Affairs de l'Université George Washington.

ヨーク大学 国際安全保障研究センター
デービッド・デウィット博士

ブリティッシュ・コロンビア大学で文学士号、スタンフォード大学で文学修士号および博士号を取得。現在、政治学の教授職にあり、1988年以降ヨーク大学(トロント)の国際安全保障センターで理事を務めている。ヨーク大学の難民研究所、移民学中核的研究拠点(COE)、およびドイツヨーロッパ研究カナディアンセンターの設立に貢献した。ヨーク大学研究センターの職務に加え、政治学部理事、教養学部終身在職権・昇進委員会のメンバー兼委員長、および研究評議会での職務を果たした。

カナダの外交、安全保障、および防衛政策、アジア太平洋および中東における地域的安全保障と紛争管理、軍備制限、核拡散、および国際安全保障を題材とした 11 冊の本、章、および論文の執筆・編集に携わった。アジア太平洋の安全保障に関する職務として、北太平洋協力安全保障対話イニシアティブ(1990年～1993年)の共同理事、アジア太平洋の安全保障に関するカナディアン・コンソーシアム(CANCAPS)の共同創立、およびアジア太平洋安全保障協力会議(CSCAP)のカナダ委員会における共同委員長(2000年7月まで)を務めた。また、3 年に渡る研究プログラム「東南アジアにおける開発と安全保障」の共同指導監督の任務を終了したところである。このプログラムには、カナダおよび東南アジアから 20 人以上の若き研究者が参加した。

様々な専門機関に所属し、テル・アビブ大学の客員研究者、韓国国防研究院の国際研究員を務める。また、カナダ外務・国際貿易省、国防省、およびカナダ国際開発庁の研究・政策対話に定期的に参加している。外郭団体における活動としては、1996年に開かれたカナダの国際関係に関するナショナル・フォーラムでオンタリオ州議長を務めた。また、1999年～2001年のカナダ・日本安全保障協力プログラムでは、コーディネーターを務めた。さらに、カナダ・韓国フォーラムの設立メンバー、中東和平問題に携わるカナダ人研究者グループの前議長、国際戦略研究所(ロンドン)カナダ支部の実行委員も歴任した。現在、ジョージ・ワシントン大学国際問題エリオットスクールが主催している PISA(アジア国際学研究プログラム)国際実行委員会の委員長を務めている。

M. David Dewitt [...] Stanford) et [...] Centre d'études [...] création du [...] immigration et sa [...] l'Université [...] professeur Dewitt [...] politique et [...] a aussi présidé [...]

Le professeur [...] des chapitres et des articles [...] politique étrangère [...] et de défense du Canada, la sécurité régionale et la gestion des conflits en Asie, l'Afrique et le Moyen-Orient [...] Dans le cadre [...] canadienne de [...] 1993), cofondé [...] juillet 2000, [...] Asie-Pacifique (CSCAP) [...] codirigeait depuis trois ans et qui portait sur le développement [...] auquel ont participé plus de vingt jeunes universitaires du Canada et de l'Asie du Sud-Est.

M. Dewitt est membre de diverses associations professionnelles. Il a été chercheur invité à l'Université de Tel-Aviv ainsi que chercheur international attaché à l'Institut coréen de l'analyse de défense. Il participe aussi régulièrement à des dialogues sur la recherche et les politiques avec les ministères canadiens des Affaires étrangères et du Commerce international et de la Défense nationale ainsi qu'avec l'Agence canadienne de développement international. Le professeur Dewitt est également très actif à l'extérieur de l'Université : il a présidé le comité de l'Ontario au Forum national sur les relations internationales du Canada (1996) et, plus récemment, coordonné le programme de coopération en matière de sécurité Canada-Japon (1999-2001). Un des membres fondateurs du Forum Canada-Corée, M. Dewitt a déjà présidé l'Alliance des professeurs canadiens pour la paix au Moyen-Orient et fait partie du comité exécutif de la Section canadienne de l'Institut international d'études stratégiques (Londres). Il préside actuellement le comité exécutif international du PISA (programme d'études internationales en Asie), lancé par la Elliott School of International Affairs de l'Université George Washington.

慶応義塾大学総合政策学部
小 島 朋 之 教授

1943	広島県生まれ
1984	慶応義塾大学法学学士号取得後、同法学部大学院にて政治学博士号を取得
1974-1975	在香港日本総領事館特別研究員
1984-1985	在中国日本大使館研究員
1991-	慶応義塾大学総合政策学部東アジア関係教授
1995	ジョージ・ワシントン大学シガー東アジア研究所客員研究員
1997-1999	アジア政治経済研究所所長
1997-	21世紀日中友好委員会
1993-	*China Quarterly* 編集委員
1997-	*China Perspectives* 編集委員

Professor Tomoyuki Kojima
East Asian Affairs, Faculty of Policy Management
Keio University

1943	Born in Hiroshima, Japan.
1984	B.A., Faculty of Law, Keio University and Ph.D. from Graduate School of Law and Political Science, Keio University
1974 - 1975	Special Fellow at the Consulate General of Japan in Hong Kong
1984 - 1985	Research Fellow at the Embassy of Japan in China
1991- present	Professor of East Asian Affairs, Faculty of Policy Management, Keio University
1995	Visiting Fellow at the Sigur Center of East Asian Studies, George Washington University
1997 - 1999	President of the Japan Association of Asian Political and Economic Studies
1997 - present	Sino-Japanese Committee of Friendship for the 21st Century
1993 - present	Editorial Board of *China Quarterly*
1997 - present	Editorial Board of *China Perspectives*

Professeur Tomoyuki Kojima
Affaires de l'Asie de l'Est, Faculté de Politique et Gestion
Université Keio

Faculté d'administration politique, Université Keio (1991----)

Né à Hiroshima, Japon en 1943

Licence de l'Université Keio, Faculté de droit; Doctorat de l'Ecole supérieure de droit et de sciences politiques, Université Keio (1984)

Chercheur spécial auprès du Consulat du Japon à Hong Kong (1974-75)

Chercheur auprès de l'Ambassade du Japon en Chine (1984-85)

Professeur invité au Centre Sigur d'études est-asiatiques, U. George Washington (1995)

Président de l'Association japonaise d'études politiques et économiques asiatiques (1997-1999)

Commission d'amitié Russie-Japon pour le 21ème siècle (1997 ---)

Comité de rédaction de *China Quarterly* (1993 ----)

Comité de rédaction de *China Perspectives* (1997 —)

慶應義塾大学総合政策学部
小 島 朋 之 教授

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1984-1985　　在中国日本大使館研究員
1991-　　　　慶應義塾大学総合政策学部東アジア関係論
1995　　　　　ジョージ・ワシントン大学シガー東アジア研究客員研究員
1997-1999　　アジア政経学会研究所所長
1997-　　　　21世紀日中友好委員会
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1997-　　　　China Perspectives 編集委員

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Université Keio

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Chercheur auprès de l'Ambassade du Japon en Chine (1984-85)
Professeur invité au Centre Sigur d'études est-asiatiques, U. George Washington (1995)
Président de l'Association japonaise d'études politiques et économiques asiatiques (1997-
1999)
Commission d'amitié Russie-Japon pour le 21ème siècle (1997 ---)
Comité de rédaction de China Quarterly (1993 ----)
Comité de rédaction de China Perspectives (1997---)

THE HONOURABLE LLOYD AXWORTHY
DIRECTOR AND CHIEF EXECUTIVE OFFICER
LIU CENTRE FOR THE STUDY OF GLOBAL ISSUES

A longtime Member of Parliament and Cabinet Member, Lloyd Axworthy is the new Director and CEO of the Liu Centre for the Study of Global Issues. Most recently Canada's Minister of Foreign Affairs, Dr. Axworthy was first elected to Parliament in 1979 and has served as Minister of Employment and Immigration, Minster of Transport, Minister of Human Resources Development and Minister of Western Economic Diversification.

As Canada's Minister of Foreign Affairs, Dr. Axworthy observed that the traditional interests in national security and diplomatic relations have undergone a radical change. "Now, foreign ministers deal with the issues of human security, terrorism, drug trafficking and public health, among others. I am particularly interested in disarmament, threats of violence to societies, humanitarian intervention in conflict situations and protection of children, " he said. "I am also involved in broader issues of nuclear security in North America and Asia."

Dr. Axworthy received a Bachelor's degree at United College (now University of Winnipeg), and both Masters and PhD degrees in political science at Princeton University. He taught at Middlebury College in Vermont, then returned to Canada as professor of political science at the University of Winnipeg. He was later appointed Director of the Institute of Urban Studies at that university, a position he continued to hold for several years after his election to the Manitoba Legislative Assembly.

MONSIEUR LLOYD AXWORTHY
DIRECTEUR ET PREMIER DIRIGEANT
LIU CENTRE FOR THE STUDY OF GLOBAL ISSUES

Parlementaire et membre du Cabinet de longue date, M. Lloyd Axworthy est le nouveau directeur et premier dirigeant du Liu Centre for the Study of Global Issues. M. Axworthy occupait tout récemment le poste de ministre des Affaires étrangères du Canada. Élu pour la première fois au Parlement en 1979, il a également rempli les fonctions de ministre de l'Emploi et de l'Immigration, de ministre des Transports, de ministre du Développement des Ressources humaines et de ministre de la Diversification économique de l'Ouest.

En tant que ministre des Affaires étrangères du Canada, M. Axworthy a observé que les intérêts traditionnels en matière de sécurité nationale et de relations diplomatiques ont radicalement changé. « De nos jours, les ministres des Affaires étrangères s'occupent de questions portant, entre autres, sur la sécurité humaine, le terrorisme, le trafic des stupéfiants et la santé publique. Je m'intéresse particulièrement au désarmement, aux menaces de violence envers les sociétés, aux interventions humanitaires dans des situations de conflits et à la protection des enfants, a déclaré M. Axworthy. J'interviens également dans des questions plus vastes ayant trait à la sécurité nucléaire en Amérique du Nord et en Asie. »

M. Axworthy a obtenu un B.A. au United College (aujourd'hui l'Université de Winnipeg) et une M.A. et un Ph.D. en science politique à l'Université de Princeton. Il a enseigné au Middlebury College, dans le Vermont, puis est revenu au Canada pour occuper un poste de professeur de science politique à l'Université de Winnipeg. Il a par la suite été nommé directeur de l'Institut d'études urbaines de cette même université, un poste qu'il a continué d'occuper plusieurs années après son élection à l'Assemblée législative du Manitoba.

ロイド・アクスワージィ
The Honourable Lloyd Axworthy
リウ グローバル問題研究センター所長兼CEO

長年、国会議員および閣僚を務める。つい最近までは外務大臣を務めた。1979年に連邦議員に初当選して以来、雇用・移民大臣、運輸大臣、人的資源開発大臣、西部経済多様化大臣を歴任。

外務大臣在任中、国家の安全保障および外交関係における従来の国益が劇的な変化を遂げたことを鑑み、このように述べた。「今や、外務大臣は人間の安全保障、テロリズム、不法薬物売買、公衆衛生などの問題に対処しています。私は特に、軍縮、社会に対する暴力の脅威、紛争への人道主義的介入、児童保護に関心を持っています。また、北米およびアジアにおける核の安全に関する広範囲の問題に関わっています。」

ユナイテッド・カレッジ（現在のウィニペグ大学）で学士号、プリンストン大学で政治学修士号および博士号を取得。バーモント州のミドルベリー・カレッジで教えた後、カナダへ戻り、ウィニペグ大学政治学教授を務めた。後に、ウィニペグ大学都市研究所所長に任命され、マニトバ州議会議員に当選後も数年間その任に就いた。

PROFESSEUR LLOYD AXWORTHY
DIRECTEUR ET PREMIER DIRIGEANT

Parlementaire et érudit, M. Lloyd Axworthy est le nouveau directeur et premier dirigeant du Liu Institute for the Study of Global Issues. M. Axworthy occupait tout récemment ... premier ... Élu pour la première fois au Parlement en 1979, il a également rempli les fonctions de ministre de l'Emploi et de l'Immigration, de ... du ministère du Développement des Ressources humaines ...

En tant que ministre ... les ... traditionnels en matière de sécurité nationale et de relations diplomatiques ont radicalement changé. « De nos jours, les ministres des Affaires étrangères s'occupent de questions portant, entre autres ... m'intéresse ... interventions humanitaires dans des situations de conflits et à la protection des enfants, a déclaré M. Axworthy. J'interviens également dans des questions plus vastes ayant trait à la sécurité nucléaire en Amérique du Nord et en Asie. »

M. Axworthy a obtenu un B.A. au United College (aujourd'hui l'Université de Winnipeg) et une M.A. et un Ph.D. en science politique à l'Université de Princeton. Il a enseigné au Middlebury College, dans le Vermont, puis est revenu au Canada pour occuper un poste de professeur de science politique à l'Université de Winnipeg. Il a par la suite été nommé directeur de l'Institut d'études urbaines de cette même université, un poste qu'il a continué d'occuper plusieurs années après son élection à l'Assemblée législative du Manitoba.

朝日新聞社編集委員
百瀬　和元

1944年　兵庫県西宮市生まれ
1966年　慶応義塾大学卒業。朝日新聞社に入社
1970年　大阪本社社会部員
1978年　東京本社外交部員
1979年　ヨーロッパ総局員（ロンドン駐在）
1982年　テヘラン支局長。イラン・イラク戦争などを取材
1986年　外報部次長
1990年　ジュネーブ支局長。世界各地の難民、軍縮問題などを取材
1995年　編集委員
1996年　大阪本社企画報道室長
1997年　ヨーロッパ総局長（ロンドン）
2000年　編集委員

Mr. Kazumoto Momose
Senior Staff Writer, Asahi Shimbun

1944   Born in Japan
1966   Graduated from Keio University, Japan
        Reporter, Asahi Shimbun
1978   Foreign News Department
1979   General European Bureau (London)
1982   Chief, Teheran Bureau
1986   Deputy editor, Foreign News Department
1990   Chief, Geneva Bureau
1995   Senior Staff Writer
1997   European Editor (London)
2000   Senior Staff Writer specializing in humanitarian affairs and disarmament

Kazumoto MOMOSE
Rédacteur principal, Asahi Shimbun

1944   Né au Japon
1966   Diplômé de l'Université Keio, Japon
        Journaliste, Asahi Shimbun
1978   Département des nouvelles étrangères
1979   Bureau général de l'Europe (Londres)
1982   Chef du bureau à Téhéran
1986   Rédacteur adjoint du département des nouvelles étrangères
1990   Chef du bureau à Genève
1995   Rédacteur principal
1997   Rédacteur Europe (Londres)
2000   Rédacteur principal, spécialiste des affaires humanitaires et du désarmement

朝日新聞社編集委員
百瀬　和元

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1966年　慶応義塾大学卒業、朝日新聞社に入社
1970年　大阪本社社会部員
1978年　東京本社外交部員
1979年　ヨーロッパ総局員（ロンドン在住）
1982年　テヘラン支局長、イラン・イラク戦争などを取材
1986年　外報部次長
1990年　ジュネーブ支局長、世界各地の難民、軍縮問題などを取材
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1990　Chef du bureau à Genève
1995　Rédacteur principal
1997　Rédacteur Europe (Londres)
2000　Rédacteur principal, spécialiste des affaires humanitaires et du désarmement

DR. KAL HOLSTI
DEPARTMENT OF POLITICAL SCIENCE
UNIVERSITY OF BRITISH COLUMBIA

Born in Switzerland, Professor Holsti moved with his family from Finland to the United States during World War II. He attended Stanford University, where he received his B. A. degree in International Relations, an MA in Political Science, and a Ph.D. in Political Science. He took a teaching position at the University of British Columbia in 1961 and has centered his academic career in that institution. He was named Full Professor in 1983, and University Killam Professor, Political Science, in 1997. He served as Head of the Department of Political Science from 1984-1987.

Professor Holsti's main academic interests have been in international relations theory, war studies, Canadian foreign policy, Canadian-American relations, and conflict resolution. He has published extensively on these topics in major academic journals, in many edited volumes, and in seven books. His textbook International Politics: A Framework for Analysis has gone through seven editions, and has been translated into four languages. A Japanese-language edition appeared in 1976. His most recent book, The State, War, and the State of War (1995) examines the sources of many of the domestic and secessionist wars that have plagued the post-World War II world. He is currently writing a book about international change and international institutions.

Professor Holsti has lectured at many universities and government agencies throughout the world. He has taught four terms at Kyoto University (1977) and the International University of Japan (1988, 1992, 1994). During research trips, he has also lived in England, France, Italy, Australia, and the United States. In the 1980s, he served as a member of the Governing Board of the Canadian Institute for International Peace and Security (Ottawa).

MONSIEUR KAL HOLSTI
DÉPARTEMENT DE SCIENCE POLITIQUE
UNIVERSITÉ DE LA COLOMBIE-BRITANNIQUE

Né en Suisse, le professeur Holsti a quitté, avec sa famille, la Finlande pour les États-Unis durant la Deuxième Guerre mondiale. Il a étudié à l'Université de Stanford, où il a obtenu un B.A. en relations internationales, une M.A. en science politique et un Ph.D. en science politique. Il a accepté un poste de professeur à l'Université de la Colombie-Britannique en 1961 et a articulé sa carrière autour de cet établissement. Nommé professeur titulaire en 1983, il a été récipiendaire de la bourse Killam à titre de professeur de science politique en 1997. Il a rempli les fonctions de directeur du Département de science politique de 1984 à 1987.

Dans le cadre de ses recherches, le professeur Holsti s'est principalement intéressé aux théories des relations internationales, à l'étude des guerres, à la politique étrangère du Canada, aux relations canado-américaines et à la résolution des conflits. Ses nombreux écrits sur ces sujets ont été publiés dans de grandes revues spécialisées et un grand nombre de recueils. Il est l'auteur de sept livres. Son traité *International Politics: A Framework for Analysis* a été réédité sept fois et traduit en quatre langues. La version japonaise a été produite en 1976. Dans son dernier livre, *The State, War, and the State of War* (1995), il examine les sources de nombreuses guerres civiles et sécessionnistes qui ont ravagé le monde depuis la fin de la Deuxième Guerre mondiale. Il est en train d'écrire un livre sur les changements internationaux et les institutions internationales.

M. Holsti a donné des conférences pour un grand nombre d'universités et d'organismes gouvernementaux du monde entier. Il a enseigné pendant quatre trimestres à l'Université de Kyoto (1977) et à l'Université internationale du Japon (1988, 1992, 1994). Durant des voyages de recherche, il a aussi résidé en Angleterre, en France, en Italie, en Australie et aux États-Unis. Dans les années 1980, il a fait partie du conseil d'administration de l'Institut canadien pour la paix et la sécurité internationales (Ottawa).

ブリティッシュ・コロンビア大学政治学部
カル・ホルスティ博士

スイス生まれ。第二次世界大戦中、フィンランドから米国へ家族と共に移住。スタンフォード大学で国際関係論の学士号、政治学の修士号および博士号を取得する。1961年にブリティッシュ・コロンビア大学で教職に就き、以後同大学を研究活動の拠点とする。1983年に正教授に就任し、1997年にキラム大学の教授（政治学）に迎えられる。1984年～1987年まで政治学部の学部長を務める。

主な研究テーマは、国際関係論、戦争学、カナダの外交政策、加米関係、および紛争解決である。これらのテーマに関する研究結果を、主要な学会誌、多くの刊行物、および 7 冊の本にまとめ幅広く発表している。著書の「International Politics: A Framework for Analysis」は、第 7 版まで出版され、4 ヵ国語に翻訳された。日本語版の「国際政治の理論」は、1976 年に出版された。最近の著書「The State, War, and the State of War（1995）」では、第二次世界大戦後の世界を悩ませている内戦や独立紛争の原因について検証されている。現在、国際関係の変化や国際機関を題材にした著作をすすめている。

これまで、世界中の大学や政府関連機関で講義を行ってきた。1977年に京都大学で4期に渡って講義を開き、1988 年、1992 年、および 1994 年に国際大学で教鞭をとった。研究旅行の間には、英国、フランス、イタリア、オーストラリア、そして米国に在住した。1980年代には、カナダ国際平和・安全保障研究所（オタワ）の運営委員会で委員を務めた。

Né en Suisse, le professeur Holsti a quitté, avec sa famille, la Finlande pour les États-Unis durant la Deuxième Guerre mondiale. [...] relations internationales [...] accepté un [...] en 1985 [...] carrière autour de [...] 1981 [...] 1987 [...] la bourse Killam à [...] de science politique en 1980 [...] les fonctions de directeur du [...]

Dans le cadre [...] des relations [...] relations canada [...] été publiés dans de grandes revues spécialisées et un grand nombre de recueils. Il est l'auteur de sept livres. [...] traduit en quatre [...] The State, War, and the State [...] (1996), il examine les conflits et les guerres civiles et sécessionnistes qui ont ravagé le monde depuis la fin de la Deuxième Guerre mondiale. Il est en train d'écrire un livre sur les changements internationaux et les institutions internationales.

M. Holsti a donné des conférences pour un grand nombre d'universités et d'organismes gouvernementaux du monde entier. Il a enseigné pendant quatre trimestres à l'Université de Kyoto (1977) et à l'Université internationale du Japon (1988, 1992, 1994). Durant des voyages de recherche, il a aussi résidé en Angleterre, en France, en Italie, en Australie et aux États-Unis. Dans les années 1980, il a fait partie du conseil d'administration de l'Institut canadien pour la paix et la sécurité internationales (Ottawa).

明石　康
日本予防外交センター会長

1931年秋田県生まれ。1954年東京大学卒。バージニア大学大学院、フレッチャー・スクール大学院に留学後、1957年日本人としての国連職員第1号となる。1970年代には日本政府国連代表部で参事官、公使、大使を務める。その後国連の広報担当事務次長、軍縮担当事務次長を歴任。1992年カンボジア暫定統治機構（UNTAC）の国連事務総長特別代表、1994年から旧ユーゴスラビア問題担当国連事務総長特別代表。1997年12月人道問題担当事務次長を最後に退官。1999年2月まで広島平和研究所初代所長。現在、日本予防外交センター会長。人口問題協議会会長、日本国際連合学会理事長、立命館大学大学院、東洋英和女学院大学院で客員教授も務める。

Mr. Yasushi Akashi
Chairman, The Japan Centre for Preventive Diplomacy

After graduating from the University of Tokyo in 1954, Mr. Akashi studied as a Fulbright Scholar at the University of Virginia, and later at the Fletcher School of Law and Diplomacy. He became the first Japanese citizen to join the United Nations Secretariat in 1957. He has served as Ambassador at the Permanent Mission of Japan to the United Nations, and as Under-Secretary-General for Public Information and Under-Secretary-General for Disarmament Affairs. Mr. Akashi was Special Representative of the Secretary-General for Cambodia and later for the Former Yugoslavia, and served as Under-Secretary-General for Humanitarian Affairs until the end of 1997. From 1998-1999, he was President of the Hiroshima Peace Institute. Since July 1999, Mr. Akashi has served as Chairman of the Japan Centre for Preventive Diplomacy. He is President of the Council on Population Education (CPE) and the Japan Association for the Study of the United Nations. In addition, Mr. Akashi is Visiting Professor at Ritsumeikan and Toyo Eiwa Universities.

Monsieur Yasushi Akashi
Président, Centre japonais de la diplomatie préventive

Diplômé de l'Université de Tokyo en 1954, M. Akashi est titulaire d'une bourse d'études Fullbright de l'Université de Virginia puis de l'Ecole Fletcher en Droit et Diplomatie. En 1957, il a été le premier japonais à devenir membre du Secrétariat des Nations unies. Il a servi comme Ambassadeur à la Mission permanente du Japon auprès des Nations unies, Sous-Secrétaire-Général de l'Information publique, Sous-Secrétaire-Général des Affaires au Désarmement, Envoyé spécial du Secrétaire-Général au Cambodge et ensuite en Ex-Yugoslavie. M. Akashi a été Sous-Secétaire-Général des Affaires humanitaires jusqu'à la fin de 1997. De 1998 à 1999, il a été Président de l'Institut de Paix à Hiroshima. À partir de juillet 1999, il a servi comme président du Centre japonais de la diplomatie préventive. Il est président du Comité d'éducation de la population et de l'Association japonaise pour l'étude des Nations unies. En plus, il est professeur invité à l'Université Ritsumeikan et à l'Université Toyo Eiwa.

明石　康

日本予防外交センター会長

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PROFESSOR CRAIG SCOTT
OSGOODE HALL LAW SCHOOL
YORK UNIVERSITY

Craig Scott (B.A. McGill, B.A. Oxford, LL.M. LSE/London, LL.B. Dalhousie, of the Bar of Ontario) is Associate Professor of Law at Osgoode Hall Law School, York University. He was a member of the Faculty of Law, University of Toronto, from 1989 to 2000, and joined Osgoode Hall Law School in June 2000 following a term as a Jean Monnet Fellow at the European University Institute in Florence. To date, his teaching and research have been primarily in the fields of public international law and private international law, with a focus on the place of international human rights law in both of these fields. Much of his work has been on the theory and doctrine of economic, social and cultural rights. He also writes on constitutional rights protection in Canada and abroad. His work and teaching is strongly influenced by his interests in legal philosophy and in theories of international relations. He is editor of the forthcoming *Torture as Tort: Comparative Perspectives on the Development of Transnational Human Rights Litigation* (Oxford, Hart Publishing, March 2001).

In 2000-2001, Professor Scott will be teaching three courses: *Institutions of the European Union*; *Hard Choices in International Politics*; and *Law, the Individual and the Community: A Cross-Cultural Dialogue* (this being an Internet-based course involving Osgoode, Abo Akademi in Turku, Finland, and University of Hong Kong). In 2001-2002, he will be teaching a course called *Globalization and Law*, which is the foundation course for Osgoode's new International, Comparative and Transnational Law Programme.

Professor Scott has sought to create productive linkages between his academic work and various external commitments. On the Canadian constitutional scene, he was one of the drafters of the Alternative Social Charter put forward during the Charlottetown constitutional round. He has since been closely involved in advising various equality-seeking groups on Canadian Charter of Rights litigation and on preparing reports to various UN human rights bodies on Canada's record of treaty compliance. Of late, he has been involved in appeals or interventions in the Supreme Court of Canada in three major cases which have dealt with the interface of international law and Canadian law (*Pushpanathan, Reference re Secession of Quebec*, and *Baker*). Professor Scott was closely involved in the development of aspects of the current South African constitution after having advised the African National Congress on these matters while the ANC was still in exile. He has given academic opinions on international law to various governments on issues related to the law of the sea and to territorial claims. In 1993-1994, he served as co-counsel for the government of Bosnia in a case before the International Court of Justice, with responsibility for developing arguments on the limits of the powers of the UN Security Council. He has also given opinions to various non-governmental organizations and aboriginal government representatives on matters ranging from the legality of economic sanctions on Iraq to inland fisheries jurisdiction to transfer of environmental technology.

MONSIEUR CRAIG SCOTT
OSGOODE HALL LAW SCHOOL
UNIVERSITÉ YORK

M. Craig Scott (B.A., McGill; B.A., Oxford; LL.M., London School of Economics; LL.B., Dalhousie, membre du Barreau de l'Ontario) est professeur agrégé de droit à la Osgoode Hall Law School de l'Université York. De 1989 à 2000, il a fait partie de la Faculté de droit de l'Université de Toronto, puis, en juin 2000, il s'est joint à la Osgoode Hall Law School après avoir passé un trimestre à l'Institut universitaire européen de Florence 2000 à titre de récipiendaire de la bourse Jean Monnet. Jusqu'à présent, il a principalement axé son enseignement et ses recherches sur le droit international public et privé, en mettant l'accent sur la place qu'occupe le droit international en matière de droits de la personne dans ces deux grandes branches du droit. La plupart de ses travaux ont concerné les théories et la doctrine ayant trait aux droits économiques, sociaux et culturels. Il a aussi écrit sur la protection des droits constitutionnels au Canada et à l'étranger. Ses travaux et son enseignement sont fortement influencés par son intérêt pour la philosophie juridique et les théories des relations internationales. Il assure la direction d'un ouvrage qui sera bientôt publié, *Torture as Tort: Comparative Perspectives on the Development of Transnational Human Rights Litigation* (Oxford, Hart Publishing, mars 2001).

En 2000-2001, le professeur Scott donnera trois cours : *Institutions de l'Union européenne, Politique internationale : des choix difficiles à faire* et *Le droit, les personnes et les communautés : un dialogue interculturel* (ce dernier cours se donne par Internet et fait intervenir la Osgoode Hall Law School, l'Académie Abo de Turku, en Finlande, et l'Université de Hong Kong). En 2001-2002, il donnera un cours intitulé *La mondialisation et le droit*, qui est le cours de base du nouveau Programme de droit international, comparatif et transnational de la Osgoode Hall Law School.

Le professeur Scott s'est efforcé de rattacher de manière productive ses travaux de recherche et ses diverses activités externes. Sur la scène constitutionnelle canadienne, il a été l'un des rédacteurs de la Charte sociale de rechange proposée durant le cycle de négociations constitutionnelles de Charlottetown. Il conseille depuis divers groupes égalitaires dans le cadre de litiges portant sur la Charte canadienne des droits et libertés et prépare des rapports sur la conformité du Canada aux traités dont il est Partie pour le compte de divers organes des Nations Unies s'occupant des droits de la personne. Ces derniers temps, il a participé à des appels ou à des interventions devant la Cour suprême du Canada dans trois affaires importantes qui concernent des points de recoupement entre le droit international et le droit canadien (l'affaire Pushpanathan, le Renvoi relatif à la sécession du Québec et l'affaire Baker). M. Scott a participé de près à l'élaboration des volets de l'actuelle constitution sud-africaine, après avoir conseillé le Congrès national africain (ANC) pendant que ce dernier se trouvait encore en exil. Il a donné des avis spécialisés sur le droit international à divers gouvernements sur des questions se rapportant au droit de la mer et à des revendications territoriales. En 1993-1994, il a fait partie des conseillers juridiques du gouvernement bosniaque dans le cadre d'un litige devant la Cour internationale de justice. Il avait été chargé de formuler des arguments sur les limites des

pouvoirs du Conseil de sécurité des Nations Unies. Il a aussi donné des avis à divers représentants d'organisations non gouvernementales et de gouvernements autochtones sur des questions allant de la légalité des sanctions économiques imposées contre l'Iraq aux territoires de pêche intérieure, en passant par le transfert de technologïe environnementale.

EDUCATION

March 1964   International Christian University, Tokyo.
                  B.A. in International Relations

March 1966   Graduate School of Law and Politics (Masters Course), University of Tokyo.
                  LL.M.

March 1969   Graduate School of Law and Politics (Doctoral Course), University of Tokyo
                  LL.D.

PROFESSIONAL EXPERIENCE

April 1969 - March 1971   Instructor, International Christian University
April 1971 - March 1974   Assistant Professor, International Christian University
April 1974 - March 1979   Associate Professor, International Christian University

ヨーク大学 オズグッド・ホール・ロースクール
クレイグ・スコット教授

マギル大学およびオックスフォード大学で文学士号、ロンドン・スクール・オブ・エコノミクス(LSE)で法学修士号、およびダルハウジー大学で法学士号を取得。現在、オンタリオ州弁護士会に所属。ヨーク大学オズグッド・ホール・ロースクールの助教授(associate professor)を務める。1989年〜2000年までトロント大学法学部で教鞭をとる。ヨーロッパ大学研究所(フィレンツェ)でジャン・モネ・フェローとしての任期を終了した後、2000年6月にオズグッド・ホール・ロースクールの現職に就く。これまでのスコット教授の研究テーマは、主に国際公法と国際私法であり、これらの分野における国際人権法の位置付けに焦点が置かれている。そのほとんどが、経済、社会、および文化に関わる権利の理論や原則が研究対象となっている。また、カナダならびに海外における憲法上の権利の保護についての執筆も行っている。スコット氏は、法哲学や国際関係論に関心を持っており、研究テーマにも色濃く反映されている。近刊予定の「Torture as Tort: Comparative Perspectives on the Development of Transnational Human Rights Litigation (Oxford, Hart Publishing, March 2001)」では編集も務めた。

2000年〜2001年に3つの講座「欧州連合の諸機関」「国際政治における困難な選択」「法律、個人、および共同体:異文化対話」を開く予定である(「法律、個人、および共同体:異文化対話」は、オズグッド・ホール・ロースクール、アボ・アカデミ(フィンランド・トゥルク)、および香港大学でインターネット講座として開かれる)。2001年〜2002年には、「グローバリゼーションと法」と題する講座を開く予定である。これは、オズグッド・ホール・ロースクールの新規プログラム「International, Comparative and Transnational Law」の一般教養科目として開かれる。

研究活動を生産的な対外活動に結び付けることを目指す。カナダ憲法に関して、シャーロットタウンで開催された憲法改正ラウンドで提出された新社会憲章の草稿作成に携わった。以来、カナダの権利憲章に関わる訴訟を行う様々な平等主義団体に助言を行ったり、カナダの条約遵守に関する記録をまとめて様々な国連人権団体に報告する活動を意欲的に行っている。最近は、カナダの最高裁判所に申し立てられた控訴や調停などの3件の大きな訴訟に携わった。これらは、国際法およびカナダの法律(Pushpanathan, Reference re Secession of Quebec, and Baker)の境界領域を扱った訴訟であった。スコット教授は、アフリカ民族会議(ANC)が未だ追放されていたときからANCに憲法について助言をし、その後現行の南アフリカ憲法の策定に力を注いだ。海洋法および領土権の主張に関する問題について、多くの政府に国際法についての学術的見解を与えた。1993年〜1994年には、国際司法裁判所でボスニア政府の顧問弁護士の一人として訴訟に臨み、国連安全保障理事会の権限の範囲について議論を展開した。また、様々なNGO(非政府組織)や先住民の政府代表に対しても助言を与えた。その内容は、イラクへの経済制裁の適法性、内海漁業の管轄権、さらには環境技術の移転まで多岐に渡る。

中央大学法学部教授
国連大学学長特別顧問
横田　洋三　教授

学　歴
1964年3月	国際基督教大学教養学部卒業（教養学士）
1966年3月	東京大学大学院法学政治学研究科修士課程卒業（法学修士）
1969年3月	東京大学大学院法学政治学研究科博士課程卒業（法学博士）

職　歴
1969年4月	国際基督教大学専任講師
1971年4月	同　上　助教授
1974年4月	同　上　準教授
1979年4月	同　上　教授
1995年4月	東京大学法学部・大学院法学政治学研究科教授
2001年4月	中央大学法学部教授

海外経験
1974年10月	国際復興開発銀行（世界銀行）法律顧問（76年12月まで）
1983年　3月	アデレード大学客員教授（同年12月まで）
1984年　1月	ミシガン大学客員教授（同年8月まで）
1984年　9月	コロンビア大学客員教授（同年85年3月まで）
1988年　8月	国連人権促進保護小委員会代理委員（2000年4月まで）
1991年　4月	国連人権委員会ミャンマー担当人権特別報告書（96年5月まで）
1998年　8月	国際法律家委員会（ICJ）委員（Commissioner）（現在まで）
1999年10月	フランス、エクス・マルセイユ第三大学客員研究員（2000年1月まで）
2000年　4月	国連人権促進保護小委員会委員（現在まで）

Professor Yozo Yokota
Faculty of Law, Chuo University
Special Advisor to the Rector of the United Nations University

EDUCATION

March 1964	International Christian University, Tokyo B.A., in International Relations
March 1966	Graduate School of Law and Politics (Masters Course), University of Tokyo LL.M.
March 1969	Graduate School of Law and Politics (Doctoral Course), University of Tokyo LL.D.

PROFESSIONAL EXPERIENCE

April 1969 - March 1971	Instructor, International Christian University
April 1971 - March 1974	Assistant Professor, International Christian University
April 1974 - March 1979	Associate Professor, International Christian University

October 1974 - December 1976	Legal Counsel, The World Bank
April 1979 - March 1995	Professor, International Christian University
February 1983 - December 1983	Visiting Professor, Adelaide University
January 1984 - August 1984	Visiting Professor, University of Michigan Law School
September 1984 - March 1985	Visiting Professor, Columbia University School of Law
August 1988 - present	Alternate Member of the U.N. Sub-Commission on Human Rights
June 1992 - May 1996	U.N. Special Rapporteur on the Situation of Human Rights in Myanmar
April 1995 - March 2001	Professor, Faculty of Law, University of Tokyo
April 2001 - present	Professor, Faculty of Law, Chuo University

Yozo Yokota

Poste actuel: Professeur de droit, Faculté de droit, Université Chuo
Conseiller spécial du recteur de l'université des Nations unies

Education:

mars 1964	Diplômé de l'Université chrétienne internationale de Tokyo en relations internationales
mars 1966	Diplômé de l'Ecole supérieure de droit et des politiques (maîtrise), Université de Tokyo, avec LL.M.
mars 1969	Diplômé de l'Ecole supérieure de droit et des politiques (doctorat), Université de Tokyo, avec LL.D.

Expérience professionelle:

avril 1969	Enseignant, Université chrétienne internationale (jusqu'en mars 1971)
avril 1971	Professeur adjoint, Université chrétienne internationale (jusqu'en mars 1974)
avril 1974	Professeur adjoint, Université chrétienne internationale (jusqu'en mars 1979)
octobre 1974	Conseiller juridique à la Banque mondiale (jusqu'en décembre 1976)
avril 1979	Professeur, Université chrétienne internationale (jusqu'en mars 1995)
février 1983	Professeur invité, Université Adelaide (jusqu'en décembre 1983)
janvier 1984	Professeur invité, Université du Michigan, Ecole de droit (jusqu'en août 1984)
septembre 1984	Professeur invité, Université Columbia, Ecole de droit (jusqu'en mars 1985)
août 1988	Membre suppléant de la sous-commission des droits de la personne, l'ONU (jusqu'à présent)
juin 1992	Rapporteur spécial de l'ONU sur la situation des droits de la personne à Myanmar (jusqu'en mai 1996)
avril 1995	Professeur, Faculté de droit, Université de Tokyo (jusqu'en mars 2001)
avril 2001	Professeur, Faculté de droit, Université Chuo (actuel)

DR. RON DEIBERT
DEPARTMENT OF POLITICAL SCIENCE
UNIVERSITY OF TORONTO

Ronald J. Deibert (B.A., M.A., Ph.D.) is Assistant Professor of Political Science at the University of Toronto, specializing in media, technology, and world politics. He is the author of the book <u>Parchment, Printing, and Hypermedia: Communications in World Order Transformation</u> (New York: Columbia University Press, 1997).

Professor Deibert has published articles on topics relating to Internet politics, civil society and global politics, earth remote sensing and space policy, postmodernism, and social science epistemology in journals such as *International Organization*, *The Review of International Studies*, and *The European Journal of International Relations*. He currently serves on the editorial board of the journal *International Studies Perspectives*. Professor Deibert is presently finishing a book manuscript on the politics of Internet security, entitled *Network Security and World Order*. He is also doing research on the Internet and citizen networks, virtual reality, and the possibilities of cyberspace as a global public sphere.

Professor Deibert has been a consultant to the Department of Foreign Affairs and International Trade on issues relating to the Internet, space technology, arms control, and international relations. At the University of Toronto, Professor Deibert has just finished serving on the Provost's Task Force on Academic Computing and New Media. Professor Deibert is presently producing a television documentary, entitled "*Real World Politics*." The documentary takes six students and forms them into a "citizen network" for the summer of 2001. The documentary will follow their activities through the summer as they lobby for change, using both old and new media methods and technologies of citizen activism.

MONSIEUR RON DEIBERT
DÉPARTEMENT DE SCIENCE POLITIQUE
UNIVERSITÉ DE TORONTO

M. Ronald J. Deibert (B.A., M.A., Ph.D.) est professeur adjoint de science politique à l'Université de Toronto. Il se spécialise dans les médias, la technologie et la politique mondiale. Il est l'auteur du livre *Parchment, Printing, and Hypermedia: Communications in World Order Transformation* (New York, Columbia University Press, 1997).

Le professeur Deibert a écrit des articles sur les politiques relatives à Internet, la société civile et la politique mondiale, les politiques en matière de télédétection et la politique spatiale, le postmodernisme et l'épistémologie des science sociales, qui ont été publiés dans des journaux comme *International Organization*, *The Review of International Studies* et *The European Journal of International Relations*. Il fait actuellement partie du comité de rédaction du journal *International Studies Perspectives*. M. Deibert est en train de mettre la dernière main à un ouvrage sur les politiques de sécurité dans Internet, intitulé *Network Security and World Order*. Il fait également des recherches sur Internet et les réseaux de citoyens, la réalité virtuelle ainsi que les possibilités qu'offre le cyberespace à titre de sphère politique mondiale.

Le professeur Deibert a été consulté par le ministère des Affaires étrangères et du Commerce international sur des questions ayant trait à Internet, aux technologies de l'espace, au contrôle des armements et aux relations internationales. À l'Université de Toronto, M. Deibert faisait tout récemment partie du groupe de travail du doyen sur l'utilisation spécialisée de l'informatique et les nouveaux médias. Le professeur Deibert produit actuellement un documentaire pour la télévision intitulé « *Real World Politics* ». Ce documentaire met en vedette six étudiants qui formeront un « réseau de citoyens » pendant l'été 2001. Le documentaire portera sur les activités qu'effectueront les étudiants pendant l'été, alors qu'ils exerceront des pressions pour obtenir des changements, en utilisant à la fois les anciennes méthodes d'activisme et les nouveaux médias et technologies.

トロント大学政治学部
ロナルド・ディバート博士

トロント大学政治学部助教授。文学士号、文学修士号、および博士号を取得し、専門はマスメディア、技術、および世界政治。著書に「Parchment, Printing, and Hypermedia: Communications in World Order Transformation (New York: Columbia University Press, 1997)」がある。

インターネット政策、市民社会と世界政治、地球遠隔探査と宇宙政策、ポストモダニズム、および社会科学認識論に関する論文を、「International Organization」「The Review of International Studies」「The European Journal of International Relations」などの学会誌に発表。現在、学会誌「International Studies Perspectives」の編集委員を務めている。また、インターネットセキュリティの政策に関する著作「Network Security and World Order」を執筆中。さらに、インターネットと市民ネットワーク、バーチャル・リアリティ、およびグローバルな公共空間としてのサイバースペースの可能性をテーマにした研究も行っている。

カナダ外務・国際貿易省で、インターネット、宇宙工学、軍縮、および国際関係に関するコンサルタントを務め、先頃トロント大学で、アカデミック・コンピューティングおよびニュー・メディアに関する学務担当副学長特別委員会における任務を終了した。現在、テレビドキュメント「真の世界政治(real world Politics)」を制作している。番組には6人の学生が参加しており、2001年の夏に「市民ネットワーク」が組織される。番組では、新旧双方のメディア方式や市民活動の技術を駆使して、学生達が変革への活動を行う夏を通して、彼らの活動を追う。

After receiving his Ph.D. from Washington University, History of American Economy, Professor Murayama joined the Nomura Research Institute where he researched on technological issues. Later, he taught at Kansai University of Foreign Studies. He is a specialist of economics, peace and security.

YUZO MURAYAMA
Professeur, Études américaines, Faculté de culture régionale,
Université Osaka, Études étrangères

Après avoir reçu son doctorat en histoire de l'économie américaine à l'Université Washington, Professeur Murayama s'est joint à l'Institut de recherche Nomura où il a fait des recherches sur des sujets technologiques. Plus tard, il a enseigné à l'Université Kansai d'Études étrangères. Il est spécialiste en économie, paix et sécurité.

Le professeur Deibert a été consulté par le ministère des Affaires étrangères et du Commerce international sur des questions ayant trait à Internet, aux technologies de l'espace, au contrôle des armements et aux relations internationales. À l'Université de Toronto, M. Deibert faisait tout récemment partie du groupe de travail du doyen sur l'utilisation spécialisée de l'infopmatique et les nouveaux médias. Le professeur Deibert produit actuellement un documentaire pour la télévision intitulé « *Real World Politics* ». Ce documentaire met en vedette six étudiants qui formeront un « réseau de citoyens » pendant l'été 2001. Le documentaire portera sur les activités qu'effectueront les étudiants pendant l'été, alors qu'ils exerceront des pressions pour obtenir des changements, en utilisant à la fois les anciennes méthodes d'activisme et les nouveaux médias et technologies.

大阪外語大学地域文化学科アメリカ講座
村山 裕三 教授

大阪外語大学地域文化学科アメリカ講座教授。ワシントン大学でPh.D（アメリカ経済史）取得後、野村総合研究所に勤務、テクノロジー関係の調査に携わる。その後、関西外国語大学を経て現職。専門は経済安全保障。

Professor Yuzo Murayama
American Studies, Faculty of Regional Culture
Osaka University of Foreign Studies

After receiving his Ph.D. from Washington University, History of American Economy, Professor Murayama joined the Nomura Research Institute where he researched on technological issues. Later, he taught at Kansai University of Foreign Studies. He is a specialist of economics, peace and security.

YUZO MURAYAMA
Professeur, Études americaines, Faculté de culture régionale,
Université Osaka, Études étrangères

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大阪外国語大学地域文化学科アメリカ講座
村山 裕三 教授

Professor Yuzo Murayama
American Studies, Faculty of Regional Culture
Osaka University of Foreign Studies

After receiving his Ph.D. from Washington University, History of American Economy, Professor Murayama joined the Nomura Research Institute where he researched on technological issues. Later, he taught at Kansai University of Foreign Studies. He is a specialist of economics, peace and security.

YUZO MURAYAMA
Professeur, Études américaines, Faculté de culture régionale,
Université Osaka, Études étrangères

Après avoir reçu son doctorat en histoire de l'économie américaine à l'Université Washington, Professeur Murayama s'est joint à l'Institut de recherche Nomura où il a fait des recherches sur des sujets technologiques. Plus tard, il a enseigné à l'Université Kansai d'Études étrangères. Il est spécialiste en économie, paix et sécurité.

DR. JAMES A. BOUTILIER
SPECIAL ADVISOR (POLICY)
MARITIME FORCES PACIFIC HEADQUARTERS

Dr. James Boutilier is the Special Advisor (Policy) at Canada's Maritime Forces Pacific Headquarters in Esquimalt, British Columbia. His particular area of responsibility relates to naval initiatives in the Asia-Pacific region.

Dr. Boutilier was born in Halifax, Nova Scotia, and attended Dalhousie University (BA History: 1960), McMaster University (MA History: 1962), and the University of London (PhD History: 1969). Dr. Boutilier served in the Royal Canadian Navy Reserve from 1956 to 1964 as a navigating officer, and in the same capacity in the Royal Navy Reserve from 1964 to 1969.

Dr. Boutilier taught at the University of the South Pacific in Suva, Fiji, from 1969 to 1971 before taking up an appointment at Royal Roads Military College in Victoria, British Columbia. He spent twenty-four years on staff at the RRMC serving as department head and Dean of Arts. He was instrumental in establishing the military and strategic studies degree program at the college and taught courses on naval history, contemporary Asia, the history of the Pacific, and strategic issues. During that time he was an adjunct professor of Pacific Studies at the University of Victoria and the Chair of the South Pacific Peoples Foundation of Canada.

Dr. Boutilier's field of expertise is Asia-Pacific defence and security. He published *RCN in Retrospect* in 1982 and has written extensively on maritime and security concerns. He lectures nationally and internationally on political, economic, and security developments in the Asia-Pacific region. Dr. Boutilier is a member of the Canadian Consortium on Asia-Pacific Security and serves on the Canadian board for the Council on Security Cooperation in Asia-Pacific.

MONSIEUR JAMES A. BOUTILIER
CONSEILLER SPÉCIAL (POLITIQUE)
QUARTIER GÉNÉRAL DES FORCES MARITIMES PACIFIQUE

M. James Boutilier est conseiller spécial (Politique) au Quartier général des Forces maritimes Pacifique à Esquimalt, en Colombie-Britannique. Sa zone de responsabilité particulière porte sur les initiatives navales dans la région de l'Asie-Pacifique.

M. Boutilier est né à Halifax, en Nouvelle-Écosse, et a étudié à l'Université Dalhousie (B.A. en histoire, 1960), à l'Université McMaster (M.A. en histoire, 1962) et à l'Université de Londres (Ph.D. en histoire, 1969). M. Boutilier a servi dans la réserve de la Marine royale du Canada de 1956 à 1964 à titre d'officier de navigation et a rempli les mêmes fonctions dans la réserve de la Marine royale britannique de 1964 à 1969.

M. Boutilier a enseigné à l'Université du Pacifique Sud à Suva, aux Fidji, de 1969 à 1971 avant d'accepter un poste au Royal Roads Military College (RRMC) de Victoria, en Colombie-Britannique. Il a fait partie du personnel du RRMC pendant 24 ans, remplissant les fonctions de directeur de département et de doyen de la Faculté des arts. Il a joué un rôle primordial dans la création d'un programme d'études militaires et stratégiques menant à un diplôme au RRMC et a donné des cours sur l'histoire navale, l'Asie contemporaine, l'histoire du Pacifique et des questions stratégiques. Pendant cette période, il était aussi professeur adjoint au sein de la Faculté des études du Pacifique de l'Université de Victoria et président de la South Pacific Peoples Foundation of Canada.

Le domaine d'expertise de M. Boutilier concerne la défense et la sécurité en Asie-Pacifique. En 1982, il a publié *RCN in Retrospect* et a beaucoup écrit depuis sur des questions ayant trait au domaine maritime et à la sécurité. Il donne des conférences au Canada et dans le monde entier sur les nouvelles réalités sur les plans politiques, économiques et de la sécurité dans la région de l'Asie-Pacifique. M. Boutilier est membre du Consortium canadien sur la sécurité en Asie-Pacifique et fait partie du comité canadien du Conseil de coopération pour la sécurité dans l'Asie-Pacifique.

カナダ海軍太平洋本部
特別顧問（政策）
ジェームズ A. ブーティリエ博士

ブリティッシュ・コロンビア州エスクワイモルトのカナダ海軍太平洋本部で特別顧問（政策）を務める。アジア太平洋地域における海軍のイニシアティブ担当。

ノバスコシア州ハリファックスで生まれ、1960年にダルハウジー大学で文学士号（歴史学専攻）、1962 年にマクマスター大学で文学修士号（歴史学専攻）、そして 1969年にロンドン大学で博士号（歴史学専攻）を取得した。1956年〜1964年には、カナダ海軍で航海長、1964年〜1969年には英国海軍予備隊で航海長を務めた。

1969年〜1971年までフィジー・スバのサウス・パシフィック大学で教鞭をとった。その後ブリティッシュ・コロンビア州ビクトリアのロイヤル・ロード・ミリタリー・カレッジに移る。24 年間の在任中、教養学部の学部長を務める。博士は、軍事戦略学の学位を取得できるプログラムを同カレッジで開設することに貢献し、海軍の歴史、現代アジア、太平洋の歴史、および戦略問題に関する講座を担当した。その間、ビクトリア大学で太平洋学の準教授およびカナダ・南太平洋人民財団の議長も務めた。

専門分野はアジア太平洋の防衛および安全保障である。1982年に「RCN in Retrospect」を出版し、海軍および安全保障をテーマとして精力的に執筆を行った。また、アジア太平洋地域の政治、経済、および安全保障の拡大をテーマにした講義を国内外で行っている。アジア太平洋の安全保障に関するカナディアン・コンソーシアムのメンバーであり、アジア太平洋安全保障協力会議のカナダ委員会委員を務めている。

M. James Boutilier est conseiller spécial (Politique) au Quartier général des forces maritimes Pacifique à Esquimalt, en Colombie-Britannique. Sa zone de responsabilité porte sur les initiatives nationales et internationales de l'Asie-Pacifique.

M. Boutilier [...] histoire, [...] (Ph.D. [...] 1956 à 1964 à titre d'officier de navigation et a rempli les mêmes fonctions dans la réserve de la Marine royale britannique de 1964 à 1969.

M. Boutilier [...] d'accepter [...] Colombie-Britannique. Il a fait partie du personnel [...] fonctions de directeur de département et de doyen de la Faculté des arts. Il a joué un rôle primordial [...] diplôme [...] Pacifique et des questions [...] sein de la Faculté des études du Pacifique de l'Université de Victoria et président de la South Pacific Peoples Foundation of Canada.

Le domaine d'expertise de M. Boutilier concerne la défense et la sécurité en Asie-Pacifique. En 1982, il a publié *RCN in Retrospect* et a beaucoup écrit depuis sur des questions ayant trait au domaine maritime et à la sécurité. Il donne des conférences au Canada et dans le monde entier sur les nouvelles réalités sur les plans politiques, économiques et de la sécurité dans la région de l'Asie-Pacifique. M. Boutilier est membre du Consortium canadien sur la sécurité en Asie-Pacifique et fait partie du comité canadien du Conseil de coopération pour la sécurité dans l'Asie-Pacifique.

慶応義塾大学総合政策学部
阿川尚之 教授

1951年、東京に生まれる。
慶応義塾大学政治学科中退、1977年米国ジョージワシントン大学スクール・オブ・フォーリン・サービス卒業。同年ソニー株式会社入社。カラーテレビ・ダンピング問題など通商問題を担当。日系賢人会議メンバーに選ばれた盛田昭夫会長の補佐を行う。
1984年、ジョージタウン大学ロースクール卒業、ニューヨーク州ならびにコロンビア特別区の弁護士資格取得。米国法律事務所で研修を行う。米国議会ダニエル・イノウエ上院議員のスタッフとして勤務。ソニー株式会社へ戻り、法務部で著作権問題、アジア投資案件などを担当。
1987年より1995年まで、ワシントンと東京でギブソン・ダン・クラッチャー法律事務所勤務。
1995年8月から1年間、ヴァージニア大学ロースクール訪問研究員。
1996年9月より、西村総合法律事務所に外国法事務弁護士として勤務。
1999年4月より、慶応義塾大学総合政策学部教授。
ヴァージニア大学ロースクール、ジョージタウン大学ロースクール、同志社大学で講師を務める。

Professor Naoyuki Agawa
Faculty of Policy Management, Keio University

EMPLOYMENT

April 1999 - present	Professor, Keio University, Faculty of Policy Management
August 1996 - present	Of counsel (Foreign Licensed Attorney), Nishimura & Partners, Tokyo
September 2000	Visiting Professor, Georgetown University Law Center
September 1997, 1998, 1999	Visiting Professor, University of Virginia Law School
July 1997 - present	Visiting Lecturer, Doshisha University, Faculty of Law
July 1987 - August 1995	Associate and Asian Partner, Gibson, Dunn & Crutcher Tokyo Office August 1991 - August 1995; Washington D.C. Office November 1987 - July 1991; Tokyo Office July 1987 - October 1987
September 1977 - June 1987	Associate, Sony Corporation, Tokyo, Japan Legal Department April 1985 - June 1987; International Trade Department September 1977 - August 1981; Special Assistant to Mr. Akio Morita, CEO, 1980-1981, assisted Mr. Morita in his participation in the Wisemen's Group
August 1984 - March 1985	Associate, Sullivan & Cromwell, New York
Summer 1983	Summer Associate, Sullivan & Cromwell, New York
Summer 1982	Summer Associate, Arnold & Porter, Washington, D.C.

ACADEMIC

August 1995 - July 1996	Scholar in Residence, University of Virginia Law School Received grant from the Abe Fellowship Program

BAR MEMBERSHIP: New York, 1984 , Washington, D.C., 1985, Japan (Foreign Attorney) 1997

EDUCATION

May 1984	Georgetown University Law Center, Washington, D.C. J.D.
May 1977	Georgetown University, School of Foreign Service, Washington, D.C. B.S.F.S. Magna Cum Laude Received American Diplomatic History Award for senior paper
April 1973 - August 1975	Keio University, Tokyo, Japan Transferred to Georgetown School of Foreign Service upon receipt of full scholarship from the Government of Japan

OTHER ACTIVITIES
October 1999 - present   Member, U.S.-Japan Study Group
                        North American Bureau, Ministry of Foreign Affairs, Japan

NAOYUKI AGAWA
Faculté de Politique et Gestion, Université Keio

EXPÉRIENCE PROFESSIONELLE:

avril 1999 - présent	Professeur, Université Keio, Faculté d'Administration politique
août 1996 - présent	Conseiller (avocat de licence étrangère), Nishimura et Associés, Tokyo
septembre 2000	Professeur invité, Université Georgetown, Centre de droit
septembre 1997, 98, 99	Professeur invité, Université de Virginia, Ecole de droit
juillet 1997 - présent	Professeur invité, Université Doshisha, Faculté de droit
1987 - 1995	Associé et partenaire Asie, Gibson, Dunn and Crutcher. Tokyo (août 1991-août 1995), Washington D.C. (novembre 1987 - juillet 1991), Tokyo (juillet 1987 - octobre 1987)
1977 - 1985	Associé, Corporation Sony, Tokyo, Japon - Département de droit (avril 1985 - juin 1987), département du commerce international (septembre 1977 - août 1981), adjoint spécial à M. Akio Morita, CEO (1980 - 1981) aidé la participation de M. Morita au "Wisemen's Group"
août 1984 - mars 1985	Associé, Sullivan et Cromwell, New York
été 1983	Associé été, Sullivan et Cromwell, New York
été 1982	Associé été, Arnold et Porter, Washington, D.C.

ACADÉMIQUE:

août 1995 - juillet 1996	Etudiant en résidence, Université de Virigina, Ecole de droit Bourse reçue du "Abe Fellowship Program"

MEMBRE DU BARREAU: New York, 1984; Washington, D.C. 1985; Japon (avocat étranger) 1997

ÉDUCATION:

mai 1984	Université Georgetown, Centre de droit, Washington D.C. J.D.
mai 1977	Université Georgetown, Ecole du Service extérieur, Washington, D.C. B.S.F.S. Magna Cum Laude. Prix d'histoire diplomatique américaine reçu pour une dissertation supérieure.
avril 1973 - août 1975	Université Keio, Tokyo, Japon Transferé à l'Ecole du Service extérieur Georgetown après avoir reçu une bourse du gouvernement japonais

AUTRES ACTIVITÉS:

octobre 1999 - présent	Membre, États-Unis - Japon, Groupe d'études Bureau Amérique du nord, Ministère des affaires étrangères, Japon
janvier 1995 - présent	Membre, Défense États-Unis - Japon, Groupe d'études
avril 1994 - mars 1995	Membre, Groupe de conseils à Tokyo Electric
oct. 1983 - mai 1984	Stagiaire, Bureau du Sénateur Daniel K. Inouye, Sénat des États-Unis
printemps 1981	Membre, Caravan Japon

DATE ET LIEU DE NAISSANCE: Tokyo, le 14 avril 1951

OTHER ACTIVITIES
October 1999 - present   Member, U.S. ...
                                North American ... Institute of Foreign Affairs, Japan

NATIONALITE
Faculté de Politique et Gestion, Université Keio

EXPERIENCE PROFESSIONNELLE
avril 1999 - présent   Professeur, Université Keio, Faculté d'Administration politique
août 1996 - présent   Conseiller (avocat de conseil étrangère), Nishimura et Associés, Tokyo
septembre 2000   Professeur invité, Université Georgetown, Centre de droit
septembre 1997, 98, 99   Professeur invité, Université de Virginie, École de droit
juillet 1997 - présent   Professeur invité, Université Doshisha, Faculté de droit
1987 - 1995   Associé et partenaire Asie, Graves, Dunn and Crutcher, Tokyo (août 1991 - août
                                1995), Washington D.C. (septembre 1987 - juillet 1991), Tokyo (juillet 1987 -
                                octobre 1987)
1977 - 1985   Associé, Corporation Sony, Tokyo, Japon - Département de droit (avril 1981 -
                                juin 1987) département de commerce international (septembre 1977 - août
                                1981), adjoint spécial à M. Akio Morita, CEO (1980 - 1981) aidé la participation
                                de M. Morita au "Wisemen's Group"
août 1984 - mars 1985   Associé, Sullivan et Cromwell, New York
été 1983   Associé été, Sullivan et Cromwell, New York
été 1982   Associé été, Arnold et Porter, Washington, D.C.

ACADEMIQUE:
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                                Bourse reçus du "Abe Fellowship Program"

MEMBRE DU BARREAU: New York, 1984; Washington, D.C. 1985, Japon (avocat étranger) 1996

EDUCATION:
mai 1984
mai 1977

avril 1973 - août 1975

AUTRES ACTIVITÉS:
octobre 1999 - présent
janvier 1995 - présent
avril 1994 - mars 1995
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