

1 Introduction: Can Human Rights Survive in the Indo-Pacific Order?

Dr. Peter Harris, editor



To say that the emerging international order in the Indo-Pacific will be “rules-based” is to convey precious little about its likely contents or normative appeal. It is true that rules will be a primary constituent of the coming regional order in the Indo-Pacific, just as rules are a primary constituent of all such international orders. The more important point is that, today, regional actors are in severe disagreement over which rules ought to apply in the Indo-Pacific, how, when, and on whose authority. This is what makes the Indo-Pacific’s rules-based order a

contested framework, not the fact that it will be rules-based *per se*.

The purpose of this roundtable is to draw attention to the (non)inclusion of human rights in the “rules-based” Indo-Pacific order. In most official descriptions of the incipient Indo-Pacific rulebook, principles such as state sovereignty, noninterference, and territorial integrity take center stage—a formulation of international order that Sung Won Kim, David Fidler, and Sumit Ganguly once called “Eastphalia.”¹ Yet if such norms are made cardinal to the Indo-Pacific then the future of human rights must surely be regarded as unsafe at best. This is because human rights protections invariably place constraints on states; any international order that exists primarily to uphold state sovereignty will be one in which human rights struggle to flourish. So, should proponents of universal human rights be pessimistic about the trajectory of the Indo-Pacific order?

The roundtable’s contributors tackle these questions from a range of perspectives. First, Frédéric Krumbein provides an overview of the contested place that human rights occupy in the larger Indo-Pacific order. He points out that human rights are rarely included in core definitions of the rules-based order but that, paradoxically, support for human rights is something that binds together some

of the Indo-Pacific order's largest proponents.

John Ciorciara complements Krumbein's analysis by exploring the challenge of promoting human rights in a region that is home to an array of illiberal, semi-authoritarian, and outright undemocratic regimes. Actors like the United States and European Union have demonstrated an interest in promoting human rights, Ciorciara argues, but operate under unpropitious international conditions. How can the West strengthen strategic ties with regimes amenable to resisting Chinese influence in Asia while simultaneously pressing these regimes to democratize, liberalize, and uphold human rights?

Bich T. Tran takes up exactly this question with a focused examination of US policy toward Vietnam. Tran explains that authoritarian countries such as Vietnam are open to international cooperation with Washington—especially in the shadow of China's rise—but are nervous about the West's commitments to human rights, which is viewed as a threat to regime security. She argues that there are some strategies available to those who wish to promote human rights without provoking the ire of regimes like Vietnam's, including working via multilateral institutions and making tactical concessions in terms of rhetoric and framing.

Next, Priya Chacko and Bec Strating

offer an arresting take on the viability of building a "liberal" rules-based order in the Indo-Pacific. They point out that some of the staunchest supporters of liberal order are, in fact, responsible for some high-profile violations of human rights. Focusing on Australia, they argue that these inconsistencies and contradictions might well point to a larger problem with using liberalism as slab foundation for international order.

Finally, Elaine Pearson provides a practitioner's view of human rights in the Indo-Pacific. Pearson joins a sober reckoning of the grim human rights abuses that have marred the region in recent years with an optimistic argument for how countries such as Australia might help turn the tide in favor of enshrined protections for human life and dignity.

The five contributions make clear that there will be "a" rules-based order in the Indo-Pacific. That much, at least, is beyond doubt and does not depend upon which regional actors are in the ascendancy. But it remains to be seen whether "the" rules-based order will be substantially different from the state-centric types of international order that have been typical in world politics for the past 200 years or more. That is, it is an open question as to *which rules* will prevail in the Indo-Pacific, *why*, and *for whom*. In particular, the future of human rights laws in the emerging

Indo-Pacific order is far from assured. The purpose of this volume is to assess the trajectory of the region's emerging rules-based order, draw conclusions about the current and future place of human rights in the regional architecture, and lay down markers for what a more human rights–friendly regional order might look like. ■

Notes

¹ Sung Won Kim, David P. Fidler, and Sumit Ganguly. “Eastphalia Rising? Asian Influence and the Fate of Human Security,” *World Policy Journal* 26, no. 2 (2009): 53–64.

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