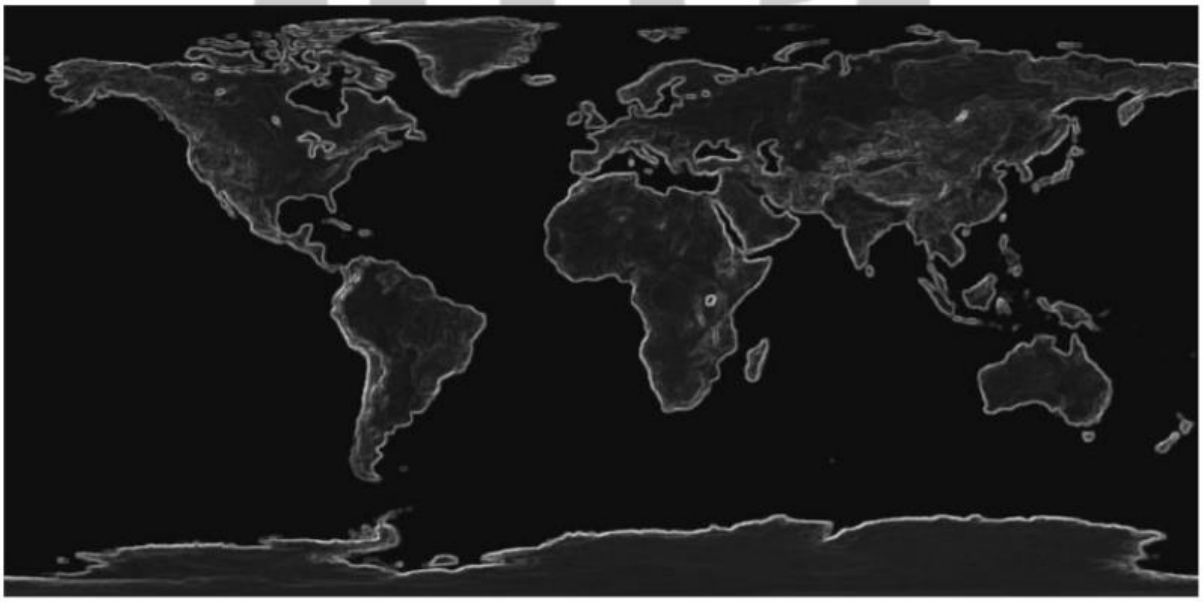
CONFLICTING IDEALS OF NATIONAL INTERESTS AND GLOBAL RESPONSIBILITY

With the spread of globalization and the rise of populist leaders, what do foreign policies around the world have in store now?

Veritas et Aequitas



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The core ideas that define National interests derive from the utilization of terminology, specifically that of Nations or Nation-States. The origin of the concept of a nation-state, as understood today, is difficult to determine. In its current form, it is a European or Western concept that started as the gradual articulation of the rights and responsibilities of the ruling princes and evolved into defining those of the princely states. This was a long process starting from the fall of Rome (476 A.D.) and culminating in the Peace of Westphalia (1648 A.D.). The further development of the nation-state to its current position of sovereign primacy is paralleled by the development and institutionalisation of the legal premise for enforcing accepted norms in terms of International Law. At this point, the validity then shifts towards what we consider these global responsibilities to be, be they in the form of one's held or put upon because of International institutions, regimes or organisations (The United Nations extending its purposes and principles as something all nations should follow through on due to the ratification of the charter thereby becoming Global Responsibility) or in the form of customs which by the very nature of customs have been carried through for such a long period by a nation as an obligation of its standing in the international community that it takes up as its very own form of Global Responsibility.

The conflict between National Interests and Global Responsibility is most commonly seen in two broad ways: 1. National Security and 2. Problems that would, by and large, affect the entirety of the International Community (Such as Climate Change or the recent COVID-19 pandemic that struck the world).

The International Community has changed considerably over the past few decades, becoming a more belligerent place, as compared to the situation in the immediate aftermath of World War II. The post-colonial nations that for many years were tentative in their approach to finding their place within the International Community have now authoritatively embraced nationalism. There has also been a drop in nations embracing or even believing diplomatic efforts to solve bilateral or multilateral issues. Another lingering but unvoiced issue is the lack of trust that post-colonial nations harbour against the western nations. There is tangible, but again mostly unarticulated, sense of exploitation that makes the intervention by Western nations to be viewed cynically at best and actively opposed at worst. At least in the near term, this impasse is unlikely to change. The basic issue that emerges is the question of how a nation defines its national security. Emerging from this understanding and inextricably linked to it is the ability of the nation to effectively pursue its national security interests. In something of a self-perpetuating cycle, the definition of national security is dependent on the nation's ability to ensure it and such abilities are developed based on the nation's understanding of national security. This is of course formulated within the bounds of national resources which are the primary factor in determining degree and efficacy of response to a threat perceived or otherwise.

What this eventually results in is a fundamental disconnect in terms of what nations construe their responsibilities in the international community to be, on the broad ideas that we split them into, National Security is something that is inextricably linked to their perception of strength which comes about by a variety of factors; prime amongst them are actions undertaken in consensus with International Organisations such as the United Nations. What this has done since World War II is the formation of a bipolar system in which nations and by extension their

obligations were part of two primary blocs based on the superpowers (United States of America and the Union of Soviet Socialist Republics) at the time because of numerous factors including political backing, capital, weaponry, etc. which slowed down through the late 80s and early 90s due to the breaking of the Soviet Union. Post-facto, the international community has no longer adhered to a strictly, readily apparent bipolar system, the rapid growth of the People's Republic of China, India, Brazil and recently the USAs reticence for fulfilling its post-WW II obligations colloquially as the "leader of the free world" has meant that nations have shifted focusses both in terms of these international obligations as well as the original basis-national security. This split between international obligations and national interests is also something that's seen in the formation of International Law as a whole in customary terms such as Lex Specialis (lex specialis derogat legi generali) vs Lex Generalis or more simply the idea of special law vs general law, this is seen in terms of the applicability of laws and opt-out of sorts for nations vis a vis their international obligations and the mandating of the same upon them concerning domestic policies or laws (National interests) taking precedence over general law (International Obligations). *(L. Pineschi (ed.), General Principles of Law: The Role of the Judiciary (Springer, 2015))*The maxim lex specialis derogat legi generali is generally accepted as constituting a general principle of law. It entails that, when two norms apply to the same subject matter, that which is more specific should prevail and be given priority over the more general rule. In the international legal system, the concept is frequently resorted to by courts and tribunals as a tool of legal reasoning to resolve real or perceived antinomies between norms. One area in which the notion of lex specialis is frequently invoked is in the articulation of the relationship between international human rights law and international humanitarian law in situations of armed conflict. This has particularly been the case following the use of the term by the International Court of Justice in the Nuclear Weapons and The Wall Advisory Opinions.

A foreign policy which is guided primarily by moral considerations is not only threatened with failure; it can be successful only by accident. It is also the supreme paradox of such a policy that it puts into jeopardy the very moral values which it intends to promote. There can be no successful foreign policy which cannot be justified by the national interest. There can also be no moral foreign policy which is at variance with the national interests. The choice of ends and means of foreign policy is of necessity predetermined in a dual way: by the objectives to be promoted and by the power available for the pursuit of these objectives. Self-préservation being the primary objective of foreign policy, Canada's or Mexico's freedom from foreign influence is obviously of greater importance for American foreign policy than Poland's or Korea's. Yet the objectives of foreign policy cannot be chosen given their importance alone. A foreign policy, to be successful, must be commensurate with the power available to carry it out. American national interest requires an independent and strong China, but an American foreign policy pursuing that end is bound to operate within the strict limits set by the resources available for such a policy. Thus it is inevitable that political objectives of nations, as of individuals, are arranged in hierarchical order. There are those which must be pursued at all costs, for their attainment is indispensable for the national, or individual, existence and welfare. There are those which might be pursued under certain favourable circumstances. There are those which, however desirable in themselves, can never be pursued because they are beyond the reach of available strength.

On the second idea of problems that affect the vast majority of the international community such as the ongoing pandemic (COVID 19) or global warming or the oil crisis, the theme of national interests taking prime is consistent but there is a significant change in their outlook towards other nations alongside them. National interests for a Nation-State in the realist perspective is a greater gain in comparison to other nations because that's the way that nations gain or consolidate power and while that is consistent across every ideal of national security and by extension its applicability versus international obligations or global responsibilities. In the face of such common adversity and linkage and interdependence brought about by globalisation and increased commerce beyond borders however the policies of nations have begun to reflect significantly greater concern for other nations even if their national interests do not necessarily call for the same. This is reflected in massive amounts of aid being pushed out by a number of countries as well as the export of items that would generally be deemed "exclusive to internal distribution" in the previously held status quo, national interests still take precedence but a variety of nations have now taken up the onus of global responsibility as well. In every case, there always exist certain outliers from the norm and there is none clearer than the US policy of constant denial which has come to reflect the presidential term of Donald Trump be it in the form of active denial of climate change leading to them backing out of the Paris Accords which nearly 200 countries signed on to in 2015 and made national pledges to reduce greenhouse gas emissions and is the only country to pull out of the pact or the woefully inadequate response to the ongoing crisis and then blaming the same on concerted efforts by the "USA's enemies". What this has necessarily done is slowly remove the legitimacy of the USA as a viable actor in terms of upkeep of global responsibilities thereby leading nations to look for other options for cohesive aid designed to mutually aid the international community and this is where nations such as India, China or South Korea have come to the fore regardless of their internal problems in the upkeep of global responsibility to fill the gaping void left by the traditional actors such as the European Union or the United States of America.

As things now stand, each nation must maintain its national strength and be prepared to battle when other procedures fail, but this does not exclude development toward a legal order to replace the present inadequate and dangerous methods of resolving disputes between nations. Human beings, though distracted by present stresses, will ultimately turn, or be forced to turn, to international law, and to build it up into a stronger system with a greater onus on global responsibilities and international obligations rather than a focus on internal gain and national interests. From an objective standpoint, it is incorrect and dangerous to put the nation first in one's thinking. It is the individual human being for whom all social institutions are maintained; the state is simply an agency to serve the human being. If the state is to be an end in itself, and allowed to become all-powerful, the rights of individuals will be submerged and other nations will be absorbed. We see this happening about us: two world wars and the "cold war" show that the peoples of the world are unwilling to accept a morality which is subsumed under the heading "national interest." and that choice should carry us forward into a better future. Finally, it seems to be incorrect to present law or International obligations and power polities as irreconcilable alternatives. Political power is always present, whether within or lacking a system of law and government. It is an energy which can be used for the good of mankind, or for the aggrandizement of one or a few persons or states. It is, like fire, an energy which can be dangerous or can be helpful. It must be brought under control, and this is done through the establishment of law and governmental institutions. Within such a system, power politics will continue to operate, but under a degree of control which will depend upon the efficiency of the

system established. As such the basis of intersection that exists between global responsibility and national interests must be expanded to reflect an increasingly global world whether with the eventual breakdown of national interest and putting the focus on the international community as a whole or by rigidising national interests on a global stage exclusively through a system of International Organisations and assorted mechanisms.