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DIRECTORATE-GENERAL FOR EXTERNAL POLICIES
POLICY DEPARTMENT



ASEAN:
INTEGRATION,
INTERNAL DYNAMICS
AND EXTERNAL
RELATIONS

AFET



DIRECTORATE-GENERAL FOR EXTERNAL POLICIES OF THE UNION

DIRECTORATE B

POLICY DEPARTMENT

BRIEFING PAPER

**THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS (ASEAN):
INTEGRATION, INTERNAL DYNAMICS AND EXTERNAL RELATIONS**

Abstract

Throughout its evolution, ASEAN has consistently maintained its attachment to the full respect of national sovereignty and the principle of non-interference in internal affairs, which translates into consensual decision-making, political rather than legally-binding agreements and the lack of sanctions for non-compliance. A major breakthrough in terms of institutionalisation came about with the signing of the ASEAN Charter of 2007, which has enhanced ASEAN's standing as a rule-based organisation and approximated it somewhat to structures typical of the EU. Unfortunately, the persistence of consensual decision-making and non-confrontational habits has slowed down some of ASEAN's integration projects and hindered the development of a human rights mechanism. Moreover the ASEAN integration project is imperilled by a number of structural factors, currently aggravated by the divisive influence of China in the economic and security field.

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TABLE OF CONTENTS

EXECUTIVE SUMMARY	4
1. ASEAN INTEGRATION: EVOLUTION, CURRENT STATUS AND PROSPECTS	5
1.1 ORIGINS AND RATIONALE: PRESERVING PEACE IN THE ABSENCE OF AN ALLIANCE	5
1.2 INSTITUTIONAL STRUCTURE AND MODUS OPERANDI: THE 'ASEAN WAY'	6
2. POLICIES: PROGRESS WITH THE ASEAN COMMUNITIES	8
2.1 THE SOCIO-CULTURAL COMMUNITY - HUMAN RIGHTS: A SMALL FIRST STEP	8
2.2 THE POLITICO-SECURITY COMMUNITY - SECURITY CO-OPERATION: AN ENCOURAGING START	9
2.3 THE ECONOMIC COMMUNITY - ECONOMIC INTEGRATION: IN PLACE BY 2015?	10
3. CHALLENGES TO ASEAN INTEGRATION	10
4. EXTERNAL RELATIONS	12
4.1 DIALOGUE PARTNERS	13
4.1.1 Relations with the EU	13
4.1.2 Relations with the US	15
4.1.3 Relations with Australia	15
4.2 MULTINATIONAL FORA	15
4.2.1 ASEAN Regional Forum	15
4.2.2 ASEAN Plus 3	16
4.2.3 East Asia Summit	16
4.2.4 ASEM	16
CONCLUSIONS	17
RECOMMENDATIONS	17
SELECTED BIBLIOGRAPHY	20

EXECUTIVE SUMMARY

This brief presents an assessment of the evolution, current status and future prospects of the integration process, the internal dynamism and the external relations of the Association for Southeast Asian Nations (ASEAN), including an analysis of key internal developments in the organisation and among its member states.

Throughout its evolution, ASEAN has consistently maintained its attachment to the full respect of national sovereignty and the principle of non-interference in internal affairs, which translates into consensual decision-making, non legally-binding agreements and the lack of sanctions for non-compliance. A major breakthrough in terms of institutionalisation came about with the signing of the ASEAN Charter of 2007, which has enhanced ASEAN's standing as a rule-based organisation and approximated it somewhat to structures typical of the EU. The adoption of the Charter has been accompanied by an expansion of the areas subject to ASEAN sectoral co-operation. However, the persistence of consensual decision-making and non-confrontational habits have slowed down ASEAN's economic integration project. In particular, the development of a human rights mechanism remains severely deficient.

The brief argues that the ASEAN integration project is imperilled by a number of structural factors, such as the weakening of ASEAN centrality due to the growing international weight of Indonesia. As member of the G20 and most populous Muslim country in the world, Indonesia is increasingly privileged by external powers like the US and the EU on account of its democratic credentials and its geopolitical position. This has created some anxiety among its Southeast Asian neighbours, leading them to put into question Indonesian elites' continued commitment to ASEAN centrality. Most importantly, intra-ASEAN divisions are currently aggravated by the influence of China, which is expanding its economic dominance in Southeast Asia while confronting some ASEAN members over territorial disputes in the South China Sea.

1. ASEAN INTEGRATION: EVOLUTION, CURRENT STATUS AND PROSPECTS

1.1 Origins and rationale: Preserving peace in the absence of an alliance

The Association of Southeast Asian Nations (ASEAN) was founded by Indonesia, Malaysia, Philippines, Singapore and Thailand with the ASEAN Declaration (also called Bangkok Declaration) in 1967. The background to ASEAN's creation was Indonesia's relinquishment of its policy of 'konfrontasi' with Malaysia, an undeclared war in rejection of Malaysia's claim to independent statehood. This turning point in Indonesia's foreign policy was motivated by the change of leadership from President Sukarno to President Suharto, precipitated by the failed communist coup in Indonesia of September 1965 and the ensuing anti-communist purge. The adoption of the Bangkok Declaration signified Indonesia's acceptance of the existence of Malaysia as an independent state and the willingness of countries in the region to conduct friendly relations, resolve their disputes peacefully, and to refrain from interfering in each others' internal conflicts. The text of the ASEAN Declaration establishes as one of the aims and purposes of the organisation:

"To promote regional peace and stability through abiding respect for justice and the rule of law in the relationship among countries of the region and adherence to the principles of the United Nations Charter" (ASEAN Declaration, 1967).

Member states announced their readiness to promote collaboration on matters of common interest in a broad variety of fields, economic, social, cultural, technical, scientific and administrative, with the aim of accelerating economic growth, social progress and cultural development in the region. The creation of ASEAN on the basis of the principles of strict respect for national sovereignty and non-interference in internal affairs follows diverse if closely intertwined rationales: Firstly, it reflects the acceptance by all members of each others' existence and right to statehood (particularly against the background of Indonesia's abandonment of military operations against Malaysia), to be replaced by the establishment of friendly relations and consolidated through the development of co-operative links through ASEAN. Secondly, fearful of a possible communist take-over, not least through the ideological penetration of the widespread ethnic Chinese minority communities in Southeast Asia, leaders established ASEAN as a de-facto anti-communist 'alliance' designed to protect their market economy systems. Finally, and closely linked to the above, the principle of non-interference in internal affairs was meant to avoid scenarios similar to that witnessed in neighbouring Indochina: protracted internal insurgencies that would invite intervention by alien powers guided by the logic of the ideological confrontation that characterised the Cold War. The attachment to the principles of non-intervention and respect for sovereignty must be understood in the context of the national independence from foreign rule attained by most Southeastasian countries in the period from 1946 (Philippines) to 1965 (Singapore), in which context the emphasis on state sovereignty was part and parcel of the new governments' efforts at nation-building.

The attachment to the principles of respect for sovereignty and non-interference in internal affairs determined the institutional structure and modus operandi of ASEAN and has remained almost intact to our days: While some of its original rationales such as the socialist threat have disappeared, the persistence of others such as separatist movements or the fear of influence by regional powers has provided a continued political rationale for its permanence.

While the organisation has been criticised for its perceived inefficacy (Jones, D. and Smith, M. 2007), it is considered to have been successful in preserving peace in Southeast Asia in the absence of any mutual

defence agreement or participation in any collective security arrangement other than the United Nations. This is particularly remarkable in view of the diversity of security policies of its members. Indonesia was one of the leaders of the Non-Aligned Movement during the cold war. By contrast, others concluded bilateral defence agreements with the US, such as Philippines, Singapore and Thailand. In addition, the so-called “Five Powers Defence Arrangement” of 1971 formalised collective defence links between Malaysia, Singapore, Australia, New Zealand and the UK (Emmers, R. 2010). Bilateral security ties also exist between Brunei and the UK.

1.2 Institutional structure and modus operandi: The ‘ASEAN Way’

The informality of the initial arrangements was evident: The basis for the creation of the organisation was not a legally-binding treaty but a two-page political declaration. The institutional structure foreseen in the original document was extremely thin: it established an annual meeting of foreign ministers, a standing committee composed of ambassadors of the other member countries and committees on specific subjects. The rejection of formalisation and institutionalisation was such that no central secretariat was foreseen; instead, national secretariats to service the above formations would be established. Illustratively, due to the absence of a general secretariat, files had to be shipped from one ASEAN member to another every year, depending on who was holding the chairmanship, which rotates in alphabetical order. The decision-making procedure was strictly intergovernmental, based on consensus and consultation, known as the ‘ASEAN way’. No mechanism for enforcement or sanctions in the event of non-compliance were foreseen. The ‘ASEAN way’ emphasises informal diplomacy and restraint of public criticism on policies of other member states. When member states are unable to reach agreement, decisions are simply deferred. The consensual decision-making process, coupled with the lack of sanctions in case of non-compliance, have been made responsible for the perceived inefficacy of the organisation to implement agreed decisions, leading to criticism in academic circles (Jones, D. and Smith, M. 2007).

The process of formalisation and institutionalisation has been gradual, slow and remains limited. A first step towards formalisation was undertaken in 1976, when the Treaty of Amity and Co-operation (TAC) was signed. This legally-binding document enshrined ASEAN members’ attachment for national sovereignty and established the principle of non-intervention. Also, a secretariat was founded in Jakarta to support ASEAN’s activities. Subsequently, ASEAN expanded its membership, first admitting Brunei (1985), and following the end of the Cold War, Vietnam (1995), Myanmar and Laos (1997) and Cambodia (1999). Here, a parallel can be drawn between ASEAN and EU evolution after the end of the Cold War: Both organisations embraced the membership of neighbouring countries with comparatively less developed economies in favour of regional inclusiveness, but without relinquishing their integration projects (Webber, D. 2012). Thus, membership was used as a tool for socialisation of states which had previously been under Soviet influence into the practice of regional co-operation.

The breakthrough in terms of institutionalisation came about with the signing of the ASEAN Charter in 2007, which entered into force in 2009. Some of the main innovations invite comparisons with the arrangements present in the EU (Jetschke, A. and Murray, Ph. 2011). These include the establishment of an ASEAN Summit comprising head of state and government as the supreme decision making body, and strengthens the powers of the ASEAN Secretary General, including monitoring member states’ compliance with ASEAN decisions (ASEAN Charter, 2008, p.25). It also foresees the creation of three distinct Communities governed by different Councils: the politico-security community, the socio-cultural community and the economic community. A Committee of Permanent Representatives at the rank of Ambassadors, analogous to COREPER, supports the Community Councils and liaises with the national secretariats and sectoral ministerial bodies (Murray, Ph. and Moxon-Browne, E. 2013).

A departure from the earlier practice can also be detected at the level of objectives, again echoing the EU's experience; namely the Charter envisages the creation of:

“a single market and production base...in which there is free flow of goods, services and investment, facilitated movement of business persons, professionals, talent and labour, and freer flow of capital” (ASEAN Charter, 2008, p.4).

It also embraces a number of security objectives: “to preserve Southeast Asia as a Nuclear Weapons Free-Zone and also free of all other weapons of mass destruction”, as well as “to respond effectively, in accordance to the principle of comprehensive security, to all forms of threats, transnational crimes and transboundary challenges” (ASEAN Charter, 2008, pp.3-4).

However, the most notable departure from past practice is the inclusion of democracy and human rights objectives:

“to strengthen democracy, enhance good governance and the rule of law, and to protect and promote human rights and fundamental freedoms, with due regard to the rights and responsibilities of the member states” (ASEAN Charter, 2008, p.4).

This constitutes a breakthrough given that the same set of countries had challenged the universality of human rights with the notion of ‘Asian values’ only some fifteen years earlier (Langguth, G. 2003). However, the reference to the “rights and responsibilities of the member states” suggests a tension between this notion and the cherished concept of national sovereignty. The reaffirmation of this principle permeates the document, which enshrines the principle of “abstention in any policy or activity...which threatens the sovereignty, territorial integrity or political and economic stability of ASEAN member states” (ASEAN Charter, 2008, p.7).

Notwithstanding the notable innovations listed above, the Charter maintains key traditional features of the organisation: It lacks a dispute settlement mechanism – whenever agreement is not reached by one of the Councils, the question is elevated to the ASEAN Summit -, decision-making continues to be consensual (the ‘ASEAN way’), its decisions lack legal, let alone supranational character, and the only parliamentary role is embodied in the limited input of the ASEAN Inter-Parliamentary Assembly.

Among academics, a debate has taken place as to whether the adoption of certain elements from the EU signifies a future approximation of ASEAN to European integration. This idea contradicts Southeast Asian leaders’ traditional stance rejecting the applicability of the European Union as a model for ASEAN. On the one hand, the ASEAN Charter has clearly evidenced the use of this model, with some analyses claiming that the emulation of the EU goes as far back as to the 1970s (Jetschke, A. 2009). The generously-endowed regional integration support programmes ASEAN-EU Programme for Regional Integration Support (APRIS I and II) and its successor ASEAN Regional Integration Support by the EU (ARISE) operated by the EU from 2002 to 2015 are partly responsible for certain similarities between the EU and ASEAN (Jetschke, A. 2012). Also, an Eminent Persons Group was tasked with exploring the applicability of the EU model to ASEAN in the run up to the drafting of the ASEAN Charter. Statements by ASEAN leaders in the run-up to the signing of the ASEAN Charter are in consonance with this stance. Former ASEAN Secretary-General Pitsuwan claimed that “the EU’s experience in regional integration is much more advanced, where ASEAN can learn from (sic)” (Pitsuwan, P. 2010). This view is shared even by some of the most critical figures of the political elite such as Thailand’s representative in the High Level Task Force in charge of drafting the Charter: “ASEAN can learn from the EU” (Chalermphanupap, T. 2009). Yet, it is continuously emphasised that European integration is not to be fully emulated: “The EU is an inspiration but not a model” (Chalermphanupap, T. 2009). Former ASEAN Secretary General Ong confirms: “We are not looking to take the EU model lock stock and barrel...However, we are looking for good ideas and best practices, and the European Union certainly has plenty of these” (Ong, KY. 2007).

Interviewed officials claim that they look into the EU to avoid the same mistakes, believing that in some areas ASEAN fares better (Wong, R. 2012).

ASEAN's selective adoption and adjustment of elements of European integration has been explained with the help of the notion of 'normative emulation': Because the EU is regarded as the epitome of successful regional integration, it was an attractive source of emulation for ASEAN. Rather than being driven by functional demands, the benefits which ASEAN attempted to reap from emulation was international recognition. ASEAN's image on the international stage was tarnished as a result of the Asian financial crisis; against this background, the ASEAN Charter was developed to provide ASEAN with enhanced external recognition and legitimacy, a need which became more acute as China and India were fast becoming more attractive destinations for foreign investors (Jetschke, A. 2009).

2. POLICIES: PROGRESS WITH THE ASEAN COMMUNITIES

The adoption of the Charter has been accompanied by a major expansion of the areas subject to ASEAN sectoral co-operation. The following section reviews progress made on selected prominent areas in each of the three communities: human rights in the socio-cultural community, defence and security co-operation in the politico-security community and economic integration in the economic community.

2.1 The Socio-cultural Community - human rights: A small first step

The ASEAN Charter foresees the creation of a human rights body; however, it only stipulates that it "shall operate in accordance with the terms of reference to be determined by the ASEAN Foreign Ministers Meeting" (ASEAN Charter, 2008, p.19). Thus, following a practice that is not uncommon in international agreements, the treaty envisages the creation of the entity without any specifics, effectively deferring its configuration to a later date.

The terms of reference were finalised in 2009 and the ASEAN Inter-governmental Commission on Human Rights was set up alongside two sectoral bodies: the ASEAN Commission on the rights of women and children and the ASEAN Commission on the rights of migrant workers. In contrast to standard regional systems for human rights protection, which entail independent institutions tasked with monitoring the implementation of regional human rights treaties, the Inter-governmental Commission is composed of government representatives with a purely consultative function, no binding powers, and no capacity to receive complaints from individual victims where local remedies have been exhausted. The Inter-governmental Commission decides by consensus and reports directly to the ASEAN Foreign Ministers. Moreover, the agreed terms of reference, reiterating the principle of non-interference in internal affairs, provides for respecting the rights of every member state to "lead its national existence free from external interference, subversion and coercion", the "respect for the independence, sovereignty, equality, territorial integrity and antional identiy of all ASEAN member states", and the pursuance of a constructive and non-confrontational approach an co-operation to enhance the promotion and protection of human rights". This language, highly atypical of a human rights instrument, evidences resistance on the side of several ASEAN governments towards the creation of a monitoring body endowed with the power to denounce or even challenge their policies. It has been claimed that those members unpersuaded of the need to protect human rights agreed to the establishment of the body as a mean of self-monitoring to avoid external scrutiny (Muntarbhorn, V. 2012).

The latest output of the Inter-governmental Commission consists in the release of a non-binding ASEAN Declaration on human rights, agreed at ASEAN's 2012 summit in Phnom Penh. The declaration does not

foressee any mechanisms for regional implementation. In fact, it came under fire by regional human rights organisations for the lack of transparency of its negotiating process. The UN High Commissioner for Human Rights, Navanethem Pillay, called on ASEAN governments to suspend adoption of the draft declaration because it was out of step with universal standards and the public had not been consulted. Furthermore, human rights groups such as Amnesty International and Human Rights Watch denounced the draft declaration as creating a sub-standard level of human rights protection in the region (Jetschke, A. and Portela, C. 2012).

A noteworthy development within this field has been the establishment of co-operation between national human rights commissions of the four member states more interested in the improvement of human rights standards in the region, namely Philippines, Indonesia, Thailand and Malaysia. This collaboration has emanated from a sense of frustration with the limited progress made in the context of the Inter-governmental Commission. The four national commissions, which are recognised internationally as independent, issued a declaration of co-operation formalising their contacts and pledging to carry out joint programmes and activities. This initiative taken by a small group of member states, coupled with a provision welcoming co-operation with like-minded entities, governmental or not, is reminiscent of the EU's figure of enhanced co-operation, despite the fact that no provision to that effect has been contemplated in ASEAN.

2.2 The Politico-security Community - security co-operation: an encouraging start

In the politico-security sphere, the only defence body is the ASEAN Defence Ministers meeting, created in 2006. Rather than co-ordinating security policies or framing joint initiatives, the meeting serves as a forum to enhance transparency and build confidence. Some co-operation has taken place in the field of non-traditional security, such as humanitarian assistance and disaster relief efforts. The measures envisaged for future co-operation activities are formulated in rather general terms: "strengthening regional defence and security cooperation"; "enhancing existing practical cooperation and developing possible cooperation in defence and security"; "promoting enhanced ties with Dialogue Partners" and "shaping and sharing of norms" (ASEAN Secretariat 2013). In recognition of the key role played by external powers in the security of the region, an ASEAN Defence Ministers Meeting Plus was put in place, with the aim of engaging ASEAN Dialogue Partners in cooperation on defence and security matters. Its priority areas reveal a more ambitious agenda, including maritime security, counter-terrorism, disaster management and peacekeeping operations, among others.

One of the most remarkable efforts in operational terms can be observed in antiterrorism co-operation and especially in maritime security thanks to the joint efforts of the littoral states. Threats to maritime security in Southeast Asia are primarily piracy, armed robberies against ships and maritime terrorism. In the Strait of Malacca, a 900-kilometer strait bordering Indonesia, Malaysia and Singapore, carrying about 40% of the world's trade including ca. 80% of the energy supplies of supply, maritime security has been undermined by weak regional consensus and the confluence of territorial and resource claims over the Straits of Malacca as well as the South China Sea. Although the number of attacks in the Strait of Malacca have been declining since 2004, the need to address other maritime threats such as maritime terrorism and robbery at sea remains a priority concern for Southeast Asian countries. ASEAN responses to maritime threats have been confined to trust and confidence measures, with efforts being limited to a database system, the Information Sharing Centre (ISC), which collates and shares updated information on location of attacks, types of attacks and outcomes.

Yet, Malaysia, Indonesia, Singapore and Thailand have put in place the Malacca Straits Patrol (MSP), a coordinated sea patrol, and a joint air patrol to conduct surveillance. Differences in approach persist: While Singapore stresses maritime terrorism, Malaysia emphasises countering piratical attacks and

environmental protection, and Indonesia focuses on deterring illegal maritime activities such as the trafficking of human, drugs, and weapons. Nevertheless, this initiative has proved to be a success and could constitute the basis for build-up of future co-operation in the defence field. At the same time, similarly to the human rights field, it shows how smaller groups within ASEAN are able to organise co-operation to address common interest, in the face of dissatisfaction with meagre progress at the regional level.

2.3 The Economic Community - economic integration: in place by 2015?

Although it was not ASEAN's initial focus, economic cooperation has been progressing gradually since the 1970s. The first substantial step toward integrating the ASEAN market came in 1992 when ASEAN agreed to establish the ASEAN Free Trade Area (AFTA), which provided for the reduction or elimination of tariffs under a Common Effective Preferential Tariff scheme and the removal of quantitative restrictions and other non-tariff measures. It also addressed other cross-border measures, such as trade facilitation and standards harmonisation. ASEAN leaders signed agreements to liberalise services trade in 1995. In the past decade ASEAN broadened cooperation on macroeconomic and financial issues, many of these together with its Northeast Asian neighbours, with which it has put in place the "ASEAN Plus 3" arrangement: China, Japan, and South Korea. However, preferential trade arrangements are usually multilateralised, in a clear example of "open regionalism."

ASEAN has envisaged the establishment of an Economic Community by 2015, consisting of a single market and production base and characterised by high competitiveness, equitable economic development and full integration into the global economy. The master plan guiding its establishment, the ASEAN Economic Blueprint, was adopted in 2007. The project was led by Thailand and especially Singapore, which has insisted on the fact that China's economic dynamism threatens to render Southeast Asia increasingly marginal. Singapore Prime Minister Lee attempted to persuade ASEAN partners of the virtues of further economic integration, with a view to compel them to step up their efforts in this direction:

"Compared to more established groupings...ASEAN is still a long way from becoming a fully integrated community...We must make greater efforts to pool our resources and deepen regional integration" (Lee 2007).

ASEAN's progress on economic integration has been stimulated by external events: an international trend toward regionalism and FTAs, especially those involving ASEAN's main trading partners, the Asian financial crisis of 1997 and the rise of emerging economies that compete with ASEAN countries, particularly China. Forecasts, however, predict that there is little likelihood that ASEAN open regionalism will evolve into a deep economic integration behind a common external trade regime; thus, there is little hope that the commitment to forming an ASEAN Economic Community beginning 2015 will be realised (ADB 2010).

3. CHALLENGES TO ASEAN INTEGRATION

Challenges that threaten the future integration of ASEAN can be located at different levels; some of them are traditional challenges, while others have manifested themselves more recently.

The practice of consensual decision making, enshrined now as a principle of the organisation, as well as the lack of mechanism for enforcement and dispute settlement have traditionally been regarded as obstacles hampering not only the integration project, but the efficacy of ASEAN as an organisation

(Jones, D. and Smith, M. 2007). As we have seen, the strong drive towards institutionalisation represented by the ASEAN Charter has not modified this *modus operandi*. Added to that, progress in ASEAN has sometimes been hampered by the diversity among ASEAN members. Stark disparities in the level of development of member states, and its accordingly diverse interest, were the main reason leading to the collapse of the region-to-region FTA attempted by the EU in 2009. The pervasive political instability within countries in the region has also been responsible for slowing down progress with integration. An example was observable with the project of economic integration, which was originally championed by Thailand and Singapore. However, with the period of political instability that erupted in Thailand in the mid-1990s, the project lost one of its main supporters, leaving the task to exert leadership on this project to Singapore alone.

For some time, it was also believed that the predominantly autocratic nature of the regimes composing ASEAN would constitute a hurdle to integration, given that this regime type is purportedly more enemical to international co-operation than democracies. While varying degrees of autocratic rule exist among members, only Indonesia is considered to meet satisfactory levels of democracy by international standards. However, this presumption was proven wrong in the ratification process of the ASEAN Charter: While autocratic members such as Vietnam and Singapore were among the first to ratify the treaty, Indonesia only ratified after lengthy and heated parliamentary debates where the benefits of the Charter for Indonesian interest were questioned (Rüland, J. 2009).

Thus, this situation evidences that a surge in nationalistic sentiments, which is given free rein in the emerging Indonesian democracy, can constitute a more significant hurdle to integration than the presence of autocratic regimes which dominate the parliament. Irrespective of the type of government in power, the framing of national identity and independence as incompatible with integration constitutes a potentially more considerable obstacle to the ASEAN project.

The changing character of Indonesian elites' attitude towards ASEAN represent a further challenge that have led some authors to fear a stagnation of integration, if not a reversal. The growing international profile attained by Indonesia, reflected in its membership of the G20 and its prominence in the US geopolitical discourse, is at the core of this concern. Indonesian elites are becoming increasingly frustrated at ASEAN's reluctance to move towards more institutionalised forms of co-operation, while fellow members states worry about the attention devoted to Indonesia by external powers to the detriment of ASEAN as a whole. Concerns about the possible Indonesian disengagement are undermining member states' commitment to the cherished principle of ASEAN centrality (Novotny, D. and Portela, C. 2012).

However, the single most fundamental threat to ASEAN unity is undoubtedly the polarising effect that China exerts on its members. China is ASEAN's main trading partner, accounting for 14.4% of ASEAN's imports and 11.9% of its exports (European Commission, 2012). For individual ASEAN members, China is not always the top trading partner but it is consistently among the top three (e.g. first for Vietnam, second for Thailand, Laos and Indonesia, third for Singapore). This creates a situation in which many member states are reluctant to antagonise China, with some of them prioritising relations with Beijing over ASEAN solidarity.

The centrifugal effect that Chinese influence can exert on ASEAN is most visible in the conflict over the South China Sea, which has reached high levels of tension over the past three years. This conflict concerns a number of small, mostly uninhabited islands located in the South China Sea whose ownership is disputed between China, Vietnam, Philippines and Malaysia, among others. The current tensions surface in clashes between Philippines and China or Vietnam and China over fishing vessels, with fishermen being detained by Chinese patrol ships, as well as in the militarisation of the islands through the establishment of small military bases. The reaction of other ASEAN members has been

mixed; however, they have generally shown limited support for the Philippine and Vietnamese positions. ASEAN Chair Cambodia was reportedly reluctant to mention China's militarisation of the South China Sea in the joint communiqué following the Foreign Ministers Meeting in November 2012 in Phnom Penh as demanded by the Philippines and Vietnam. The fact that the chair adopted a position closer to Beijing than some fellow ASEAN members exposes significant divisions within the block (Casarini, N. 2012). For its part, Singapore prefers to remain neutral in the conflict, while Indonesia is concerned about the possibility that the dispute may attract the intervention of external powers, turning Southeast Asia into a theater for great power competition again.

This situation has major implications for ASEAN, given that it does not rest on any binding mutual defence commitment. The divisive effect of China's growing economic dominance and political influence raises serious doubts as to whether ASEAN will continue to be able to protect its members from external interference. Indeed, concerns remain that ASEAN's prospective chairmanships will be held by relatively less capable states with close links to China such as Myanmar in 2014 and Laos in 2016, which may prove unable to tackle divisions and forge greater integration (Parameswaran, P. 2012). It is also uncertain whether Secretary-General Ambassador Le Loung Minh from Vietnam will be able to match the visionary leadership provided by his predecessors, Thai Ambassador Surin Pitsuwan from Thailand and Ambassador Ong Keng Yong from Singapore, in spite of the enhanced powers bestowed upon this figure by the Charter.

4. EXTERNAL RELATIONS

The external relations conducted by ASEAN play a central role in the life of the organisation. Because ASEAN does not feature any supranational elements, its external relations do not constitute a "projection" or "extension" of internal policies as is the case with the EU. However, external relations matter in other respects: Firstly, ASEAN's alignment with the notion of open regionalism sometimes blurs the distinction between members and non-members. Secondly, and most importantly, the development of links between ASEAN and individual or collective dialogue partners has allowed Southeast Asian countries to considerably enhance their clout vis-a-vis regional powers. In certain fields, notably security, the weak institutional architecture of the Asian region – and notably Northeast Asia – has allowed ASEAN to establish itself as an improbably central player.

The Charter enshrines the notion of ASEAN centrality as one of its principles, with member states committing to observe:

"the centrality of ASEAN in external political, economic, social and cultural relations, while remaining actively engaged, outward-looking, inclusive and non-discriminatory" (ASEAN Charter, 2008, p.7).

Similarly, art. 42 on external relations reads:

"ASEAN should be the primary driving force in regional arrangements that it initiates and maintain its centrality in regional co-operation and community building" (ASEAN Charter, 2008, p.31).

ASEAN acquired legal personality with the Charter, mirroring the EU's Treaty of Lisbon. In addition, certain provisions echo the Common Foreign and Security Policy's attempt to frame collective policies and let the EU appear as a unified actor on the world stage: "member states shall co-ordinate and endeavour to develop common positions and pursue joint actions" (ASEAN Charter, 2008, p.31).

One of the signs of the outward-looking character of ASEAN and of its willingness to embed itself in a wider global network is the opening of the TAC of 1976 to signature by third countries. Through this treaty, signatories subscribe to the principles of respect for sovereignty, peaceful resolution of disputes and non-interference that are at the basis of the organisation. Current signatories include Brazil. In order to allow for the accession of the EU, ASEAN members had to amend the protocol stipulating the membership provisions of the treaty, in a clear sign of appreciation towards the EU (Oegroseno, A. 2012).

The external relations of ASEAN can be subdivided in two strands:

4.1 Dialogue Partners

ASEAN entertains dialogues with ten Dialogue Partners: Australia, Canada, China, EU, India, Japan, New Zealand, South Korea, Russia and the US. The United Nations Development Program (UNDP) also has dialogue status. Relations with three selected dialogue partners are outlined below.

4.1.1 Relations with the EU

The relationship established with the EU constitutes the first interregional (i.e. block to block) relationship entered into by ASEAN, dating back to the early 1970s. The relationship is governed by the ASEAN-EU Ministers Meeting, which holds sessions every two years. The basis for relations between both organisations is the Co-operation Agreement signed in 1980, which extended most-favoured nation treatment to all members.

In terms of trade relations, following the Global Europe communication, some Asian countries, including ASEAN, were declared a priority for the conclusion of Partnership and Co-operation Agreements (PCAs) and Free Trade Agreements (FTAs). Following the failure of the EU's attempt to conclude a block to block agreement, the EU has now shifted to a bilateral strategy. Currently, PCAs have been concluded with Indonesia, Philippines and Vietnam, one with Singapore has just been negotiated¹, and are currently under negotiation with Thailand and Malaysia. An FTA has been negotiated with Singapore, and FTAs are currently under negotiation with Malaysia, Vietnam and Thailand.

In the past, the countries in the region benefited considerably from the application of the Generalised System of Preferences (GSP), a scheme granting trade preferences in the form of lower duties for industrial products from developing countries exported to the EU market. Over the past few years, countries such as Vietnam saw preferences for some products (such as footwear) removed as they became competitive on the world market. Preferential access to products from Southeast Asian countries will be limited further due to the GSP reform that will enter into force in 2014. According to the new eligibility criteria for GSP, countries meeting World Bank criteria to be classified as "upper-middle-income countries" for the most recent three consecutive years will be excluded from the scheme (European Commission 2012). This criterion alone will render Malaysia ineligible altogether. Also, the regulation foresees that countries having concluded a trade agreement with the EU 'which provides the same tariff preferences as the scheme, or better, for substantially all trade' will become ineligible for the scheme (European Union 2012). Given that ASEAN is a priority FTA partner for the EU according to the Global Europe communication in 2006, GSP privileges will eventually be replaced by FTA preferences. Only the least developed ASEAN members, Laos, Cambodia and Myanmar will

¹ European Union (2013): EU and Singapore conclude negotiations on a Partnership and Co-operation Agreement, 1 June 2003:
http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/137365.pdf

maintain eligibility for the most favourable GSP scheme, Everything but Arms (EBA).² After having remained suspended from the scheme since 1997, GSP preferences were restored to Myanmar in June 2012.³

The EU is ASEAN's third most important trading partner after China and Japan but before the US. It is the second export partners, accounting for 11% of ASEAN's exports (European Commission, 2012). Three ASEAN members feature among the EU's top 25 trading partners: Singapore ranks 14th, Malaysia and Thailand 24th and 25th respectively, while three others are among the top 50: Indonesia ranks 29th, Vietnam 31st and Phillipines 47th (European Commission, 2012). However, the economic importance of ASEAN to the EU remains secondary in the Asian context; indeed, it has been posited that the continued focus on China suits EU interest better than devoting increased attention to Southeast Asia (Treisman, D. 2012).

On the political side, relations between the EU and ASEAN have long been strained by human rights issues; first, by the crisis in Timor Leste, and later by human rights violations in Myanmar (Lim, PJ. 2011). In both cases, the EU's reaction corresponded to the condemnation of violent repression of civilians, a pattern characteristic of EU foreign policy, accentuated after the end of the Cold War (Portela, C. 2005). The standoff over human rights protection led renowned Filipino scholar Robles to observe that "from an examination of the conceptions of human rights dominant in Europe and Southeast Asia, it is tempting to conclude that no other area is less suitable for forging interregional relations" (Robles, A. 2004:131).

The condemnation of Myanmar's leadership following its refusal to recognise the results of the elections, which took the form of one of the most durable and comprehensive sanctions regimes imposed by the EU in the two decades following the end of the cold war, led to severe tensions with ASEAN, including notably the cancellation of the ministerial meetings of 1997 in protest against Myanmar's accession to ASEAN (Brettner-Messler, G. 2012). Also, the EU refused to extend the 1980 Co-operation Agreement to this country. The EU's unwillingness to accept Myanmar's accession to the Asia Europe Meeting (ASEM) prompted ASEAN to threaten to block the accession of new EU members (Portela, C. 2010). The European Parliament adopted 26 resolutions, submitted 169 written questions to the Commission and issued two declarations concerning Myanmar between 1999 and 2012 only (Gaens, B. 2013). The EU's insistence on human rights standards and continued condemnation of the lack of democracy in Myanmar has even been seen as a catalyst for the emergence of an ASEAN identity, whereby ASEAN defined itself in opposition to the EU (Manea, MG. 2009). However, the position of ASEAN vis-à-vis Myanmar also shifted over time from the staunch defence of the non-interference principle to mild pressure for reforms, largely due to the realisation that Burmese affected ASEAN's international prestige and, by extension, its integration project (Brettner-Messler, G. 2012). Indeed, ASEAN countries persuaded Myanmar to forego chairmanship of the organisation in 2006, and the repression of the September 2007 uprising, the 'Saffron revolution', met with unusually strong condemnation by ASEAN, indicating a relaxation of their resistance to non-interference (Hughes, C. 2007).

After a long period of stagnation, the resolute reform process initiated by President Tein Sein and the newly semi-civilian leadership that took office in Myanmar in 2009, the EU has eased, suspended and eventually lifted its sanctions. This is part of a broader effort to reintegrate Myanmar in the international community as a reward for the sweeping reform process (Bünthe, M. and Portela, C. 2012). ASEAN's support for Myanmar's chairmanship in 2014 demonstrates its desire to encourage the country's full

² See EBA Factsheet under: http://trade.ec.europa.eu/doclib/docs/2013/april/tradoc_150983.pdf

³ Agence France Press (2013) "Myanmar readmitted to EU trade scheme", 12 June 2013

integration. The removal of Myanmar as a hurdle to relations has opened considerable opportunities for collaboration on a number of issues, not only with Myanmar itself, but with ASEAN as whole.

The Chief Operating Officer of the European External Action Service (EEAS), David O’Sullivan, announced the EU’s intention to step up engagement with ASEAN: “we believe that a united and self-confident ASEAN, proceeding with its own integration and able to transcend binary strategic choices, is good for regional stability, security and prosperity – and hence good for us” (O’Sullivan 2013).

4.1.2 Relations with the US

The ASEAN-US Dialogue relationship began in 1977. The development of ASEAN’s relationship to the US largely mirrors the evolution of EU-ASEAN relations. During the cold war, they were focused on trade and development issues, acquiring a political dimension only from the early 1990s onwards. Nowadays, co-operation extends to a wide range of areas, including connectivity, human rights, disaster relief, antiterrorism or combatting human trafficking.

On account of its key security role in Asia, the US is represented together with China and Japan in every ASEAN-driven security forum, including ARF and the East Asia Summit, apart from entertaining bilateral defence ties with several ASEAN members and Asia-Pacific powers such as Australia and New Zealand. The configuration of US economic relations with the region appears a more complex exercise: The US-launched Transpacific Partnership agreement (TPP), currently being negotiated among eleven countries, includes four ASEAN states -Brunei, Malaysia, Singapore and Vietnam-, leaving out the other six.

4.1.3 Relations with Australia

Australia became an ASEAN Dialogue Partner in 1974. Australia has developed a deep relationship with ASEAN, covering cooperation in a range of areas including security, culture, trade, education and development. Together with New Zealand, Australia and ASEAN signed the ASEAN-Australia-New Zealand FTA (AANZFTA) in 2009, in force since 2010. In 2012, trade in goods and services with ASEAN totalled AUS\$90.1 billion (about €64 billion).

Australian support to ASEAN focuses on three areas: infrastructure connectivity initiatives in the Greater Mekong Subregion, in cooperation with the World Bank and the Asian Development Bank; the Tripartite Action to Protect Migrants within and from the Greater Mekong Subregion from Labour Exploitation initiative in cooperation with the International Labour Organisation. The ASEAN-Australia Development Cooperation Programme is designed to help ASEAN realise its goal of an economic community by 2015 (Australian Government 2012).

4.2 Multinational Fora

4.2.1 ASEAN Regional Forum

In existence since 1994, the ASEAN Regional Forum (ARF) comprises 27 members, namely all ASEAN members plus Australia, Bangladesh, Canada, China, the EU, India, Japan, Democratic Peoples' Republic of Korea, Republic of Korea, Mongolia, New Zealand, Pakistan, Papua New Guinea, Russian Federation, Sri Lanka, Timor Leste and the United States. It remains the only organization in East Asia dealing with security issues, although the establishment of the East Asia Summit, with a more restrictive membership, has overshadowed its importance.

4.2.2 ASEAN Plus 3

ASEAN Plus Three (APT), encompassing ASEAN members in addition to Japan, South Korea and China, has been in existence since 1997. It has developed cooperation primarily in non-traditional security areas, economic co-operation and development, such as food and energy security, financial cooperation, trade facilitation, disaster management, narrowing the development gap, rural development and poverty alleviation, human trafficking, labour, communicable diseases, environment and sustainable development, and transnational crime, including counter-terrorism. It is one of the most successful forums in the external relations of ASEAN; its landmark achievement is the Chiang Mai initiative, which led to the development of the Asian Currency Unit.

4.2.3 East Asia Summit

Established in 2005 at the initiative of Malaysia, the East Asia Summit (EAS) was conceived as an ASEAN-led caucus group to deal with economic and security questions. It originated in the context of the ASEAN Plus Three summit, and it was meant to take place at summit level following ASEAN summit meetings. The potential for enlarging this forum is a controversial question. While the US and Russia joined the original members, which included ASEAN Plus Three with India, Australia and New Zealand, the EU's bid for membership has so far been rejected due to some members' desire to limit the membership of the club to a reduced number of key players in the Asian security landscape.

4.2.4 ASEM

Created in 1996 at the initiative of France and Singapore, ASEM constitutes the only organisation linking Asia and Europe. It consists of biannual summit meetings held alternatively in an Asian and European member. Although it does not have any permanent secretariat, the Asia-Europe Foundation (ASEF) in Singapore fulfils some of functions typical of a secretariat. After its most recent enlargements to include Russia, New Zealand and Australia in 2010 and Bangladesh, Norway and Switzerland in 2012, membership currently numbers 51 countries.

CONCLUSIONS

Originally not conceived as an integration project, ASEAN incorporated integration objectives starting in the early 1990s. While the organisation has retained much of what constitutes its characteristic consensus-based 'ASEAN way', the strong drive towards institutionalisation and towards the establishment of a rule-based entity embedded in the ASEAN Charter represented a breakthrough. Still, progress in the development of the ASEAN Communities has been mixed. At the regional level, progress has been meagre; however, encouraging co-operation among several members in an informal 'enhanced co-operation' framework has partly compensated for this situation.

RECOMMENDATIONS

Having explored the nature of ASEAN as a regional organisation, this briefing now turns to the consequences that can be derived to optimise collaboration between the EU and ASEAN and to allow the EU to seize opportunities for the deepening of the relationship.

1. Framing co-operation as 'implementation support'

The EU should continue its practice of helping ASEAN to implement decisions that have already been taken but which lack translation into actual policy. This approach has evident advantages. Firstly, as we have seen above, the persistent lack of implementation of agreed decisions constitutes an endemic problem of the organisation, which has puzzled observers and led to the discredit of the organisation. Hence, the EU's help contributes to the strengthening of the organisation, the improvement of its reputation, and to the practice of regional co-operation in Asia. Secondly, it meets a functional need of ASEAN as the provision of expertise and advice comes to supplement the limited capacity of the ASEAN Secretariat. Finally, and equally importantly, the fact that EU action is focused on implementation rather than on the addition of new objectives is regarded by ASEAN as a supporting exercise rather than as an attempt at interfering with their agenda. Building up on the useful practice of producing a scorecard monitoring progress in ASEAN's Economic Community, the EU could launch a scorecard exercise to reflect progress also on the Socio-cultural and Politico-security communities.

2. Improving the self-representation of the EU

Understanding between the EU and ASEAN has not always been optimal. As explained above, most difficulties have their origins in the handling of the East Timor crisis and the situation in Myanmar, rooted in genuinely divergent understandings of the limits of state powers vis-à-vis the individual. However, part of the reason has to do with misunderstandings regarding the nature of the organisations and their mutual relations. On the side of the EU, there seems to be certain uneasiness with the slow progress made by ASEAN in the implementation of its agenda, as well as with the perceived lack of substance of high-level meetings. This is, to a large extent, due to the stark contrast with the modus operandi of the EU, characterised by strong institutions and the production of legally binding legislation. The EU claims to see in ASEAN a 'natural partner' on account of a purportedly 'common DNA'. The EU-ASEAN brochure starts by stating:

"The EU and ASEAN share the same goals for their citizens – peace, stability and prosperity. Both are committed to address issues with a multilateral approach. The EU and ASEAN share, as it were, the same DNA" (EU 2013).

Similarly, the chief operating officer of EEAS, David O'Sullivan, claimed recently:

“Given its own DNA and the importance we attach to strengthening the regional architecture, the EU is keen to play a very active role in the various regional fora. A central part of this agenda is to step up our engagement with ASEAN” (O’Sullivan 2013).

However, ASEAN’s emphasis on respect for sovereignty remains diametrically opposed to the EU’s de-emphasis of Westphalian structures. While the ASEAN Charter has certainly approximated ASEAN to EU’s structures, the organisation has retained its strict intergovernmentalism and a weak inter-parliamentary dimension. Conversely, the EU’s dedicated efforts to support regional integration in ASEAN through its policy of sharing of experiences might have been misunderstood in certain quarters as an attempt by the EU to impose its model on Southeast Asia. Without necessarily departing from the substance of existing policies, due account of the sensitivities existing in the region should be taken in the EU’s presentation of its assistance. More attention should also be paid to connecting with a wide range of local and locally-based actors, rather than relying exclusively on EU Centres. Analyses of the image of the EU in Asia are plentiful (Lucarelli, S. 2013; Portela, C. 2010, forthcoming), as are proposals for the upgrading of EU’s public diplomacy in the region (Chaban et al. 2012).

3. Seizing and creating new opportunities for co-operation

Long characterised by stagnation and by the persistence of at least latent tensions, the EU finds itself in a historically favourable juncture to upgrade ties with ASEAN. First and foremost, the reform process underway in Myanmar has eliminated the main hurdle in interregional relations of the past twenty years. Moreover, the reform-minded new leadership invites the external supply of expertise in support the reform process. The acute socio-economic underdevelopment of present-day Myanmar offers a plethora of opportunities for co-operation (Rieffel, L. 2013). However, having surmounted the antagonistic tone than characterised its relations with Myanmar, the EU is well placed to contribute to the management of the most daunting problem in the country, the current unrest and the management of the ethnic insurgencies. The possibility of launching an operation to train police forces to deal with civilian demonstrations without employing excessive force is already been explored. It could follow up on peace-related initiatives in a number of ways, e.g. by dispatching conflict transformation advisors to the Myanmar Peace Centre the EU is already supporting.⁴

Also, as seen above, in those non-economic areas in which all-ASEAN progress has been slow, an ‘enhanced co-operation’ framework has partly compensated for this situation. While in the EU the acceptance of this figure proved controversial, in ASEAN it has established itself informally. The presence of co-operation initiatives undertaken by ‘coalitions of the willing’ within ASEAN provides an opportunity for the EU to support foreign policy priorities (such as combating piracy to secure commercial lanes or strengthening human rights), in the hope of ultimately engaging ASEAN as whole. ASEAN’s open model of regionalism, while opposed to the EU’s own orientation, is particularly conducive to collaboration with external actors.

4. Enhancing the EU’s relevance as a security actor

ASEAN’s rejection of the EU’s bid to join the East Asia Summit has provoked a sense of open resentment in the EU that closely mirror Southeast Asian states’ longstanding protests about the scarce attention they receive from the EU. The EU’s invisibility as a security actor in Asia-Pacific largely accounts for the lack of interest in a stronger EU involvement in the security governance of a region that has placed itself at the centre-stage of the global security landscape.

The onus is on the EU to demonstrate its added value to the security of the region. The most obvious step the EU could take to underline its security relevance is to reframe, communicate and publicise its

⁴ Irrawady (2012) ‘Myanmar Peace Centre’ Opens in Rangoon’, 5 November 2012

non-traditional security actions as such. The wide range of generously funded non-traditional security activities conducted by the EU are so far perceived as mere development co-operation, despite the popularity enjoyed by the notion of non-traditional security in the region (Maier-Knapp, N. 2012). While a number of useful ideas have been circulated to allow the EU to increase its military visibility in the region without incurring high financial costs (Engelbrekt, K. 2012), the EU can also contribute positively to key security problems of the regions, most notably the disputes over the South China Sea, by expanding its policy of sharing of experience beyond the regional integration support that has served as the flagship of interregional co-operation (Jetschke, A. and Portela, C. 2013).

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