

G I G A *Working Papers*

German  Institute of Global and Area Studies
Leibniz-Institut für Globale und Regionale Studien

GIGA Research Programme:
Transformation in the Process of Globalisation

Democracy and Human Rights in the European-Asian Dialogue: A Clash of Cooperation Cultures?

Howard Loewen

N° 92

December 2008

GIGA Working Papers serve to disseminate the research results of work in progress prior to publication to encourage the exchange of ideas and academic debate. Inclusion of a paper in the Working Papers series does not constitute publication and should not limit publication in any other venue. Copyright remains with the authors.

GIGA Working Papers

Edited by the
GIGA German Institute of Global and Area Studies
Leibniz-Institut für Globale und Regionale Studien

The Working Paper Series serves to disseminate the research results of work in progress prior to publication in order to encourage the exchange of ideas and academic debate. An objective of the series is to get the findings out quickly, even if the presentations are less than fully polished. Inclusion of a paper in the Working Paper Series does not constitute publication and should not limit publication in any other venue. Copyright remains with the authors. When Working Papers are eventually accepted by or published in a journal or book, the correct citation reference and, if possible, the corresponding link will then be included in the Working Papers website at <www.giga-hamburg.de/workingpapers>.

GIGA research unit responsible for this issue:

Research Programme: "Transformation in the Process of Globalisation"

Editor of the GIGA Working Paper Series: Martin Beck <beck@giga-hamburg.de>

Copyright for this issue: © Howard Loewen

English copy editor: Melissa Nelson

Editorial assistant and production: Vera Rathje

All GIGA Working Papers are available online and free of charge on the website <www.giga-hamburg.de/workingpapers>. Working Papers can also be ordered in print. For production and mailing a cover fee of € 5 is charged. For orders or any requests please contact:
E-mail: workingpapers@giga-hamburg.de
Phone: ++49 (0)40 - 4 28 25 - 548

The GIGA German Institute of Global and Area Studies cannot be held responsible for errors or any consequences arising from the use of information contained in this Working Paper; the views and opinions expressed are solely those of the author or authors and do not necessarily reflect those of the Institute.

GIGA German Institute of Global and Area Studies
Leibniz-Institut für Globale und Regionale Studien
Neuer Jungfernstieg 21
20354 Hamburg
Germany
E-mail: info@giga-hamburg.de
Website: www.giga-hamburg.de

Democracy and Human Rights in the European-Asian Dialogue: A Clash of Cooperation Cultures?

Abstract

Whereas the European Union (EU) favors a formal, binding, output-oriented, and to some extent supranational approach to cooperation, the Association of Southeast Asian Nations (ASEAN) is based on informal, non-binding, process-oriented intergovernmental forms of cooperation. This article addresses the question of whether these differences between European and Asian cooperation norms or cultures can account for interregional cooperation problems in the areas of democracy and human rights within the institutional context of EU-ASEAN and the Asia-Europe Meeting (ASEM). The author argues that a clash of cooperation cultures basically occurs in both forms of interregional collaboration between Asia and Europe, with slight differences due to the institutional context: while disagreements over the question of democracy and human rights between the EU and ASEAN have led to a temporary and then a complete standstill in cooperation, the flexible institutional mechanisms of ASEM seem, at first glance, to mitigate the disruptive effects of such dialogues. Yet informality does not remove the issues from the agenda, as the recurrent disputes over Myanmar's participation and the nonintervention norm favored by the Asian side of ASEM clearly indicate. Antagonistic cooperation cultures thus play a significant role in explaining the obstructive nature of the interregional human rights and democracy dialogue between Asia and Europe.

Keywords: cooperation culture, human rights, democracy, Myanmar, EU-ASEAN, ASEM

Dr. Howard Loewen

is a political scientist and senior research fellow at the GIGA Institute of Asian Studies.

Contact: loewen@giga-hamburg.de

Website: <http://staff.giga-hamburg.de/loewen>

Zusammenfassung

Demokratie und Menschenrechte im Europa-Asien-Dialog – ein Zusammenprall von Kooperationskulturen?

Im Gegensatz zum formalisierten, ergebnisorientierten und zum Teil supranationalen Kooperationsansatz der Europäischen Union (EU) ist die Zusammenarbeit zwischen den Staaten der *Association of Southeast Asian Nations* (ASEAN) durch Informalität, nichtbindende Absprachen und einen prozessorientierten Intergouvernementalismus gekennzeichnet. Der vorliegende Beitrag befasst sich mit der Frage, ob diese Unterschiede zwischen europäischen und asiatischen Kooperationsnormen oder -kulturen helfen können, interregionale Kooperationsprobleme in den Dialogfeldern Demokratie und Menschenrechte im institutionellen Kontext der Zusammenarbeit EU-ASEAN und des *Asia-Europe Meeting* (ASEM) zu erklären. Es wird argumentiert, dass ein Zusammenprall von Kooperationskulturen mit leichten Variationen bei beiden Formen der interregionalen Zusammenarbeit zu verzeichnen ist: Während offene Auseinandersetzungen über Demokratie und Menschenrechte gar zu einem zeitweiligen Stillstand der Beziehungen EU-ASEAN geführt haben, schien mit dem ASEM ein geeigneter institutioneller Rahmen geschaffen worden zu sein, der aufgrund seiner Informalität und Mehrdimensionalität über genügend Flexibilität verfügen würde, um auch kontroverse Themen konstruktiv zu behandeln. Zwar konnte die Informalität des ASEM die negativen Auswirkungen der Menschenrechts- und Demokratiedebatte abmildern, jedoch nicht verhindern, wie die immer wiederkehrenden Konflikte um die Teilnahme Myanmars an den Gipfeltreffen und um die von den Asiaten bevorzugte Norm der Nichteinmischung verdeutlichen. Antagonistische Kooperationskulturen bestehen und haben zudem signifikanten Einfluss auf die Art und Weise, wie der interregionale Menschenrechts- und Demokratiedialog zwischen Asien und Europa geführt wird.

Democracy and Human Rights in the European-Asian Dialogue: A Clash of Cooperation Cultures?

Howard Loewen

Article Outline

- 1 Introduction
- 2 International Institutions, Norms, and Cooperation Cultures
- 3 European and Asian Cultures of Cooperation
- 4 Democracy and Human Rights in the European-Asian Dialogue
- 5 Conclusion

1 Introduction

Time and again political relations between the European Union and East Asia have been marred by different views over human rights and democracy. The stalled interregional dialogue between the European Union (EU) and the Association of Southeast Asian Nations (ASEAN) is a case in point. Moreover, disagreements over the participation of Myanmar almost led to the cancellation of the Fifth Asia-Europe Meeting (ASEM) in October 2004. Only

after intensive and lengthy discussions could an unstable compromise between the European and the Asian sides of ASEM be settled, allowing Myanmar to participate. How can we explain the latent and sometimes open clashes between the EU and East Asian states over human rights and democracy? How do institutional arrangements such as EU-ASEAN and ASEM contribute to the management of these clashes? It is argued here that different European and Asian norms of cooperation can account for interregional cooperation problems. The “cooperation cultures” vary significantly between the two regions: whereas the EU favors a formal, binding, output-oriented, and to some extent supranational approach to cooperation, ASEAN is based on informal, nonbinding, process-oriented intergovernmental forms of cooperation. Based on empirical evidence taken from the human rights and democracy dialogues between the EU and ASEAN on the one hand and within the Asia-Europe Meeting on the other, it is evident that a clash of cooperation cultures takes place in both forms of interregionalism between Asia and Europe, with slight variations due to the institutional context: clashes over democracy and human rights between the ASEAN the EU resulted in a complete breakdown of cooperation between the years 1997 and 2000. The flexible institutional mechanisms of ASEM seem to have lessened the disruptive effects of such dialogues at first glance. However, informal cooperation processes have not been successful in removing the issues from the agenda, as the recurring disputes over Myanmar’s membership in the Asia-Europe Meeting clearly specify. It is thus shown here that cooperation cultures and norms do matter with regard to interregional cooperation problems in the human rights and democracy dialogue between Asia and the Europe.

The article consists of three sections: In the first section I will briefly define the concept of cooperation culture based on a constructivist understanding of norms. The second section focuses on the different cooperation principles of the EU and ASEAN. In the third section I will analyze the impact of the antagonistic Asian and European cooperation cultures on the human rights and democracy dialogues between the EU and ASEAN on the one hand and within the Asia-Europe Meeting on the other.

2 International Institutions, Norms, and Cooperation Cultures

2.1 International Institutions and Norms

A widely accepted conceptualization of international institutions defines them as a “persistent and connected set of formal and informal rules that prescribe behavioral roles, constrain activity, and shape expectations” (Keohane 1989: 3). International institutions or systems of rules and norms may surface spontaneously, but in most cases they are created by states through negotiations in order to manage cooperation and collaboration problems (Keohane 1993). Typically, they include discrete communication and decision-making procedures from which formal and informal rules and norms emerge, shaping expectations and behavior

(Gehring 1994). Rational or functional explanations of international institutions focus on different forms of market failure to account for their existence. Institutions hence advance cooperation by reducing transaction costs and providing information. State interests and identities are given (Keohane 1989). In contrast, constructivist scholars emphasize the intersubjective social context of international institutions, thus focusing on the identities of states, which are influenced by their historical, cultural, political, and social environment. Based on this assumption, institutions are not only norm creators but are also, at the same time, embedded in larger systems of rules and norms of behavior (Ruggie 1983; Legro 1997; Wendt 1999; Arend 1999). Martha Finnemore (1996) defines a norm as “shared expectations about behavior held by a community of actors” and “a standard of appropriate behavior for actors within a given identity” (Finnemore/Sikkink 1998). Jeffrey W. Legro speaks of “cultural norms” and defines them as beliefs that stipulate action for members of an organization or institution (Legro 1995). Drawing on Legro’s concept, Peter Katzenstein differentiates between *regulatory norms* that “define standards of appropriate behavior” and *constitutive norms* that “express actor identities.” Hence, both regulatory and constitutive norms “establish expectations about who the actors will be in a particular environment and about how these particular actors will behave” (Jepperson/Wendt/Katzenstein 1996: 54).

2.2 Norms as Cooperation Cultures

On the basis of the discussion of norms above, I refer to the term “cooperation culture” as norms of cooperation that are informally or formally expressed within an international or regional institution. Cooperation cultures are embedded in different political, social, economic, and historical contexts which have a significant impact on the way states cooperate or behave toward each other. They usually take the shape of regulatory norms of cooperation (behavior) and constitutive norms of cooperation (identity). Changes in actors’ identities, interests, and behavior due to the social interaction within these institutions is a different aspect that is not discussed here. Furthermore, material-interest explanations are not taken into consideration, since they would shift the focus from the normative underpinning of Eurasian interaction to the question of economic capabilities and the position of the respective states in regional and global economic structures. The point that is being made is that different cooperation norms and cultures do exist and that they have an effect on the way actors from different (regional) institutions behave towards each other, thereby influencing the course and nature of policy interaction and ideological debates.

The EU and ASEAN are both regional institutions that are embedded in different historical, cultural, political, and social environments. This has an impact on the norms of cooperation that have evolved over time. Let us take a look at the basic differences between European and East Asian cooperation cultures that manifest themselves in the respective regional institutions (Loewen 2004):

- Europeans focus state-to-state cooperation on aims and outputs. Cooperation is conceived of as a formal, rational, and problem-solving sequence of necessary steps to reach well-defined goals. Moreover, the European states are willing to surrender parts of their sovereignty to the most formalized and rule-based organization in the world, the *European Union*.
- East Asians, on the other hand, tend to emphasize the process of cooperation and do not necessarily regard outputs as important. Informal meetings, nonbinding agreements, intergovernmentalism, and nonintervention in other countries' affairs therefore lie at the heart of the cooperation principles embodied in the *Association of Southeast Asian Nations*. This cooperation culture is usually referred to as the "ASEAN way."

2.3 Clash of Cooperation Cultures

If different cooperation cultures exist in different regions, it is likely that they have an impact on *interregional* cooperation and institutions too.¹ The intensity of this impact is a function of (i) the level of antagonism between the cooperation cultures, (ii) the institutional framework in which cooperation takes place (that is, formal or informal), and (iii) the cooperation issue (that is, trade, finance, human rights, environment). Hence, one possible explanation for the insufficient results of Asia-Europe cooperation is that ASEM and the EU-ASEAN are marred by a clash of the European and Asian cooperation cultures. Recent research has shown that antagonistic cooperation principles tend to collide significantly when Asian states have to decide upon binding rules—especially in the issue areas of trade, finance, and investment—a practice which stands in significant contrast to their own cooperation culture, which favors informal and thus nonbinding agreements (Loewen/Nabers 2008). In the case of the dialogue on human rights and democracy, we may also assume that particularly the principle of nonintervention in other countries' affairs may impact the way Europeans and Asians deal with each other in these specific issue areas.

In order to identify the differences between the European and Asian cooperation cultures, I will apply two criteria: a) institutional development and b) identification of cooperation principles and norms (formal ↔ informal, binding ↔ nonbinding, supranational ↔ intergovernmental/noninterference). Since the most intense discussions of human rights and democracy within the institutional context of EU-ASEAN and ASEM have revolved around the cases of East Timor and Myanmar, both will serve as empirical examples of the assumed clash of cooperation cultures.

¹ Interregional institutions constitute a distinct policy level in the system of global governance and basically assume two forms in Asian-European relations: bilateral interregionalism, like the formalized EU-ASEAN interaction dating back to the 1970s, and the new interregionalism or transregionalism, which has manifested in the establishment of the informal ASEM –dialogue, includes member states from more than two regions, and does not necessarily coincide with regional organizations. In contrast to the EU-ASEAN process, the Asia-Europe Meeting covers not only economic but also political and cultural issues (Doidge 2008).

3 European and Asian Cultures of Cooperation

Europe and Asia are two regions which, because of their historical, economic, and political development, differ greatly from each other. As a result, various institutional forms of regional cooperation have emerged based on specific principles and norms of cooperation, that is, cultures of cooperation. Using the example of a concise comparison of the EU and the ASEAN community of states, differences between the European and Asian cultures of cooperation are to be extracted here. The criteria for comparison are the evolution of the two regional organizations as well as the principles, goals, and norms of their cooperation.

3.1 European Union

The EU is the institutional manifestation of a process of regional integration unprecedented in its intensity and depth, which—based on the idea of a long-term means of preventing conflicts amongst the European nation-states—has relied primarily on the promotion of economic integration with the goals of reducing trade barriers and establishing a customs union. The essential characteristic of the European integration process is the fact that nation-states lay down common rules and procedures on the basis of international legal treaties which then take effect and are passed into law in specified political fields at the national level. In this respect, the Treaties of Rome, the Single European Act, and the Treaty on European Union from Maastricht represent formal, complex, and extremely extensive integration agreements providing the member states with rights and duties. Beyond the regulation of the relationship between the EU organization and the domestic politics of the member states, the above-mentioned treaties also apply to the relationship of the EU to nonmember states and other organizations (Dinan 2007: 152).

The legal regulation of the European integration process requires an appropriate institutional framework in which the process is planned, deliberated, and decided. The European Commission functions as “creative director” and has the right to initiate possible new legislation for the EU. In the European Parliament, the suggestions of the commission are discussed by elected representatives from the individual European states. Since the Maastricht Treaty, the European Parliament has had more voice with respect to legislative authority. However, the Council of Ministers is the main legislative body of the EU. It is made up of the heads of state and heads of government as well as the secretaries of the member states’ national administrations and decides on the implementation of an initiative. Finally, the European Court of Justice is to help secure the lawful application and interpretation of the common resolutions. Besides these institutions in the decision-making process, there are many other institutions such as the Economic and Social Committee, the European Monetary Institute, the European Court of Auditors, the Committee on the Regions, etc. European interest groups also have the possibility of bringing their demands before institutions such as the European Commission and the European Parliament in both formal and informal ways (Kassim 2007: 168-188).

The legal regulation and institutionalization of the European integration process necessarily leads us to an important principle of coordination—supranationality. From a cooperative theoretical perspective there are essentially two possibilities for designing interstate cooperation: On the one hand, regional cooperation can take the form of pure interstate or intergovernmental cooperation without restricting the sovereignty of the participating states. On the other hand, the nation-states can decide to create a cooperation structure that is able to reach into the national legislative process and operate quasi-supranationally. In this regard, the European integration process can in large part be deemed supranational since through its “composition it can bring forth an autonomous legal system which is as a matter of principle superordinate to the law of the member states” (Kaiser 1998: 46). The principle of supranationality is most developed in the first level of the three-pillar architecture, that is, that of the European Community. The foreign and security policy as well as cooperation in the area of justice and internal affairs (pillars two and three) is intergovernmental. In this context, the majority principle often used in the EU decision-making process as a binding mode of voting is also a typical characteristic of supranationality. With increasing integration and the increased complexity of decisions to be made, not only the amount of majority decisions but also the extent of the encroachment into national sovereignty increases; in this manner, for example, the fiscal and monetary convergence criteria meant to secure economic harmonization and efficiency among the participating states as an element of the EMU set down in the Maastricht Treaty produced wide-reaching restrictions on national law-making in the areas of economic and monetary policy (Wallace 2005: 50).

3.2 Association of Southeast Asian Nations

In contrast to the integration process of the EU, which is based on formal, legal, and goal-oriented structures, the ASEAN way emphasizes

[...] the process through which such [multilateral] interactions are carried out. This approach involves a high degree of discreteness, informality, pragmatism, expediency, consensus-building, and non-confrontational bargaining styles. (Archarya 1997: 329)

The cooperation pursued by the ASEAN member states is not a formal process that rests on an international legal contract. The two-page Bangkok Declaration is, compared to the much more extensive and differentiated EU treaties, more of a declaration of intentions which lays down informal principles and norms. Through this, the signing states should be made clear that, under the institutional auspices of ASEAN, an informal dialogue process will be pursued out of which no obligations will follow for the participating states. An oft-heard attempt at explanation in this context emphasizes the fact that the Southeast Asian states, many of which only achieved independence a few decades ago, are still in the process of nation-building. That is why more intergovernmental as opposed to supranational solutions

are favored for regional cooperation problems in the institutional context of the ASEAN state community (Rüland 1996: 11).

The emphasis on the process of cooperation and the rejection of formalized structures for cooperation finds its expression in the organizational structure of ASEAN: the highest decision-making forum in ASEAN from an official standpoint is the summit of the heads of government and heads of state held every three years. The highest decision-making committee of ASEAN, however, is the annual meeting of the ASEAN foreign ministers at the ASEAN Ministerial Meeting (AMM). On the same level of cooperation are also the ASEAN Economic Ministerial Meeting (AEM) and the ASEAN Regional Forum (ARF), in which explicit economic and security questions are debated. The Post Ministerial Conferences (PMCs) follow the AMM and give the ministers the opportunity to exchange views with the ASEAN dialogue partners. The next level of cooperation is the "Standing Committee," which is incorporated in the cooperation areas of science, technology, culture, and social matters and is also separated into working groups and teams of experts as well as subcommittees. In addition to the official level of cooperation, also called "Track One," there also exists an unofficial "Track Two" process for debating controversial questions. For this purpose, nonstate actors (academics, military, think tanks, etc.) are brought into the dialogue process (Weatherbee 2005: 97-100; Dosch 1997: 71 f.). In comparison to the EU, the consultation committees meet irregularly and seldom: since the formation of these committees the heads of state and government have met only eight times. Additionally, the secretariat established in Jakarta in 1976 was not given supranational decision-making responsibilities. The primary task of the secretariat is simply the coordination and preparation of ASEAN activities. Thus, all important ASEAN decisions are still prepared in the appropriate national bureaucracies of the member states. In summary, it can be said that the weak legalization of the ASEAN process is reflected in a low degree of institutionalization.

The ASEAN way can be seen most clearly in the association's principles of action and the decision-making procedures. The central ASEAN cooperation norms were written down particularly clearly in the Treaty of Amity and Cooperation in Southeast Asia (TAC): According to this treaty, the ASEAN states commit themselves to respect the other participating states' sovereignty, independence, territorial integrity, and national identity. Through the principle of *nonintervention in domestic affairs* and the peaceful resolution of conflicts, a long-term and nonbinding cooperation is to be guaranteed.² Closely connected with the unlimited reach of state sovereignty is the ASEAN concept of regional cooperation: "Regional resilience is to be achieved by grouping national resilience (Feske 1999: 544)." In other words, regional coop-

² The part of the Treaty of Amity and Cooperation in Southeast Asia (TAC) regarding principles of action says, 1) Mutual respect for the independence, sovereignty, equality, territorial integrity, and national identity of all nations; 2) The right of every State to lead its national existence free from external interference, subversion or coercion; 3) Non-interference in the internal affairs of one another; 4) Settlement of differences or disputes by peaceful manner; 5) Renunciation of the threat or the use of force und 6) Effective cooperation among themselves (Caballero-Anthony 2005: 60).[NOTE: if this is quoted material, needs quotation marks]

eration is—from the perspective of the political decision makers—primarily understood as a function of national interests and in this regard does not serve regional integration. From this, then, a decision-making process can be determined that is subject to the principle of consensus: a decision is only ready to be made when it can be made unanimously. Thus no state should find itself in the situation of having to subordinate its national interests to a community task. The principle of unity in decisions correlates with the previously mentioned cooperation goal of regional unity, which was completed with the acceptance of Cambodia into the state community in 1999 (Palmujoki 1997: 276).

Under these preconditions for cooperation, the previously described “Track-Two” process takes on a special meaning: questions or problems regarding cooperation that cannot be resolved by mutual agreement are shifted to this unofficial level of dialogue from which they—if a consensus is reached—once again appear on the agenda of the official “Track-One” process. The performance record of this division of labor between official and unofficial levels is, however, not very convincing: in addition to the often unclear division of responsibilities between the official and unofficial levels, cooperation difficulties that are sent to the second level too often stay there—whether they are dealt with or not—without the necessary exchange with the first level taking place (Ball 1994).

The weak institutionalization and the lack of legalization of the ASEAN process go together with the emphasis on personal contacts amongst the decision makers as a way of avoiding conflicts or situations in which a loss of face could occur. Here we again see that the ASEAN style of cooperation correlates strongly with the political culture and the political processes in the ASEAN states. A formative characteristic of this regional political culture—based on a long tradition of patronage networks—is its informal and personalized political pattern, influenced by the avoidance of conflict and the dominance of individual leaders (Caballero-Anthony 2005: 72-78). In this context, one possible reason for the reluctance of the ASEAN decision makers to formalize or legalize cooperation might actually lie in the fact that the Asian sense of justice is not determined by abstract codifications but by moral and personal categories.

This brief analysis of the principles of cooperation in the EU and ASEAN makes the different styles of regional cooperation in Europe and Southeast Asia clear: on the one side we find a legalized and institutionalized process of European integration that—at least in some cases—rests on the principle of the majority with supranational elements; on the other side we have a minimally codified, weakly institutionalized informal process of cooperation based on the principle of consensus and unity in which state sovereignty remains untouched. To what extent the different principles or cultures of cooperation have influenced the foreign agenda of the two regional organizations and thus their interregional cooperation will be analyzed in the next chapter.

4 Democracy and Human Rights in the European-Asian Dialogue

4.1 EU-ASEAN: Conditionality and Nonintervention

With the end of the Cold War, the USA and later the EU began to detach their strategic unity from political and economic interests. The vehement emphasis on questions of human rights and democracy in the context of multilateral cooperation points to the Western countries' claim to moral leadership in a broader sense in the post-bipolar world in general and with regard to Southeast Asia in particular. In this context, Palmujoki has remarked accurately,

These views pinpointed the West's intention to preserve its dominant position in a new world order by rejecting the Southeast Asian approach to national and regional developments. In this discussion, the differences between "Eastern" and "Western" approaches to democracy and human rights were apparent. (Palmujoki 1997: 277)

According to Article 6 of the Treaty of the European Union, the defense and promotion of European values are what is of primary importance to the EU. These values include human rights, legal certainty, democracy, and fundamental freedoms. In addition to the political aspects, economic interests also play a role in EU foreign relations (Treaty of the European Union, 2002). In contrast to the EU, in the ASEAN state community there are no explicit provisions determining foreign relations in general or with the EU in particular. The foreign policy behavior of ASEAN can, however, be derived from the previously described principles of regional cooperation. In this context the principles of absolute sovereignty of the individual Asian states, nonintervention in domestic affairs, and Asian unity are especially relevant. To what extent these principles of cooperation are actually found in the conflict behavior of the Asians and Europeans will now be shown through a brief analysis of the debates about human rights and democracy conducted since the early 1990s.

The relations between the EU and ASEAN were characterized until the beginning of the 1990s by the premises of economics, trade, and development—these were set down in the ASEAN-EC Cooperation Agreement of 1980. Human rights played no role in the interregional dialogue. The ninth ASEAN-EC conference for foreign ministers in Luxemburg in 1991 represented an important turning point in the human rights policies of the Europeans: the EU now increasingly put an emphasis on adherence to human rights and social standards as well as the promotion of democratization processes in its cooperation with the Southeast Asian state community. This new perception of the EU was not only attributable to the already mentioned geopolitical factors, but also to the domestic developments in Southeast and East Asia. The Tiananmen Square massacre in Beijing in 1989 brought massive criticism from the EU, followed by diplomatic and economic sanctions against the People's Republic of China. The message was clear: only if the ASEAN countries fulfilled the indicated criteria was the EU ready to continue with development and economic cooperation (Bridges 1999: 170). ASEAN reacted with a clear rejection of the EU sanctions at the Post-ministerial Conference of 1990. A short time later the ASEAN foreign ministers pushed forward in this tone by saying that the Euro-

pean request was to be rejected as an unacceptable interference in domestic affairs. In this context they pointed to the culturally specific and historically contingent understanding of human rights in Southeast Asia that must be taken into account in interregional relations (ASEAN Economic Bulletin, 1992). The opposing viewpoints of the EU and ASEAN manifested themselves clearly in the following time period in two concrete cases: East Timor and Myanmar.

The Portuguese colony of *East Timor* was annexed by Indonesia in 1976 and declared to be the twenty-seventh province of the island nation. The Indonesian army cracked down hard and mercilessly on the nascent resistance of the independence movement FRETILIN. In November 1991, when the Indonesian army caused a bloodbath amongst protesting civilians in Dili (Far Eastern Economic Review, 28 November 1991: 15), international criticism of the ongoing human rights violations by Indonesia continued to grow harsher. The European reaction was initially bilateral in nature: the Netherlands threatened to cancel development aid to Indonesia. Following this, Indonesia completely cut off its cooperation in development assistance with the European state (Van den Ham, 1993). Portugal tried to intensify the interregional pressure on Indonesia through the EU (Dreis-Lampfen 1998: 211). The ASEAN state community refrained from commenting on—let alone criticizing—the East Timor question. It can be thus explained that the ASEAN states rejected a UN resolution criticizing Indonesia for the annexation of East Timor. This example shows how clearly the principle of nonintervention dominates regional diplomacy in Southeast Asia (Henderson 1999: 21).

At the tenth EU-ASEAN conference for foreign ministers in 1991 in Manila there was intensive debate about the question of how a new cooperation agreement between the EU and ASEAN could be reached. Besides the fact that the Asian states absolutely refused to integrate human rights into a new agreement, the position of Portugal played a decisive role, as the Portuguese referred to the East Timorese right to self-determination and the human rights violations of the Indonesian army, stubbornly refusing to agree to new negotiations. Even ASEAN's readiness to add its respect for the adherence to human rights in the final declaration couldn't undo the Portuguese blockade. As a result, no new cooperation agreement could be reached and passed and interregional relations continued to deteriorate (Bridges 1999: 171).

At the EU-ASEAN conference for foreign ministers in Singapore in 1994 and in Karlsruhe in 1997, the differences on questions of human rights could also hardly be veiled—thus new negotiations on a cooperation agreement could not be started. In contrast to the meeting in Singapore, where it again came to a “clash of values,” in Karlsruhe all parties tried to avoid the topic of East Timor and concentrated on a new economic cooperation arrangement, which *sui generis* was not in conflict with the Portuguese objections to a new cooperation agreement (Süddeutsche Zeitung, 26 September 1994). The East Timor question was ultimately resolved not because of diplomatic pressure from the Europeans but because of the political transformation of Indonesia's political system: With the resignation of Suharto and the burgeoning democratization of the authoritarian system's structure, a change in the Indonesian East Timor policy also occurred. Subsequently, the question of the autonomy of

East Timor was raised, which then led—under UN mediation—to the first real rapprochement between Indonesia and Portugal.

The agreement concluded on May 5, 1999 between the two states leveled the path for the referendum—carried out on August 30, 1999 under UN supervision—on the independence of East Timor in which the people voted for independence. The ASEAN state community watched the subsequent riots, caused by pro-Indonesian militias, from the sidelines. Not until a multinational peace operation with a mandate from the UN arrived did the fighting come to an end and the Indonesian army withdrawal. The UN also established a transition administration (UNAMET) that was to help implement the national independence of East Timor through the development of democratic structures in accordance with the rule of law (Neue Zürcher Zeitung, 1 November 1999 and 31 August 2000).

A second focus of the debates about human rights and democracy was *Myanmar*. After twenty years of military dictatorship, socioeconomic decline and state repression led to numerous protests by a prodemocratic movement against the regime's policies. These protests were brutally struck down by the junta in 1988. In order to at least create formal legitimacy, the State Law and Order Restoration Council (SLORC), declared elections were to be held in May 1990. The democratic opposition won with an overwhelming majority. Power was never handed over to the strongest opposition party, the National League for Democracy (NLD), however, as the SLORC simply disregarded the election results (Rüland 1998: 48-49). Instead, the state increased repression and the members of the opposition party as well as its icon Aung San Suu Kyi were intensely persecuted, put under house arrest, or taken into custody (Neue Zürcher Zeitung, 27 September 2000).

The EU condemned the 1988 elimination of the democratic movement as well as the nonrecognition of the elections in 1990. The position of the EU and other Western countries was that the isolation of Myanmar or economic sanctions would be the appropriate reaction to the reprisals (Süddeutsche Zeitung, 22 July 1996). ASEAN, on the other hand, reacted according to its principles of conduct: Violations of human rights and questions of democratic development are part of the domestic affairs of the state concerned and thus not part of the collective agenda. Rather, through a policy of constructive engagement, Myanmar was to be encouraged to liberalize its authoritarian system not through economic sanctions but through persuasion and quiet diplomacy (Dreis-Lampen 1998: 213). In the following period it seemed as though the Europeans and Asians had accepted the fact that there would be no consensus on the question of Myanmar.

The anatomy of this conflict makes clear that ASEAN—strengthened by the rapid economic growth and socioeconomic ascent of a series of East Asian states in the 1970s, 1980s, and 1990s—was not ready to follow the European model of cooperation, either institutionally or in terms of content. This Asian self-confidence even manifested itself in a debate on values initiated by Singapore, Malaysia, and Indonesia, the central message of which can be summarized as follows: The advocates of the Asian canon of values argued that the authoritarian

structures of many Asian countries criticized by the EU were based on the traditional hierarchical structures of each of the societies. These structures, with their orientation to the community and their well-developed sense of the family, were clearly superior to Western societies. As evidence of the supposed inferiority of Western values, the mention of the harmful societal effects of the Western concept of individualism—manifested in high crime rates, drug abuse, and the erosion of familial ties—was enough to convince the, mostly authoritarian, apologists of the “Asian virtues.” This was why human rights and democracy were supposedly incompatible with the Asian cultural tradition and, in addition, not suitable for normatively guiding socioeconomic development processes in Asia (Pempel 2005: 259-260). An about-turn took place at the Foreign Ministers’ Meeting in Karlsruhe in 1994, where the EU passed a new strategy with regard to Asia, replacing the human rights focus in the relations with an economic focus. But the *détente* lasted only a short time: in 1996 the conflict between the European and Asian cultures of cooperation once again grew more intense. The trigger was ASEAN’s twenty-ninth Foreign Ministers’ Meeting, during which Myanmar was officially given observer status, implying at the same time participation in the ASEAN Regional Forum (ARF). In addition, Myanmar was given hope of early acceptance as a full member in the coalition of states (ASEAN 1996: Point 3). The EU and the USA criticized ASEAN’s neutral policy toward Myanmar and considered sanctions (Far Eastern Economic Review, 17 October 1996). The differences of opinion between the EU and ASEAN soon came to a head: during the EU-ASEAN Foreign Ministers’ Meeting in February 1997, the then foreign minister of the Netherlands and president of the Council of the European Union Hans van Mierlo harshly criticized the occurrences in Myanmar. In this context he verbalized the European hope that the ASEAN state community would push for the democratization of Myanmar. ASEAN answered by pointing out that foreign pressure—especially from Western states—is unacceptable. Rather, the economic and political integration of Myanmar in the Southeast Asian coalition was a more appropriate way of socializing the authoritarian regime (The Nation, 19 February 1997). The deputy foreign minister of the Philippines finally summed up the difference of opinion between the EU and ASEAN on Myanmar:

Europe is approaching it [human rights question, H.L.] for reasons of conviction. If you're far away, you can afford to be philosophical, lofty and speak from principle. On the other hand, if you're right next to Myanmar, and what happens there has repercussions on your own interests, on your own security, your own survival, you take a more practical approach which is what works. To us in ASEAN, what works is engaging Myanmar and helping it progress in both economic and political terms. (The Nation, 19 February 1997)

The actual admission of Myanmar to ASEAN in 1997 led to a boycott of the annual EU-ASEAN talks by the EU, as it was not ready to sit at a table with representatives of a military dictatorship. The diplomatic resentment between the EU and ASEAN was so serious that an ASEAN-EU Joint Cooperation Committee (JCC) could not take place in November 1997. A

senior official's meeting in Bangkok as well as the Foreign Ministers' Meeting set to take place in Berlin in March 1999 were also cancelled because no consensus could be reached about the participation of the Burmese foreign minister (Bangkok Post, 28 January 1999).

Not until the EU declared that it was ready to let Myanmar—as well as Laos and Cambodia—participate in interregional meetings could another EU-ASEAN Foreign Ministers' Meeting be held in December 2000, after a three-year interruption, in the Laotian city of Vientiane. All ten ASEAN foreign ministers and not a single one of their European colleagues participated. Because the conference took place at the same time as the important EU Nice Summit, the EU sent only lower-ranking representatives. The fact that the EU and ASEAN sat together at a table even though the Myanmar question remained unresolved made the increasing readiness of both sides to compromise clear: on the European side it was clear that the traditionally good relations with the ASEAN states, and potential economic gains, were in danger. Thus the organization decided it would no longer articulate its critique of Myanmar in an offensive manner.

On the Asian side, the principle of nonintervention was increasingly being questioned, and its own fixed position on Myanmar was minimally qualified. Nevertheless, there were once again harsh debates on the question of whether and how the question of human rights in Myanmar should be written into the final declaration: It was agreed that the focus would be placed on the general intensification of economic contacts. The political controversy was addressed by having each of the states commit itself to promote and protect all human rights. The question of Myanmar, on the other hand, was not explicitly mentioned as the EU would have liked, but was avoided through the reference to the general support of both regional organizations for the UN initiative for the national reconciliation process in the Southeast Asian state (Far Eastern Economic Review, 21 December 2000). Despite this, the EU kept its sanctions in place. Until today the question of whether Myanmar may participate in EU-ASEAN meetings in the future has not been resolved.

In summary, one can say that the human rights and democracy debate between the EU and ASEAN fell apart due to the incompatible positions on the Asian and European sides. These insurmountable differences in the political dialogue led to considerable strain on interregional cooperation, which manifested itself in the fact that, because of the question of East Timor, no consensus could be reached about new negotiations on the cooperation agreement from 1980. In this respect, the ASEAN state community in particular was interested in finding a framework for cooperation in which the questions of human rights and democracy would no longer possess the strength they did in the EU-ASEAN partnership. The EU aimed to implement its more economically directed Asian strategy. What united both regional organizations was the conviction that the economic relations between Europe and Asia should be strengthened. Such a framework was created with the Asia-Europe Meeting. The extent to which controversial political questions have been successfully resolved in the framework for the interregional cooperation will be examined in the next chapter.

4.2 Asia-Europe Meeting (ASEM): Less Tension through Institutional Flexibility?

In the following, I will investigate the question of whether the informal, nonbinding, and consensus-oriented cooperation style modeled after the ASEAN way, as well as the institutional differentiation of the ASEM, is more compatible with the management of political differences in questions of human rights and democracy than the interregional EU-ASEAN cooperation. For this purpose, the political controversies at both the official level of the ASEM summit and the informal nongovernmental level of interregional cooperation will be analyzed.

The first Asian-European summit meeting in Bangkok in 1996 aimed primarily to intensify trade and investments between the two regions as well as to promote mutual understanding and the development of a common perspective on Eurasian cooperation. In order to create the most constructive conditions for a harmonious dialogue and the discussion of common positions, it was decided that controversial topics such as the question of human rights and democracy would be left out of the discussions at the official level. On the one hand, the wish of the Asian ASEM states not to discuss this topic could be respected. But, on the other hand, this pragmatic approach was convenient for the Europeans, as they could then merge their conflicting foreign policy goals of economic interests and value-oriented policies toward Asia (Camroux/Lechervy 1996: 443).

At the same time, in meetings closed to the public, the EU could insist on taking up the question of human rights in the final document. The opportunity that arose out of this to criticize other states for their human rights policies was clearly watered down by the mention of the principle of nonintervention in the domestic affairs of member states. In this way, the wishes of the Asian ASEM states were respected. In this context, the Asian side was interested in preventing politics of conditionality from the EU, which might have linked trade and investment policies with the human rights situation in the countries participating in the cooperation (Neue Zürcher Zeitung, 4 March 1996). So as to not endanger the harmony and the expressed goal of both sides to give understanding and mutual learning priority over hard negotiations, the words "human rights" were replaced by the term "fundamental rights" without defining what this meant. The analogous passage of the final communiqué of ASEM 1 makes this compromise between the European and Asian sides of the ASEM clear:

The dialogue among the participating countries should be conducted on the basis of mutual respect, equality, promotion of fundamental rights and, in accordance with the rules of international law and obligations, non intervention, whether direct or indirect, in each other's internal affairs. (ASEM 1, 1996: Point 5)

The organizers of the Bangkok Summit had to fear that the controversy (which could already be anticipated in the run-up to the summit) between the Indonesian leader Suharto and the Portuguese prime minister Guterres on the question of East Timor would mar the harmony of the first ASEM meeting. Before the summit, Indonesia threatened to leave if Portugal put the topic of East Timor on the agenda. Thus the Thai host, Prime Minister Banharn,

mediated bilateral talks between Portugal and Indonesia on the side of the summit; these talks didn't lead to any substantial rapprochement between the two states, but they did lead to a lessening of diplomatic tensions (Pou Serradell 1996: 201; *The Economist*, 9 March 1996). In order to avoid political controversies in future cooperation on the official level of heads of states and heads of government, at ASEM 1 the foundation was laid for the establishment of a nongovernmental level. On this "Track-Two" level, controversial topics such as human rights, labor relations, and questions of good governance and Asian security that could not or could only with great difficulty be negotiated at the official "Track-One" level were to be informally discussed in order to avoid a collision of political-ideological agendas or mutually exclusive principles of cooperation (Palmujoki 1997: 281). The most important institutions at the unofficial level are the Council for Asia-Europe Cooperation (CAEC), the Asia-Europe Vision Group, and the Asia-Europe Foundation (ASEF). In questions of human rights, the ASEF has a special role: so far ASEF has organized six informal human rights seminars (Lund 1997, Beijing 1999, Paris 2000, Denpasar 2001, Lund 2003, Suzhou 2004, Budapest 2006 and Siem Reap 2007) in which government representatives, academics, and NGO representatives have participated.

Characteristic of this informal dialogue on human rights on the "Track-Two" level is, firstly, its lack of connection to the official level of cooperation: Thus, the first ASEM human rights seminar in Lund in 1997 was, at first glance, considered an utter success, as Asian representatives here declared for the first time that they were ready to accept the Universal Declaration on Human Rights. This positive trend in the informal debate, however, was then qualified by the fact that the human rights dialogue was not taken up in the catalogue of ASEM consequent actions and a continuation of this constructive political dialogue on the official level was therefore avoided. Secondly, even at the informal seminars the norm of nonintervention in the domestic affairs of other states propagated by the Asian participants was reflected. This became especially clear at the second human rights conference in Beijing in 1999, which was primarily defined by the discussion on the basic differences between European and Asian values (*The Straits Times*, 29 June 1999). Here, an impending discussion of the situation in Tibet was averted when the Chinese hosts and other Asian participants referred to the norm of "no name calling." Nevertheless, through the continuous conflicts about human rights, a constructive culture of dialogue seems to have been established, which caused China's foreign minister Wang Guangya to look optimistically into the future: "The spirit of dialogue and exchange we have nurtured among all sides will not disappear. The human rights exchanges between Asia and Europe have a broad prospect" (Second Informal ASEM Seminar on Human Rights 1999).

The fact that the question of Myanmar's membership in ASEM was not discussed at the first summit did not lead to a settlement of the Eurasian conflicts. As previously mentioned, the EU reacted negatively to the acceptance of Myanmar in the state community and refused to agree to Myanmar's participation in EU-ASEAN as well as future ASEM summits. On his trip

through Asia, the British foreign minister Robin Cook confirmed the EU position that Myanmar would not be able to participate in the next ASEM summit because of its poor human rights balance. Furthermore, he also said that the possibility of refusing visas to Myanmar's delegation if they decided to take part in the ASEM summit in London was being considered (Straits Times, 2 September 1997). The ASEAN states reacted with displeasure and Malaysia's Prime Minister Mahathir even threatened that a majority of the ASEAN countries would boycott the second ASEM summit if Myanmar was not allowed to participate (Far Eastern Economic Review, 25 September 1997). Disregarding this, the majority of the ASEAN states finally followed the Thai recommendation—at that point in time Thailand was the EU-coordinator of ASEAN—that membership in ASEAN did not automatically mean membership in ASEM and that it would be good to accept the principle of consensus in ASEM, even when in this case it worked to their disadvantage (Bangkok Post, 7 October 1997).

The situation grew less and less tense: At the ASEAN meeting in Kuala Lumpur, the Malaysian diplomats announced that a continued insistence on Myanmar's participation could undermine the harmony of the ASEM process and the consensus-based decision-making procedure. ASEAN, China, Japan and South Korea finally agreed that—at least for the ASEM summit in London—no new members should be admitted. Thus, the participation of the seven old ASEAN countries at the London ASEM summit was secured. This did not, however, solve the problem of Myanmar. The positions on the question of Myanmar remained the same. But as long as the EU opposed Myanmar, the principle of consensus in ASEM did not allow it to become a member (Bangkok Post, 18 November 1997; Asian Wall Street Journal, 16 December 1997).

If the first ASEM summit was characterized by the attempt to find common positions and perspectives for interregional cooperation while avoiding controversial questions, ASEM 2 in London took place under the influence of the Asian economic and financial crisis. Thus, the management of economic interdependence through the discussion of trade and finance questions was given top priority. The paramount discussion in this context on the causes and consequences of the Asian crisis also manifested itself in the fact that questions of human rights and democracy were neither discussed nor mentioned in the final communiqué (ASEM 2, 1998: Point 9). That the EU's foreign policy dilemma between the promotion of human rights and the maximization of economic interests was at least for the time being resolved by choosing the latter goal can also be seen in the bilateral talks with China, which were not about human rights but about the path toward market economics under the then prime minister Zhu Rongji. An important factor leading to this step on the EU side was certainly the fact that China was spared from the Asian crisis and was, from an economic perspective, worthy of being negotiated with:

In the years between ASEM 2 and ASEM 3 in Seoul there were few discussions worth mentioning in the ASEM context about human rights in general and Myanmar and East Timor in particular. Here the diplomatic deadlock between the EU and ASEAN

became obvious. Nevertheless, the question of human rights did reappear with the resumption of diplomatic relations between the EU and ASEAN at the highest levels and on the interregional ASEM level. (Bangkok Post, 5 April 1998)

The third ASEAN summit in Seoul in 2000 marked a breakthrough in the conflict about human rights and democracy at the interregional level of Eurasian cooperation: For the first time, both topics were discussed openly and extensively at the official level. What is remarkable is the fact that, in contrast to earlier summits, the Asian ASEM participants displayed a similarly high readiness for dialogue as the Europeans in the framework of the ASEM 1 summit: “[...] it was the first time Asian Leaders have discussed such controversial issues as democracy and human rights at an Asia-Europe Meeting” (Bangkok Post, 21 October 2000). This development pointed to an obviously changed perception of the problem of human rights as an essential issue of cooperation which needed to be solved in a constructive manner if the ASEM process was not to be permanently endangered, as had been the case with the EU-ASEAN cooperation. Since the engagement of the UN, the question of East Timor has led to no bilateral or multilateral conflicts within the framework of the ASEM process. Nonetheless, the discussions went their familiar course. Romano Prodi spoke as a representative for the European side: “The EU has considerable interest in issues relating to democracy and human rights in Asia and the EU will continue to observe future movements” (Business Korea, November 2000). After the final, in the meantime almost ritualized, exchange of the various conceptions, it was once again pointed out that there are essentially two different understandings of democracy and human rights. In addition, representatives from Malaysia, Indonesia, the Philippines, and Singapore noted that democracy and human rights in a Western sense were not blueprints for the Asian countries (Business Korea, November 2000). In contrast to the first two summits, at the third ASEM summit in Seoul in 2000 the problem of human rights was for the first time taken up explicitly in the final document:

Leaders committed themselves to promote and protect all human rights, including the right to development, and fundamental freedoms, bearing in mind their universal, invisible and interdependent character as expressed at the World Conference on Human Rights in Vienna. (ASEM 3, 2000: Point 8)

In a similar fashion, the topic of human rights was introduced in a draft of the Asia-Europe Cooperation Framework passed in Seoul:

ASEM Leaders envisage Asia and Europe as an area of peace and shared development with common interests and aspirations such as [...] respect for democracy [...] justice and human rights. (AECF, 2000: Point 5)

A few Asian states, especially China, Malaysia, and Singapore, feared that they would be permanently exposed to European criticism because of this phrasing. Thus they opposed the draft in this form. The ASEM partners finally agreed to a passage in the European-Asian Coopera-

tion Framework which prescribed that the political dialogue was to be conducted on the basis of mutual respect, equality, and the promotion of basic rights as well as the “avoidance of direct or *indirect intervention* in internal affairs of the others” (AECF, 2000: Point 12). The dialogue on human rights and democracy in the framework of the ASEM 4 meeting in Copenhagen in 2002 was primarily guided by questions of international counter-terrorism as a reaction to 9/11 and thus not by conflicts about human rights in East Asia. The fifth ASEM summit, which took place in 2004 in Hanoi, almost broke down over the diverging positions of the Europeans and Asians on the question of Myanmar. The EU threatened to cancel the meeting if General Than Swe were to participate. The European Commission and the European Parliament were particularly active in this respect. The ASEAN states countered with the argument that they, after all, had been ready to accept the ten new states of the EU as ASEM members. After a prolonged struggle, a compromise was reached which allowed Myanmar to participate if it was represented by low-ranking officials. In the course of the summit meeting it became clear that the human rights question would not stop the ASEM process, but it could severely disturb it. However, at the end there was a conciliatory statement in which the Myanmar question was also clearly articulated for the first time in an official ASEM document:

The Leaders took note of the briefing on the recent political developments in Myanmar given by the Head of the Myanmar delegation. In this connection, they encouraged all stakeholders in the country to work together to ensure a successful outcome of the ongoing national reconciliation process. The National Convention should be an important element in the national reconciliation and democratization process and a forum for a genuine open debate with the participation of all political groups in the country. They looked forward to the early lifting of restrictions placed on political parties in accordance with the assurances given by Myanmar. They also reaffirmed their support for the efforts of the Special Envoy of the UN Secretary General. (ASEM 5, 2004: Point: 4.7)

On the occasion of the sixth ASEM summit meeting in Helsinki in 2006, Myanmar was called on to start a constructive dialogue with the ASEAN, the UN, and the international community. In contrast to ASEM 5, steps towards democracy and the improvement of the human rights situation were explicitly demanded from Myanmar:

Leaders expressed deep concern on the lack of tangible progress and lack of inclusiveness in the process toward national reconciliation and called for a transition via an inclusive process to a democratic government [...] (ASEM 6, 2006)

Although discussion at the seventh ASEM summit in China (24–25 October 2008) was dominated by the world financial and economic crisis, the state representatives present called on Myanmar to ease political restrictions:

Leaders [...] also encouraged the Myanmar government to engage all stakeholders in an inclusive political process in order to achieve national reconciliation and social de-

velopment. In this regard, they called for the lifting of restrictions placed on political parties and early further release of those under detention. (ASEM 7: Point 12)

The increasingly constructive, yet at the same time critical, attitude of the ASEAN states towards Myanmar gives rise to the assumption that the discussion of democracy and human rights is now firmly rooted in the ASEM dialogue. On the other hand, China's harsh reaction to the decision of the European Parliament to grant its human rights prize to jailed Chinese dissident Hu Jia clearly indicates that the norm of noninterference still dominates the cooperation culture of the Asian ASEM countries. Regarding this issue, Chinese head of state Hu Jintao stated at the ASEM summit that China sees the action of the European Parliament as a significant interference in Chinese interior affairs, which will have negative consequences for European-Chinese relations in general. The European Commission, represented by Jose Manuel Barroso, and the French president Sarkozy replied by stressing the importance of human rights in the European-Asian dialogue. Sarkozy specifically stated: "We believe that no region in the world can teach a lesson to anybody else [...] But we believe that human dignity does not depend on the history and culture of each region, but is a right for every human being on earth today" (Eubusiness 2008). Moreover, Barroso emphasized this argument: "Human rights are universal by nature and we all have a responsibility to uphold them [...] We should underline our commitment to cooperate in the promotion and protection of human rights globally" (Eubusiness 2008).

For future political dialogues in general and for the next meeting, ASEM 8 in 2010, in particular, this means that questions of human rights and democracy can be discussed on the basis of mutual respect, but that no member state can be held responsible for its practices—either directly or indirectly—if the discussion is deemed to be an intervention in its domestic affairs. In addition, it can be assumed that the controversial topics will have no negative effect on the cooperation in general. The economic priorities are too clearly marked and the corresponding interests too precisely defined.

As opposed to the EU-ASEAN cooperation, a pragmatic dialogue seems to have been established here that slowly but surely makes it possible to bring controversial topics onto the official agenda without putting the ASEM process as a whole into question. To what extent the informal discussion in the framework of the ASEM human rights seminars has had an effect on the constructive readiness for dialogue at the official level is difficult to determine. Ultimately it can be said that the problem-solving mechanisms at the official and unofficial levels have been adapted to the cooperation style of ASEM. In the middle and long term, however, a discussion and alignment of the contrary positions on human rights and democracy cannot be avoided; at the same time, the formulation of a political ASEM agenda will have to be advanced. Only on this basis can the laborious task of finding and formulating common positions be made easier.

5 Conclusion

On March 1, 1996, twenty-five heads of state and governments and the president of the European Commission met in Bangkok on the occasion of the first Asia-Europe Summit. Europeans and Asians alike considered it a success, and some observers even spoke of a “historical turning point in relations between the two regions” (Pou Serradell 1996). This enthusiasm with regard to the possibility of intensified cooperation was based not only on the potential welfare gains to be realized but also on the ground that the informal ASEM dialogue might help soften value clashes and ideological confrontations that had previously obstructed the interregional cooperation between the EU and ASEAN.

In this article I have presented a simple model that is based on the assumption that different cooperation cultures can account for obstructions in the interregional dialogue between the EU and ASEAN as well as within the Asia-Europe Meeting. The concept of cooperation culture is empirically grounded in the observation that different cooperation norms and principles with a cultural underpinning exist: whereas the EU favors a formal, binding, output-oriented, and to some extent supranational approach to cooperation, ASEAN is based on informal, nonbinding, process-oriented intergovernmental forms of cooperation.

I have argued that a clash of cooperation cultures comes about in both structures of interregional collaboration between Asia and Europe, with minor variations owing to the institutional framework: whereas diverging attitudes on the question of democracy and human rights between the EU and ASEAN have led to a transitory standstill in cooperation, the flexible institutional means of ASEM seem, at first sight, to have alleviated the disruptive effects of such dialogues. Yet, informality has not removed the issues from the agenda, as the continuing disagreements over Myanmar’s membership in ASEM clearly specify. Divergent cooperation cultures—in particular the nonintervention norm preferred by the Asian ASEM members—hence play a significant role in explaining the obstructive nature of the interregional human rights and democracy dialogue between Asia and Europe.

Bibliography

- AECF (2000): European-Asian Cooperation Framework, http://ec.europa.eu/external_relations/asem/docs/aecf_2000_en.pdf, accessed on 26 September 2008.
- Archarya, Amitav (1997): Ideas, Identity, and Institution-Building: From the ASEAN way to the Asia-Pacific Way?, in: *Pacific Review*, 10 (1), pp. 319-346.
- Arend, Athony C. (1999): *Legal Rules and International Society*. New York: Oxford University Press.
- ASEAN (1996): *Joint Communique of the Twenty-Ninth ASEAN Ministerial Meeting*, Jakarta, Indonesia, 20-21 July, Point 3, www.aseansec.org/1824.htm, accessed on 26 September 2008.
- ASEAN Economic Bulletin* 9 (1992) 2: Joint Communiqué of the Twenty-fifth ASEAN Ministerial Meeting, Manila 21 June–2 July 1992.
- ASEM 1 (1996): *Chairman's statement of the first Asia-Europe Meeting*, www.aseminfoboard.org/content/documents/chairmans_statement_asem_1.pdf, accessed on 23 September 2008.
- ASEM 2 (1998): *Chairman's statement of the second Asia-Europe Meeting*, www.aseminfoboard.org/content/documents/chairmans_statement_asem_2.pdf, accessed on 23 September 2008.
- ASEM 3 (2000): *Chairman's statement of the third Asia-Europe Meeting*, www.aseminfoboard.org/content/documents/chairmans_statement_asem_3.pdf, accessed on 23 September 2008.
- ASEM 4 (2002): *Chairman's statement of the fourth Asia-Europe Meeting*, www.aseminfoboard.org/content/documents/chairmans_statement_asem_4.pdf, accessed on 23 September 2008.
- ASEM 5 (2004): *Chairman's statement of the fifth Asia-Europe Meeting*, www.aseminfoboard.org/content/documents/chairmans_statement_asem_5.pdf, accessed on 23 September 2008.
- ASEM 6 (2006): *Chairman's statement of the sixth Asia-Europe Meeting*, www.aseminfoboard.org/content/documents/chairmans_statement_asem_6.pdf, accessed on 23 September 2008.
- ASEM 7 (2008): *Chairman's statement of the seventh Asia-Europe Meeting*, www.aseminfoboard.org/content/documents/chairmans_statement_asem_7.pdf, accessed on 1 November 2008.
- Asia Wall Street Journal*, 16 December 1997.
- Bangkok Post*, 7 October 1997, 18 November 1997, 5 April 1998, 28 January 1999, 21 October 2000.
- Bridges, Brian (1999): *Europe and the Challenge of the Asia-Pacific*, Northampton, MA: Edward Elgar.
- Business Korea*, November 2000.
- Caballero-Anthony, Mely (2005): *Regional Security in Southeast Asia*. Singapore: ISEAS.
- Camroux, David/Lechervy, Christian (1996): Close Encounter of a Third Kind? The Inaugural Asia-Europe Meeting of March 1996, in: *The Pacific Review*, 9 (3), pp. 442-453.
- Dinan, Desmond (2007): The European Integration Process, in: Coling Hay / Anand Manson Colin, eds., *European Politics*. Oxford: Oxford University Press, pp. 151-167.

- Doidge, Mathew (2008): Regional Organizations as actors in international relations: interregionalism and asymmetric dialogues, in: Jürgen Rüländ et al., eds., *Asian-European Relations. Building Blocks for Global Governance?* Routledge: London, pp. 32-54.
- Dosch, Jörn (1997): *ASEAN-Bilanz eines Erfolges*. Hamburg: Abera Verlag.
- Dreis-Lampen, Barbara (1998): *ASEAN und die Europäische Union*. Hamburg: Institut für Asienkunde.
- Eubusiness (2008): EU and French leaders stress human rights at China Summit, www.eubusiness.com/news-eu/1224848821.82.
- European Commission (2001): *IPAP Implementation: Measures Taken by ASEM Partners to Address the Consolidated List of Obstacles to Investment and implement the Most Effective Measures to attract Foreign Direct Investment*.
Far Eastern Economic Review, 17 October 1996, 21 December 2000.
- Feske, Susanne (1999): Der ASEAN-Staatenbund, in: Bernhard Dahm / Roderich Ptak, eds., *Südostasien Handbuch*. München: C.H Beck, pp. 541-651.
- Finnemore, Martha (1996): *National Interests in International Society*. Ithaca: Cornell University Press.
- Gehring, Thomas (1994): *Dynamic International Regimes: Institutions for International Environmental Governance*. Frankfurt/Main: Peter Lang.
- Henderson, Jeannie (1999): *Reassessing ASEAN*, Adelphi Paper No. 328, Oxford: Oxford University Press for the International Institute for Strategic Studies.
- Jepperson, Ronald L. / Wendt, Alexander / Katzenstein, Peter J. (1996): Norms, Identity and Culture in National Security, in: Peter J. Katzenstein, ed., *The Cultures of National Security: Norms and Identity in World Politics*. Columbia, NY: Columbia University Press, pp. 33-75.
- Kaiser, Robert (1998): *Regionale Integration in Europa und Nordamerika*. Baden-Baden: Nomos.
- Kassim, Hussein (2007): The Institutions of the European Union, in: Coling Hay / Anand Manson Colin, eds., *European Politics*. Oxford: Oxford University Press, pp. 168-199.
- Keohane, Robert O. (1989): Neoliberal Institutionalism: A Perspective on World Politics, in: *ibid.*, ed., *International Institutions and State Power. Essays in International Relations Theory*. Boulder, CO: Westview, pp. 1-20.
- Keohane, Robert O. (1993): The Analysis of International Regimes. Towards a European-American Research Programme, in: Volker Rittberger, ed., *Regime Theory and International Relations*. Oxford: Clarendon Press, pp. 23-45.
- Legro, Jeffrey W. (1995): *Cooperation under Fire: Anglo-German Restraint during World War II*. Ithaca: Cornell University Press.
- Loewen, Howard (2004): Cooperation Culture. Part I: Defining cooperation culture and empirical evidence from the EU and ASEAN, in: *Studia Europaea*, XLIX, pp. 91-102.

- Loewen, Howard/Nabers, Dirk (2008): The Asia-Europe Meeting and its contribution to the political management of economic globalization, in: Jürgen Rüländ et al., eds., *Asian-European Relations. Buildings Blocks for Global Governance?* Routledge: London, pp. 95-113.
- Neue Zürcher Zeitung*, 4 March 1996, 1 November 1999, 31 August 2000, 27 September 2000.
- Palmujoki, Eero (1997): EU-ASEAN Relations: Reconciling Two Different Agendas, in: *Contemporary Southeast Asia*, 19 (3), pp. 269-284.
- Raoul Wallenberg Institute of Human Rights and Humanitarian Law. Report No. 30 (1999): *Second Informal ASEM Seminar on Human Rights*, Beijing 27-29 June, www.rwi.lu.se/pdf/publications/RS/report30.PDF.
- Rüländ, Jürgen (1996): *The Asia-Europe Meeting (ASEM). Towards a New Euro-Asian Relationship?* Rostock: Rostocker Informationen zu Politik und Verwaltung.
- Rüländ, Jürgen (1998): *Politische Systeme in Südostasien*. Landsberg am Lech: Olzog Verlag.
- Ruggie, John Gerard (1983): International Regimes, Transactions, and Change: Embedded Liberalism in the Postwar Economic Order, in: Stephen D. Krasner, ed., *International Regimes*. Ithaca: Cornell University Press, pp. 195-231.
- Süddeutsche Zeitung*, 26 September 1994, 22 July 1996.
- The Nation*, 19 February 1997, 29 June 1999.
- The Straits Times*, 2 September 1997, 29 June 1999.
- Treaty of the European Union (2002): http://eur-lex.europa.eu/en/treaties/dat/12002M/pdf/12002M_EN.pdf, accessed on 3rd October 2008.
- Van den Ham, Allert P. (1993): Development Cooperation and Human Rights: Indonesian-Dutch Aid Controversy, in: *Asian Survey*, 33 (5), pp. 531-539.
- Wallace, Hellen (2005): An Institutional Anatomy of Five Policy Modes, in: Hellen Wallace/William Wallace/Mark A. Pollack, eds., *Policy-Making in the European Union*. Oxford: Oxford University Press, pp. 49-90.
- Weatherbee, Donald E. (2005): *International Relations in Southeast Asia*. New York: Rowman and Littlefield Publishers.
- Wendt, Alexander (1999): *Social Theory of International Politics*. Cambridge: Cambridge University Press.

GIGA *Journal Family*

The GIGA journal family is a unique publishing initiative that brings together five international area journals edited by the GIGA German Institute of Global and Area Studies.

The journals are high-standard venues for original research on and empirically sound analysis of contemporary politics, society and the economy in Africa, China, Latin America, the Middle East, and Southeast Asia.

-
- ***Africa Spectrum***
(3 issues per year)
 - ***Journal of Current Chinese Affairs – China aktuell***
(4 issues per year)
 - ***Journal of Current Southeast Asian Affairs***
(4 issues per year)
 - ***JPLA – Journal of Politics in Latin America***
(3 issues per year)
-

Further information at www.giga-hamburg.de/giga-journal-family

Articles also available online

GIGA German Institute of Global and Area Studies
Leibniz-Institut für Globale und Regionale Studien

Neuer Jungfernstieg 21 ■ 20354 Hamburg ■ Germany
Phone: +49 40 42825-594 ■ Fax: +49 40 42825-547
E-mail: info@giga-hamburg.de
Homepage: www.giga-hamburg.de

Ask for your personal sample copy.

G I G A
German ■ Institute of Global and Area Studies
Leibniz-Institut für Globale und Regionale Studien

Recent Issues

- No 91 Bert Hoffmann: Bringing Hirschman Back In: Conceptualizing Transnational Migration as a Reconfiguration of “Exit”, “Voice”, and “Loyalty”; December 2008
- No 90 Ulrich Mückenberger: Civilising Globalism: Transnational Norm-Building Networks – A Research Programme; October 2008
- No 89 Martin Beck: Regional Politics in a Highly Fragmented Region: Israel’s Middle East Policies; September 2008
- No 88 Nadine Godehardt: The Chinese Meaning of Just War and Its Impact on the Foreign Policy of the People’s Republic of China; September 2008
- No 87 Andreas Mehler: Breaking the “Insecurity Trap”? How Violence and Counter-violence Are Perpetuated in Elite Power Struggles; September 2008
- No 86 Jan Peter Wogart, Gilberto Calcagnotto, Wolfgang Hein, Christian von Soest: AIDS, Access to Medicines, and the Different Roles of the Brazilian and South African Governments in Global Health Governance; September 2008
- No 85 Juliane Brach: Constraints to Economic Development and Growth in the Middle East and North Africa; September 2008
- No 84 Sebastian Huhn: A History of Nonviolence: Insecurity and the Normative Power of the Imagined in Costa Rica; August 2008
- No 83 Andreas Mehler: Not Always in the People’s Interest: Power-sharing Arrangements in African Peace Agreements; July 2008
- No 82 Dirk Kohnert: EU-African Economic Relations: Continuing Dominance Traded for Aid?; July 2008
- No 81 Sebastian Huhn: Discourses on Violence in Costa Rica, El Salvador, and Nicaragua: Social Perceptions in Everyday Life; June 2008
- No 80 Peter Peetz: Discourses on Violence in Costa Rica, El Salvador, and Nicaragua: Youth, Crime, and the Responses of the State; June 2008
- No 79 Sandra Destradi: Empire, Hegemony, and Leadership: Developing a Research Framework for the Study of Regional Powers; June 2008
- No 78 Esther K. Ishengoma and Robert Kappel: Business Constraints and Growth Potential of Micro and Small Manufacturing Enterprises in Uganda; May 2008
- No 77 Miriam Prys: Developing a Contextually Relevant Concept of Regional Hegemony: The Case of South Africa, Zimbabwe and “Quiet Diplomacy”; May 2008

All GIGA Working Papers are available free of charge at www.giga-hamburg.de/workingpapers.
For any requests please contact: workingpapers@giga-hamburg.de.
Editor of the Working Paper Series: Martin Beck