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ASEAN, Human Rights and the West

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The common belief that the Western powers are putting pressure on the Association of Southeast Asian Nations (ASEAN) to change its stance on human rights is erroneous. Hence, proponents of human rights diplomacy in Southeast Asia should not count on these powers.

OBSERVERS OF Southeast Asian affairs commonly assume that the Western powers are putting pressure on ASEAN to address human rights issues in the region. Indeed, public statements of the European Union (EU) and the United States often suggest that these Western powers are determined to use their leverage to coerce ASEAN to change its stance on human rights. Most notably, they often threaten to stop negotiating free trade agreements with ASEAN.

To illustrate, the European Parliament has made it clear that it would oppose an EU-ASEAN free trade agreement unless democracy is restored in Myanmar. Such a statement is encouraging for proponents of human rights in Southeast Asia, who may have put their faith in the ability and determination of the Western powers to change the situation.

Overestimating Western pressure?

However, the efficacy of Western pressure should not be overestimated. The common belief that the Western powers are putting pressure on ASEAN is erroneous, and these powers are unlikely to exploit their material leverage to coerce ASEAN into changing its policy. This is what I have learned from my recent visit to Brussels. To be sure, the Europeans are concerned about human rights issues in Southeast Asia, and have taken a tough stance toward countries such as Myanmar, with the imposition of economic and political sanctions. Yet their focus is limited to individual countries. While they have put strong pressure on the military government in Myanmar, they have notably not done so on ASEAN as a group and have focused on building the EU-ASEAN relationship.

In assessing the effect of Western pressure, particular attention should be paid to the actual contents of any free trade agreement under consideration. The EU has been unequivocal in denying any possibility of a free trade agreement involving Myanmar. However, this does not necessarily mean that all agreements of whatever form are non-negotiable. The Europeans have considered an EU-ASEAN

agreement which does not involve countries such as Myanmar. This means that they have not put strong pressure on ASEAN members by forcing them to choose between two extreme options – to abandon an engagement policy toward Myanmar or to have no free trade agreement at all.

It was in May 2007 that the EU officially entered into a series of negotiations on a free trade agreement with ASEAN, recognising the economic potential of the Southeast Asian countries. Importantly, its focus has been on seven of the ten ASEAN members. Three members – namely, Myanmar, Cambodia and Laos – have each been excluded for different reasons. Myanmar has been left out due to its human rights record. The Council of the EU, which is responsible for formulating a common foreign policy, has not given the European Commission a mandate to pursue an agreement involving the military government in Yangon/Naypyidaw. Cambodia and Laos have been excluded on economic grounds. They have been given free access to the European market on the basis of their status as least-developed countries. Having received unilateral concessions already, they simply do not need a free trade agreement with the EU.

Bilateral FTAs and ASEAN

It is perhaps more significant that the EU has begun to consider another formula since earlier this year: bilateral free trade agreements with individual ASEAN members. This turn to bilateral agreements reflects the keen interest in the EU in concluding trade pacts with key economic partners among the ASEAN states. Thus these Southeast Asian countries do not have to make any concessions in the area of human rights for the sake of securing an EU-ASEAN agreement.

The EU has begun to consider the possibility of bilateral agreements for technical reasons. Since May 2007, when it entered into negotiations, it has faced a number of obstacles to concluding an EU-ASEAN agreement, even with seven out of the ten ASEAN members. This is not surprising, because it has preferred a comprehensive agreement, which goes beyond what has been achieved within the framework of the World Trade Organisation. To be specific, the EU's policy has been founded on the notion that any intra-regional agreement must focus not only on reducing tariffs but also on various other tasks, such as the elimination of non-tariff barriers, the promotion of trade in services, the harmonisation of the rules of international investment, and the protection of intellectual property rights. Given the divergent concerns of ASEAN states, it would be difficult to conclude a wide-ranging economic partnership agreement with ASEAN states.

Previously, the EU rejected any proposals to form bilateral agreements with individual ASEAN members, such as Singapore. However, since spring this year, it has begun to consider a piecemeal approach, based on bilateralism. In the not too distant future, a free trade agreement may be reached between the EU and some of the ASEAN members, such as Singapore and perhaps also Thailand.

In addition to the EU, the US has also pursued bilateralism, although it has expressed reservations about a free trade agreement with ASEAN as a whole. While imposing sanctions of its own on Myanmar, Washington has been careful not to disrupt its bilateral economic ties with other Southeast Asian countries. The US has pursued bilateral trade agreements with Singapore, Cambodia, Indonesia, Vietnam, the Philippines, Malaysia and Thailand.

Implications

It can thus be concluded that the Western powers have not put strong pressure on ASEAN as a bloc. Both the EU and the US have begun to take bilateral approaches, thereby effectively weakening their ability to exercise influence over ASEAN as a whole. The implications are clear: proponents of human rights diplomacy in Southeast Asia should not count on the Western powers to advance their cause. They need to recognise that changes have to come from inside Southeast Asia.

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