

political criteria. The EU should do all possible to ensure that the charge that it is acting 'unilaterally,' voiced informally by Asian diplomats, does not get in the way of its overall goals of engaging Asia and deepening political, economic and security relations.

A Note on the Author

Erik Friberg, a Swedish national, is Research Associate at the Center of Human Rights and Conflict Resolution, the Fletcher School of Law and Diplomacy, Tufts University, Massachusetts, U.S.A. He is Head of Academic Activities on the Executive Committee of the Asia-Europe Foundation University Alumni Network and welcomes comments at erik.friberg@home.se. To stay up-dated on the issue of ASEM enlargement and Burma/Myanmar, see the website of 'ASEM Enlargement Watch: Burma/Myanmar Issue' hosted by the International Institute of Asian Studies' ASEM Research Platform, http://www.iias.nl/asem/ASEM_Enlargement.html.

Related Publications by the European Institute for Asian Studies

- Gupwell, Dick, (2003), 'EU-ASEAN Relations: A Frustrated Partnership', *Panorama*, Vol. 4, No. 2/2003. (Singapore, Konrad Adenauer Stiftung).
- Van der Geest, Willem (2002), 'EU and ASEAN Think Tanks seek to dispel a sense of pessimism' *EurAsia Bulletin*, Vol 6, #11-12, Nov-Dec 2002
- Van der Geest, Willem (2001), 'ASEAN and EU Economic Integration', *Panorama*, Vol. 2, No3/2001. (Manila, Konrad Adenauer Stiftung).
- Van der Geest, Willem et al., (1999), *The Role of the EU in South East Asia: A Political, Economic and Strategic review*, EIAS Study Team for DG Research, European Parliament Working Paper.



Policy Brief

European Institute for Asian Studies asbl

EIAS Policy Brief, 04/03, July 2004, € 10

Editors: Dr Willem van der Geest and Dr Apurba Kundu

Burma/Myanmar and ASEM Enlargement 2004: What Lessons from Cambodia and ASEAN Enlargement in 1997?

By Erik Friberg

*"If Cambodia cannot clean up its political act and institute necessary economic reforms immediately, its admission to ASEAN will be a burden not only for its people, but for the rest of the Association as well."
April 1997 editorial in the Asia Times*

It is increasingly clear that the military junta ruling Burma/Myanmar has become a burden not only for the vast majority of the country's inhabitants, but also for the Association of South East Asian Nations (ASEAN). While the drug trafficking, illegal migration, forced labour, HIV/AIDS epidemic, lack of democratic governance and ethnic conflicts pose serious threats to regional security, one current diplomatic headache concerns whether Burma/Myanmar should be invited to join the Asia-Europe Meeting (ASEM) process. Should Burma/Myanmar join ASEM together with the 10 new member States of the enlarged European Union (EU) and along with Laos and Cambodia at the Fifth ASEM summit in Hanoi in October 2004? With divisions remaining high and time running out, can the opposing views on this issue between the current European and Asian ASEM countries be bridged - and are there any lessons that can be learnt from the ASEAN experience of delaying Cambodia's entry to ASEAN in 1997?

Differing Views on ASEM Enlargement but not on Democratisation

The differences of views between European and Asian ASEM countries whether to include Burma/Myanmar in the ASEM enlargement has been made

clear at the ASEM Foreign Ministers' Meetings in Indonesia in July 2003 and in Ireland in April 2004. The European Union has since cancelled two ASEM finance and economy ministers meetings, for reason of disagreements over the attendance of Burma/Myanmar (July and September 2004). The European ASEM countries, responding to public pressures in their domestic constituencies, argue that political criteria should be set, and have to be met, before Burma/Myanmar can join ASEM. The Asian ASEM members on the other side have dismissed this approach, arguing that this is neither the time nor the place to deal with the broader Burma/Myanmar issue and that Burma/Myanmar, as an ASEAN member State, should be invited to join ASEM along with Laos and Cambodia. ASEAN has also countered that if Burma/Myanmar is not invited to join ASEM then neither will EU's 10 new member States be.

While there may be disagreement over process, the two sides do however to some extent agree in principle on the substantive issues, that democratic reform in Burma/Myanmar should be promoted and that the constitutional process should be inclusive and transparent. Following the arrest of Aung San Suu Kyi and other senior leaders in the National League for Democracy (NLD) on 30 May 2003, ASEAN issued unprecedented strong criticism of Burma/Myanmar, urging the immediate release of Aung San Suu Kyi and transition towards democratic reform. Some have argued that this approach was due to an increasingly normative commitment to democracy and human rights within ASEAN, while it was more clearly also a reaction to international expectations that ASEAN do 'something'. It was

The views in this Policy Brief are those of the author and do not necessarily reflect the views of EIAS and its supporting institutions.

EIAS Policy Briefs analyse current issues in Asia and recommend appropriate European Union responses in a way accessible to a wide but knowledgeable audience of policy makers, analysts, academics and journalists.

The European Institute for Asian Studies is a Brussels-based policy and research think-tank supported by the European Union. It aims to promote understanding and cooperation between the EU and Asia through intellectual exchange, including research, briefings, conferences, Track II meetings, EU-Asia networks and publications. EIAS acts as a forum for political, economic, social and security issues concerning Asia and Europe.



European Institute for Asian Studies asbl

35, Rue des Deux Eglises • 1000 Brussels, Belgium

Tel. (32 2)230 8122 • Fax (32 2)230 5402

E-mail: eias@eias.org • www.eias.org



following this July 2003 rebuke from its fellow ASEAN States that the military junta's ruling State Peace and Development Council (SPDC) in August 2003 introduced a new Prime Minister, General Khin Nyunt, who launched the seven step road map for democratic transition.

However, when this is written in early July 2004, Aung San Suu Kyi remains under house arrest, as do other members of the National League for Democracy (NLD), which won 82% of the parliamentary seats in the 1990 election that the SPDC refused to acknowledge. The National Convention initiated by SPDC to begin on 17 May 2004 has drawn criticism from both European and Asian states for its procedural rules designed to benefit the SPDC, and the NLD has subsequently refused to participate in it. The last time a National Convention was drawn up was in the mid-1990s, a process that was discontinued once the NLD rejected it. Whether the National Convention can be altered behind the scenes to satisfy NLD and other groups' minimum demands, and make them agree to participate, remains to be seen. Major breakthroughs are unlikely to happen unless this includes the release of Aung San Suu Kyi. The alternative scenario is dark. With several groups having sided with the non-violent approach during the last months, allegedly, their patience is running low. It cannot be excluded that if no progress is made, the moderates of some groups risk having to give way for more radical members, with movements going underground and possibly taking up arms again.

Fading Hopes of the 'Bangkok Forum'

Much hope was put to the 'Bangkok Forum' launched by the Thai Prime Minister. This convened in Bangkok in December 2003, when the SPDC explained the road-map to 'like-minded countries' including Australia, China, India, Indonesia Japan, Singapore, Thailand from Asia-Pacific, and Austria, Italy, Germany and France from Europe. The intention was to broaden the list of invited governments to participate further ahead and the second meeting planned for April 2004 was intended to also include countries such as Laos, Malaysia and Bangladesh, and some European countries, the non-EU members Norway and Switzerland. This meeting was however postponed by Burma/Myanmar, to the embarrassment for the Thai government. While this has raised questions over the genuine will from the military junta to implement the road map, it indicated that the key decisions in Burma/Myanmar is probably taken by the hard-liner General Than Shwe, Chairman of the SPRC, rather than Prime Minister General Khin Nyunt. Had the military junta proceeded with the Bangkok process, released Aung San Suu Kyi and modified the rules for the National Convention, making it acceptable for the NLD to participate in the National Convention, the EU would have agreed to Burma/Myanmar joining ASEM.

The European Union countries have attempted to persuade their Asian counterparts of jointly setting political criteria as prerequisites for Burma/Myanmar's inclusion in the ASEM process, with the EU in mid-July having decided to send a former Dutch foreign minister and EU Commissioner, Hans van den Broek to some ASEAN capitals in order to seek a common view. This approach derives no doubt from the largely successful EU experiences of influencing domestic economic and political reform among Central and Eastern European States seeking accession to the EU. This process monitored progress toward the 'Copenhagen criteria' with its stipulations on democratic practices and human rights, including the rights of persons belonging to national minorities, and was a mechanical process with more or less clear benchmarks. However, it cannot have come as a surprise for the EU member States that applying a similar approach to Burma/Myanmar would run into difficulties for a variety of reasons.

While the criteria obviously would have been significantly different from the 'Copenhagen criteria', it was foreseeable that some ASEAN members would hardly be in the position to articulate any kind of democratic demands on Burma/Myanmar, considering their own questionable democratic practices (such as Brunei and Vietnam). Some differences of opinion whether this 'criteria approach' is the most appropriate have surfaced among the EU members, with the Netherlands and the UK taking a stronger stance while for example France seems more willing to compromise on the issue. By insisting, the European Union now risks allowing Burma/Myanmar to turn into another 'Zimbabwe' stand-off, with the EU indirectly strengthening rather than weakening the country's leadership in question, and allow Burma/Myanmar to play out the EU and its Asian partners against each other. Just as it was a miscalculation on the EU side to believe that South Africa's President Mbeki as the regional hegemony would be inclined and have the leverage to influence changes in Zimbabwe's policies, it is misguided to believe that increased EU pressure on other ASEAN member States will make a significant impact on their policies towards Burma/Myanmar.

What Alternative Approach may be found?

It is time for the European Union to realise that a decade of Western condemnation, economic sanctions, pressures on multi-national corporations to leave the country and UN diplomatic efforts have altogether failed to deliver change in Burma/Myanmar – and open the door for some alternative approaches. Looking from the Asian ASEM members' side, it has been recognized as in the region's interest that significant progress is made before Burma/Myanmar assumes the ASEAN presidency in 2006. While the fundamental mid-term challenge to support

Burma/Myanmar's transition remains, what can be done in the short-term with regard to the ASEM process?

Returning to the experience of ASEAN and Cambodia in 1997, while that situation certainly was significantly different from the issue discussed here, perhaps some lessons and cautious analogies can be drawn. Following a violent out-break in Cambodia in 1997 and political tensions between co-premiers Hun Sen and Prince Norodom Ranariddh, ASEAN took the step to delay the planned ASEAN membership of Cambodia until certain domestic developments had taken place, while enabling Laos and Burma/Myanmar to join ASEAN at the Hanoi summit in 1997. The Vietnamese were arguing strongly in favour of including Cambodia to join already at the 1997 Hanoi summit, but in the end the compromise was that Cambodia's membership would be delayed, while the Foreign Ministers committed to return to Hanoi to invite Cambodia to join ASEAN as soon as the conditions were met.

While these conditions were never officially stated, indications were that preconditions included free and fair elections, followed by the establishment of a coalition government and the inclusion of various factions in the country's political leadership. ASEAN leaders thereafter re-convened in 1999 and accepted Cambodia to the organization. Perhaps it is irony that leaders in 2004 again will convene in Hanoi for another debated enlargement, and that three of the countries involved once again are Burma/Myanmar, Cambodia and Laos.

One obvious challenge to any concerted 'ASEAN action' in this regard is that Burma/Myanmar, as a member of ASEAN, can hinder any potential coordinated ASEAN measure. When Indonesia during its chairmanship of ASEAN last year sent a former Foreign Minister to Burma/Myanmar as an envoy, the military junta refused to recognize him as an ASEAN representative. Maybe it would be time for ASEAN to consider allowing a 'consensus minus one' principle for situations like this, which has been successfully applied by some other regional intergovernmental organizations.

While unlikely to be the case, if all other ASEAN countries except Burma/Myanmar would consider it to be in the interest of ASEAN that the participation of Burma/Myanmar in ASEM be delayed until certain 'ASEAN conditions' are met (including the release of Aung San Suu Kyi), it would be detrimental if Burma/Myanmar could hold the rest of the region hostage. Notwithstanding the traditional characteristics of the 'ASEAN Way', is it reasonable that any domestic policies are left un-addressed when they so clearly have cross-border effects, and even cross-regional effects as in the current case? In the meanwhile, one of the stronger incentives to finding an

agreeable compromise probably lies in the military junta in Rangoon understanding that the other ASEAN states are finding the current situation increasingly disturbing.

In all, ASEAN, either through applying a 'consensus minus one' principle (if necessary) or through its individual member States' bilateral channels, could in an informal behind-the-doors manner lay down criteria that Burma/Myanmar should have met by the time of the Fifth ASEM summit in Hanoi in October 2004. If the explicit or implicit criteria remain un-fulfilled at the time of the Hanoi summit, the membership of Burma/Myanmar should be delayed while the other Asian and EU states should be included.

Some inspiration in this regard can be drawn from the Cambodian experience of seeking membership in ASEAN in 1997, although the situations are hardly comparable. If limited, but not sufficient, progress have been made by the time of the ASEM summit, a compromise deal could be to grant Burma/Myanmar an observer status (similar to Cambodia participating as observers at the annual ASEAN meetings in Kuala Lumpur in 1997 and Manila in 1998), which could enable a lower-level representation of Burma/Myanmar at the Hanoi summit. Reports from sideline meetings between EU and ASEAN leaders at the ASEAN Regional Forum (ARF) meeting on 1 July 2004 indicate that a compromise is likely to be reached along these lines, which at least means that leaders will not accept the Fifth ASEM summit to be cancelled altogether due to the different opinions on the Burma/Myanmar issue.

Other recent suggestions have included the establishment of a joint EU-ASEAN Task Force on Burma/Myanmar and the creation of an EU Special Envoy on Burma/Myanmar (to have a consistent EU policy). These ideas should be seriously considered if they could assist in monitoring developments. One could also imagine activating the ARF Eminent Expert Persons group to, possibly in coordination with the UN Special Representative, play a facilitating and even mediating function.

Implications for the European Union

However, the bottom line is that any EU action must support the activities and approaches from the other ASEAN member States, as Burma/Myanmar is more inclined to listen and respond to demands from the other Asian ASEAN member States. Would not the military junta at least rather see an in-regional assistance-oriented process take place than an externally led? Therefore, it is the other ASEAN states' diplomatic efforts and leverage that should be supported by European states, not the EU simply continuing to insist on formulating what is seen as externally imposed