

EUROPEAN UNION – ASEAN SECURITY AND HUMAN RIGHTS COOPERATION IN THE FACE OF RECENT GEOPOLITICAL UPHEAVALS

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Abstract

Faced with a changing geopolitical context, the European Union is seeking to find a new balance between sometimes contradictory requirements in its external relations. It is seeking to defend its values – particularly fundamental rights – while showing greater concern for security imperatives. This strategic reorientation is likely to have an influence on its relations with ASEAN. The elevation of the relationship between the EU and ASEAN to the rank of Strategic Partnership in 2020 marks an ambition to strengthen relations between the two regions, a determination confirmed by an analysis of the official communication. Joint achievements, although effective, are only a partial implementation of these ambitions. While there is indeed a renewal of cooperation between the EU and ASEAN, its full realisation faces major challenges. On the one hand, these are subjective and situational, as they concern the mutual perception of the two organizations. They are also more structural, concerning the differences in approach to the respective values and methods of each organization.

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The European Union (EU) has shaped its identity on the international stage through a diplomacy based, in particular, on human rights, with the promotion of its values constituting an element of identification for the EU on the international stage.¹ The Union thus promotes in the rest of the world what characterizes it internally.² Article 21 of the Treaty on European Union (TEU) states that:

The Union's action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement (...): democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law.

Faced with a changing geopolitical context, marked both by a military conflict on its doorstep and growing international rivalries in which it is struggling to find its place, the EU is seeking to invent a new articulation between sometimes contradictory requirements: defence of its values, multilateralism and its own interests. It is attempting to make its external relations more part of

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1 Enshrined in article 2 of the Treaty on European Union (TEU).

2 Bosse-Platière, I. (2012). L'objectif d'affirmation de l'Union européenne sur la scène internationale. In Neframi, E. (Ed.). (2012). *Objectifs et compétences dans l'Union européenne*. Bruylant, 265–291, p. 272.

an EU “policy of interests”,³ a kind of “pragmatic multilateralism”.⁴ Without abandoning its idealism, the Union has undergone a strategic reorientation by showing greater concern for security and defence imperatives. Indeed, since 2019, the European Commission has been promoting the narrative of a “Geopolitical Commission”⁵ which aims to strengthen the EU’s strategic autonomy by reinforcing its own capabilities.⁶

In addition to the traditional vision of the EU’s relations, marked by support for multilateralism and the defence of its values (notably democracy and human rights), Europe now wishes to assert its “sovereignty”⁷ by strengthening its autonomy in relation to other powers. Internally, this means strengthening the Union’s industrial capacities⁸ and combating unfair competition from China.⁹ Externally, this implies that the Union, without reneging on the defence of its values – and human rights in particular – should seek to exert influence on the international security scene. In addition to the need for a strategic leap forward during the Trump presidency, the war in Ukraine has revived the imperative of strengthening the Union’s defence and security policy. This strategic, geopolitical revitalization of the Union is likely to reorient its politico-strategic relations with regional organizations, particularly with the Association of Southeast Asian Nations (ASEAN).

ASEAN covers a geographically strategic area from a global perspective. First and foremost, the region is an essential trade route. It is also crucial in the context of trade confrontations between the United States and China. China is vigorously expanding its presence in ASEAN,¹⁰ of which it is the

3 Flavier, H. (2021). 6 - L’UE et le multilatéralisme : entre valeurs et intérêts [The EU and multilateralism: between values and interests.]. In Bischel, O., et al. (Eds.). (2021). *L’après COVID-19: Quel multilatéralisme face aux enjeux globaux*. Bruylant.

4 Beccari, S. F. (2021). 21 - Nécessaire rôle géostratégique de l’Union européenne. In Bischel, O., et al. (Eds.). (2021). *L’après COVID-19: Quel multilatéralisme face aux enjeux globaux*. Bruylant, 327-343, p. 329.

5 Boniface, P. (2023). Ursula von der Leyen: Requiem pour une Commission géopolitique. *IRIS*, Paris. <https://www.iris-france.org/174601-ursula-von-der-leyen-requiem-pour-une-commission-geopolitique/>

6 Beccari (2021), *supra* note 4, p. 339.

7 The term is not, of course, understood in its legal sense, as the EU is not a state. The expression “sovereign Europe” has notably been used by French President Emmanuel Macron. See Élysée. (2017). *Sorbonne speech of September 26, 2017, ‘Initiative pour l’Europe. A sovereign, united, democratic Europe’*. <https://www.elysee.fr/admin/upload/default/0001/03/cf0366921915d47eed7f12dc8408839af3834e97.pdf>

8 In particular concerning raw materials. See Regulation (EU) 2024/1252 of the European Parliament and of the Council of 11 April 2024 establishing a framework for ensuring a secure and sustainable supply of critical raw materials and amending Regulations (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1724 and (EU) 2019/1020, OJ L 1252, 3.5.2024.

9 With opening of an investigation into public subsidies to the electric vehicle sector. See for example, Von der Leyen, U. (2023, March 30). *Speech by President von der Leyen on EU-China relations to the Mercator Institute for China Studies and the European Policy Centre*. https://ec.europa.eu/commission/presscorner/detail/en/speech_23_2063

10 Djalal, D. S. (2022, June 28). *A larger role from the EU in Southeast Asia: A perspective from ASEAN*. Hinrich Foundation. <https://www.hinrichfoundation.com/research/article/us-china/a-larger-role-from-the-eu-in-southeast-asia-a-perspective-from-asean/#:~:text=EU%2DASEAN%20Trade&text=Singapore%20and%20Vietnam%20already%20have,position%20as%20ASEAN’s%20largest%20investor>

leading trading partner, thereby increasing the economic dependence of its Member States on China. In addition to deploying its “New Silk Roads” and relocating part of its production to the region, China is linked to ASEAN by a free trade zone (ACFTA) and by the Regional Comprehensive Economic Partnership (RCEP) signed in 2020 and in force since 2022.

The EU, which now sees China as a “systemic rival”,¹¹ is seeking to reduce its economic dependence on China. In this context, it wants to deepen its relations with ASEAN, through a “de-risking” policy aimed in particular at multiplying its supply chains.¹² Deepening political cooperation with ASEAN is therefore of particular interest to the EU. The two regions have a long-standing economic relationship. ASEAN is the EU’s third-largest trading partner, while the EU is ASEAN’s second-largest trading partner. The EU is also ASEAN’s third-largest source of FDI. Relations between the two organizations, which began in 1977,¹³ have intensified in recent years, although they have not yet reached agreement on a bi-regional free-trade agreement.

In terms of political cooperation, a long period of stalemate hampered the deepening of relations between the EU and ASEAN.¹⁴ However, the relationship was finally elevated to the status of a strategic partnership,¹⁵ while the forty-five years of EU-ASEAN cooperation were celebrated by a meeting – the first of its kind – between the leaders of the two organizations’ Member States on 14 December 2022.¹⁶ On this occasion, they affirmed that:

ASEAN and the EU are strategic partners with a shared interest in a peaceful, stable and prosperous region, where international law and the rules-based international order are respected and upheld, and where peace, security and stability are maintained, including through, among others, the promotion and protection of human rights such as gender equality and fundamental freedoms.

11 European Commission & High Representative of the Union for Foreign Affairs and Security Policy. (2019). *Joint Communication to the European Parliament, the European Council and the Council on EU-China relations - A strategic vision* JOIN (2019) 5. Strasbourg, p. 1.

12 Von der Leyen (2023), *supra* note 9.

13 See the infographic published by the European External Action Service (EEAS) on January 30, 2024. https://www.eeas.europa.eu/eeas/eu-asean-relations_en. The year 1977 marks the formalization of the relationship to a dialogue at ambassadorial level. On the origins of these relations, see Badel, L. (2016). Regards français sur la genèse d’un dialogue interrégional, l’ASEM (Asia Europe Meeting). *Relations internationales*, 2016(4), 59-76. <https://doi.org/10.3917/ri.168.0059>

14 Heiduk, F., & Wong, R. (2021). Chapter 14. Security Relations Between the EU and ASEAN. in Christiansen, T., et al. (Eds.). *The European Union’s security relations with Asian partners*. Palgrave Macmillan, 301-322, p. 302.

15 European Council. (2020). Co-chairs’ press release of the 23rd ASEAN-EU ministerial meeting. <https://www.consilium.europa.eu/en/press/press-releases/2020/12/01/co-chairs-press-release-of-the-23rd-asean-eu-ministerial-meeting/>

16 The joint statement by the leaders of December 14, 2022, published by the Council of the European Union (doc COASI 244, ASIE 109). <https://www.consilium.europa.eu/media/60846/eu-asean-leaders-statement.pdf>

EU-ASEAN relations extend beyond trade to include security and human rights, reflecting the EU's evolving international priorities. This analysis explores renewed political cooperation between the two regions, focusing on the EU's goal to balance human rights with increased security collaboration. While there is clear ambition for deeper cooperation, challenges remain in their relationship.

1. A growing ambition for bi-regional cooperation

1.1. A renewed ambition

EU-ASEAN relations have long been (i) irregular, (ii) a dynamic that both regions now seem determined to overcome with fresh impetus.

1.1.1. Long uneven relations

In 1977, a formal bi-regional dialogue between the European Economic Community and ASEAN was established. This was deepened in 1980 with the conclusion of a Cooperation Agreement between the EEC and the ASEAN states,¹⁷ which promoted trade and development aid in particular. The signatories thus became recipients of Community funds. Although the issue of human rights played only a marginal role at the time, it was in fact this issue that, a little later, caused a lasting stalemate in relations between ASEAN and the Community.

Following the fall of the Berlin Wall, the EU's position towards ASEAN changed. In line with its policy of systematically introducing clauses relating to respect for democratic principles and human rights into its agreements with third countries, published in 1995,¹⁸ the Community began to require the introduction of such clauses into its cooperation agreements with the ASEAN states.¹⁹ However, the ASEAN states saw this as an attack on their sovereignty, and countered the Community's universalist vision with a critique of individualism and a certain Eurocentrism. They then defended the narrative of a specificity of "Asian values",²⁰ centred on frugality and the importance of work. This divergence was only exacerbated by Myanmar's admission to ASEAN in 1997, against which the EU adopted sanctions

17 Cooperation Agreement between the European Economic Community and Indonesia, Malaysia, the Philippines, Singapore and Thailand - member countries of the Association of South-East Asian Nations, OJ L 144, 10.6.1980, pp. 2-8.

18 European Commission. (1995). *Communication from the Commission on the inclusion of respect for democratic principles and human rights in agreements between the Community and third countries* (COM(95)0216 - C4-0197/95).

19 European Union. (1996). *Cooperation Agreement between the European Community and the Socialist Republic of Vietnam - Declarations of the European Community*. OJ L 136, 7.6.1996, pp. 29-36, art. 1; European Union. (1997). *Cooperation Agreement between the European Community and the Lao People's Democratic Republic*. OJ L 334, 5.12.1997, pp. 15-23, art. 1; European Union. (1999). *Cooperation Agreement between the European Community and the Kingdom of Cambodia*. OJ L 269, 19.10.1999, pp. 18-28, Article 1.

20 Alecu de Flers, N. (2010). *EU-ASEAN relations: The importance of values, norms and culture* (Working Paper No. 1). EU Centre in Singapore, p. 4.

from 1991 until 2012.²¹ This difference in approach between the two organizations towards Myanmar has considerably affected their relations,²² to the extent that bi-regional ministerial meetings were suspended for over two years.

It was not until the 2000s that relations resumed. At the time, the EU did not seem to have renounced its commitment to human rights, as demonstrated by its “Europe and Asia” strategy of September 2001,²³ in which it declared its intention to “work together with Asia to uphold the universality and indivisibility of human rights”.²⁴ It seems to have been ASEAN’s position that underwent a shift, with the EU integration process emerging as a source of inspiration. The adoption of the ASEAN Charter in 2007 brought the two regions closer together. This same dynamic led to the adoption of the EU-ASEAN Nuremberg Declaration on 5 March 2007, which includes a strong commitment to promoting human rights.²⁵ Recent geopolitical upheavals have given new impetus to ASEAN-EU relations.

1.1.2. *A new impetus in relations*

When it comes to displaying their shared ambitions, officials from both organizations appear to be particularly prolix. This can be seen from their joint documents. Indeed, both the EU and ASEAN share a determination to develop political cooperation, which extends notably to security-related issues. In this respect, the 2020 Strategic Partnership represents a turning point in EU-ASEAN relations. In it, the parties reaffirm “the importance of maintaining and promoting peace, security, stability, safety, and freedom of navigation in and overflight above the South China Sea”. In order to achieve this, the parties provide for a variety of areas of action: “Security: counterterrorism, cyber and maritime security”, “Connectivity, sustainable investment”, “Economic cooperation”. Human rights are seen as a component of sustainable development.²⁶ The commemorative summit held in December 2022 was an opportunity for the leaders of the two organizations to reiterate their ambitions in terms of security cooperation and the promotion of human rights. Thus, the Plan of Action to implement the ASEAN-EU

21 Schembera, K. (2016). The rocky road of interregionalism: EU sanctions against human rights-violating Myanmar and repercussions on ASEAN-EU relations. *Cambridge Review of International Affairs*, 29(3), 1022-1043. <https://doi.org/10.1080/09557571.2016.1230590>

22 *Ibid.*

23 Commission of the European Communities. (2001). *Communication from the Commission - Europe and Asia: A Strategic Framework for Enhanced Partnerships*. Brussels, COM(2001) 469 final.

24 *Ibid.*, p. 18.

25 Recognizing the need to strengthen the promotion and the protection of human rights through practical steps and closer cooperation, including in international fora. See European Commission. (2007). *Nuremberg Declaration on an EU-ASEAN Enhanced Partnership*. (7588/07 Presse 54). https://ec.europa.eu/commission/presscorner/detail/en/pres_07_54

26 European External Action Service (EEAS). (2020). *EU-ASEAN Strategic Partnership*. Factsheet, 1 December 2020. https://www.eeas.europa.eu/eeas/eu-asean-strategic-partnership_en

Strategic Partnership for the period 2023–2027²⁷ contains a “Political and Security cooperation” section, which includes, in particular, the enhancement of strategic dialogue of ASEAN-EU cooperation in the ASEAN-led security architecture, as well as cooperation to combat terrorism, transnational crimes, to address other non-traditional security issues. It also includes the determination to enhance maritime security cooperation, to promote disarmament and non-proliferation as well as to promote the women, peace and security agenda and cooperation on human rights and good governance.

This increased willingness to cooperate is also in line with the emergence of the info-pacific area as a “global strategic centre of gravity”²⁸ which includes – in its narrowest definition – China, India, Southeast Asia and Oceania, and of which ASEAN is geographically at the heart. The shared ambition of the EU and ASEAN is for the latter to remain the pivot of Asian multilateralism. The two organizations therefore intend to strengthen their cooperation in this zone, which is a source of security challenges, on the basis of principles common to their respective Indo-Pacific approaches.²⁹ In this respect, while the Union’s strategy, published in September 2021, focuses on socio-economic issues, it is also concerned with the stability of the region, particularly in terms of maritime security. Like ASEAN, it intends to strengthen ASEAN’s central role.³⁰

The desire to cooperate with ASEAN is also reflected in the Union’s unilateral communication. On 16 September 2021, the Union published a joint communication on the EU strategy to be deployed in the Indo-Pacific region, in which the Union notes a considerable increase in the military capabilities of the countries in this area, while their rivalry with China has led the United States to conclude a trilateral security pact (Australia-United Kingdom-United States Partnership, AUKUS) with the United Kingdom and Australia.³¹ The delicate positioning of the EU and ASEAN in this rivalry, both medium-sized powers, leads to the observation of convergences. The EU mentions ASEAN thirty times in this document, recognizing the

27 European External Action Service (EEAS). (2022). *Plan of Action to Implement the ASEAN-EU Strategic Partnership (2023–2027)*. AFM-EU/2022/01/POA Final, p. 1. <https://www.eeas.europa.eu/sites/default/files/documents/Plan%20of%20Action%20to%20Implement%20the%20ASEAN-EU%20Strategic%20Partnership%20%282023-2027%29.pdf>

28 Gouvernement français. (2022). *La stratégie de la France dans l’Indopacifique*. Paris, updated February 2022, p. 5. https://www.diplomatie.gouv.fr/IMG/pdf/fr_a4_indopacifique_022022_dcp_v1-10-web_cle017d22.pdf

29 European Council. (2020), *supra* note 15.

30 European Commission & High Representative of the Union for Foreign Affairs and Security Policy. (2021). *Joint Communication to the European Parliament and the Council - The EU Strategy for Cooperation in the Indo-Pacific Region*. Brussels, JOIN(2021) 24 final, p. 5. For an analysis, see Péron-Doise, M. (2022, February 15). *La stratégie indo-pacifique de l’Union européenne au risque de la compétition Chine/États-Unis*. IRIS, Paris. <https://www.iris-france.org/164723-la-strategie-indo-pacifique-de-lunion-europeenne-au-risque-de-la-competition-chine-etats-unis/>; ASEAN Secretariat. (2019, June 23). *ASEAN Outlook on the Indo-Pacific*, pp. 2–3. https://asean.org/wp-content/uploads/2021/01/ASEAN-Outlook-on-the-Indo-Pacific_FINAL_22062019.pdf

31 Péron-Doise (2022), *supra* note 30.

“centrality of ASEAN”³², echoing the ASEAN Charter.³³ While this does not necessarily imply the recognition of ASEAN’s geopolitical leadership, it does show that the EU recognizes it as the meeting point of the diplomatic network in Southeast Asia.³⁴ Under the Strategic Partnership, EU-ASEAN security cooperation is to be strengthened in the fight against terrorism, maritime security, cybersecurity and the conduct of peacekeeping operations.³⁵ The Strategic Compass³⁶ adopted by the European Council on 25 March 2022, in the wake of Russia’s invasion of Ukraine, marks a strengthening of the Union’s security discourse at a time when a high-intensity war has just broken out on its doorstep. There are seven references to “ASEAN” in this document. In it, the EU is pledging to work with ASEAN, as the Indo-Pacific becomes a region of growing importance, to “enhance shared awareness and information exchange on violent extremism, chemical, biological, radiological and nuclear threats, cybersecurity, maritime security, transnational crime, humanitarian and disaster relief and crisis management”.³⁷

On the other hand, there is no mention of the EU in the ASEAN Political-Security Community (APSC) Blueprint 2025,³⁸ which is ASEAN’s action plan for political and security cooperation. This document, already old as it was adopted in 2016, has so far not been supplemented by a mention of Europe in the “ASEAN Outlook on the Indo-Pacific” published in 2019, which promotes “ASEAN Centrality” to favour cooperation in the region.³⁹ While there seems to be a certain asymmetry in the unilateral display of ambitions, practical achievements can be credited to cooperation between the two regions. However, an analysis of these achievements shows that they are only half-hearted.

1.2. Half-hearted achievements

Cooperation between the EU and ASEAN (i) takes the form of the

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- 32 European Commission & High Representative of the Union for Foreign Affairs and Security Policy. (2021). *Joint Communication to the European Parliament and the Council - The EU strategy for cooperation in the Indo-Pacific*. JOIN(2021)24 final, pp. 5-6. https://www.eeas.europa.eu/sites/default/files/join_2021_24_f1_communication_from_commission_to_inst_fr_v2_p1_1421169.pdf
 - 33 Article 1 § 15 of the ASEAN Charter, article 2 § 2 (m), Article 32 (b), Article 41 § 3.
 - 34 Connelly, A. (2022, June 9). *The often overlooked meaning of ‘ASEAN centrality’*. IISS. <https://www.iiss.org/online-analysis/online-analysis/2022/06/the-often-overlooked-meaning-of-asean-centrality/>
 - 35 Borrell, J. (2020). An EU-ASEAN strategic partnership: How was it built, and what does it mean? HR/VP Blog. https://www.eeas.europa.eu/eeas/eu-asean-strategic-partnership-how-did-happen-and-what-does-it-mean_en
 - 36 Council of the European Union. (2022, March 21). *A Strategic Compass for Security and Defence - For a European Union that protects its citizens, values and interests and contributes to international peace and security*, 7371/2022. <https://data.consilium.europa.eu/doc/document/ST-7371-2022-INIT/en/pdf>
 - 37 *Ibid*, p. 41.
 - 38 ASEAN Secretariat. (2016, March). *ASEAN Political-Security Community Blueprint 2025*. <https://www.asean.org/wp-content/uploads/2012/05/ASEAN-APSC-Blueprint-2025.pdf>.
 - 39 ASEAN Secretariat. (2019, June 23). *ASEAN Outlook on the Indo-Pacific*, pp. 2-3. <https://asean.org/speechandstatement/asean-outlook-on-the-indo-pacific/>

Union's participation in ASEAN-led regional structures and (ii) the provision of EU financial support.

1.2.1. Reinforcement of structural links

The EU engages in ASEAN-led regional security efforts, notably as a founding member of the ASEAN Regional Forum (ARF), established in 1993 to foster dialogue and preventive diplomacy in the Asia-Pacific among 27 members,⁴⁰ including the U.S. and China. Although not currently part of the ASEAN Defence Ministers' Meeting Plus (ADMM-Plus), which involves ASEAN states and eight partners, the EU wishes to join this structure "with a view of full membership" and to participate in the construction of "pan Asia security arrangements".⁴¹ The Union, which has met with reluctance from the ASEAN states, has nevertheless been invited to take part in an ADMM+ meeting on 10 December 2020, following the launch of the Strategic Partnership. This does not prejudice its observer status, nor, should it be admitted, its future membership of this forum. China and Russia opposed EU observer status,⁴² while France obtained observer status for the ADMM+ expert groups.⁴³

These inter-regional relations are complemented by a bilateral agreement, the Framework Participation Agreement signed between Vietnam and the EU on 17 October 2019.⁴⁴ It allows the contribution of Vietnam to the EU's Common Security and Defence Policy, giving it access to the EU training and capacity-building activities, allowing exchanges of information with the EU and establishing regular consultations with the EU on security and defence matters. This is the first agreement of this kind concluded by the EU with an ASEAN country, the fourth in the Asia Pacific Region and the 19th throughout the world.⁴⁵ There are also bilateral framework partnerships and cooperation agreements between the EU and several ASEAN countries.⁴⁶ For example, the one concluded with Vietnam came into force on 01 October

40 ASEAN Regional Forum. (1994, July 25). *Chairman's statement at the first meeting of the ASEAN Regional Forum, Bangkok*, p. 1. <https://aseanregionalforum.asean.org/wp-content/uploads/2019/01/Chairmans-Statement-of-the-1st-ARF.pdf>. The EU also takes part in ASEM (Asia-Europe meetings) since 1996.

41 Council of the European Union (2022), *supra* note 36, p. 41.

42 Regaud, N. (2021, March 12). ADMM-Plus: More European engagement? *RSIS Commentary*, No. 44. <https://www.rsis.edu.sg/rsis-publication/rsis/asian-multilateralism-in-uncertain-times-admm-plus-more-european-engagement/>

43 ASEAN Secretariat. (2023, November 15). *Jakarta Joint Declaration of the ASEAN Defence Minister's Meeting for Peace, Prosperity and Security*, p. 6. <https://asean.org/wp-content/uploads/2023/11/2023-Jakarta-Joint-Declaration-of-ADMM-for-Peace-Prosperity-and-Security.pdf>; See Ministère des Armées. (2022, November 29). *Indopacifique, la France renforce sa présence aux avant-postes*. <https://www.defense.gouv.fr/actualites/indopacifique-france-renforce-sa-presence-aux-postes>

44 European Union. (2019, October 29). *Agreement between the European Union and the Government of the Socialist Republic of Viet Nam establishing a framework for the participation of Viet Nam in European Union crisis management operations*. OJ L 276, 29.10.2019, p. 3.

45 European External Action Service (EEAS). (2019, October 17). *EU-Vietnam Framework Participation Agreement*. https://www.eeas.europa.eu/sites/default/files/eu-vietnam_fpa_final.pdf

46 There is also an agreement with the Philippines (OJ L 343, 22.12.2017, pp. 3-32), Thailand (OJ L 330, 23.12.2022). Agreements with Indonesia (signed 2009, OJ L 125, 24.4.2014, pp. 17-43), Malaysia (signed in 2022) and Singapore (signed in 2018) are not in for yet.

2016.⁴⁷ It sets the objective of strengthening cooperation in the field of security⁴⁸ and human rights.⁴⁹ In addition, sustainable development clauses are included in bilateral free trade agreements between the EU and two ASEAN states: Singapore⁵⁰ and Vietnam.⁵¹ Article 13.1 of the EU-Vietnam free trade agreement (in effect since 01 August 2020) promotes sustainable development by addressing labor and environmental concerns in trade, including labor rights and anti-discrimination, but similar to the Singapore agreement (effective since 21 November 2019), these commitments are non-binding, lack enforceable sanctions, are excluded from general dispute mechanisms, and cannot prompt expert recommendations.

The current political and geopolitical situation affects the mutual perception between the two organizations: (i) ASEAN may doubt the EU's commitment to it, (ii) while the EU may doubt ASEAN's unity and centrality.

1.2.2. European Union findings

In the region, the EU is perceived as a development aid donor,⁵² which has done little to establish it as a player on security issues. In particular, the EU provides funding to promote human rights in ASEAN. One example is the "Safe & Fair" programme, through which the Union has supported ASEAN in promoting the rights of women migrant workers.⁵³ It has provided a total of 25 million euros between 2018 and 2022 in order, for example, to run information campaigns to raise awareness on violence, trafficking on women, and helped to trained professionals on gender-based violence. The E-Readi program,⁵⁴ or "Enhanced Regional EU-ASEAN Dialogue Instrument", is a programme that facilitates EU-ASEAN dialogue and supports, in particular, the reduction of poverty, for a total of 20 million euro provided by the EU between 2017 and 2025. It includes supports of human rights and gender equality.

47 European Union. (2016, December 3). *Framework Agreement on Comprehensive Partnership and Cooperation between the European Union and its Member States, of the one part, and the Socialist Republic of Viet Nam, of the other part*. OJ L 329, 3.12.2016, pp. 8–42.

48 Article 2. (e), 8–11 of the Framework.

49 Article 35 of the Framework.

50 European Union. (2019, November 14). *Free trade Agreement between the European Union and the Republic of Singapore*. OJ L 294, 14.1.2019, p. 3–755.

51 European Union. (2020, June 12). *Free Trade Agreement between the European Union and the Socialist Republic of Viet Nam*. OJ L 186, 12.6.2020, pp. 3–1400.

52 Jetschke, A., & Portela, C. (2013). ASEAN-EU relations: From regional integration assistance to security significance? *GIGA Focus International Edition*, 3. <https://nbn-resolving.org/urn:nbn:de:0168-ssor-337793>

53 European Commission. (2022). *Safe and Fair: Realising women migrant workers' rights and opportunities in the ASEAN region*. International Partnerships. https://international-partnerships.ec.europa.eu/policies/programming/projects/safe-and-fair-realising-women-migrant-workers-rights-and-opportunities-asean-region_en

54 European External Action Service (EEAS). (2024). *EU-ASEAN Strategic Partnership - Blue Book 2024-2025*, pp. 39–40. <https://www.eeas.europa.eu/sites/default/files/documents/2024/Blue-Book-EU-ASEAN-2024.pdf>

The EU seeks a role in non-traditional security in Asia, funding programs that often include ASEAN but are part of broader strategies like ESIWA, which aims to enhance Indo-Pacific security through crisis management, cybersecurity, and maritime security. Activities include organizing roundtables, seminars, and high-level conferences, co-funded by Germany and France.⁵⁵ While this illustrates the existence of undeniable cooperation, the operational effects are difficult to assess. The EU seems inclined to work for maritime security, while the conflict in the East China Sea is likely to affect its interests.⁵⁶ One example is the Crimario II program. It is designed to enhance maritime domain awareness. It is part of the Indo-Pacific action of the EU, and it has been expanded to Southeast Asia in 2020. It is funded by the EU to the amount of 7.5 million euro for 2020-2024.⁵⁷ In Southeast Asia, it aims to strengthen inter-agency cooperation in maritime surveillance, policing, investigation and judicial matters.⁵⁸ The EU is also investing in the mitigating of risks of chemical, biological, radiological and nuclear materials, for which it contributed 33,6 million euro for the period 2010-24.⁵⁹ This has enabled the funding of several operations, such as the organization of training for risk professionals in Cambodia⁶⁰ or a joint exercise simulating the outbreak of an infectious disease in Thailand.⁶¹ These achievements, remarkable as they are, do not disguise the persistent challenges facing the EU-ASEAN relationship.

2. Persistent challenges

2.1. Situational challenges

The current political and geopolitical situation affects the mutual perception between the two organizations: (i) ASEAN may doubt the EU's commitment to it, while (ii) the EU may doubt ASEAN's unity and centrality.

2.1.1. ASEAN's relative confidence in the European Union

Although the EU is perceived as a trusted partner in the face of the uncertainties of Sino-US rivalry,⁶² ASEAN may doubt its ability to become truly

55 See the brochure published by European External Action Service (EEAS). (2024). *ESIWA, Enhancing security cooperation in and with Asia*, 8 February 2024. https://www.eeas.europa.eu/eeas/esiwa-enhancing-security-cooperation-and-asia_en

56 Heiduk & Wong (2021), *supra* note 14, p. 310.

57 EEAS (2024), *supra* note 54, p. 55.

58 European Commission. (2022). *Factsheet CRIMARIO - Critical Maritime Routes Indo-Pacific*. https://fpi.ec.europa.eu/document/download/2ed1cd05-f872-4bba-8de6-a56232dbd5d0_en?filename=220217%20Factsheet%20CI%20CRIMARIO.pdf

59 *Ibid*, p. 37.

60 *Ibid*, p. 50.

61 *Ibid*, p. 54.

62 Tan, E. R. L., & Lin, J. (2024, June 5). Engaging Southeast Asia: The EU's role as a resilient and reliable middle power? *ISEAS - Yusof Ishak Institute*, 2024(41).

involved in the region.⁶³ Firstly, the EU's competence in defence and security matters is limited, and EU Member States retain a central role. Secondly, the war in Ukraine is diverting its attention and resources from Asia.⁶⁴

The divisions within the Union also fuel this feeling. Firstly, Hungary, a small EU Member State close to Russia, has slowed down the adoption of sanctions by the EU against Moscow.⁶⁵ In addition to the divisions between Member States over migration policy,⁶⁶ violations of the fundamental rights of migrants travelling to Europe⁶⁷ are also likely to affect the Union's credibility in defending respect for human rights by its partners. In particular, the Union is facing a "crisis of the rule of law": some Member States, such as Poland and Hungary, have called into question the independence of the judiciary and media pluralism, as well as respect for fundamental rights. Although the Union has put in place procedures to try and remedy the situation, through the condemnation of infringements by the Court of Justice of the EU⁶⁸ or the adoption of a regulation allowing the suspension of the payment of European funds to States responsible for violations of the rule of law,⁶⁹ the difficulties have not been fully resolved.⁷⁰ Lastly, divergences between Member States within the Union itself may give rise to doubts, particularly as regards the coherence of European approaches to China: while France is a firm supporter of the "de-risking" policy, Germany continues to draw closer to this country, to which it exports and invests.⁷¹

2.1.2. *European Union's perception of ASEAN*

Divisions within ASEAN can also hinder collaboration with the EU. While Singapore adopted financial sanctions against Russia, Myanmar supported the

63 Lee-Makiyama, H., & Wong, J. (2023, July). *EU-ASEAN: Shared objectives, severed trust* (Policy Brief No. 08/2023). European Centre for International Political Economy. https://ecipe.org/wp-content/uploads/2023/07/ECL_23_PolicyBrief_08-2023_LY02.pdf

64 *Ibid*, p. 10.

65 See, for example, Agence France Presse. (2023, February 20). Hungary's Orbán vows to maintain Russia ties. *Euractiv*. <https://www.euractiv.com/section/global-europe/news/hungarys-orban-vows-to-maintain-russia-ties/>

66 Maad, A. (2024, April 10). What's the EU pact on migration and asylum, up for a final vote in Brussels. *Le Monde*. https://www.lemonde.fr/en/les-decodeurs/article/2024/04/10/what-s-the-eu-pact-on-migration-and-asylum-up-for-a-final-vote-in-brussels_6668011_8.html

67 European Union Agency for Fundamental Rights (FRA). (2024, June 5). *Fundamental Rights Report 2024*, pp. 107-108.

68 Court of Justice of the European Union (CJEU). (2019). *European Commission v. Poland*, C-619/18, ECLI:EU:C:2019:531.

69 European Parliament & Council of the European Union. (2020, December 22). *Regulation (EU) 2020/2092 of the European Parliament and of the Council of 16 December 2020 on a general regime of conditionality for the protection of the Union Budget*. OJ L 433I, 1-10.

70 A change of majority in Poland, following the elections on October 15, 2023, has calmed the situation. Donald Tusk, who was President of the European Council between 2014 and 2019, has since been at the head of the Polish government.

71 Wieder, T. (2024, April 13). Faced with China, Germany continues to prefer rapprochement to confrontation. *Le Monde*. https://www.lemonde.fr/economie/article/2024/04/13/face-a-la-chine-l-allemande-continue-a-preferer-le-rapprochement-a-l-affrontement_6227557_3234.htm

Russian invasion.⁷² Moreover, these divisions undermine ASEAN's unity, and the communiqué issued on 20 October 2023,⁷³ which focuses on the lowest common denominator among its members, has made them more salient. More generally, the many divergences between ASEAN members, both economic and political, raise difficulties. The EU, whose ambition is to export its human rights and democracy standards, is confronted with the "ASEAN way", which implies relations based on a certain organizational minimalism, the absence of formalism and non-interference.⁷⁴ In addition to these difficulties, trade disputes are also likely to complicate relations between the organizations, notably the palm oil disputes with Indonesia and Malaysia.⁷⁵ The existence of close ties between ASEAN and Russia could also be a cause for concern for Europe. Russia's relationship with the organization was upgraded to a strategic partnership in 2018. However, this is part of the 'omni-enmeshment' policy that has characterized ASEAN since the end of the Cold War, enabling it to maintain stability in the region.⁷⁶

There are also fears of a weakening of the "centrality of ASEAN",⁷⁷ according to which ASEAN is the focal point for diplomatic meetings in the region. The lack of effectiveness of this type of format has led to the creation of "minilateral" forums⁷⁸ such as the AUKUS alliance founded in 2021 (Australia, United Kingdom and the United States) and the QUAD (Quadrilateral Security Dialogue between the United States, Japan, Australia and India) in response to China's growing military power. EU-ASEAN cooperation may also be affected by differences of a more structural nature.

2.2. Structural challenges

While ASEAN and the EU aim to increase their cooperation, this may be hampered by their structural divergences, which are based on (i) identity

72 Storey & Choong, 2022; See also Bava, U. S., & Youngs, R. (2023). Chapter 5 - EU-ASEAN Engagement on Democracy: Sharper Challenges, New Opportunities. In Bomassi, L. (Ed.). (2023). *Reimagining EU-ASEAN relations: Challenges and opportunities*. Carnegie Europe. 39-46, p. 42. <https://carnegieendowment.org/research/2023/07/reimagining-eu-asean-relations-challenges-and-opportunities?lang=en¢er=europe>

73 ASEAN. (2023, October 20). *ASEAN Foreign Ministers Statement on the Recent Escalation of Armed Conflict in the Middle East*. <https://asean.org/wp-content/uploads/2023/10/FINAL-ASEAN-STATEMENT-ON-THE-RECENT-ESCALATION-OF-ARMED-CONFLICT-IN-THE-MIDDLE-EAST-.pdf>

74 Xuechen, I. C. (2018). The role of ASEAN's identities in reshaping the ASEAN-EU relationship. *Contemporary Southeast Asia*, 40(2), 222-246, <https://doi.org/10.1355/cs40-2c>, pp. 228.

75 Jayaram, D., & Lazard, O. (2023). *EU-ASEAN Climate Diplomacy: Navigating Misperceptions, Interests, and Opportunities*. In L. Bomassi (Ed.), *Reimagining EU-ASEAN relations: Challenges and opportunities* (pp. 6-13). Carnegie Europe. p. 8-9.

76 Duron, É. (2024, May). La "centralité" de l'ASEAN dans l'Indo-Pacifique: Une relecture de 'l'omni-enchevêtrement'. *IRIS - Observatoire géopolitique de l'Indo-Pacifique*, #9, Note. https://www.iris-france.org/wp-content/uploads/2024/04/ObsIndoPac_note_9.pdf

77 Boisseau du Rocher, S., & Nicolas, F. (2016). Between East Asia and Asia-Pacific: The centrality of ASEAN to the test of power? *Revue Interventions économiques*, 55. <https://journals.openedition.org/interventionseconomiques/2817?lang=fr>

78 *Ibid.*

and affect both their values and (ii) their operating methods.

2.2.1. *Identical values?*

The EU and ASEAN promote similar values. The EU, through Article 2 of the TEU introduced with the Lisbon Treaty, affirms that “The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities”. ASEAN, for its part, promotes, among the principles set out in its Charter, “adherence to the rule of law, good governance, the principles of democracy and constitutional government”,⁷⁹ “respect for fundamental freedoms, the promotion and protection of human rights, and the promotion of social justice”⁸⁰ and “respect for the different cultures, languages and religions of the peoples of ASEAN”.⁸¹

The EU adopted a Charter of Fundamental Rights in 2000, which became binding on EU institutions and Member States “when they are implementing Union law”.⁸² The rights guaranteed by this Charter are directly justifiable and can be invoked by individuals before national courts. Although ASEAN has also had a Declaration of Human Rights since 2012, it has nonetheless been the subject of considerable criticism, both by United Nations experts⁸³ and non-governmental organizations. Firstly, when it comes to the substance of the rights protected, the Declaration appears incomplete. For example, it contains no provisions on freedom of association nor on the rights of minorities. Moreover, the Declaration strikes a balance between the enjoyment of human rights and the need for individuals to respect “corresponding duties as every person has responsibilities to all other individuals, the community and the society where one lives”, while Article 7 affirms that “the realization of human rights must be considered in the regional and national context bearing in mind different political, economic, legal, social, cultural, historical and religious backgrounds”.⁸⁴ Moreover, Article 8 allows states to restrict fundamental rights on a wide range of grounds, such as national security or public morality.

79 Article 2, §2, h) of the ASEAN Charter.

80 Article 2, §2, i) of the ASEAN Charter.

81 Article 2, §2, l) of the ASEAN Charter.

82 Article 51 of the ASEAN Charter. See also, on its scope of application for Member States, CJEU, 26 February 2013, *Åklagaren v Hans Åkerberg Fransson*, C-617/10, ECLI:EU:C:2013:105.

83 Office of the United Nations High Commissioner for Human Rights (OHCHR). (2012, December 16). *Open Letter of the Coordination Committee of Special Procedures on behalf of mandate holders of the UN Human Rights Council*. <http://www.ohchr.org/Documents/HRBodies/SP/>; Amnesty International. (2012, November 5). *Postpone deeply flawed ASEAN Human Rights Declaration* [Press release]. Amnesty International. <https://www.amnesty.org/en/latest/press-release/2012/11/postpone-deeply-flawed-asean-human-rights-declaration/>

84 Bon Tai Soon, E., & Umavathni, V. (2023). A decade of the ASEAN Human Rights Declaration – The AHRD in disuse and ASEAN’s inability to take human rights seriously. *Friedrich Naumann Stiftung*, Issue 4, 6. <https://shop.freiheit.org/download/P2@1544/758610/ENGLISH%20Policy%20Paper%20A%20Decade%20of%20the%20ASEAN%20Human%20Rights%20Declaration%202001.09.23.pdf>

This relativization of fundamental rights prompted concern among a group of United Nations experts, who highlighted the incompatibility of such an affirmation with the right to life, that “any credible human rights instrument should unconditionally protect this right without making it contingent on the provisions of domestic law”.⁸⁵ Reaffirming the ASEAN principles put forward in the ASEAN Charter, the Declaration is in line with the defence of the principle of non-interference which characterizes the organization⁸⁶ and which is reflected in the absence of an effective mechanism to ensure the Declaration’s effectiveness. The ASEAN Intergovernmental Commission on Human Rights (AICHR), established in 2009, operates by consensus, in accordance with the principle of sovereignty.⁸⁷ The Declaration has thus hardly been an effective tool in the face of violations of fundamental rights in the region.

In particular, the AICHR has remained silent on the persecution suffered by the Rohingya in Myanmar since 2017,⁸⁸ which is said to have led to the emigration of 700,000 people, notably to Bangladesh, while the Prosecutor of the International Criminal Court investigates possible crimes against humanity.⁸⁹ ASEAN’s powerlessness has become all the more apparent since the military coup of 01 February 2021, when a United Nations report described the situation as an “abyss in human suffering”.⁹⁰ Three million people have been displaced, fifteen million face food insecurity, while 5350 civilians were killed between the coup and June 2024.⁹¹

The EU, in addition to an arms embargo, has adopted nine packages of sanctions against Myanmar since 2018,⁹² the most recent dating from 29 October 2024.⁹³ While these sanctions initially concerned seven members of the Myanmar army for acts committed against the Rohingya, the measures

85 Open Letter of the Coordination Committee of Special Procedures on behalf of mandate holders of the UN Human Rights Council, 16 December 2012.

86 Jetkschke & Portela (2013), *supra* note 52, p. 4.

87 Article 2.1, a) of the AICHR Terms of Reference, ASEAN Secretariat, 2009.

88 Bon Tai Soon & Umavathni (2023), *supra* note 84.

89 International Court of Justice. (2022). *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar)*, Preliminary Objections, Judgment, I.C.J. Reports 2022. International Court of Justice, p. 477. <https://www.icj-cij.org/en/case/178>

90 United Nations, Office of the High Commissioner for Human Rights. (2024, September 24). *Myanmar: Deputy High Commissioner warns the crisis continues to sink into an abyss of human suffering*. United Nations. <https://www.ohchr.org/en/statements-and-speeches/2024/09/myanmar-deputy-high-commissioner-warns-crisis-continues-sink-abyss>

91 United Nations, Office of the High Commissioner for Human Rights. (2024, September 4). *Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General: Situation of human rights in Myanmar (A/HRC/57/56)*. United Nations, p. 3. <https://www.ohchr.org/en/documents/country-reports/ahrc5756-situation-human-rights-myanmar-report-united-nations-high>

92 The European Council and Council of the European Union. (2021). *EU sanctions against Myanmar*. European Union. <https://www.consilium.europa.eu/en/policies/sanctions-against-myanmar/>.

93 Council of the European Union. (2024, October 29). *Council Decision (CFSP) 2024/2783 of 29 October 2024 amending Decision 2013/184/CFSP concerning restrictive measures in view of the situation in Myanmar/Burma*. Official Journal of the European Union. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32024D2783>

were extended following the coup. They concern those responsible for the coup, as well as political, military and judicial figures, whose list has been regularly extended, plus companies operating in numerous economic sectors, some of which are owned by the armed forces. The EU has also adopted sanctions against Cambodia,⁹⁴ for “serious and systematic violations” of human rights. Preferential treatment under the EU’s Everything But Arms (EBA) trade regime for least developed countries was suspended in 2020. As a result, around 20% of Cambodia’s exports to the EU are subject to EU tariffs. The fact that the EU was able to prioritize human rights – in a country that prevents the expression of any voice dissenting from the regime in power – was questionable from a strategic point of view, as the decision risked reinforcing Cambodia’s economic dependence on China.⁹⁵ Despite these sanctions, the EU has not responded systematically to human rights violations committed in some other ASEAN states.⁹⁶

Beyond sanctions and official communication from EU institutions, recent unilateral acts adopted by the EU legislator are likely to have an impact on human rights in some ASEAN states. For example, the directive on corporate sustainability due diligence,⁹⁷ in force since 25 July 2024, imposes EU importers to carry out environmental and human rights due diligence throughout their supply chain. Its first target is China and forced labour of Uyghur population in Xinjiang, but could have potential effect on textile industry in Vietnam, Malaysia, Cambodia and wooden/rubber produced in Indonesia. The Forced Labour regulation, approved by the European Parliament in April 2024, is another piece of EU legislation that would ban imports of forced labour products into the European market.⁹⁸ It could have

94 European Commission, Delegated Regulation (EU) 2020/550 of 12 February 2020 amending Annexes II and IV to Regulation (EU) No 978/2012 of the European Parliament and of the Council as regards the temporary withdrawal of the arrangements referred to in Article 1(2) of Regulation (EU) No 978/2012 in respect of certain products originating in the Kingdom of Cambodia, OJ L 127/1, 22.4.2020. See also European Commission. (2020, August 12). *Cambodia loses duty-free access to the EU market over human rights concerns* [Press release]. European Commission. https://ec.europa.eu/commission/presscorner/detail/en/ip_20_1469

95 Bouissou, J., & Philip, B. (2020, February 13). Commerce: Bruxelles sanctionne le Cambodge pour violation des droits humains. *Le Monde*. https://www.lemonde.fr/economie/article/2020/02/13/commerce-bruxelles-sanctionne-le-cambodge-pour-violation-des-droits-humains_6029428_3234.html

96 The European Parliament adopted a resolution in 2022. See Resolution of 17 February 2022 on the recent human rights developments in the Philippines (2022/2540(RSP)), OJ C 342, 6.9.2022, pp. 281-285.

97 Directive (EU) 2024/1760 of the European Parliament and of the Council of 13 June 2024 on corporate sustainability due diligence and amending Directive (EU) 2019/1937 and Regulation (EU) 2023/2859, OJ L 5.7.2024.

98 European Commission, Proposal for a Regulation of the European Parliament and of the Council on prohibiting products made with forced labour on the Union market, 14 September 2022, COM(2022) 453 final. The European Parliament and the Council reached agreement on this text in March 2024.

an impact on ASEAN products. Finally, the EU Deforestation regulation,⁹⁹ whose implementation, initially scheduled for December 2024, could be pushed back to the end of 2025,¹⁰⁰ could affect the import of palm oil from Indonesia and Malaysia into the EU. While the subject has long affected relations between the EU and ASEAN, one can imagine that this regulation could impact the livelihood of producers in these two ASEAN countries. For its part, ASEAN has shown itself incapable of responding to these human rights crises.¹⁰¹ This can be explained by the principle of non-interference, which is central to ASEAN and one of the structural differences with the EU.

2.2.2. *Different methods*

The EU is an integration organization which has created a legal order that is autonomous from both the international legal order and the national orders of its Member States.¹⁰² The EU thus constitutes a genuine legal order, through which its institutions adopt acts that are legally binding on both Member States and individuals. A judge, the Court of Justice of the EU, is competent to guarantee both the principle of legality¹⁰³ (the conformity of institutional acts with the Treaties) and the respect of their obligations by Member States.¹⁰⁴ ASEAN is very different, as it is based on the “ASEAN way”, which favours dialogue, consensus and inclusiveness, including with authoritarian regimes. In particular, ASEAN’s first principle is “respect for the independence, sovereignty, equality, territorial integrity and national identity of all ASEAN Member States”.¹⁰⁵ Added to this is “non-interference in the internal affairs of ASEAN Member States”.¹⁰⁶ These differences – the choice of supranational or cooperative logic – can be explained by historical reasons: in the aftermath of the Second World War, European states sought to avoid hegemonic nationalist pressures, whereas at the time of ASEAN’s creation, the Southeast Asian states – with the exception of Thailand – were emerging from domination by outside powers and thus seeking to establish

99 Regulation (EU) 2023/1115 of the European Parliament and of the Council of 31 May 2023 on the making available on the Union market and the export from the Union of certain commodities and products associated with deforestation and forest degradation and repealing Regulation (EU) No 995/2010, OJ L. 150, 9.6.2023, pp. 206–247.

100 European Commission, Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) 2023/1115 as regards provisions relating to the date of application, 3 October 2024, COM/2024/452 final/2, 2024/0249(COD).

101 See, for example, Pearson, E. (2024, March 5). *On human rights, ASEAN is woefully inadequate and impotent*. Human Rights Watch. <https://www.hrw.org/news/2024/03/05/human-rights-asean-woefully-inadequate-and-impotent>

102 ECJ, 5 February 1963, *Van Gend & Loos*, 26/62, ECLI:EU:C:1963:1; 15 July 1964; *Costa v. Enel*, 6/64, ECLI:EU:C:1964:66; CJEU, 18 December 2014, opinion 2/13 of the Court, ECLI:EU:C:2014:2454.

103 Article 263, 267 and 277 of the TFEU.

104 Article 258 of the TFEU.

105 Article 2 §2 a) of the ASEAN Charter.

106 Article 2 §2 e) of the ASEAN Charter.

their sovereignty.¹⁰⁷ Thus, unlike the EU, ASEAN has no mechanism for qualified majority decision-making – which can lead a state to be subject to a decision it did not want – or a dispute settlement mechanism in the form of a compulsory jurisdiction¹⁰⁸ comparable to the EU's Court of Justice.

ASEAN has certainly embarked on a process of integration, with the EU as a source of inspiration. Several architectural similarities can be found in ASEAN. The example of the ASEAN Community, created with the ASEAN Charter adopted on 20 November 2007, is reminiscent of the European Community, which disappeared almost concomitantly with the Treaty of Lisbon, signed on 13 December 2007 and entered into force on 01 December 2009.¹⁰⁹ The EU also provides financial support for regional integration in Southeast Asia. In the field of human rights, the EU is supporting the AICHR to the amount of 600,000 euros for the period 2024–2025, with the aim of “fostering a culture of respect, protection, and promotion of human rights in ASEAN countries”.¹¹⁰ To this end, the Union intends to help strengthen the capacity and expertise of AICHR, as well as consolidate the networking of AICHR with the EU and civil society. More generally, the EU supports regional integration through its “ARISE” programme, which stands for “ASEAN Regional Integration Support”. The sum of 41 million euros has been earmarked for the period 2017–2022,¹¹¹ while ASEAN's annual operating budget is around 20 million dollars in 2017, with each ASEAN state contributing 02 million dollars.¹¹² Given these figures, one might wonder whether achieving this integration in Southeast Asia isn't more essential for the EU itself than for the states concerned. In any case, it seems totally unlikely that any form of rapprochement of integration methods will see the light of day in the near future.

Overall, faced with a changing geopolitical context, the EU and ASEAN aim to renew political cooperation beyond economic ties, particularly in security, as stated in their joint communication. While EU funds support joint activities, the EU remains outside ADMM+, and challenges persist in mutual perceptions and differing values, hindering the full realization of cooperation. ●

107 Thierry, D. (2013). La dissymétrie entre l'Union européenne et l'ASEAN. In A. Berramdane & M. Trochu (Eds.), *Le partenariat Union européenne - ASEAN*. Bruylant, pp. 26–27.

108 Article 344 of the TFEU.

109 On the similarities between the two organizations, see Berramdane, A. (2013). Le partenariat UE-ASEAN, présentation générale. In A. Berramdane & M. Trochu (Eds.), *Le partenariat Union européenne - ASEAN* (pp. xx–xx). Bruylant, pp. 3–21.

110 EEAS (2024), *supra* note 54, p. 59.

111 European External Action Service. (2019, May 27). *ASEAN Regional Integration Support by the EU (ARISE+)*. European Union. https://www.eeas.europa.eu/node/63333_en

112 Chalermpananupap, T. (2017). Managing external political and security relations. *Southeast Asia Affairs*, 41.

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Author Contribution

The author solely contributed to the study conception and design. The author read and approved the final manuscript.

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