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Economic Integration and National Identity in Northeast Asia: A European Perspective

Wolfgang **Pape**[*]
Centre for European Policy Studies (CEPS), Bruxelles

Abstract

The "Asian Paradox" in the Northeast of the continent appears to be particularly evident if seen through European eyes. While one of the tightest networks of intra-regional trade binds the economies of China, Taiwan, Korea and Japan, their political leaders hardly ever connect with each other in substantive exchanges. Cold images of frozen faces and of an "icy lady" seem to contrast with the warm embraces that businesspeople enjoy after successful deals over borders. However, is this the view only in the eyes of the European beholder, who is used to the myriad of regular institutionalised meetings at all political and bureaucratic levels of the EU? Northeast Asia comprises two of the three biggest national economies in the world and on the basis of its interdependence flourishes economically – with the exception of Japan – with GDP growth-rates above OECD average. At the same time, in view of unresolved historical legacies their leading politicians still feel forced to keep frozen faces because of voters' gazes of self-instilled nationalisms back home. Homogeneous cultures of Confucianism and shame rather than guilt, notably on the islands and the peninsula,

maintain a very high level of national identity, in spite of a growing awareness of economic interdependence and globalisation that even conservative schoolbooks and dominant mainstream media cannot refute anymore. Nevertheless, fledgeling attempts to facilitate the flow of goods and services across national borders through bilateral and plurilateral free trade agreements seem to advance, albeit only slowly. China, Japan and South Korea have managed to institutionalise at the level of rotating ambassadors at the tri-lateral secretariat in Seoul some forms of cooperation. "Hot-lines" of emergency communications have been installed at the highest level to fend off sudden misunderstandings related to still looming territorial disputes. This paper will explore the above issues with concrete evidence and examples, notwithstanding the author's perspective as an observer from Europe.

Keywords: *integration in Europe and East Asia, past without "nation", stakeholders in global governance, national limitations, identity levels, omnilateral cooperation*

JEL classification: *F15, F51, F52, H56*

1. Introduction

"Divide and rule", as a maxim, has served rulers and negotiators since ancient times. Its counteract, namely solidarity, has served people by grouping together in formations of pluri- to multi- and omnilateral organisations ranging from tiny trade unions in small enterprises to continental economic institutions of a multitude of nations and more.

In the less individualistic societies of East Asia, the divisive maxim seems to be particularly common and effective, as practised in that region notably by the superpowers the United States of America (USA)

and China time and again. The European Union (EU) – itself often object of such tactics[1] – however, due to its very own historic precedence of regional integration can hardly follow this divisive method against other third countries. In principle, the EU rather furthers cooperation between countries wherever such coming together promotes peace and prosperity, notably through ASEM, the regular Asia-Europe Meetings. In ASEM, *vis-à-vis* a united EU bloc, the Asians in spite of differences amongst themselves often feel obliged to find a common denominator if not consensus amongst themselves.

Nevertheless, Europe with its focus on institution-building from the outset continues to maintain mental reserves in regard of intra-regional cooperation in the "Far East", as Euro-centrics have long labelled the region politically incorrectly and often in ignorance. However, economic integration actually is being practised in Asia already to a higher degree[2] than most observers in the West recognise. There even exists plenty of energy in the East to overcome – rather than to deepen – divisive territorial disputes. In addition, the common basis in Confucian culture with holism and its less strict separation of private from public realms more naturally further harmony and unity than the often-artificial individualism and analytic approach in the West.[3]

2. Western Colonisation and Its Aftermath Imposing Borders

It was in earlier times that European colonial powers worked against thriving economic exchanges within Asia[4] by dividing up much of the continent and its islands into separate colonies by drawing border-lines irrespective of local natural and cultural identities. Notably, the British and Dutch first theorised and then imposed their evolving concepts of "international" law on a mainly maritime region where the notion of "nation" with clear set borders traditionally hardly existed. Asia had

been spared most of the wars of religions and then nations that devastated Europe time and again. The Pacific Rim was a region of polyglot networks untroubled by formal borders, where kingdoms and fiefs were all connected. Only the battles between empires from the other side of the world, namely Europe, and their theoretical thinkers like John Selden ("*Mare Clausum*") and Hugo Grotius ("*Mare Liberum*") could impose new ideas of boundaries that continue to disturb the warm waters of the South China Sea today.[5]

3. Asian Hesitance in Integration

Now, more recent intra-regional historic burdens seem to loom large against integration amongst countries in East Asia.

Already in the past, often enough there have been struggles for hegemony, notably between China and Japan,[6] but the notions of nation-state and sovereignty of the Westphalian System played a crucial role only since its Western imposition. In spite of much of Japan's learning and culture coming from the continent over millennia, including notably pottery and the Japanese Emperor's lineage from Korea, its self-imposed experience of "*Sakoku*" (鎖国) isolation and resulting dogma of "*Nihonjinron*" (日本人論) have build up an extraordinarily strong sense of identity on the islands of Nippon. A highly centralized education system only further enforces the Japanese people's feeling of homogeneity even today.

Although China since the 1980s has seen the opening of Meiji Japan partly as a model for its own *ouverture* to the world, both countries hardly ever have enjoyed a mutual relationship with each other free from any tensions. While Western colonialists threatened China into opening the country's ports, Japanese troops invaded other parts of the "Middle Kingdom". At the same time as the Chinese Communists were internally

fighting and then expelling their nationalist rivals to previously Japanese-occupied Taiwan, the Chinese altogether externally faced the threat of a deeper invasion by the Japanese. Nippon's Western-inspired colonial rule over Manchuria and the practices by its military during WWII are engrained in the memory of not only the older generations of Chinese (but much less so in Taiwan). Schools and many of the media on the continent manage to maintain them in the Chinese mind. The Communist leaders have hardly ever publicly acknowledged Japan's official aid since WWII, which the island country wants to be seen as reparations for – albeit not always clearly acknowledged – past misdeeds. China in public frequently still plays the history card of Japanese war crimes, unfortunately made easy by occasional visits of Japanese nationalist leaders to the Yasukuni Shrine (靖国神社) in Tokyo, where they are worshipping Nippon's militarism. Even NGOs and academics of both countries yet cannot agree with each other for example to objectively compile the historical facts of the massacre by the Japanese in Nanjing in 1937. Ongoing territorial disputes, such as over the Senkaku/Diaoyu Islands (尖閣諸島/釣魚臺列嶼), perpetuate bilateral tensions with China as well as with Taiwan[7]. Such tensions pop up every once in a while with nationalists on all sides[8] symbolically pouring oil into the heated debate, oil that is amongst other resources expected to be found in big bubbles under the bottom of the territory in contention.

Likewise, with the Koreans Japan could not yet settle issues over an islet called Dokdo 독도/獨島 by the Koreans and Takeshima 竹島 by the Japanese near the peninsula's coast surrounded by natural gas deposits[9] and rich fishing grounds for the tuna-fish that the Japanese relish so much for their Sushi. Ironically, Korean officials invite foreign guests to a restaurant chain called Dokdo in Seoul to enjoy "Maguro-Sushi" together. (NB: Also with Russia, namely over the Kuril Islands,

Japan retains territorial disputes for that matter.) Occasionally these unsolved issues make headlines, thus disturbing Japan's relations with its neighbours until this very day. Of course, often emotions dominate the scene over the rocks of Dokdo/Takeshima when politicians are visiting.[10] Especially emotionally engrained on the peninsula are scars from memories of Korean "comfort women" who were forced into work as sex slaves by Japanese soldiers and still fight for compensation. Even the official agreement between Japan and Korea in December 2015 including a donation of 1 billion yen for compensation seems to have opened up old wounds[11].

Feelings of loss of face and the Asian sensitivities from a culture of shame do not facilitate the solution of these problems either, but they rather aggravate the enduring political impact. This basically East Asian attitude has to be distinguished from the Christian concept of guilt that comparatively easily can be paid off by a "letter of indulgence" or for instance through ostentatious genuflection, as demonstrated in the year 1970 by the German Chancellor Willy Brandt in Warsaw. However, the majority of Germans did not support this "Warsaw Genuflection". According to a survey by a German news magazine of the time, 48% of West German citizens regarded it as "excessive", and only 41% said it was "appropriate". Although the lack of support by the contemporary voters might indicate otherwise, even the conservative Chancellor Helmut Kohl repeated such a gesture of indulgence when he held hands with French President François Mitterrand in 1984 on a cemetery in Verdun. Similar demonstrations of remorse and indulgence are still unimaginable between the leaders of Japan and China, for instance in Nanking 南京, even seven decades after the Second World War.

Notwithstanding the more transparent Western culture of guilt in the Christian understanding, post-WWII Germany and France still faced plenty of difficulties in settling territorial issues over the state of

Saarland, as did Germany with Poland to resolve the problems of the long-disputed Oder-Neisse Line. The solutions to these border issues in Europe came through self-determination and international treaties, and not through any "superstructure" as claimed by a Japanese academic[12].

In 2003, a common Franco-German history schoolbook for use in both countries equally was compiled for the first time in order to promote a "shared vision" of history. This task so far – as anywhere else in the world – very much had been left to subjective interpretations as national histories.[13] These divergent narratives of national histories are among the most influential builders of identities at national level. Indoctrinated at formative age from elementary up to high school the young recipients of such history lessons hardly become aware of any alternative source of information in order to find the factual truth of the past.[14] This is notably the case in the most homogeneous island culture of Japan with its highly centralized education system. It is also the case in the traditionally hierarchal societies of China and Korea that are yet scarcely internationally exposed to outside information sources. Frequently, foreign reports and studies are compiled in languages that are not accessible to most people in China, Japan and Korea. Of course, only a multitude of different sources can provide an approximation of the historical truth of events.[15]

Nevertheless, there are continuing efforts being made amongst East Asian scholars and NGOs, even occasionally including officials from national ministries, to establish common denominators for history books[16] in order to find agreement on the description of certain still controversial events of the contentious past.

4. "East Asia's Paradox"

Apart from different interpretations of history, there exist other contexts that provoke the description as Asian Paradox. It was South Korean President Park Geun-hye 박근혜/朴槿惠 , who in her speech to a joint session of the USA Congress in 2013 proclaimed an "Asia's paradox" as the disconnect between growing economic interdependence on the one hand, and backward political, security cooperation on the other.[17] Here, one should draw, however, a line of distinction between on the one hand ASEAN that actually is actively talking and cooperating amongst its members, and on the other hand the three bigger economies up north, China, Japan and Korea.

This dualism of high level of economic, but only low level of political interaction is most evident among the northern trilateral relationships. Trade is flowing in huge volumes and keeps further growing in this triangle. However, there is a "Perilous Paradox" as the highest level of government leaders, China's President Xi Jinping 習近平 , Japan's Prime Minister Shinzō Abe 安倍晋三 and South Korea's President Park, even hardly talk to each other. Nationalism back home seems to be victorious over *guanxi* / *mianzi* (關係 / 面子) of personal relations amongst politicians abroad, notably between Japan and China as well as between Japan and Korea. In Tokyo there is open talk complaining of the "Icy Lady" of Seoul[18], and a rare press photo of Abe meeting Xi shows both with grim faces looking astray. As detailed above, because of "differences" over historical issues the politicians' culture of shame and face (建前 v. 本音 in typical Japanese) scarcely allows them to draw a final line, even after words of remorse and deeds of compensation.

This situation at the political level paradoxically contrasts starkly but does not stop the further increasing exchange of goods and services as well as the trust manifested through huge mutual foreign direct

investment (FDI) between the three neighbours. Although the low level of institutional and regulatory cooperation in view of political mistrust keeps up unnecessary barriers (notably non-tariff barriers/NTBs) to trade and FDI in East Asia, the trade interpenetration in the region almost equals that of the common market of the EU. This market-driven integration hence can be considered as very much "trust-based" with its major part in intra-firm trade of semi-finished products and FDI. The still large differences in economic development add another driver for further growth in terms of David Ricardo's theory of comparative advantages promoting trade. However, unlike in Europe, the function of trade in the concept of Joseph Schumpeter's, notably imports in order to stimulate positive competition on the domestic market, yet has to convince most economic leaders in Asia. In this context it also has to be mentioned that the crucial Western term "competition" has only a short history in Asia and still rather translates as rivalry (競争). While in Western cultures the understanding of this central term in market economics of "competition" or "*concurrence*" inherently emphasises the "togetherness" (*com-/con-*) of such efforts, the more collective thinking in the East originally translated the term into much more of a negative "rivalry" of opposing forces.[19] In order to overcome these rivalries,[20] agreements have to be found with the other side, rather than through unilateral liberalisation.

Hence, after some initial reluctance South Korea also joined the bandwagon of East Asian bilateral deals under the pressure of its big businesses of "*chaebol*" (재벌/財閥) rather than pursuing market opening with the more difficult potential "omnibus"[21] of the World Trade Organisation (WTO). As in other fields, at first following Japan and than speedily overtaking it, the peninsula has implemented bilateral free trade agreements (FTAs) with the three biggest markets in the world, namely the EU, the USA and China. For Japan such FTAs still remain on the

negotiation table, with the EU bilaterally and with the USA plurilaterally through the Trans-Pacific Partnership (TPP).[22] As far as integration in East Asia is concerned the island country has yet to establish a free trade agreement with its neighbours China and Korea.

However, Beijing, Seoul and Tokyo started first negotiations of a trilateral agreement on trade and investment with handshakes on 26 March 2013 in Seoul that would cover 20 percent of the global GDP[23] and could form the basis for an East Asia Community. A Trilateral Cooperation Secretariat in Seoul already serves as the inner soul of it.[24]

Of course, there are other official groupings amongst states in Asia apart from the trilaterally "CJK" of China, Japan and Korea. Most matured in terms of integration and with a long history going back to the 1960s is the Association of Southeast Asian Nations (ASEAN) of the now ten "nations" in the opposite corner of the Eurasian continent seen from Europe. In spite of its distance and climatic divergence from Europe, its process of economic integration traces plenty of common features with that of the EU. Its endeavors to have achieved an ASEAN Economic Community (AEC) by the end of the year 2015 only confirm such commonalities. Nevertheless, one just has to read the just ten pages of the Charter of ASEAN and compare it to the more than one hundred thousand pages of legal texts of treaties, regulations and directives of the so-called "*acquis communitaire*" of the EU to grasp the basic difference between the two processes of integration at the extreme ends of the Eurasian continent. On the one hand, a fundamentally legalistic institution-building with supra-national pooling of sovereignty for peace in Europe, and on the other hand a rather pragmatic and brief declaration of principles for almost exclusively economic cooperation with the remaining emphasis on non-interference in ASEAN. "*Nomen est omen*", ASEAN already in its name is carrying a major message when it includes the term "Nations", which the EU hardly uses anymore. The

EU rather prefers as more appropriate to call its members only "states". While – strange enough in eyes of the European beholder – in ASEAN under post-colonialism there is still a claim of "nation-building" going on, in the EU even legally the nations are more and more losing competences. Downstream autonomy is flowing towards subnational regions (cf. for instance Scotland, Catalunya, Flanders, Bavaria etc. in Europe, but also East-Timor, Mindanao, Okinawa etc. in Asia) under more devolution, federalism and subsidiarity. At the same time, this closer proximity of democratic decision-making increases the identification with and ownership of the process by the people, the final sovereign in democracies. It likewise improves the opportunities for more participation in it and strengthens the recent development of a "monitoring democracy".[25]

5. Upstream with Globalisation

At the same time, there seems to be a loss of identification with the territorial polity of the nation through the rapid further globalisation of the economies. Since this phenomenon exerts a huge influence on the process of integration as well as identity of the people in East Asia, it is worth discussing it in more detail here. This upstream move towards the global level likewise in terms of other societal movements follows the "death of distance" through digitalisation, as communication technologies advance and cause an enormous increase in cross-border activities. With the nation-state lacking such competences, obviously it has become necessary to set legitimate and globally enforceable rules for these activities beyond national limits omnilaterally. Specifically, this very same cross-border information technology calls into question the legitimacy of the concentration of competences at national level only within those territorial borders. This is notably the case in Europe with

the strengthening of the EU governance, but it has also impacted Asia and in particular ASEAN, where the once shunned idea of institutionalisation is becoming less of a taboo in the debate now, and not only in academic circles.

With the "Rise and Fall of Nations", history has moved beyond the understanding of the almost absolute sovereignty of the nation-state that emanated in Europe from wars of religions and the resulting Peace of Westphalia of 1648, i.e. now almost four hundred years ago.[26] This Westphalian System has become an increasingly dysfunctional legal fiction, as notably demonstrated in the operation of the United Nations (UN).[27]

Nowadays, various global societal developments have significantly chipped authority away from such nation-states as the core polity of governance in the direction towards wider regional, continental and even global decision-making. Just think of the economic interdependence through trade and finance, transnational terrorism, cyberspace with the Internet, traffic on the high seas, global common goods like the environment etc. Increasingly conscious of these wide-ranging developments, more and more people identify their life-style with these issues and realise that global problems call for global solutions beyond borders,[28] which individual nations cannot achieve anymore on their own, not in Asia, Europe or elsewhere.

For instance, the man-made radioactive clouds from the nuclear melt-down in Chernobyl in 1986 flying high over national borders as well as the contaminated shipwrecks from Fukushima 福島 crossing the Pacific Ocean and still landing in America clearly demonstrate the failure and incapacity of the individual nation-states at the origin of these ordeals. Nevertheless, they claim "national sovereignty" to decide over such common global goods[29] of the environment like air, water and energy that evidently can affect the health of all humanity.[30] The

aggravating problems of man and nature in our Anthropocene period and the damage they cause to our habitat are demonstrated by numerous obvious cases that render any purely national solutions impossible. Obviously, these do not concern mere national issues, and nations cannot solve them on their own in the existing multilateral system that is based on purely (and highly unequal) national representation, such as the UN. Rather, all stakeholders of all continents have to identify themselves with these issues and learn from each other[31] to cede and collect scientific competences upstream beyond the nation, i.e. omnilaterally.[32]

Another sphere where most people in Asia and Europe go beyond national borders every day and develop new identities relates to the Internet and cyberspace.[33] This global medium for communication and information exchange between computers and their human operators – and increasingly less human-controlled with the "Internet of Things" – is based on the latest technology for cyberspace of the 21st century. Yet at the heart of cyber-governance lies a fundamental disagreement over the relevance and significance of national sovereignty that originated with the above-mentioned Peace of Westphalia in the Old Europe of the 17th century. That concept of national sovereignty was only imposed on Asia and the rest of the world by the colonising forces of Europe and their accordingly so-called "international law" subsequently and has as such no ideological roots in Asia.[34] That is why there is still this (mis-) understanding of "nation-building", notably in Indonesia, instead of calling it correctly capacity-building.

While surfing the expanding World Wide Web, we scarcely are aware of the existence of national borders. However, once we encounter problems related to the protection of privacy[35] or hitches in e-commerce, we realise that not only issues of cybercrime[36] and access to knowledge and services[37] are at stake here globally. Rather controversially, the governance of the Internet remains in the hands of the USA-based

Internet Corporation for Assigned Names and Numbers (ICANN). Since 1998, the Internet has clearly outgrown its humble beginnings as the "virtual village". It has more than three billion users today and they will soon rush to link up with tens of billions of devices on the "Internet of Things". This burgeoning interdependence brings along new and complex vulnerabilities that single national governments cannot control, and reports of "cyber wars" hardly match traditional definitions of conflicts between countries. Rather, other actors are to be identified, which include groups of terrorists and organised crime. They pose huge problems to cyber security. Such common enemies of safe communication across borders can crystallise the incremental global cooperation of concerned stakeholders. That is why participants in the recent Conference on Cyberspace 2015 in the Netherlands called it a "multi-stakeholder" event, as it appropriately included some 2,000 representatives of not only different governance levels, but also of NGOs, multinationals and academics.[38] It was China and Russia that sought to overcome the "Conspiracy of North-Atlanticism", and they have proposed a treaty for broader UN oversight of the Internet for information security, while the USA still plans to strengthen ICANN by authorising it to also supervise the Internet's "address book". Europe, on the other hand, pushes its 2001 Convention on Cybercrime, which involves Interpol and Europol in tackling the related problems that occur across borders.

Just like cyberspace expanding outside of any national competence, the high seas also are largely unregulated. Sixty percent of the Earth's surface is deep oceans. However, our still nation-centric laws only cover the oceans' very edges. For instance, very day 40,000-odd industrial-sized fishing boats are hauling kilometre-long dragnets through the oceans, and overfishing particularly halibut and cod has by now become reality. What is even more disturbing is that they dump back about a

quarter of their bait as "by-catch". This unwanted by-catch, amounting to tens of millions of tonnes a year, cannot be landed because those fishes legally are too small, include unauthorised species or were caught in the wrong season.[39] Even if certain authorities, like the EU, aim to legislate on the by-catch, how can those rules be enforced on the high seas faraway from any national policing without omnilateral monitoring that involves the fishing industries and other stakeholders?

Similarly difficult to tackle by national rules and the police are other frequent misconducts on the high seas committed by the fleets of more than four million cargo vessels and 100,000 large merchant ships that haul about 90 percent of the world's transported goods. Thousands of seafarers, migrants and fishermen are murdered offshore under suspicious circumstances annually. Yet the culprits are rarely held accountable, as no one is required to report violent crimes committed in international waters. In addition to dumping oil and sludge into the oceans and emitting more air pollutants than all the world's cars combined, more than 2,300 seafarers have been violently stranded by their employers over the last decade. According to the UN International Maritime Organisation, the country whose flag the ship flies is obliged to investigate any allegations. The existing flagging system, which allows ships to buy the right to fly the flag of any nation as long as they promise to heed the given country's laws, actually provides good cover for the unscrupulous. When crimes occur, no single agency within the – mainly small or even land-locked – cheaper flagging countries or any specific multilateral organisation typically holds a sufficient stake in matters on the high seas to seriously pursue them.[40]

More accessible to most of us are the activities of the financial system that spans the globe likewise beyond national competence. In particular, international currency trading urgently needs global rules and policing. Notably, during recent years scandals have occurred that

concern us all beyond any claims of national sovereignty. Money is often transferred across borders in digital form and no single nation can control, let alone tax, this flow. Driven by speculation for windfall profits, it gets transferred around the world in unimaginable quantities of more than five trillion dollars in a single day and in this way escapes all national rules, while it frequently results in plutocrats' tools of corruption. Some call it the "perfect market"; others consider it a way to create crony capitalists. Globally, there seems to be no regulation, only speculation. Not before the "Forex scandal" of 2013 was there any debate, because it was outside the public political sphere, which our illusion of sovereignty still naively sees purely within national borders. Some governments try to control those banks nationally. However, most would rather protect them through subsidies, even more so in the aftermath of the major financial crises that have occurred since the first bank panic back in 1791 in the USA. The money collected from taxpayers to support the world's banks in 2011-2012 amounted to $630 billion, more than the GDP of a mid-sized industrialised country like Sweden.[41] This led, for instance, the EU and some countries to call on the banks to pay back at least some of that money through a financial transaction tax. But international taxes make sense only if applied equally omnibus, by and for all on this globe. Otherwise, the rich always can find tax havens beyond national borders that will welcome evaders.

These enormous funds would find better distribution as investment in less developed regions to bridge the gap between rich and poor, within and beyond the nation-states.[42] Among others, Thomas Picketty highlighted in his global bestseller[43] the growing inequality gap that is also aggravated by the neo-liberal global markets that operate out of bounds and without rules. The jurisdiction within most developed countries forbids unabashed competition in a "winner-takes-it-all" fashion, which would naturally lead to the emergence of monopolies and

destruction of markets. Thus, national law intervenes to enable newcomers to enter and revive the market. However, with the *laissez-faire* of neo-liberal globalisation, many multinationals have grown into unchecked dominant players worldwide.[44] Profiteering out of the reach of national rules, they often avoid adequate taxation and remain unbridled by the principles of fair competition. The advances of multinationals have reached such an extent that only omnilateral rules of competition for all beyond national borders could achieve sustainable globalisation. This relationship in terms of official trade across borders is partly ruled by the WTO, but without covering issues of competition, since the USA in 1947 blocked the inclusion of such competition rules in the original General Agreement on Tariffs and Trade (GATT).[45]

The high level of economic interdependence through the selective approach and the fragmentation of production by these multinational companies also significantly impacts domestic employment, a politically highly sensitive issue in most countries currently. However, the interdependence of the millions of jobs involved and their protection hardly find any recognition by the multilateral system, not even by the International Labour Organisation (ILO). Established in 1919, the ILO became the UN's first specialised agency in 1946. Its legitimacy is broader than that of most UN bodies, because it reaches beyond nations in its governing structure and directly gives workers and employers an equal voice with governments in its deliberations of international labour standards and policies. Accordingly, it is innovative and could almost be called "omnilateral" in its limited field of specialised competence, because as a tripartite organisation it involves most of the stakeholders on issues concerning labour. However, as most bodies in a multilateral system, the ILO itself has no means to enforce its decisions, which can be appealed only to the International Court of Justice (ICJ). The ICJ, on its part, lacks compulsory jurisdiction, with the exception concerning

only about 67 countries,[46] thus it can hardly be called omnilateral.

Obviously, the above-mentioned global issues show the limitation of national governance anywhere in the world, be it in Europe or in East Asia. They also show the need of not only multilateral cooperation between those limited national institutions, but rather the need of omnilateral solutions, namely omnibus, by all and for all stakeholders involved.

6. Identity Lost in Globalisation?

However, the globalisation of daily life does not necessarily entail a loss of identity of the individual citizen in a "melting pot" of "world cultures". Not only is "Americanisation" or "Westernisation" in Asia and elsewhere increasingly regarded as a loss of valuable regional and local particularities that enrich the social diversity necessary for a creative community, just like healthy life needs bio-diversity. But a countermovement under the slogan of "Glocalisation" has gained track, originally since the 1990s in marketing in various sectors from McDonald's food to Sony's electronics and more generally with global business adapting its products to local demands. Even in agriculture there are plenty of cases where new produce from far away adapts to local circumstances and acquires a new identity. For instance the "kiwi" fruit, originally a Chinese gooseberry brought in the early 20th century to New Zealand, since the end of that century – lacking intellectual property protection – is being grown and commercialised under this very name on most continents now.

The rapid and comprehensive globalisation of the last decades penetrating most aspects of our daily life, of course, has greatly affected the identification of the people. This is particularly the case in the urban agglomerations that are growing faster than the rural hinterland and are

clearly more exposed to these trends. In addition, new means of communication from the spreading Internet to more and more cross-broader tourism should expect us to find more identity beyond the nation-state. However, the political decision-makers at national level fight a self-interested battle with their backs against the national walls of their own construction in order to maintain their de facto limited power in continentally integrating Europe as well as in economically highly linked-up Asia. Notably since we saw the economic crisis of 2008 in the USA rolling eastward over not yet sufficiently converging Europe and then hardly decoupling Asia, national politicians have managed to rekindle reductive, narrow-minded and short-sighted nationalism. Such nationalism covers up their incapacity to handle the highly interdependent economies that already have outgrown their national control. That is one reason why in spite of far-reaching globalisation the level of people identifying themselves beyond national borders, for instance as "Asians", is still low, although the notion of nation was alien to Asians in their historic tradition before the colonisation by Europeans. Now naturally, linguistic differences greatly reduce the number of people that are identifying themselves as Asian.[47] It seems to defy a trend from sub-national (local, provincial, state) identity towards sub-global regional (economic communities like EU, ASEAN) etc. identity that needs a "Common Public Sphere" (cf. the term "*Öffentlichkeit*" by the German philosopher Jürgen Habermas).[48] Such public sphere technically has evolved from the experience of the Greek "Agora" and medieval village square now digitally to the Internet's cyber-space and thereby beyond any national borders. However, in view of the linguistic limitations and various nationally imposed censorships the technically possible full exploration of a global public sphere by all people is still illusory. The intellectual "ownership" of such wider public sphere through methods of free contributions like on *Wikipedia* and other ways

of "sharing" would hugely widen circles of identification independent from territorial borders.

The EU has already granted Erasmus scholarships to more than two million students who subsequently have studied in another member state. Also many other integrating EU projects from the cohesion funds to the common currency, the Euro (€), already have generated a high level of identity beyond the nation-state in Europe. Numbers show that – often against expectations – in situations of crises the identification with the EU is clearly strengthening. For the first time since this question was first asked decades ago, at least half of the population of every member state now feel that they are citizens of the EU.[49]

In Europe, a high level of identity with the EU goes along with high expectations in governance by the EU rather than in the competences of national governments. Thus, 38% of Europeans see the highest priority of the EU in the task to guarantee peace among its member states, which the Committee of the Nobel Foundation recognised in 2012 by granting its Peace Prize to the EU for achieving this primary goal of peace since its beginning. Indicative for the incompetence of single countries confronting these issues are also the other main expectations of EU citizens towards the Union. They concern mainly the environment (cf. e.g. trans-border problems encountered from the nuclear melt-down in Chernobyl), health and consumer protection (cf. problems from "BSE to GMO"), and the fight against cross-border crime and trafficking (in particular international terrorism).

Since identity needs "otherness" on the outside to distinguish and literally define oneself in any group, a global identity must be an illusion (defining against "*Man in the Moon*"?). "Global citizens" would also need loyalty to a common authority like a UN police that enforces common rules. In view of the yet limited role of Europol and the EU's dependence on member states' remaining monopoly of police forces, EU

citizenship and hence identification is still confined to their cooperation.

Obviously, a clear distinction from the others externally greatly helps to establish one's own identity. Nationalist politicians exploit this fact time and again by pointing out differences, overly painting them in black and white, especially in hot and in cold wars (cf. G.W. Bush's "We and Them, the Evil Empires"). In East Asia a certain form of nationalism has found expression in the past twenty years in the bestselling books of "no-saying",[50] but it now increasingly takes more vociferously to the Internet where web-fora can hardly be restrained by authorities and notably young people let off chauvinist steam against "the others" abroad.

Likewise, it was easier to integrate Western Europe during the Cold War as long as the countries in the East could easily be defamed *en bloc* as a threat by hardly recognising any divergences within the Warsaw Pact until 1989.

This issue of identity and distinction from other people(s) continues to play a major role, notably internally in Taiwan during election campaigns and in politics in general.[51] However, for China, Japan and Korea, it is difficult to find data for the identification of people with a transnational group, i.e. Asia. In 2007, respondents for Asiabarometer in these three countries asked for their identity with any transnational group declared themselves "*Yes, as Asian*" in very unequal percentages.[52] Unfortunately, the Asiabarometer website has not been updated since 2007, but in the meantime continuing unsolved territorial disputes and nationalist politicians exploiting them with the mass media could have further brought down these numbers of identity as Asian, particularly in still rising China, but also in rather sinking Japan.

In Europe, since WWII institutions – originally meant to render peace permanent – were built as the basis for integration and identification in a rather legalistic way, top-down in Roman law

tradition. East Asia's much more market-driven integration by economic agents, notably big business initially, hence seems to be more fragile in terms of fluctuation with economic cycles. The EU – often even beyond its treaties – frequently strengthens its economic governance de facto in crisis situations (cf. de Gaulle's "*chaise vide*" as well as the recent developments of stronger economic governance in Bruxelles after the experience of the "PIGS"[53]). In East Asia, it is not exactly the opposite as one might expect from the almost complete absence of any regional legal framework. But the multilateral system of the UN, WTO, International Monetary Fund (IMF), World Bank, ILO etc. seems to suffice to provide the necessary fundamental provision to continue trade and investment in the region even in crisis situations. Nevertheless, one has to note that the region is not entirely without institutions for identification either. Just to list up the main other organisations and their date of establishment one has to mention: Council for Asia Pacific Security Cooperation (CSCAP, 1993), ASEAN Regional Forum (ARF, 1994), ASEAN +3 (1997), East Asia Vision Group (EAVG, 2000), East Asia Study Group (EASG, 2001), East Asia Forum (EAF, 2002), East Asia Congress (2003), East Asia Summit (EAS, 2005).

Of course, apart from economic integration in the ASEAN region, most central and politically crucial for East Asia is the Trilateral of China-Japan-South Korea. It presently demonstrates a typical case for the Asian Paradox, which sees heads of government hardly talking to each other while business continues almost undisturbed. Since already 2011 a permanent "Trilateral Cooperation Secretariat (TCS)" in Seoul, headed currently by a Japanese ambassador, maintains the continuity of dialogue at the level of director generals and occasionally (officially at annual intervals) of ministers of foreign affairs. It started in 1999 with the First Trilateral Summit of China, Japan and Korea and so far peaked in 2008 with a "Joint Statement for Tripartite Partnership". The basic

five guiding principles on paper consist of "openness, transparency, mutual trust, common interest and respect for diverse cultures to facilitate regional peace, co-prosperity and sustainable development". These are claims that could as well be written by Eurocrats in Bruxelles, but amongst CJK their translation into practice are not at any time soon put to a challenging majority vote like the immigration allocation in September 2015 in the EU. Thus, the 2010 "Trilateral Cooperation VISION 2020" looks convincing in theory, but doubts remain whether the projects will ever see the day. Actually, the lack of activity at the top of CJK can be regarded as a chance for Taipei, since it manages to maintain official talks with Beijing as well as with Tokyo, the two protagonists in the region. If Taipei manages also to talk accordingly with Seoul, it could build up a chance to mediate and promote President Ma Ying-jeou 馬英九's "Code of Conduct" quadri-laterally. The changes with the elections in January 2016, of course, have put off these chances for the near future.

Another project that could exert a huge impact towards identification in the region has been discussed under the abbreviation of ACU, i.e. Asian Currency in reference to the former naming of the Euro (€) as ECU. However, this reference – in spite of the Euro's continuing stability – now seems to shed a negative shadow on plans for common currencies, and anyway in East Asia high-level cooperation remains at low gauge, likewise on monetary affairs. In 2003, there was still talk of a Road Map towards ACU when the former high official of the Japanese Finance Ministry, E. Sakakibara, gave his bestseller the courageous title "*Asian cooperation and the end of Pax Americana*" and the co-authors Shin and Wang went a step further with their book *Monetary integration ahead of trade integration in East Asia?*. Then in 2005 R. Pomfret generated even more expectations by predicting "… in Asia monetary integration could triple trade." Most courageous seems to be X. Zhou,

who was quoted in 2009 as saying that "China suggests an end to the dollar era".[54]

In line with the present discussion around the ACU having come down to more restricted audiences mainly in the academia, the recent Chinese initiatives from AIIB to BRICS Bank and OBOR Funds have refocused interest in the Chinese Renminbi 人民幣 and its potential dominance in spite of its slight devaluation against the Dollar since mid-2015.

7. Conclusion

In conclusion, through the eyes of a European beholder, the integration in East Asia is primarily market-driven and insofar bottom-up, in paradox with an almost stalemate amongst the political leaders in the region. Nevertheless, the identity of their people(s) with a wider circle than the old and fading Western notion of a nation, which anyway has hardly any roots in Asian tradition, yet lacks awareness of the economic interdependence and of the global public commons. In spite of their often-obvious incompetence to solve the imminent problems merely at the level of the nation-state, in particular nationalist politicians distract attention from these wider issues by blaming the others and submitting to shortsighted domestic lobbies of vested interests. The European observer, unfortunately, finds such narrow-minded leaders also back home, but seeks consolation in institutions that ideally ought to serve not only the strongest in the market, but omnilaterally the enlightened wider interest of mankind.

Notes

* Dr Wolfgang Pape is currently associated as Research Fellow with the Centre for European Policy Studies (CEPS) in Bruxelles and a frequent lecturer at universities and think tanks in Europe, Asia and America. After receiving a first scholarship to gain a High School Diploma in New York, he studied law and economics at universities in Marburg, Genève, Kyoto and Harvard to obtain his Dr iur. at Freiburg University. His recent fellowships at KIEP in Seoul and Academia Sinica in Taipei were complemented in 2015 by research in Okinawa for his writings on geopolitical issues of East Asia. Dr Pape is also well acquainted with the institutional perspectives of EU-Asia relations, as during his career of thirty years until 2011 in the European Commission he was responsible for the implementation and monitoring of the EU-Asia Strategy; he was also First Counsellor at the EC Delegation in Tokyo and General Manager of the EU-Japan Centre for Industrial Cooperation. Since his first visit to Japan in 1970 and subsequently frequent stays of altogether a dozen years in Asia as an academic and later as a lawyer and diplomat, Dr Pape remains a keen observer of developments in the region as reflected in publications in his four working languages German, English, French and Japanese. His latest book project promotes the opening towards omnilateralism in global governance. *<Email: wolfgang.pape@gmail. com>*

1. For the EU's experience of "divide and rule" cf. that by East Asian governments, e.g., Japan's attempt to divide France ("Poitier Case") from the EC on the problem of imports of tape-recorders in early 1980s leading to the European Commission achieving greater solidarity in negotiation with Nippon. Consider also more recently Japan's approach to negotiating FTAs with individual member countries of ASEAN instead of dealing with the Association as one group. The latter was done by China and Korea and initially tried by the EU.

2. Cf. the story of "fragmented value chains" where a smartphone crosses a hundred times borders in East Asia as a semi-finished product, before it lands in a retail shop in the West.

3. See the seminal work of Joseph Needham and its continuation in the series of *Science and Civilisation in China*, London, 1954-2008.

4. Beyond the euro-centric acceptance of Asia as being "everything east of Europe", now increasingly authors recognise the Asia-Europe Meeting's (ASEM) membership as the defining moment of belonging to either Asia or Europe (see Dinh Thi Hion Luong, "Regional powers and the building of an East Asian Community", Asia-Pacific Conference, Keio University, Tokyo, 8th December 2005, p. 2).

5. See Bill Hayton, *The South China Sea*, Yale University Press, New Haven, 2014, pp. 7, 8 and 30.

6. Cf. Christopher M. Dent, *East Asian Regionalism*, Routledge, London, 2008, pp. 172-176, Case Study 5.2 "Japan and China – hegemonic rivals or regional co-leadership?" Dinh Thi Hion Luong ("Regional powers and the building of an East Asian Community", Asia-Pacific Conference, Keio University, Tokyo, 8th.December 2005, p. 1 and *passim*) calls them only "regional powers" in competition but implies in her study that they are the only ones in the East Asian region.

7. This for Japan is particularly delicate, because on this issue common to China and Taiwan (respectively dealt with mainly by Japan's Foreign Ministry or METI) it cannot follow Nippon's traditional policy of *divide et impera* based on experience in its own group-oriented culture. Rather, Japan confronts both sides of the Taiwan Strait as if they were almost in the same boat.

8. Dinh Thi Hion Luong ("Regional powers and the building of an East Asian Community", Asia-Pacific Conference, Keio University, Tokyo, 8.12.2005, p. 8) mentions rising nationalism in the region as an important challenge to building an East Asian Community. From her Vietnamese viewpoint, she

criticises Japan for "not being sincere with its wrongdoing in the past" and China for its "irredentist claims to disputed territories".

9. Cf. *International Herald Tribune*, 11th August 2012.

10. See *Frankfurter Allgemeine Zeitung*, 14th August 2012, "Wenn Emotionen dominieren – Japan und Südkorea reden mehr übereinander als miteinander".

11. See article by Michelle Chen, "'Comfort women' shunted for geopolitical gain – Agreement between Japan and South Korea reopens old wounds", *Al Jazeera America*, 5th January 2016, *http://america.aljazeera.com/opinions /2016/1/comfort-women-shunted-for-geopolitical-gain.html*, accessed 22nd January 2016.

12. For instance a Japanese professor hardly convincingly "envied Europe" for such a claimed "superstructure" in order to also solve such conflicts in East Asia; see Hitoshi Tanaka in his presentation on "East Asia – Conflict or cooperation" at the EU-Asia Centre, Bruxelles, 11th September 2012.

13. In order to overcome such nationalist distortions of European history notably for future generations, the project originated from the 2003 "Franco-German Youth Parliament", which brought together half a thousand youngsters from French and German secondary schools. Published with the title *Histoire / Geschichte* since 2006, more than one hundred thousand copies of the book have been bought. Due to this "success history", not only has Germany considered a similar project bilaterally in cooperation with the Czech Republic and also with Poland, but likewise the couple of the Slovak Republic and Hungary are discussing the possibility of publishing a common history schoolbook. For further details see Wolfgang Pape, *Oshu ni okeru furansu to doitsu no kankei* [German-French relations within Europe], in: Noriko Yasue (ed.), *EU to furansu* [EU and France], Horitsu Bunka Sha, Kyoto, 2012, pp. 171-191.

14. The undersigned himself underwent a similarly biased educational experience in the 1960s in Germany only to be unilaterally (not necessarily

objectively either) contradicted during one year at high school in the USA.

15. For instance, the highly appraised study by Oxford historian Rana Mitter (*China's war with Japan, 1937-1945: The struggle for survival*, Allen Lane, London, 2013, 458 pp.) obviously is based on almost exclusively English and Chinese language sources, thus by and large lacking essential information that exists only in Japanese.

16. The content of history books raises not only issues with Japan, but also with others, for instance with China; see "Dispute over teaching Chinese history shakes Hong Kong", *International Herald Tribune*, 4th September 2012.

17. Quote taken from Michael Ivanovitch, The Asian paradox: Brisk business despite hostilities, *CNBC*, Monday, 8th June 2015 *<http://www.cnbc.com/ 2015/06/08/the-asian-paradox-brisk-business-despite-hostilities.html>*.

18. The undersigned himself heard this complaint from an advisor to Prime Minister Abe in February 2015 in the "*Sori-Kantei*" (総理官邸, Prime Minister's Official Residence) itself.

19. The word for competition "競争" (pronounced *kyousou* in Japanese) in Chinese script includes the character of rivalry; for details see Wolfgang Pape, "Socio-cultural differences and international competition law", *European Law Journal*, Vol. 5, No. 4, Blackwell Publishing, Oxford, December 1999, pp. 438-460, in particular pp. 448-451.

20. Interestingly, Professor Shujiro Urata of Waseda 早稲田 University and Stanford (announced as "one of the most distinguished Japanese experts on trade issues") also spoke of "rivalry" between Japan and China as well as Japan and Korea in his presentation on "Japan's strategy in Asia" on 9th July 2012 at Madariaga in Bruxelles.

21. In its literal Latin meaning of "for and by all", cf. definition of "omnilateralism" by the undersigned in *Wikipedia*; further details on his blog *http://omnilateralism.blogspot.be/*

22. The text of TPP was "paraphed" by the negotiators in December 2015, but officially still has to signed and then ratified by the partners.

23. As reported by NHK World Services Radio (in Japanese) on 26th March 2013 in the evening Tokyo time.

24. See details on its website at *http://www.tcs-asia.org*

25. See John Keane (*Financial Times*, 15th December 2012, and detailed discussion in his book *The life and death of democracy*, Simon & Schuster, London, 2009, p. 585, pp. 828-836) emphasising that democracy is "not just a western ideal".

26. An "Eastphalian international order" as perceived by D.P. Fidler, S.W. Kim and S.Ganguly ("Eastphalia rising? Asian influence and the fate of human security", *World Policy Journal*, Vol. 26, No. 2, 2009, p.53) is a misperception that places non-intervention and sovereignty at the centre of a so-called international order, since these principles lack any historic evolution in the region and they run counter to recent tendencies of interdependence in globalisation.

27. See Joseph E. Schwartzberg, *Transforming the United Nations system: Designs for a workable world*, United Nations University Press, Tokyo, 2013, p. 5; also in this context the issue of refugees between nations is noteworthy as most recently again encountered in Europe as well as in Asia; see article "Strangers in strange lands" in *The Economist*, London, 12.9.2015 ("European nation-states have been coping with acute refugee flows at least since the Protestant exoduses of the Thirty Years' War – that is, for as long as there have been European nation-states.")

28. The lasting complications imposed by European colonialists onto foreign peoples by drawing so-called national borders were exposed most recently in India and Bangladesh. They finally straightened their lines by elimanating more than 160 en- and exclaves which involved some 50.000 people of both sides and eventually grant them full rights as citizens (cf. BBC World Service, London, 2.8.2015).

29. How the people, inclusively with non-state actors, should govern notably transnational goods and the public commons collectively in a more democratic fashion is increasingly raised in the debate of better global governance; cf. conference by University of Leuven, Belgium, on 22-23 February 2016.

30. Thus, also China has an ongoing incentive to work with the West to address a growing array of common global concerns, from pandemics to climate change to terrorism (see Michael D. Swaine, "The real challenge in the Pacific – A response to "How to deter China"", *Foreign Affairs*, New York, Vol. 94, No. 3, May/June 2015, p. 146).

31. It was not by accident that the Worldwatch Institute gave China relatively good marks on its environment policies already at the end of the last century in spite of high industrial growth and yet worsening pollution. At that time, however, few people had imagined that by 2015 China is increasing the generation of electricity from renewable sources faster than any other country, with now a third of the world's total installed capacity generated from wind and on top with the world's biggest solar industry. A recent study of the University of East Anglia in the United Kingdom confirmed that "China emits less CO2 than thought" (see headline in *Financial Times*, 20th August 2015) and pointed out a 14% reduction of China's emissions in 2013.

32. Common issues of science greatly create solidarity as can be perceived throughout history; see Mark Mazower, *Governing the world: The history of an idea*, Allen Lane, London, 2012, Chapter 4, "Science the Unifier", pp. 94-115.

33. Apart from cyberspace, the outer space increasingly faces problems of insufficient rules, because the plurilateral Treaty of the Outer Space (signed since 1967 by only 53 states) is holding national governments responsible, while now non-state actors ranging from billionaires to space tourists board rockets to add to the clutter of 17,000 objects already

circling the Earth (see Dave Baiocchi and William Welser IV, "The democratization of space: New actors need new rules", *Foreign Affairs*, New York, Vol. 94, No. 3, May/June 2015, p. 98, p. 100, p. 102). Similarly overburdened is the International Civil Aviation Organisation, which is tasked with issuing clear rules for the virally growing number of drones. Only a few countries have adopted regulations for drones to date, and those rules are highly divergent. However, beyond the highly controversial issue of the military's extra-territorial use of drones, their growing global market of €1.5 billion by 2025 will lead to huge numbers of commercial drones posing problems across and outside national borders (see Gretchen West, "Drone on: The sky's the limit – if the FAA will get out of the way", *Foreign Affairs*, New York, Vol. 94, No. 3, May/June 2015, p. 95). See also *The New York Times* of 1st August 2015 reporting of huge programmes by Facebook to bring the Internet to remote parts of the world by lifting hundreds of drones into the sky for a network of laser beams of immense amounts of data.

34. See at note 5

35. While the USA's NSA surveillance of political leaders in other countries has been making headlines, the real issue of economic importance is the industrial espionage related to it.

36. Cybercrime alone costs the USA 0.64%, China 0.63% and the EU 0.41% of their GDP; see *McAfee-CSIS Report on the Global Cost of Cybercrime*, 2014.

37. For instance, a notable case of global legal services on the Internet is evolving de facto with cyberjustice and its alternative online dispute resolution platforms that blur the borders of national jurisdictions by the pluralism of laws applicable without any state involvement; see Global Law Week, discussions on Cyberjustice, Bruxelles, Université libre de Bruxelles (ULB), 18th May 2015.

38. See Joseph S. Nye, Jr., "International norms in cyberspace", *New Europe*, Bruxelles, 13th May 2015, p. 9.

39. See Bill Bryson, *A short history of nearly everything*, Doubleday, London, 2003, p. 347.

40. See example described by Ian Urbina, "A renegade trawler – Hunted for 10,000 miles by vigilantes", *The New York Times*, 28th July 2015.

41. *The Economist*, 12th April 2014.

42. Cf. discussion of international taxes at the UN conference July 2015 in Ethiopia resulting in the Resolution adopted by the General Assembly on 27 July 2015: *Addis Ababa Action Agenda of the Third International Conference on Financing for Development* (Addis Ababa Action Agenda) (A/RES/69/313).

43. See Thomas Picketty, *Le capital au XXIe siècle*, Seuil, Paris, 2013.

44. One important reason for this unchecked situation is that the so-called Singapore issues of competition rules etc. did not make it onto the WTO's agenda.

45. Multilateral competition rules were proposed already in 1947 in the *Havanna Charter*, but the opposition by the USA Congress did not allow their inclusion (see Wolfgang Pape, "Socio-cultural differences and international competition law", *European Law Journal*, Vol. 5, No. 4, Blackwell Publishing, Oxford, December 1999, p. 438).

46. In WTO terminology, now even with the participation of 67 countries a group is called "plurilateral", such as recently TISA, the trade in services agreement. *Strictu sensu*, after the one-sided "unilateralism" of George W. Bush without any other, we know of "bilateral" agreements with one partner like in most free trade agreements (FTAs) and "plurilateral" agreements amongst two or more parties. In order to indicate the many nations involved, notably in the UN system, the term "multilateral" is used, while "omnilateral" comprises all stakeholders involved globally.

47. The so-called Asiabarometer *<http://www.asiabarometer.org>* (modelled on the EU's Eurobarometer) has tried to survey identities in parts of Asia by asking "Do you identify with any transnational group?" They received replies as follows: "*Yes, as Asian*":
    – 71% in South Korea
    – 42% in Japan
    –   6% in China (least among youngsters!)

48. See for details Wolfgang Pape, *Models of integration in Asia and Europe: Generating public space for our common futures*, European Commission, Luxembourg, 2001, pp. 95-102 and *passim*.

49. Thus, 74% of respondents in EU in 2009 felt they were European, which was an increase of 3% over 2008 when the economic crises started. Similarly, those who then did not feel European had decreased to 25%. Now, in 27 of the current 28 member states of the EU, majorities of respondents feel that they are citizens of the EU (up from 25 states in autumn 2014). More than eighty percent of respondents feel that they are citizens of the EU in Luxembourg (88% for the total "yes", including 61% of answers "yes, definitely"), Malta (84%), Finland (81%) and Germany (81%). But fewer do so in the new member states of Bulgaria and Cyprus (50% in both countries).

50. It started in 1991 with the book by Akio Morita and Shintaro Ishihara *The Japan that can say no*, was then followed up in 1995 by an anti-West publication by Ishihara with former Prime Minister Mahathir Mohamad of Malaysia under the title *The voice of Asia* and in 1996 echoed by a group of Chinese nationalists in their book *China can say no* as well as its later version called *China can still say no*.

51. See its high relevance pointed out by Dafydd Fell, *Government and politics in Taiwan*, 2nd edition, Routledge, London, 2012, p. 88, pp. 142-150.

52. See details of the Asiabarometer (*http://www.asiabarometer.org*) in note 47. It gives only limited access to the undersigned in the EU.

53. "PIGS" stands for Portugal, Italy, Greece and Spain, thus listing the four southern member states of the EU that have suffered most in the crisis since 2008.

54. See his quotation in *The Economist*, 26th March 2009.

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