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Abbreviations

ACP:	African, Caribbean and Pacific countries
AEC:	ASEAN European Community
AFTA:	ASEAN Free Trade Agreement
AMM:	ASEAN Ministerial Meeting
APEC:	Asia-Pacific Economic Cooperation
APRIS:	ASEAN-EU Programme for Regional Integration Support
APT:	ASEAN plus Three
ASEAN:	Association of Southeast Asian Nations
ASEM:	Asia-Europe Meeting
EC:	European Commission
EP:	European Parliament
EPG:	Eminent Persons Group
EU:	European Union
EEC:	European Economic Community
FTA:	Free Trade Agreement
GATT:	General Agreement on Tariffs and Trade
JCC EC-ASEAN:	Joint Cooperation Committee
NPE:	Normative Power Europe
MPE:	Market Power Europe
READI:	Regional EU-ASEAN Dialogue Instrument
USA:	The United States of America
VAP:	Vientiane Action Programme

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NPE | Introduction

A botched lethal injection in Oklahoma in April this year has escalated the issue of US capital punishment back into the international spotlight, raising new questions about the drugs being used and the constitutional protection against cruel and unusual punishment¹. Due to a shortage of lethal injection drugs, the state has used for the first time a new three-drug cocktail for an execution which has led to a massive failure: prisoner Clayton Lockett was dead after 43 minutes due to a massive heart attack. In 2010 the European Commission added eight barbiturates to its list of restricted products that are tightly controlled on the grounds that they may be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment. These restrictions include pentobarbital and sodium thiopental: the two drugs on which almost all American executions currently depend. The EC said its move was designed to forward the EU's stated mission to abolish the death penalty around the world. By refusing to export lethal injection drugs to the US the European Union had found a way to export its rejection of capital punishment. While the US is still executing and the European boycott has not slowed down executions in states like Texas, this level of public attention to capital punishment since April has not been seen in decades.

The recent Oklahoma incident and the attitude of the EU reminds us of Ian Manners' article 'Normative Power Europe: a contradiction in terms'. In this article Manners considered the influence of the EU on the abolition of the death penalty. According to his article the EU has considerable impact in bringing about abolition of the death penalty in different countries. The main argument of Manners is that the European Union has the power to shape and determine international norms with norms defined as collective expectations about proper behavior for a given identity (Jepperson, 2006). Analysing the foreign policy and external relations of the European Union through Normative Power Europe has been accepted in both policy debates and academic studies. NPE creates a useful and significant concept that has provoked substantial debate and research among scholars (Diez, 2005; Pace, 2007; Bickerton, 2007; Whitman, 2009). The power configuration of the EU has been an interesting topic among the

¹ Clayton Lockett writhed and groaned. After 43 minutes, he was declared dead
<http://www.theguardian.com/world/2014/apr/30/clayton-lockett-oklahoma-execution-witness>

scholars. Concepts such as civilian power, soft power, small power, military power and normative power are frequently used by scholars in order to explain the power configuration of the EU. However, the majority of the literature on NPE however is based on the conceptual level while the empirical level still lacks attention. Given the geographical and thematic ample of EU foreign policy there is solid scope and need for additional empirical analysis.

The encouragement of regional integration is one element of the European Union's external action since the beginning of the European Union (Smith, 2008). Especially since the 1990s the European Union started vigorously to support for regional economic integration efforts among developing countries after being issued in the European Commission. According to the Commission, regional integration among developing countries, unless implemented in a transparent and open manner, encourages their integration in the world economy and plays a key role in conflict prevention and peace consolidation (European Commission, 1995). Furthermore, the European Parliament also shares this view of the Commission and points on the importance of regional integration and free trade agreements for the establishment of a more equitable world trade system (European Parliament, 2002). More recently, the EU seems to have stepped up its efforts to shape the regional integration process of developing countries, by undertaking comprehensive agreements with regional groupings, which cover not just trade, but also trade-related issues, development concerns and political aspects.

Given the importance of regional integration of for the EU I will, with this research, analyse the intentional use of NPE at regional level, notably the actions of the EU towards regional integration in ASEAN. In order to analyse whether the EU is a normative power in prompting regional integration, this thesis will analyse the means, the impact and the intention of the EU towards Southeast Asian regional integration.

NPE | Literature review

There is no harm in perceiving the European Union as one of the most successful institution when it comes to regional integration followed by not surprisingly the North American Free Trade and the Association of Southeast Asian Nations. Since the early 1950s the European Union has been a pioneer in regional integration. With the aim of achieving integration via trade with a view to economic expansion the Treaty of Rome was signed in 1957 by France, Germany, Italy and the Benelux countries. In order to deepen the integration and expand the European Community's powers to non-economic domains this treaty was followed by the Treaty of Maastricht in 1992 and as a result the European Union was established.

Another example of the European integration process, developed in 2004, is the European Neighbourhood Policy which aims to share liberal values and core European foreign policy and security objectives with the neighbours'. With the ENP the European Union aims to share the benefits of enlargements with the neighbouring countries as well as mutually handle the challenges resulting from the post-enlargement context (Kahraman, 2005). The ENP is considered a new policy in the sense that it aims at combining the traditional EU approaches of stabilization and integration towards neighbourhood. On the one hand, it is a policy for encouraging stability, security and prosperity beyond the borders of the EU by means of regional cooperation. On the other hand, it offers a privileged partnership for the neighbours, old and new, in exchange for their commitment to shared values. Seeing the neighbours as a ring of friends rather than third countries, the ENP seeks to enhance the strategic presence of the enlarged Union in wider Europe and beyond (Kahraman, 2005).

In conjunction with the integration process described previously the European Union is simultaneously promoting regional integration not only within or near the European mainland but also in South America, Africa and Asia. The European Union and its African, Caribbean and Pacific partners have found that regional economic and political integration can bring political stability, prosperity and peace². The European Union is helping the ACP partners with five challenges which include the strengthening of the capacities of regional institutions, supporting integrated regional markets, reinforcing the regional dimension of economic diversification,

² http://ec.europa.eu/europeaid/what/development-policies/intervention-areas/trade/regional_integration_en.htm

increasing the stock in infrastructure and lastly supporting the regional policies on sustainable development.

Comparable to the European Union the Association of South East Nations is also active in promoting regional integration. Akin to the EU the Association of South East Nations initially was established because of security reasons. In the beginning the formation of ASEAN was neither formed to integrate member economies nor to build a supranational institution (Guan, 2004). Just like in the case of the European Union the ASEAN members originally aimed to preserve peace and security within the region through mainly focusing on constraining Indonesia because of its powerful military and the Indonesian – Malaysian confrontation during 1963 - 1966 which were clear and important factors that could destabilize the region.

However in the early years of ASEAN the integration process was exclusively limited to the security domain. Only after the end of the Cold-War and the removal of Sukarno in Indonesia, attempts to change ASEAN became more visible (Guan, 2004). The post-Cold War era is characterized by initiatives to increase economic integration in south East Asia. Some examples of these initiatives are the ASEAN Free Trade Area (1992), the Common Effective Preferential Tariff (1995), the Framework Agreement on Services and Intellectual Property (1995) and the ASEAN Investment Area Agreement (1998). The importance of factors such as balancing China's competition for foreign investment, the fear of future exports being affected by the EU and NAFTA, the perceived convergence of regional economic relationships among member states and the necessity to keep regional liberalization one step ahead of WTO and APEC at all times made the member states decide to increase the integration deeper (Takeuchi, 1999).

The fear that future exports could be affected by the European Union is one of the reasons that made the member states decide to deepen the integration, nowadays ASEAN as a whole represents the EU's third largest trading partner outside Europe with more than € 206 billion of trade in goods and services in 2011. The European Union is ASEAN second largest trading partner after China, accounting for around eleven percent of ASEAN trade. In addition the EU is

by far the largest investor in ASEAN member states, European companies have invested around € 9.1 billion annually on average (2000 – 2009)³.

The European Union and ASEAN share a commitment to regional integration as a means of fostering regional stability, building prosperity and addressing global challenges. Besides trade negotiations with individual ASEAN members the European Union cooperates closely with the ASEAN region as a whole. Examples of this cooperation are the EU – ASEAN Dialogue which includes discussions on trade and investment issues at ministerial and senior economic official levels and the EU – ASEAN Secretariat conduct seminars on topics such as regional economic integration, liberalization of services, technical barriers to trade and trade facilitation.

We have seen that both the EU and ASEAN are appreciating regional integration and are working hard to advance regional integration. We have also seen that the European Union is promoting and helping regional integration in South East Asia. However despite the fact that a lot of researchers have touched upon regional integration, especially on European integration, in depth studies on integration in particular in South East Asia are rare. With this research I want to look into the nature of the EU's promotion of regional integration in South East Asia.

When we look at the determinants of successful regional integration Mattli will argue that the demand and supply condition is fundamental for success. He argues that for a successful integration there needs to be a significant cross-border exchange, but if the gains for this exchange is too low e.g. due to the lack of complementarity among regional economies, the absence of vital economies of scale, this will hinder the integration process.

Another important point according to Mattli is the need for a leader/country that will act as a central figure in the coordination of rules, regulations and policies, and will assist in order to avoid/consulate the tension that can arise from the inequitable distributions of gains from negotiations. Lastly, however this point is according to Mattli not as important as the first two, the creation of commitment institutions which will help to prompt the integration process by improving obedience with the rules and preventing carelessness (Mattli, 1999).

However Douglas Webber has criticized the work of Mattli and argues that there has to be integration in other policies as well besides the economic integration in order to create a

³ <http://ec.europa.eu/trade/policy/countries-and-regions/regions/asean/>

successful integration; however he fails to explain how this point is related to the success of regional integration. The second critique point of Webber is that Mattli lacks to explain the difference of interregional variations of stated integrations goal i.e. why is the integration agenda of the EU more profound when compared to the integration agenda of NAFTA? Furthermore Webber argues that instead of one leader or one country that will act as a central figure it is more realistic that 'a coalition of leading states' will lead to successful regional integration. Another point Webber criticize is that commitment institutions are not per se preconditions of successful integration however these institutions can be the result of successful integration. Finally Webber argues that economic difficulties may not necessarily foster regional integration (Webber, 2001).

Both Matti and Weber argue for a central figure, despite their difference in how, in order to create a successful integration. When we look at ASEAN we can clearly see the absence of a central figure. Indonesia, with the largest population and military, would suit the most for this role, even the concepts of musjawarak (consultation) and mufakat (consensus) which became the standard norms of conduct for ASEAN are originated from the traditional Indonesian village system (Guan, 200). However through the years the member states reacted doubtful to the intensions of Indonesia and tried to downplay her position (Leifer, 1989; Sudo, 1996). While Indonesia indeed has a strong military and a large population it also has a weak economy which as well played an important role in preventing the country to become a central figure in the region. Furthermore ASEAN has unique norms of procedure which makes it differ from other comparable institution (Lee, 2000). These norms says that 'a leader is not allowed to act capriciously or forcefully and any suggestions given should take into consideration the views and feelings of fellow members; consensus will only be achieved when all members agreed to those suggestions' (Guan, 2004).

According to Mattli's argumentation the absence of commitment institutions has a negative impact on the regional integration in Southeast Asia. As mentioned many times before the member states refuses to give up sovereignty or to let others interfere in their policy due to the harsh experiences of colonialism. These norms of sovereignty and non-interference are a

burden for commitment institutions, without changing these norms it is impossible for commitment and compliance among member states.

To recall the arguments of Webber would mean that successful integration in Southeast Asia is impossible because the economic differences between the member states are too high. He argues that in order to create successful integration an economic and political homogenous region is a must. However when we look at the EU we cannot really speak of a fully homogenous region, so inequalities between member states can lead to difficulties in the integration process but it is not necessary a strong argument in explaining the success or failure of integration.

This research will follow the on-going debate around the relevance of Manners' concept of normative power. Analysing the foreign policy and external relations of the European Union through Normative Power Europe (NPE) has been accepted in both policy debates and academic studies. NPE creates a useful and significant concept that has provoked substantial debate and research among scholars (Diez, 2005; Pace, 2007; Bickerton, 2007; Tocci, 2009; Whitman, 2009). The majority of the literature on NPE however is based on the conceptual level while the empirical level still lacks attention. Given the geographical and thematic ample of EU foreign policy there is solid scope and need for additional empirical analysis. With this research I want to research the intentional use of NPE at regional level, notably the action of the EU towards ASEAN.

NPE | Theoretical Framework

Since introduced by Manners, NPE has emerged as one of the widely debated approaches in European studies. While critique persists, NPE continues to be innovatively applied by scholars exploring the role of the EU as a global actor. Whereas most approaches to EU-policy making are predominantly borrowed from frameworks aimed at understanding national level policy making, NPE is an EU *specific framework* (Birchfield: 2013).

Normative Power Europe, with its roots in social constructivism, has the ideational impact of the EU's international identity which is able to shape conceptions of normal according to Manners (2002: 239). According to Manners the EU offers a normative power because *it changes the norms, standards and prescriptions of world politics away from bounded expectations of state-centricity, which are generally acknowledged, within the United Nations system, to be universally applicable* (2008: 45).

Manners formulated a five-point conceptualization of normative power as being: ideational, involving principles, actions and impact, as well as having broader consequences in world politics (Manners: 2009). First of all, NPE makes use of normative justification rather than material incentives or physical force which makes it ideational rather than material or physical. Secondly, the conceptualization of normative power comprehends principles. Furthermore, if we want the normative justification to be persuasive it is necessary to take action in order to promote the principles. The fourth point shows us that if we want normative justification to be convincing it must bring impact. Finally normative power has broader consequences in the more holistic, justifiable and sustainable world politics.

Manners makes a distinction in the main norms that the EU holds. According to him there are five core and four minor norms which are central to the EU's normative dimension and are argued to be promoted in the rhetoric, discourse and action of the EU, internally and externally (Manners: 2002). The five fundamental norms of the EU he suggest are *peace, liberty, democracy, human rights and the rule of law*. Although described as minor norms *social*

solidarity, anti-discrimination, sustainable development and good governance altogether with the five fundamental norms emphasizes the founding and legislative basis of the EU.

The EU has gained the reputation of a normative power through various routes of transmission of the aforementioned norms (Manners: 2001). The first route according to Manners is the EU serving as an example of effective integration to third parties, the unintentional diffusion of EU norms to third actors, or in other words *contagion*. An example of *contagion* is the creation of the South American common market agreement. Through the *informational* route the EU's public diplomacy strategy promotes norms as a result of strategic and explanatory statements. The third way of diffusing European norms is *procedural*: values and principles are encouraged on third parties through official relationships. Side note, the relationship aforementioned is extended from the EU to other actors whereas when a relationship of exchange exists between the EU and third parties such as through trade or aid agreements this is called *transference*. The fifth way to diffuse norms is called *overt diffusion*: the EU's diplomatic involvement and physical presence in other states or international organizations influences the formulations of norms on third parties. Finally the EU is able to promote norms through *cultural filter*. An example of the *cultural filter* is the transmission of human rights norms in Turkey: the basic idea here is that the EU's values can be advocated and promoted through either rejection or adaptation of the third party's political and social contexts to those of Europeans.

	What the EU is	What the EU does	Instruments
NPE	EU is based on a core set of norms and principles	Set the norm through its existence and by acting according to those principles that it wants to promote	<ul style="list-style-type: none"> - Transference - Procedural - Informational - Cultural Filter - Overt - Contagion

Table 1The European Union as a Normative Power; brief overview of the specificities of the concept used to assess the EU's prompting of regional integration in Southeast Asia.

NPE | Research Question

The research questions in this paper involve three parts. The first one defines the normative process of the European Union. Secondly, the normative impact of the EU will be analysed. The final part will assess the normative intent of the EU.

1. Inclusiveness and reflexivity: Does the EU features an inclusive and reflexive foreign policy?

Two criteria are particularly useful in distinguishing among the various arguments about the nature of EFP and the normative connotations read into EFP. According to Bicchi these two criteria are inclusiveness of the foreign policy making process and institutional reflexivity (2006: 204). With inclusiveness is meant the extent to which EU foreign policy-makers permit a role in EFP making for external actors affected by EFP. With the second criterion institutional reflexivity is meant the capacity of EU foreign policy makers to critically analyse the EU's policy and adapt it according to the effects the policy is expected to have on the targeted area (Bicchi, 2006). Basically with inclusiveness Bicchi points on the involvement of non-members and with institutional reflexivity on the anticipation of effects on non-members and pre-emptively adapting to them.

According to Bicchi normative power is relational (2006: 204). In order to be normative justifiable it must take the views of those outside the EU into account. If the EU really is a force for good it surely cannot exclude external input, criticism and reflection about the possible impacts of its action. The openness to learning can be seen as an indicator of the EU's virtue and goodness. As for *inclusiveness*, Bicchi (2006: 289) emphasises that EU decision-makers should give a role to external actors, of affected third countries, during certain stages of the policy process.

The second criterion, *reflexivity*, is about learning and changing behaviour when faced with better arguments, anticipating consequences of exporting an EU norm to non-members and (pre-emptively) adjusting EU policy to those consequences (Bicchi, 2006). The issue of reflexivity helps to distinguish between intentional behaviour, on the one hand, and routine-based behaviour, on the other. In the definition by Giddens, institutional reflexivity refers to the

regularised use of knowledge about circumstances of social life as a constitutive element in its organisation and transformation (1991: 20). Reflexive behaviour thus springs from an ongoing reflection about the action, its context, its effects on such a context and the feedback of those expected effects on the action (Bicchi, 2006). According to Bicchi, for example, the norm of regionalism does not make sense everywhere and should therefore not be unreflectively exported. Reflexivity is thus expressed by the possibility of redemption through context specific knowledge and action based thereon. Routine-based behaviour is, on the contrary, founded on practices that have lost their original meaning to become ritualised and symbolic. For analysing EFP, reflexivity entails asking questions such as: To what extent is the action of the EU based on a conscious effort on the part of the EU foreign policy makers to critically analyse the expected consequences of norm promotion for all parties involved and adapt EFP accordingly (Bicchi, 2006)? We can say that inclusiveness and reflexivity helps the EU in the export of norms because they engage partner countries and help to build a dialogue based on common understanding which should be conducive to the diffusion of norms.

Accordingly my first hypothesis is as follows:

H1: The more inclusive and reflexive the European Foreign Policy regarding ASEAN, the more likely that the European Union will pursue a common normative policy towards ASEAN.

2. Development of norms in third countries: Does the EU have the ability to shape conceptions of what is normal?

At this stage it is important to know whether some normative change has appeared in the norms that are promoted by the EU. One way to analyse the change in norms is to investigate the degree to which the norms projected by the EU are being referred to in the political and media discourse of the partner country and the extent to which they become part of the dominant discourse. However, that a norm became part of a discourse does not automatically mean that there is norm adoption. One possibility of tracking internalisation is to analyse the extent to which political actors make consistent use of a norm. If norms are ascribed the same

significance (and meaning) in different contexts and forums, then there is an increased probability that the relevant actors really mean what they say (cf. Risse 2000; Checkel 2001; Niemann 2004). This could be investigated, for instance, by analysing speeches of important third country politicians in different settings (Wekker & Niemann, 2009).

Another important way to analyse the change in norms is analysing whether and to what extent the legislation of the partner country in question was amended in terms of the norms advocated by the EU. However, again, this does not automatically mean that there is norm change. It is possible that laws have been adjusted merely to fulfil a certain conditionality included by the EU. So, it is important to know whether the decision makers were involved accord with the implementation of that norm into domestic legislation. In order to do so, again, the consistency in words and deeds on the part of national decision makers on the significance of the norm would be informative (Wekker & Niemann, 2009).

Another important factor is whether the change in the norms was in the first place solemnly and purely induced by the EU. It is possible that other third influential parties such as the UN, the US, the WTO or the political system of the partner country in question itself were the source of the change. If so, it is to be asked how similar their propagated norms are to those promoted by the EU and how close their relations with, or how direct their access to, the country in question has been. If there were different accentuations in the promotion of norms, then one can investigate whether norm implementation followed the line of the EU or rather that of another entity. Further clues may be provided by the political discourse in the partner country (Wekker & Niemann, 2009). Here, it is worth investigating, whether norms are mentioned in connection with the EU or rather in context with another party such as the UN. In addition, one should analyse the timing of norm change. Did norms change after the EU's normative engagement in the country in question, or did it precede it? In the latter case the EU is unlikely to have been a significant source of that change (Wekker & Niemann, 2009).

Accordingly my second hypothesis is as follows:

H2: The more the European Union has the ability to change norms in ASEAN, the more likely that it will pursue a common normative policy towards ASEAN.

3. Self-image: How serious is EU normative commitment?

The aim of this last hypothesis is to analyse whether the European Union really is a normative of power or rather wants to see itself as a normative power. If the EU claims to be a normative power it should also act in accordance with this. First of all we have to analyse whether the norms in question were part of the relation with ASEAN. Were the norms political integration and economic integration part of the agreements with ASEAN? Likewise, if these norms were not at the centre of the dialogue between the two regions, it should be questioned how genuine the EU is in her normative commitment (Wekker & Niemann, 2009). Secondly, it is important to analyse whether the projected norms hurt or serve EU interests (Goertz & Diehl, 1992). If these norms are in conflict with self-interest, this will be a powerful indicator for the relevance of the norm because it has been invoked despite costs (Wekker & Niemann, 2009). Finally, we will have to look at the consistency of EU communications and the extent it uses double standards (Lerch & Schweltnus, 2006). Double standards, which cannot be justified, suggest that norms do not constitute the most important basis for making decisions (Wekker & Niemann, 2009). Consistency can be explored through for example I) analysing whether the EU applies the same standards that it asks of a certain third country internally and II) by analysing whether the EU apply the same standard for all the ASEAN members.

Accordingly my second hypothesis is as follows:

H3: The more *serious* the European Union is about normative commitment in ASEAN, the more likely that it will pursue a common normative policy towards ASEAN

Hence my research question is as follows:

Is the European Union adopting a normative power regarding the promotion of regional integration in Southeast Asia?

NPE | Case Selection

There are various reasons to choose Southeast Asia as a case study. As mentioned in the introduction the EU has a lot of agreements and a lot of collaboration with countries all over the world. But the relation with Asia appears to confirm the one size fits all approach of the EU to export regional integration. The main contact point for the EU in Southeast Asia is ASEAN (the Association of Southeast Asian Nations) which is founded in 1967 with the main purpose of creating a stable environment, reduce the influence of external powers and satisfy their aspirations becoming a regional power (Indonesia) and constrain aspirations for regional dominance (Malaysia and Singapore). A main difference between ASEAN and the EU but also with Latin-American countries is that the ASEAN countries have renounced formal, supranational institutions, which would compromise their sovereignty (Solingen, 2005). Another reason which makes Southeast Asia more interesting is the fact that ASEAN is not a community of liberal democracies but includes Communist and authoritarian states, whose respect for human rights, democracy and the rule of law has been often more than questionable. Especially when the countries Laos, Myanmar, Vietnam and Cambodia entered ASEAN, it affected the relation with EU. The EU started to loosen its relations with ASEAN by suspending meetings and avoiding high level contact (Camroux, 2008, p. 19-23). In 1994 the EU adopted a new Asian Strategy in which it sought to intensify the political dialogue with Asian countries but the issues human rights and democracy have been largely banned from the agenda of the Asia-Europe Meetings. However in 2001 in the Strategic Framework for Enhanced Partnership with Asia the EU mentioned political rights such as 'contribute to protection of human rights and to the spreading of democracy, good governance and the rule of law'. Although the 'ASEAN-EU relationship is widely considered the model of interregional relations' it has been less comprehensive and less institutionalized than in the case of Latin-America (Ruland, 2006). The EU carries an enormous trade deficit with ASEAN member states and this is why the member states are less willing to accept an interregional Free Trade Agreement than the EU. The trade among the ASEAN countries is still low and ASEAN knows that there has to be done more before it will establish the Economic Community (Camroux, 2008, p. 25-30). Furthermore in the past years the EU has focused on strengthening the integration among

ASEAN members. In the Strategic Framework of 2001 and the Strategy Document on Regional Programming for Asia 2007-2013 the EU declares the support for reinforce regional integration (political principles are first priority followed by environment policy, higher education and research and animal and human health).

Regional integration on the other hand is a very broad concept. Considering the scope of this thesis I will mainly focus on a few norms. First I will take political integration into consideration by looking at the democracy building norm. Secondly I will take economic integration into consideration by analyzing the role of the EU in realizing free trade agreements and the economic community in ASEAN.

NPE | Data Collection

Within this research the focus lies on the analysis of written documents by the EU and ASEAN. In order to do so I will make use of process tracing. Process tracing centers on dissecting causation through causal mechanisms between the observed variables, primarily in case studies (George & Bennett, 2004). In essence, the focus of process tracing is on establishing the causal mechanism, by examining the fit of a theory to the intervening causal steps. By emphasizing the causal process that leads to certain outcomes, process tracing lends itself to validating theoretical predictions and hypotheses. Despite often focusing on only a single case, process tracing is a useful tool for testing theories. Researchers must examine a number of histories, archival documents, interview transcripts, and other similar sources pertaining to their specific case in order to determine whether a proposed theoretical hypothesis is evident in the sequence of a case. Looking at these sources in terms of the sequence and structure of events can serve as evidence that a given stimulus caused a certain response in a case. This method is particularly useful for looking at deviant cases and determining the specific factors that lead them to diverge from expected trends. While process tracing may not be able to exclude all but one theory in a given case, it can narrow the range of possible explanations and can disprove claims that a single variable is necessary or sufficient to produce an outcome (George & Bennett, 2004).

On side of the EU all documents will be retrieved via the archive on the website of the Council of the European Union. First of all the policy documents which are needed to analyze the policy process are selected. Also public statements in form of official press releases and Council conclusions expressed by the EU are selected. When we look at the policy documents I will focus on what measures have been adopted and why, while the strategy papers will help to explain the reasoning behind the EU policy. While the documents of ASEAN will be the primary sources, other documents which are available from other institutions such as the Asia-Europe Meeting (ASEM), the Regional Forum of ASEAN (ARF) and South ASEAN Free Trade Area (SAFTA) will also be taken into consideration. The task here is to assess, arrange and organize the available primary data in order to present an overview of the procedure, construction and the impact of the normative power. The retrieved data will be divided firstly in to two sections

regarding regional integration namely political –and economic issues. Secondly the data will be leveled, obviously we can't treat all EU documents as equal. A Green Paper saying something about for example cultural filter is not the same as a Council decision saying something about conditionality. It is in conjunction that the effects of these different documents would need to be considered. It is necessary to differentiate between different types of documents.

NPE | The Normative Process: Comprehending and Reflecting the ASEAN Way

Informal relations between the EU (or if we want to be thoroughly correct, the European Community) and ASEAN were established in 1972 through the Special Coordinating Committee of ASEAN. This committee, the forerunner to subsequent institutionalized linkages with third countries, was reinforced by the establishment of the Joint Study Group in 1975, charged with the task of examining the substance and mechanism of cooperation between the two regional organisations (Pui Huem Lim, 1984). A fully-fledged international dialogue was formalized in 1977 and the relationship was taken to a new level when the two regions' regular contacts were raised to the ministerial level. The foreign ministers of both the EU and ASEAN have met for political dialogue every second year since the first ministerial meeting held in Brussels in November 1978⁴. A cooperation agreement between the EEC and ASEAN was signed in March 1980, at the second ministerial meeting⁵. Both parties agreed to develop commercial, economic and development cooperation. However, any reference to political cooperation, let alone cooperation on democracy building, was absent. The cooperation between the two regions was, especially during the early stages of the relationship, primarily core to economic and development issues.

The early 1990s marked the beginning of a change in the EU's policy towards ASEAN. During the Cold War the *distant South* had little direct impact on Europe's security and political interests (Smith, 2002). With the end of the Cold War the attitude of the EU towards ASEAN, and other third countries in general, changed significantly. However, not only the end of the Cold War but also other important changes such as the collapse of Suharto's authoritarian rule in Indonesia (1998), the rise of a constitutional democracy in Thailand in the late 1980s, the *reformasi*⁶ movement in Malaysia (1988) and most importantly the Asian financial crisis of 1997 have triggered the decision to change the attitude within and outside ASEAN. Liberal democratic norms such as democracy and human rights were now part of the policy towards ASEAN.

⁴ ASEAN – EU Ministerial Meetings <http://www.asean.org/news/item/asean-eu-ministerial-meetings>

⁵ EU – ASEAN Natural Partners http://eeas.europa.eu/asean/docs/eu_asean_natural_partners_en.pdf

⁶ The outbreak of the Reformasi Movement in September 1998 was caused by the sacking of former Deputy Prime Minister, Anwar Ibrahim. This incident tremendously shaped a major change in the political landscape in Malaysia. Supporters from all over went down to the streets to demonstrate and support the call for Reformasi. Massive and unprecedented demonstrations took place in Kuala Lumpur and other major cities (Saleh, 2013).

However, the transition to accepting and adapting liberal norms did not happen overnight and more important it did not happen easily. First of all the ASEAN members were not fond of the Western normative frame. Not only did ASEAN object a Western-style democracy, it also argued that the promotion of a Western-style democracy would undermine the foundations of regional order, the ASEAN Way, which were based on the inviolability of state sovereignty and the principle of non-intervention (Acharya, 2001). During the world conference on human rights in Vienna in 1993 the foreign minister of Singapore warned that *universal recognition of the ideal of human rights can be harmful if universalism is used to deny or mask the reality of diversity* (Sen, 1997). The European Union decided to take a step back and the eleventh Ministerial Meeting between the two regions, that took place in Karlsruhe in 1994, was led by the code of conduct that was defined by the ASEAN Way⁷. However, the decision of the EU to return to *more pragmatic policies and the down toning of value related issues* were merely because of economic concerns. First of all the European economy was not in its best days. Secondly the rise of a trade bloc in Asia (the Asia-Pacific Economic Cooperation) made the Europeans even more concerned about their own economy. The European economy at the moment had priority over vaccinating the distant south with liberal norms.

In 1996 the European Union imposed sanctions on Myanmar because the country was violating *human rights* and imprisoning members of opposition parties⁸. Measures included placing an embargo on the import and export of arms, freezing the funds of companies and individuals and banning investments in such industries as mining and forestry. Development cooperation with the government of Myanmar was also out of the question. In the meantime ASEAN was planning to accept Myanmar as their new member⁹. Also in this year the EU reiterated its commitment to strengthening ties with ASEAN. The European Commission published a Communication to the Council and the European Parliament, concerning the renewal of the

⁷ The 11th EU – ASEAN Ministerial Meeting http://europa.eu/rapid/press-release_PRES-94-195_en.htm

⁸ The EU relations with Myanmar / Burma http://www.europarl.europa.eu/meetdocs/2004_2009/documents/fd/dase20050419_003/dase20050419_003en.pdf

⁹ Preparations for the membership of Myanmar <http://www.burmalibrary.org/reg.burma/archives/199612/msg00022.html>

European Union - ASEAN relations¹⁰. The Communication explains that the EU - ASEAN cooperation is reoriented towards a more dynamic and concrete policy which has as its first objective the support of the approaching between the two societies and the two economies. In this Communication the EC addresses the importance of democracy: *Inscribed in the European Union Treaty, the development and consolidation of democracy and the respect for human rights must be important elements of the political dialogue between the European Union and ASEAN. They will have to be taken into account when proposing new initiatives for the intensification of relations between the two groupings*¹¹.

The EC proposes two options for launching a new dynamic in the current structures and agreement¹². The first option highlights the inter-regional aspect of the cooperation. For launching, it will need a clear confirmation of a shared common will by the ASEAN countries that should bring into the formalisation of an inter-regional agreement¹³. Within the second option, to adopt a joint declaration EU - ASEAN defining the general aims and the establishment of an action plan¹⁴. This plan will ensure the dynamic implementation of the agreement and the launching of common activities in new areas. Besides the optional aspects, the importance of the reinforcements of EU - ASEAN relations is emphasized. The EC recommends the encouragement of the political dialogue between the two regions and the cooperation in the integration effort made by countries in transition into the multilateral system. A common work to facilitate the exchanges and investments is also recommended. However, the second problem between the two regions took place when Myanmar became a member of ASEAN in 1997 (Guyot, 1998), while the European Union strongly opposed a membership (Tan, 2013). This resulted in the abolition of the ministerial meetings for three years. Also the European Commission – ASEAN Joint Cooperation Committee was abolished for more than two years. In 2000 the ministers decided to resume the meetings. The 13th Ministerial Meeting was

¹⁰ Creating a New Dynamic on EU – ASEAN Relations <http://aei.pitt.edu/6271/>

¹¹ Ibid.

¹² EU – ASEAN: Creating a New Dynamic http://europa.eu/rapid/press-release_IP-96-580_en.htm

¹³ Ibid.

¹⁴ Ibid.

held in Vientiane¹⁵. However an important number of European ministers were absent during this meeting. The main reason for the absence of the ministers was the participation of Myanmar, although it was only allowed to send lower level representatives. The EU also decided to reject Myanmar to participate with the EC – ASEAN cooperation agreement because of the human rights violations at the hand of the junta in Myanmar.

In 2001 the Commission felt the need for a new Communication: *Europe and Asia: A Strategic Framework for Enhanced Partnership*¹⁶. Central to this communication were human rights and democracy. The Commission argues that: *In contributing to democratisation, good governance and the rule of law, and respect for human rights we should strengthen our bilateral and multilateral dialogue with our Asian partners, encourage civil society dialogue, and ensure that human rights and governance issues are mainstreamed in our cooperation activities*¹⁷.

Seizing the change in the attitude of the EU was inevitable during the 14th Ministerial Meeting, which took place in 2003 in Brussels. The EU was firmly backing the idea of regional integration in ASEAN and more important the EU seemed to be accepting the *comprehensive way of approaching democracy by ASEAN*¹⁸. The reason for this shift in European perspective was the *Declaration of ASEAN Concord II* also known as the *Bali Concord II*¹⁹. The leaders of ASEAN signed an accord to lay out a platform for the establishment of a *European – style* regional community that includes the creation of a single market by 2020. "We have just witnessed a watershed in the history of ASEAN" said Indonesian President Megawati Sukarnoputri, who was the chairman at the time being²⁰. The Bali Concord II consists of three pillars: I) ASEAN Economic Community, II) ASEAN Security Community, III) ASEAN Socio – Cultural Community.

¹⁵ The thirteenth ASEAN – EU Ministerial Meeting

<http://cil.nus.edu.sg/rp/pdf/2000%20Vientiane%20Declaration%2013th%20ASEAN-EU%20Ministerial%20Meeting-pdf.pdf>

¹⁶ Europe and Asia: A strategic framework for enhanced partnerships. Communication from the Commission

<http://aei.pitt.edu/38103/>

¹⁷ Ibid.

¹⁸ 15th ASEAN – EU Ministerial Meeting

http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/er/74270.pdf

¹⁹ Declaration of ASEAN Concord II

<http://www.bic.moe.go.th/th/images/stories/ASEAN/declaration/ASEANconcordII.pdf>

²⁰ <http://www.asean.org/news/item/speech-by-indonesian-president-megawati-on-the-presentation-of-a-farewell-gift-to-malaysian-prime-minister-dr-mahathir-mohamad-at-the-asean-summit-in-bali-indonesia-7-october-2003>

The Bali Concord II was followed by the Vientiane Action Programme 2004 – 2010 in order to provide and unify the strategies of the three pillars in an effective way. The VAP also includes a chapter in which enhancing peace, stability, democracy and prosperity in the region through comprehensive political and security cooperation is clarified²¹.

In 2003 another Communication from the Commission regarding the distant South was published: *A New Partnership with South-East Asia*²². The Communication proposes that EU – South East Asia relations should be further developed in line with the guidelines contained in the 2001 Communication. The Communication identifies six strategic priorities, the human rights and democracy promotion agenda is one of the six key priorities in EU relations with South East Asia²³.

During the 16th Ministerial Meeting in 2007 between the two regions the ASEAN-EU dialogue relations reached a significant milestone with the adoption of the Nuremberg Declaration on an EU-ASEAN Enhanced Partnership in 2007²⁴. The Plan of Action to implement the Nuremberg Declaration on an ASEAN-EU Enhanced Partnership was drawn up and adopted during the first ASEAN-EU Summit in November 2007. Both documents provide a basis for enhancing cooperation between the EU and ASEAN in the political, security, economic, socio-cultural and development areas as well as in the fields of energy security and climate change/the environment. However both the documents lack the necessary clear guidance on the role of the EU regarding democracy promotion. What the document do is the promise to enhance political and security cooperation on five points which are as follows: I) enhancing dialogue between the EU and ASEAN, II) promoting ASEAN – EU cooperation in multilateral frameworks, III) cooperating to enhance global and regional security, IV) combating terrorism and other transnational crimes, V) cooperating in the areas of disarmament, arms control and non-proliferation of weapons of mass destruction²⁵. However, the only problem is not the lack of clear guidance, ASEAN also decided to draw attention on regional security issues within the

²¹ VAP <http://cil.nus.edu.sg/rp/pdf/2004%20Vientiane%20Action%20Programme%202004-2010-pdf.pdf>

²² Communication from the Commission: A new partnership with South East Asia
http://trade.ec.europa.eu/doclib/docs/2004/july/tradoc_116277.pdf

²³ Ibid.

²⁴ 16th ASEAN – EU Ministerial Meeting

http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/er/93216.pdf

²⁵ Ibid.

framework of the ASEAN Regional Forum²⁶. Although these two documents were products of collaboration between the two regions, ASEAN decided to not intercommunicate this issue within the framework of ASEAN – EU cooperation.

The main struggle for the European Union, while promoting democratization in Southeast Asia, is the adhesion of the ASEAN members to the principle of non-interference. This ASEAN Way enables the EU to organize a formal legally binding policy with ASEAN members on the regional level on liberal norms such as democracy and human rights. The democratization progress is processing on a very low speed while the progress that has been made lacks the necessary clarity regarding the inclusion of the role of the EU.

Unlike the slow and relatively delayed process on democracy building/political cooperation, economic cooperation between the two regions has a slightly longer and more vibrant history. While the cooperation on the political dimension at this stage looks more like a one-way process (with maybe a dead end), cooperation in the economic dimension is composed of a more active attitude by both of the regions. In 2012 ASEAN as a whole represented the EU's third largest trading partner outside Europe, after the USA and China, with more than € 235 billion of trade in goods and services²⁷. Subsequently, in 2012 the EU represented ASEAN's third largest trading partner after China and Japan, which is approximately thirteen percent of ASEAN trade. Between 2005 and 2012 European companies have invested an average of € 13.6 billion annually in the region, which makes the EU by far the largest investor in ASEAN²⁸. Export from the EU to ASEAN mainly consists of chemical products, machinery and transport equipment while export from ASEAN to the EU mainly consists of also machinery and transport equipment as well as agriculture products, textiles and clothing²⁹.

²⁶ Nurember Declaration on EU – ASEAN Enhanced Partnership
http://europa.eu/rapid/press-release_PRES-07-54_en.htm

²⁷ ASEAN <http://ec.europa.eu/trade/policy/countries-and-regions/regions/asean/>

²⁸ Ibid.

²⁹ Ibid.

“What the world needs today is more economic integration, not less. That is why Europe and ASEAN need to come closer together, not farther apart. That is why regional integration within South East Asia offers so much potential.”³⁰

Karel de Gucht, European Commissioner for Trade

In the first part of this chapter we have seen that although the formal relationship between ASEAN and the EU dates back to 1972, serious dialogue on political issues started only after the end of the Cold War. Official dialogues and cooperation's on economic issues on the other hand already started in the year 1980 with the signing of the Co-Operation Agreement during the second Ministerial Meeting. This agreement still remains the legal basis of formal ASEAN – EU relations. With this agreement the two regions agreed to *study ways and means of overcoming trade barriers, easing access to the markets of both regions, establishing new trade patterns by bringing together economic operators, recommending trade promotion measures and consulting each other on measures which could affect trade*³¹. From this year on the most important platform for dialogue on economics and trade were, also, the Ministerial Meetings. However as we have seen in the previous part the 1990s was the stage for disagreements among the two regions. While the EU was busy signing agreements including hot issues such as democracy, human rights and the rule of law with other third parties, discussing these issues with ASEAN was a hot issue itself. Even before ASEAN was able to reject the human rights clause, Portugal refused to give the EC the mandate to negotiate a new cooperation agreement with ASEAN in 1992 (Lim, 2002). The reason for this refusal by Portugal was the Indonesian occupation of East Timor. In 1994 the Commission releases a new Communication regarding a reviewed vision on Asia³². With this new Communication ‘Towards a new Asia strategy’ the Commission sets out the major strategic guidelines for a proactive EU policy concerning the countries of Asia (Southeast Asia, East Asia and South Asia) and proposes strengthening the

³⁰ EU-ASEAN: An efficient machine for the next 45 years
http://europa.eu/rapid/press-release_SPEECH-12-462_en.htm?locale=FR

³¹ Co-Operation Agreement between the EEC and ASEAN
<http://ec.europa.eu/world/agreements/prepareCreateTreatiesWorkspace/treatiesGeneralData.do?redirect=true&treatyId=373>

³² Towards a New Asia Strategy http://europa.eu/legislation_summaries/other/r14201_en.htm

EU's economic presence in Asia, contributing to the stability of the continent, promoting the economic development of the less prosperous countries and regions and contributing to the development of respect for human rights and the consolidation of democracy in Asia. Together with the Ministerial Meeting hold in 1994 in Karlsruhe the EU had shown that ASEAN would be the primary *cornerstone* of the EU's engagement with Asian countries. As a result in 1996 the Asia Europe Meeting was created³³. The Asia Europe Meeting is an interregional forum which consists of the countries of the European Union, the countries of ASEAN, China, Japan, South-Korea, India, Mongolia, Pakistan, Australia, Russia, New Zealand, Bangladesh, Norway and Switzerland. The main aim of this platform is deepening the relation among the participating countries on political, economic, and socio-cultural issues. With this new platform, in July 1996, the Commission felt the need to release a new Communication, *Creating a New Dynamic in EU – ASEAN Relations*, which again emphasizes the argument that the relationship with ASEAN should be strengthened³⁴. The following year was characterized by the dispute between Myanmar and the EU, the abolition of the next Ministerial Meeting and of course the Asian financial crisis.

It is hard to let the ASEAN members bow down on binding regional norms, rules and procedures. Not only is this region too diverse in political, economic and socio-cultural dimensions, the presence of conflict among ASEAN members, which are mainly caused due to conflicting territorial claims, hinders the emergence of strong mutual trust as a decisive precondition for any type of regional community building (Wang, 2012). Acknowledging the high degree of diversity, ASEAN consciously rejected the legalistic approach to regional integration based on stringent regulatory frameworks that has characterised European integration. For several decades, it was customary for Southeast Asian politicians to state that ASEAN never tried or intended to emulate the EU (Wang, 2012). Instead, ASEAN developed an alternative approach to regional community building which we know today as the *ASEAN Way*

³³ ASEM http://eeas.europa.eu/asem/index_en.htm

³⁴ Creating a New Dynamic in EU – ASEAN Relations <http://aei.pitt.edu/6271/1/6271.pdf>

and commits itself on the pillars of informal, non-binding and consensus-oriented inter-governmental cooperation.

However, mainly because of the Asian financial crisis, in October 2003 the ASEAN members came to the conclusion that it was time for an economic community. The AEC is based on the *ASEAN Vision 2020*, which was published in 1997, and on the recommendations of the ASEAN High Level Task Force³⁵. In 2007 the members adopted the AEC Blueprint which contains various measures and strategic schedules for implementation. In April 2009 the Declaration on the Roadmap for the ASEAN Community (2009–2015) agreed to an accelerated timetable for the realization of the AEC³⁶. The AEC has often been inappropriately compared to the EU Single Market. But the AEC is neither a customs union (with common external commercial policy) nor a full common market (with free mobility of capital and labour and some policy harmonization).

In 2003, after ASEAN's decision to create an economic community, the Commission publishes a new Communication: *A New Partnership with South East Asia*. In which it argues to enhance the economic and commercial links with Southeast Asia through³⁷:

- work to strengthen our bilateral economic relations, reducing non-tariff barriers to trade and facilitating investment, and helping build a pro-development policy climate
- support cooperation between economic operators in our two regions;
- strengthen our policy dialogue on economic and financial issues, and promote the use of the euro internationally;
- continue to ensure favourable market access for the poorest developing countries
- Recognise the role of transport and energy in our trade relations as well as the impact of both sectors on the environment.

³⁵ ASEAN Economic Community Blueprint <http://www.asean.org/archive/5187-10.pdf>

³⁶ Cha-am Hua Hin Declaration on the Roadmap for an ASEAN Community (2009-2015) <http://cil.nus.edu.sg/2009/2009-cha-am-hua-hin-declaration-on-the-roadmap-for-an-asean-community-2009-2015-signed-on-1-march-2009-in-cha-am-by-the-heads-of-stategovernment/>

³⁷ A New Partnership with Southeast Asia http://europa.eu/legislation_summaries/external_relations/relations_with_third_countries/asia/r14211_en.htm

Furthermore, this Communication has led to the establishment of *the Trans-Regional EU-ASEAN Trade Initiative* which provides a framework for dialogue and regulatory co-operation to enhance European trade with Southeast Asia³⁸. The main aim of this framework is deepening the cooperation by, in the first stage, exchanging experience and further develops to more regulatory commitments between the two regions.

Another main project that came to life is the *ASEAN – EU Project on Regional Integration Support*³⁹. With this framework the European Union is assisting the ASEAN members for the goal of regional integration. Through exchanging its own experience the EU wants to improve ASEAN mechanisms and communications schemes and support capacity – building programmes for the ASEAN members and the ASEAN Secretariat.

Although the collaboration on economic integration also mainly consists on dialogue, the decision to turn ASEAN into an economic community has changed the role of the EU. Not only are there simply talks about regional integration, the EU is by far the largest supporter of economic community building in Southeast Asia through financial and technical aid. Another important issue between the two regions to enhance economic integration is the decision to establish an EU – ASEAN Free Trade Agreement. The first idea for an FTA between the two regions came during the ASEAN Economic Ministers and the European Union Trade Commissioner Consultation which was held in Jakarta, 2004. However according to the Philippine Trade Secretary, Cesar Purisima, the EU Trade Commissioner, Pascal Lamy, made it during this consultation clear that the EU preferred multilateral arrangements under the WTO and that the EU was only pursuing FTA negotiations that had been started before 1999⁴⁰.

In contradiction to the opinion of the Philippine Trade Secretary, with the green light from the Council, the Commission started the FTA negotiations at the EU – ASEAN Economic Ministers Consultations in Brunei, 2007. Together with the ASEAN Economic Community, the EU – ASEAN FTA are the most important achievements in which the EU actively and visibly plays a role in.

³⁸ TREATI http://trade.ec.europa.eu/doclib/docs/2007/december/tradoc_137414.pdf

³⁹ ARISE <http://arise.asean.org/>

⁴⁰ <http://www.aepf.info/resources/finish/16-eu-asean-fta/15-ftas-in-asia-europe-relations/0>

NPE | The Normative Impact: EU, The Last Norm bender?

ASEAN members often state that they are willing to work together, yet it is their own government that forms an obstacle. We have already addressed the diversity among ASEAN members and the hardship that comes together with this diversity. While there are a few countries that operate under a democratic system, half of the ASEAN members are constitutional monarchies or communist regimes. This fact makes it harder to even address liberal norms such as democracy and human rights. However, as we have seen in the previous chapter, the turning point for a more active policy within and outside ASEAN was the Asian financial crisis in 1997. Add to this the rapid economic rise of China and India and it was almost inevitable for the ASEAN members to change their regional cooperation in managing political – security challenges. The Bali Concord II is the most eye-catching accomplishment regarding incorporating liberal norms, such as democracy and human rights, in Southeast Asian’s regionalism⁴¹. In principle, the Bali Concord II is a promise by the leaders of the ASEAN member states to bring *ASEAN’s political and security cooperation to a higher plane to ensure that countries in the region live at peace with one another and with the world at large in a just, democratic and harmonious environment*⁴². In accordance with the Bali Concord II the members agreed with the draft of an ASEAN Charter in 2005. The final ratification of the ASEAN Charter took place on 15 December 2008.

However in the meantime, as a democratic country Indonesia was the first among the ASEAN members that took *the* remarkable step. In June 2003 during the ASEAN Senior Officials’ Meeting, Indonesia argued that it was time to turn ASEAN into a security community⁴³. With this proposition, although it was not mentioned instantly, Indonesia was aiming to put democracy promotion on the ASEAN agenda. On domestic level Indonesia itself was enhancing their democratic norms. After the end of the Cold War, not only the European Union but also other Western countries started to demonstrate their disagreement with the communist

⁴¹ Declaration of ASEAN Concord II <http://www.asean.org/news/item/declaration-of-asean-concord-ii-bali-concord-ii>

⁴² Ibid.

⁴³ <http://www.asean.org/communities/asean-socio-cultural-community/item/joint-communique-the-seventeenth-asean-labour-ministers-meeting>

ideology which was present in Indonesia. Not only was Indonesia, at the time, struggling on the economic level due to the financial crisis, it was also struggling on the political level due to the consequences of the authoritarian government of Suharto. Because of the murder of East Timorese civilians in 1991, the Congress of the USA decided in 1992 to limit the *International Military Training and Education* with Indonesia⁴⁴. In 1993 the USA helped to pass a resolution in the *UN Human Rights Commission* which expresses deep concern over Indonesian human rights violations in East Timor⁴⁵. The financial crisis of 1997 was perceived the hardest by Indonesia. Because of the flight of foreign capital Indonesian companies with US dollar-denominated borrowings struggled to service their debts and many went bankrupt. Bank Indonesia tried to save the situation by selling US Dollars, which only resulted in the drainage of the Indonesian foreign exchange reserves. For the first time in history, Suharto did not attend the ASEAN presidents' summit which was held in December 1997. This caused to speculations about his future presidency. The enormous weight of the financial crisis plus the enormous demonstrations against his government made Suharto resign in 1998. This was the beginning for a new democratic Indonesia.

By proposing this change in ASEAN, Indonesia was aiming to also increase the political accountability in the other ASEAN countries. The main new points that needed to be applied, according to Indonesia, were as follows (Yuzawa, 2013):

- Promote people's participation (particularly through the conduct of general elections)
- Implement good governance
- Strengthen judicial institutions and legal reforms
- Promote human rights and obligations through the establishment of the ASEAN Commission on Human Rights

As you will guess this *remarkable step* of Indonesia was not welcomed with open arms by the other ASEAN members. There was clearly a paradox according to the members: promoting

⁴⁴ US International Security Assistance Education and Training <http://www.fas.org/asmp/campaigns/training.html>

⁴⁵ <http://etan.org/timor/uspolicy.htm>

democracy while insisting on one of the core foundations of the *ASEAN Way*, non-interference. As a result of this paradox Indonesia had to take her step back. However, this rejection by the members did not hold back Indonesia. A year later at the tenth ASEAN Summit and we could, again, see Indonesia trying to put democracy back on the ASEAN agenda⁴⁶. This persistent behaviour of Indonesia resulted in the implementation of political development in both the ASEAN Security Community as well as the Vientiane Action Programme. However, this implementation did not consist of the initial proposal of Indonesia. Both the documents only contain a simplified version of the Indonesian proposal. The ASEAN leaders mandated the Eminent Persons Group to provide *bold and visionary* ideas for the ASEAN Charter. As a result the EPG came up with a *pro-democratic* and *people-centred* charter⁴⁷. However, the EPG failed to *pay attention to the people's desire* and consequently the ASEAN Charter failed to adopt the ideas of the EPG (Chongkittavorn, 2007). Positive examples by the ASEAN Security Community are the inclusion of democracy and the urge that it is necessary *in order to achieve peace, stability, democracy and prosperity in the region*. Furthermore it contains that *ASEAN member countries shall not condone unconstitutional and undemocratic changed of government*. Finally the Security Committee also addresses the promotion of human rights within ASEAN. In the VAP it is stated that the ASEAN Security Committee can be realized through *a democratic, tolerant, participatory and transparent community in Southeast Asia*. However, for example the first preposition of Indonesia, the call for promoting people's participation particularly through elections, is not available in both of the documents. As a result the finished ASEAN Charter leaves much space for flexible interpretation rather than rigid guidelines.

Another interesting localization of the democracy norm can be found regarding the first elections after decades in Myanmar in 2010. The first general elections after decades in the military ruled Myanmar came with the necessary doubts. The elections laws in the country provided question marks about the credibility of the upcoming elections: would these laws enable the elections to be free, fair and inclusive? Although ASEAN withheld comment on Myanmar's election there were also some member countries who openly offered help

⁴⁶ <http://www.asean.org/news/item/tenth-asean-summit-vientiane-29-30-november-2004-2>

⁴⁷ <http://www.asean.org/archive/19247.pdf>

regarding the elections. For example the Philippines foreign affairs secretary Romulo called on the military junta to ensure that the elections would be *free, fair, credible* and *all – inclusive*⁴⁸. Similar voices also came from Indonesia, Malaysia and Thailand. They have argued that the key to winning international credibility can be found by releasing the opposition leader Aung San Suu Kyi. The Thai foreign minister Piromya even offered to help the government with holding a free, fair and inclusive election: “*Without being seen as interfering in Myanmar’s domestic issues, as friends and members of the ASEAN family we would like to see national reconciliation and peace in Myanmar. Holding free and fair elections will allow the country to bring peace and reconciliation back*”⁴⁹. As a result Aung San Suu Kyi, the opposition leader of the National League Party for Democracy, has won the elections in 2010. Although Myanmar has a long way to go, it is gaining international credibility bit by bit. In 2013 the EU decided to lift all sanctions on, except for an arms embargo. British foreign secretary Hague said that the progress made was sufficient to justify lifting the sanctions: “*It is absolutely vital to continue work; to try to stop this ethnic violence and the European Union countries have a role to play in that, including in the training of police forces, where we can help, in promoting dialogue between faiths*”⁵⁰.

A more recent incident in Southeast Asia regarding democracy is the coup d’état that took place a few weeks ago in Thailand. Just like the coup d’état back in 2006, ASEAN decided to remain still regarding this second attack on democracy in less than 10 years. While in 2006 five member states (Indonesia, Laos, Malaysia, and Singapore) decided to let their opinion known, in 2014 only the Philippines and Singapore decided to *express their grave concern and support for a peaceful resolution on the present situation*. Promoting democracy, building on democracy is not a genuine collective goal among the ASEAN members. It resulted from a political process of bargaining and compromise driven mostly by obligation and the need to accommodate the demand of a fellow member of ASEAN (Sukma, 2009).

⁴⁸ Romulo reiterates release of Suu Kyi, Myanmar elections this year

<http://balita.ph/2010/01/17/romulo-reiterates-release-of-suu-kyi-myanmar-elections-this-year/>

⁴⁹ Thailand joins RI in promoting free, fair elections in Myanmar

<http://www.thejakartapost.com/news/2010/02/15/thailand-joins-ri-promoting-free-fair-elections-myanmar.html>

⁵⁰ EU lifts Myanmar sanctions despite human rights concerns

<http://www.reuters.com/article/2013/04/22/myanmar-eu-idUSL6N0D91XI20130422>

The Communication *Global Europe: Competing in the World* from 2006 sets out that trade policy can contribute to creating growth and jobs in Europe⁵¹. The communication argues that European openness to others and their openness to Europe are critical and mutually reinforcing factors in European competitiveness. With this new Communication the Commission argues that it is time for a new *generation of competitiveness-driven bilateral free trade agreements with key partners, in which economic criteria is a primary consideration*⁵². In the Communication the Commission also points out to the emerging economies, *particularly*, in Asia. As a result in 2007 the EU launched its New Partnership for the 21st Century with Asia. With this partnership the EU is aiming to negotiate free trade agreements with India, South-Korea and ASEAN.

According to the theory of economist Bela Balassa there are five stages of economic integration: I) free trade areas in which custom tariffs on inner borders are absent, II) common market in which there is free flows of goods, III) monetary union in which there is a common currency and unified policies, and IV) economic union which there is full harmonization of economic policies (Balassa, 1961). The agreement to establish a free trade agreement among the ASEAN members only took place after the end of the Cold War, in 1992. The end of the Cold War together with growing power of the neighboring countries such as China and India made the ASEAN members consider new ways to amplify/toughen their own presence. The ASEAN members agreed to mainly work on eliminating import quotas and significantly reducing import tariffs among the members. At the time ASEAN consisted of six members (Brunei, Indonesia, Malaysia, Philippines, Singapore and Thailand), the other four countries (Cambodia, Laos, Myanmar and Vietnam) that joined ASEAN later on were obligated to sign the AFTA agreement in order to join ASEAN. However these latecomers were allowed to meet the obligations on a longer timeframe. The finalized ASEAN Free Trade Agreement took place in 2003. However, ASEAN continued to expand its Free Trade Agreements in their near neighborhood. In 2010 Free Trade Agreements with China, India and South – Korea were completed. With Japan, the ASEAN members agreed to strengthen their relation with a Comprehensive Economic Partnership rather than a Free Trade Agreement. Although this agreement consists mainly of

⁵¹ http://trade.ec.europa.eu/doclib/docs/2006/october/tradoc_130376.pdf

⁵² Ibid.

liberalizing and facilitating trade and goods, and promoting cooperation between Japan and ASEAN, it also contains the element of a possible Free Trade Agreement. Since 2012 ASEAN is also engaged in talks to establish a *Comprehensive Economic Partnership* with the aforementioned FTA partners and the FTA partners in the Pacific: Australia and New Zealand. It seems that ASEAN is in full speed trying to continue their efforts in external integration.

The first official talk about a FTA between ASEAN and the EU took place at the ASEAN – EU Economic Ministers Consultations in 2007. However, during the ASEAN Summit in November 2007 both parties concerned a Joint Statement: the progress for a regional FTA was not going evenly. Because of the slow progress four *exchange of view* meetings were organized in 2008. However, the slow progress on ministerial level was not the only problem. According to some Asian countries the design of the FTA was more in favor of the European market. That is to say, the FTA would open up the Asian market allowing free entry to agricultural products from Europe while the EU maintains all kinds of direct and indirect subsidies, technical and sanitary barriers to the entry of ASEAN products into the European market. Especially in the less developed ASEAN countries resistance voices against this FTA became more obvious. This led to the formation of an EU – ASEAN FTA Campaign Network, which was formed in order to promote the FTA on a regional level. A counter attack to this formation was organized by networks of social movements and NGOs in Southeast Asian countries. Especially in the countries Indonesia, Malaysia, the Philippines, Thailand and Vietnam active movements to stop the FTA negotiation were available. After seven negotiations rounds, in March 2009, both sided agreed to take a pause in the negotiation in order to reflect on the appropriate format of future negotiations⁵³. *“We started the negotiations with ASEAN as a bloc, but we had to stop this for two main reasons. There is a very different level of development in each of the countries, which has made negotiations very difficult. Secondly, because of Myanmar.”* says Karel de Gucht⁵⁴, European Commissioner for Trade. Not long after this decision, the Commission presented a

⁵³ Free Trade Agreements

http://ec.europa.eu/enterprise/policies/international/facilitating-trade/free-trade/index_en.htm

⁵⁴ EU to negotiate FTA with all ASEAN countries, except Myanmar <http://www.thejakartapost.com/news/2011/05/07/eu-negotiate-fta-with-all-asean-countries-except-myanmar.html>

report on the EU – ASEAN negotiations, in which the EU underlined its intention to stay engaged with the region⁵⁵. For example, The EU and Singapore have initialed the text of a comprehensive free trade agreement on 20 September 2013. The draft agreement needs now to be agreed upon by the European Commission and the Council of Ministers, before being ratified by the European Parliament⁵⁶. According to the EU these bilateral FTA's could constitute *building blocks* that the EU and the ASEAN may wish to consolidate in due course into a region-to-region agreement.

⁵⁵ Ibid

⁵⁶ Singapore <http://ec.europa.eu/trade/policy/countries-and-regions/countries/singapore/>

NPE | The Normative Intent: Family Matter?

Democracy cannot be considered as an all-or-nothing affair. It is a question of the degree to which citizens exercise control over political decision-making and are treated as equals. These values of democracy are realized through political institutions and practices. A country's political institutions and practices are often shaped by its history, culture and economic factors. Democratization is not a linear process that moves from an authoritarian to a democratic regime. It is a multi-faceted, multi-disciplinary process that moves back and forth, where some institutions are more developed than others (European Commission 2008: Annex B).

According to the EU, democracy and human right are universal values that should be *vigorously promoted* around the world⁵⁷. They are integral to effective work on poverty alleviation and conflict prevention and resolution, in addition to being valuable bulwarks against terrorism. An example of European foreign policy which promotes liberal norms such as democracy, human rights and the rule of law is the Cotonou agreement which formally gives civil societies an enhanced role in capacity building (Börzel & Risse, 2004). In 2006 the EU launched the European Instrument for Democracy and Human Rights, which grant aid where no established development cooperation exists, and can, intervene without the agreement of the governments of third countries. However the question here is how serious is the EU? Is the EU trying to build on its own image by only claiming that it is a normative power or is it genuinely is/trying to be a normative power?

First of all, it is to be asked whether democracy promotion was at the centre of the relationship among the two members. As we have seen in the previous chapters for a long time democracy or any other liberal political norm was *not* part of the collaboration between the two regions. Only after the end of the Cold War and especially after signing the Maastricht Treaty, the European Union saw democracy promotion as an undeniable important part of its internal and external policies. Although the EU is on familiar terms with the ASEAN Way and their determination to stick on the non – interference rule, democracy building has always been an

⁵⁷ http://ec.europa.eu/europeaid/what/human-rights/index_en.htm

important part of the Commission's Communication reports. However, the EU did not only address democracy building in their Communication's also during the Ministerial Meetings with ASEAN the importance of democracy was underlined. This attitude of the EU was not welcomed with open arms by ASEAN members; it even led to much annoyance among the members. However, the EU still managed to include terms like democracy and human rights in agreements, such as the Nuremberg Agreement and the Bandar Seri Begawan Agreement. Even though these agreements lack the necessary clear guidance for democracy building, what is important here is the fact that the EU takes democracy building as a core norm and tries to implement it in official documents and dialogues.

Secondly, we should ask if the European engagement in Southeast Asian democracy building is caused out of self – interest. Self-interest can largely be divided into three categories: historical, commercial and security interests (Del Biondo, 2012). Historical interests relate to the desire of EU member states to maintain a sphere of influence in the distant South. This can be linked to colonial ties or to historical links on language-based grounds. This historical interest was especially visible when in 1991 the Indonesian army caused a bloodbath amongst protesting civilians in Dili. The European reaction was initially bilateral in nature: the Netherlands threatened to cancel development aid to Indonesia. Following this, Indonesia completely cut off its cooperation in development assistance with the Netherlands (Van den Ham, 1993; Loewen 2008). The second historical interest happened between Indonesia and Portugal. This time the Portuguese tried to intensify the interregional pressure on Indonesia through the EU (Dreis-Lampen, 1998). However ASEAN did not even bother itself to comment on the East-Timor question, due to their non-interference principle, the ASEAN Way. Important at this stage is to ask whether the EU gave priority over liberal norms such as democracy or human rights over for example trade interests. Apart from these two incidents the EU was actively criticizing the situation in Myanmar, however in this case there were no clashing interests.

Thirdly it is important to know whether the European Union is consistent in its democracy promotion/building policy. According to Bicchi (2006) the EU is consistent because *the instruments used by the EU to promote democracy, human rights, the rule of law and good governance look surprisingly similar across the globe*. According to Börzel and Risse *the use of*

political conditionality, political dialogue and capacity building mechanisms in all world regions demonstrate movement towards a coherent approach (2004). However when we look at the agreement that the EU has made with countries such as Australia, Canada and New Zealand we will see that these *essential components* are not taken into consideration. While we can explain the absence of these *essential components* by referring to the fact that these countries are all democracies, we have to recall that the EU also has agreements with for example China, which we certainly cannot call a democracy. Likewise the agreements with ASEAN also lack clear components of democracy and human right. According to Smith (2004) *poor marginal states of little importance to the EU or one of its member states' tend to be subjected to negative conditionality; these are the cases where it is easiest to show that you are doing something about human right*. Smith argues that the EU acts in accordance with its own personal benefits. If any negative conditionality would harm *commercial interests, because the country is strategically or politically too important or because they have doubts about the effectiveness of negative measures* the EU would freeze this conditionality (Smith, 2001). So if the democracy promotion does not harm European geopolitical, economic or security interest the EU will pursue democracy promotion otherwise not. Negative conditionality has played a major role in the relation between the EU and Myanmar; it is even addressed as one of the reasons why the EU – ASEAN FTA has been paused. However, Thailand, which has been known as one of the most democratic countries in Southeast Asia, is year after year the stage of political conflict which has resulted in a coup in 2006 and most recently in May 2014. Yet, the EU did not pursue any negative conditionality on Thailand nor did it mention Thailand as an obstacle in the EU – ASEAN relation. There are clearly double standards in EU policy regarding democracy promotion/building which cannot be justified.

"The EU and ASEAN are the two most ambitious regional integration projects in the world. That makes ASEAN and EU not just natural allies but actually members of the same family who can learn and mutually benefit from each other. As ASEAN's largest source of foreign investment and major trading partner, the EU and ASEAN have and always will invest first and foremost in our economic and people-to-people alliance. This is what makes a real positive difference to our citizens' lives through job creation, education, tourism and other

areas. Our ASEAN and EU family matters... and, as the EU Ambassador, I am proud of that."⁵⁸
– EU Ambassador Julian Wilson.

In accordance with Wilson, at a conference organised by the Belgian Ministry of Foreign Affairs and the EU-Asia Centre on 15 October 2013 the Belgian Foreign Minister Didier Reynders agreed and stressed that *the EU and ASEAN were natural partners that share the same DNA*. During this conference he emphasized that the EU wants to see a *strong, united and self-confident* ASEAN which we can address in a block-to-block dialogue. The EU and ASEAN share a commitment to regional integration as a means of fostering regional stability, building prosperity and addressing global challenges. The EU fully supports ASEAN's renewed efforts to build a closer relationship amongst its member states. The EU wants a strong, united and self-confident ASEAN, proceeding with its own integration⁵⁹. But how sincere is the European Union?

First of all, it is to be asked whether economic integration, and by this I solemnly mean an economic community and free trade agreements, was at the centre of the relationship among the two members. Although economic relations between the two regions have a longer history compared to political relations, the dialogue about economic integration is relatively new. Serious talks about economic integration started after the agreement for an ASEAN Charter in 2005. An example of improved relation is the Vision Group on ASEAN – EU Economic Partnership was established by the ASEAN economic ministers and the EU trade commissioner in 2005. The main aim of the Vision Group was to look into the feasibility of a possible ASEAN-EU FTA, economic integration and other new initiatives for enhancing economic cooperation and ties between ASEAN and the EU⁶⁰. Economic integration became an even more important issue among the two regions when the EU established the ASEAN Regional Integration Support from the EU and the ASEAN – EU Programme for Regional Integration Support Phase. Talks about a Free Trade Agreement

⁵⁸ http://eeas.europa.eu/delegations/philippines/documents/press_corner/20110228_en.pdf

⁵⁹ http://eeas.europa.eu/asean/index_en.htm

⁶⁰ http://trade.ec.europa.eu/doclib/docs/2006/may/tradoc_128860.pdf

were core to the relations in the period 2007 – 2009. Since then a possible ASEAN – EU has been placed on the shelves.

Secondly, we should ask if the European engagement in Southeast Asian economic integration is caused out of self – interest. As we know ASEAN is an important trade partner for the EU. A quantitative report commissioned by the European Commission in 2006 argued that an ASEAN-EU FTA would boost EU exports to ASEAN by 24.2%, while the latter would benefit from an increase of 18.5% of its exports to the European Union. It went on to conclude that an EU-ASEAN FTA would contribute to more than a 2% gain in the ASEAN GDP, although the increase for the four least developed ASEAN countries would be more modest (Camroux, 2008). Obviously this would be beneficial for the EU. However, although the EU was the initiator of this agreement it also mutually agreed with ASEAN to stop the negotiations on this subject.

Finally, it is important to know whether the European Union is consistent in its economic integration policy. While the EU was the initiator of the FTA, reluctance from the ASEAN side to negotiate ceased the negotiations. ASEAN was not the initiator and the agreement was not, at least not as much, in favour with the Southeast Asian interests. According to the EU, though, the negotiations were ceased because of the diversity among the ASEAN member and because of the situation in Myanmar. However, since last year the EU lifted a great part of the sanctions against Myanmar and recognized the positive developments. This would mean that the FTA agreement with ASEAN could be resumed. However, the EU at this stage does not mention any intention of renewed negotiations of an EU – ASEAN FTA. Instead the EU is actively negotiating FTA's with individual ASEAN members such as Singapore and states that it will negotiate with any country that will ask the EU to negotiate.

NPE | Conclusion

Taking ASEAN as an example of European promotion of regional integration, this thesis has discussed first of all the inclusiveness and reflexivity of democracy promotion in EU policy regarding ASEAN. It was obviously not the easiest task for the EU to include ASEAN in their talks about democracy promotion. However, the analysis of EU – ASEAN dialogues provides some support for Europe's normative power in international relations. Although the persistence of ASEAN Members to do everything on their own, ASEAN, way; the EU managed to issue norms as democracy and human rights in their dialogues. We cannot say that democracy is the main dialogue subject between the two regions, however compared to the early stage of their relationship ASEAN has matured and is able to talk about these liberal norms because of European obstinacy. Since the signing of the ASEAN Charter, economic integration has become a more important issue in the dialogue between the regions. While the Co-Operation agreement did mention, although not specifically, economic integration as a focal point in their relation, the bulk of the dialogues among the two regions were rather more focused on trade issues. The Communications by the Commissions on both democracy promotion as economic integration were rather uncritical and vague in their analysis.

Since the signing of the Bali Concord II and the Nuremberg Declaration, norms concerning democracy and human rights have, slightly, begun to change in ASEAN. Also among the ASEAN Members opinions about democracy building became louder. The fact that ASEAN member states also has begun to talk openly about democracy means that democracy promotion is no longer only a European priority. This will ease the dialogue between the two regions on this sensitive issue. However, although it is now easier to talk about democracy and although democracy building and human rights are implemented in agreements between the EU – ASEAN as well as *in* ASEAN there are some fundamental problems. The main problem here is the necessary precision of democracy in the agreements in order to implement them. As long as the emphasis is on ASEAN principles such as sovereignty and non-intervention it will be hard to adjust these norms in national legislation. However, the level of progress should not be viewed too sceptically, since norm changes do take time. On the economic level however the

regions failed to establish a free trade agreement. Clearly, the EU's will to negotiate a *deep and comprehensive FTA clashed with ASEAN members' economic disparity and political interests* (Camroux, 2008). Although the promotion of its deeply institutionalized and liberalized single market through a FTA failed, at least for the time being, the EU is still promoting this model through helping ASEAN with establishing their economic community. Although, we have to wait until 2015 to see whether the implementation of the economic community in ASEAN will bring any change.

Finally as for the seriousness and genuineness of EU normative commitment, the democracy norm does seem to have a central role in the relationship between the EU and ASEAN. However, according to my analysis there are some double standards. The most visible double standard is the different attitude of the EU against ASEAN members. While Thailand repeatedly violates democratic values, any negative conditionality on Thailand is absent. Myanmar, on the other hand is "victim" of European embargos. Furthermore the EU emphasizes on the importance of an FTA with ASEAN but fails to establish one and goes further with individual negotiations. More important in this case is however the fact that Myanmar was a reason for the EU to stop the negotiations. We should expect that now the EU has lifted the sanctions against Myanmar and recognized the positive changes in the country, it should take the lead and resume the ASEAN – EU FTA negotiations.

So how can EU action vis-à-vis ASEAN be characterized? The questionable normative intent of the EU combined with the relatively weak localization of norms leads to a feeble credibility and legitimacy of EU normative power. Combine this with the relatively weak inclusiveness and we can argue that Manners was overly enthusiastic about the EU's role as a normative power.

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