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Serena Garelli

The European Union's Promotion of Regional Economic Integration in Southeast Asia : Norms, Markets or Both?

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Abstract

The EU's external action includes a preference for regional interlocutors and a tendency to promote regionalism. This work concentrates on the southeast Asian area and it aims at investigating the nature of EU's promotion of ASEAN regional integration. The EU's ideas and practices of regionalism as well as the single market experience influence the EU's international action. The power deriving from the EU's institutionalized market is used by the Union in a normative way to diffuse the EU's ideas and principles, advance the EU's interests and spread its model of economic integration through political dialogue, development cooperation and preferential trade arrangements. This action seems to result in a certain diffusion of the EU's ideas and practices in southeast Asia as well as in a subsequent reappropriation and redefinition of external inputs by ASEAN.

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Introduction

The promotion of regional integration in other regions is one element of the European Union's external action.¹ It has been part of the EU's project since the beginning.² The first attempt was done in the 1960s with Africa.³ However, this approach started to be concretely promoted in the 1990s⁴ when the Commission issued a communication on the support for regional economic integration efforts among developing countries: regional economic integration was defined as "the elimination of policy-induced barriers to intra-group movement of goods, services and factors of production"⁵.

The history of the European Union has been marked by the creation of the single market⁶ as an instrument to ensure peace and stability:⁷ the support of regional integration elsewhere is thus based on the idea that it would lead to similar developments in other areas, too.⁸ The notion of normative power Europe (NPE) seems particularly apt to analyse this dynamic and the intentional, as well as "(un)-acknowledged",⁹ diffusion of its ideas, principles and practices.¹⁰ Simultaneously, the promotion of regional economic integration in third parties can be defined as

¹ K. E. Smith, *European Union Foreign Policy in a Changing World*, Cambridge, Polity Press, 2008, p. 109.

² S. Meunier & K. Nicolaïdis, 'The European Union as a Conflicted Trade Power', *Journal of European Public Policy*, vol. 13, n° 6, 2006, p. 914.

³ K. E. Smith, Karen, *op. cit.*, p. 76.

⁴ M. Farrell, *From EU Model to Policy? The External Promotion of Regional Integration*, Centre d'Etudes et de Recherche International, 2005, retrieved 5 April 2012, <http://www.princeton.edu/~smeunier/Farrell%20Memo.pdf>, p. 2.

⁵ European Commission, Communication from the Commission – European Community Support for Regional Economic Integration Effort among Developing Countries, COM (95) 219 final, Brussels, 16 June 1995, p. 3.

⁶ C. Damro, *Market Power Europe. EU Externalisation of Market Related Policies*, Mercury, 2010, retrieved 5 April 2012, http://www.mercury-fp7.net/fileadmin/user_upload/E-paper_no5_final2_2010.pdf, pp. 3-4.

⁷ S. Meunier & K. Nicolaïdis, *op. cit.*, pp. 906-907.

⁸ K. E. Smith, *op. cit.*, pp. 79-83.

⁹ A. Jetschke, *Do Regional Organizations Travel? European Integration, Diffusion and the case of ASEAN*, The Transformative Power of Europe (KFG), 2010, retrieved 5 April 2012, http://www.polsoz.fu-berlin.de/en/v/transforeurope/publications/working_paper/WP_17_October_Jetschke.pdf, p. 3.

¹⁰ I. Manners, 'The EU's Normative Power in Changing World Politics', in André Gerrit (ed.), *Normative Power Europe in a Changing World: A Discussion*, Netherlands Institute of International Relations, 2009, retrieved 5 April 2012, http://www.clingendael.nl/publications/2009/20091200_cesp_paper_gerrits.pdf, pp. 9-24.

an attempt to preserve the EU's trade power;¹¹ the notion of market power Europe (MPE) outlines the influence of the single market instruments on the European Union's external relations.¹²

The aim of this work is to investigate the extent to which the EU can be described as a normative or a market power in prompting regional integration in southeast Asia. This research follows the on-going debate around the relevance of Manners' concept of normative power. NPE is often employed to explain the EU's actions regarding human rights¹³ and democracy;¹⁴ a number of scholars apply it to the influence of the EU in its neighbourhood.¹⁵ Part of the literature concentrates on the normative influence of the EU concerning the promotion of regional integration; the works of Farrell,¹⁶ Chen,¹⁷ Börzel & Risse¹⁸ and Jetschke¹⁹ are particularly relevant in this respect. This paper tries to contribute to the latter research branch. In this analysis, NPE is coupled with Damro's concept of market power. Given the large empirical field, the author concentrates on the intentional impact of market power on a multilateral level.²⁰ This work assesses the intentional use of MPE at regional level, notably the action of the EU towards ASEAN.

¹¹ K. E. Smith, *op. cit.*, p. 80.

¹² C. Damro, *op. cit.*, pp. 1-20.

¹³ For example: R. Youngs, 'Normative Dynamics and Strategic Interests in the EU's External Identity', *Journal of Common Market Studies*, vol. 42, n° 2, 2004, pp. 415-435.

¹⁴ B. Hettne & F. Söderbaum, 'Civilian Power or Soft Imperialism? The EU as a Global Actor and the Role of Interregionalism', *European Foreign Affairs Review*, vol. 10, n° 4, 2005, pp. 535.

¹⁵ For example: E. Johansson-Nogué, *The (non-) Normative Power EU and the European Neighbourhood Policy: an Exceptional Policy for an Exceptional Actor?*, 2007, *European Political Economy Review*, n° 7, pp. 181-194, retrieved 5 April 2012, <http://aei.pitt.edu/8366/1/johansson.pdf>.

¹⁶ M. Farrell, *op. cit.*, pp. 1-14.

¹⁷ S. Chen, X. Kangning & S. Jun, "Normative Power Europe" and European Economic Integration, European Union Centers of Excellence (EUCE), 2011, retrieved 5 April 2012, http://www.euce.org/eusa/2011/papers/91_chen.pdf.

¹⁸ T. A. Börzel & T. Risse, *Diffusing (Inter-) Regionalism. The EU as a Model of Regional Integration, The Transformative Power of Europe (KFG)*, 2009, retrieved 5 April 2012, http://www.polsoz.fu-berlin.de/en/v/transforeurope/publications/working_paper/WP_07_Boerzel_Risse.pdf.

¹⁹ A. Jetschke, *op. cit.*, pp. 1-27.

²⁰ C. Damro, *op. cit.*, pp. 11-20.

It is hypothesized that trade power stemming from the European market²¹ is used as a “leverage”²² of the EU’s normative power: thanks to the single market, “the EU is becoming a power *in* trade and *through* trade”²³ and it tries to make use of this asset in a normative way,²⁴ diffusing its norms and defending its interests through the promotion of its model of regional integration in counterparts.²⁵

The choice of southeast Asia is relevant to test the hypothesis since ASEAN, despite a recent absorption of some EU’s key features, has explicitly refused the EU’s pattern of supranational integration and based its regional cooperation on strict intergovernmental structures.²⁶ This research is restricted mainly to the economic dimension of southeast Asian regional cooperation and does not take into account political-security and socio-cultural issues unless they closely linked and intertwined with trade, such as the Myanmar case. These limitations are justified by the fact that the above-mentioned communication aims at enhancing regional economic integration²⁷ and the bulk of EU cooperation with ASEAN is economic.

The structure of the work is the following. The theoretical framework used for the analysis is presented in next section. This is followed by an assessment of how the EU’s normative and market power concretise, as well as their potential impact. The two concepts are clarified through a case study presented in the second section. Finally, some conclusions are drawn.

²¹ *Ibid.*, pp. 3-4.

²² S. Meunier & K. Nicolaidis, *op. cit.*, p. 922.

²³ *Ibid.*, pp. 906-915.

²⁴ S. Meunier & K. Nicolaidis, *The European Union as a Trade Power*, 2005, retrieved 5 April 2012, <http://www.hbs.edu/units/bgie/pdf/meunier.pdf>, p.4.

²⁵ B. Hettne & F. Söderbaum, *op. cit.*, pp. 535-552.

²⁶ T. A. Börzel & T. Risse, *op. cit.*, p. 10.

²⁷ European Commission, *op. cit.*, p. ii.

1. Normative and market power: complementary concepts to describe the EU's international action?

Table 1 Matrix of the EU as NPE and MPE

	What the EU is	“What the EU does”²⁸	Instruments
Normative Power Europe	A peculiar actor 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	(Un-)Intentional & (Non-)Coercive Diffusional elements of NPE: - Transference (Positive & Negative conditionality, Capacity building) - Procedural - Informational/Persuasion - Cultural Filter/Socialization - Overt - Contagion/Power of example
Market Power Europe	A “power in trade” ²⁹ based on a big and institutionalized market	Set the standard: “Power <i>through</i> trade” ³⁰	Intentional & Potentially Coercive - Positive & Negative conditionality - “Externalization of its market- related policies and regulations” ³¹

Table 1 summarizes the specificities of the two concepts used to assess the EU's promotion of regional economic integration in southeast Asia. For a deeper analysis of NPE, MPE and their instruments, see a review of the literature.³² While NPE embraces the whole of

²⁸ C. Damro, *op. cit.*, p. 17.

²⁹ S. Meunier & K. Nicolaïdis, ‘The European Union as a Trade Power’, in C. Hill & M. Smith (eds.), *International Relations and the European Union*, Oxford, Oxford University Press, 2011, 2nd edition, p. 294.

³⁰ *Ibid.*

³¹ C. Damro, *op. cit.*, p. 20.

³² T. A. Börzel, & T. Risse, *op. cit.*, pp. 5-9.; C. Damro, *op. cit.*, pp. 3-20; T. Forsberg, *The EU as a Normative Power (Once More): a Conceptual Clarification and Empirical Analysis*, 2009, retrieved 5 April 2012, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1943371, pp. 16-19; I. Manners, *The Concept of Normative Power in World Politics*, Danish Institute for International Studies (DIIS), 2009, retrieved 5 April 2012, http://www.diis.dk/graphics/Publications/Briefs2009/B09_maj_Concept_Normative_Power_World_Politics.pdf pp. 2-4; S. Meunier & K. Nicolaïdis, *op. cit.*, pp. 275-298; K. E. Smith, *op. cit.*, p. 62.

the EU's construction, MPE is limited to the single market project and its institutions.³³ The EU has been defined as a "power *in* trade"³⁴ thanks to the potential of its market and the attribution of competence in trade matters to the EU level. However, the EU is becoming a "power *through* trade"³⁵ since trade often supports the EU's normative power: the possibility to enter the European market can be subordinated to the fulfilment of political interests.³⁶ The notion of market power helps to understand whether the EU acts as an MPE through one restricted tool, the "externalisation"³⁷ of its internal trade practices and instruments. Conversely, the concept of normative power refers to the "projection"³⁸ of a whole spectrum of principles. Furthermore, the externalization of market power -following Damro's approach- is intentional. On the other hand, the diffusion of norms can also be unintentional,³⁹ such as in cases of contagion and the power of examples.⁴⁰ Moreover, whereas NPE, in principle, excludes means of coercion and is more based on persuasion and on diffusing "ideas as legitimate",⁴¹ MPE can better explain situations where the EU promotes its interest in a way which leaves little room for manoeuvre, such as when it sets standards of regulations during trade negotiations.⁴² It should be remembered, however, that discerning persuasion from coercion is not an easy task because, at a practical level, the two are often intertwined. Moreover, even apparently "coercive"⁴³ measures might not be as effective as they are intended to be,⁴⁴ the clear example being the use of sanctions towards Myanmar. Finally, the concept of market power is particularly relevant since it also includes

³³ C. Damro, *op. cit.*, p. 3-4.

³⁴ S. Meunier & K. Nicolaïdis, *op. cit.*, p. 294.

³⁵ *Ibid.*, p. 294.

³⁶ *Ibid.*, pp. 275-276.

³⁷ C. Damro, *op. cit.*, p. 20.

³⁸ *Ibid.*

³⁹ *Ibid.*, p. 11.

⁴⁰ T. A. Börzel & T. Risse, *op. cit.*, p. 2.

⁴¹ *Ibid.*

⁴² C. Damro, *op. cit.*, pp. 9-11.

⁴³ *Ibid.*, p. 9.

⁴⁴ *Ibid.*, p. 10.

potential repercussions on private companies and it accounts for the reaction of the business community to a given EU action.⁴⁵

1.1 “What the EU says”:⁴⁶ norms or markets?

To understand what the EU is -a normative or a market power in promoting ASEAN regional integration- three elements should be considered: a) “what the EU says”⁴⁷ in official documents; b) “what the EU does”⁴⁸ in practice; c) what are the consequences of the EU’s words and action. This section will take into consideration the first element by assessing the papers issued by the EU regarding trade and development policies, in particular towards southeast Asia. The normative and market dimensions can be traced through the Union’s words: the EU’s declared intentions reveal the principles which are at the basis of its action. Moreover, such a document performs a persuasive and diffusional role by spreading EU’s ideas in the counterpart’s territory.⁴⁹

The promotion of regional cooperation among ASEAN members is mentioned already in the first EU-ASEAN document, dating back to 1980 and concerning mostly economic relations. However, in these first attempts, the stress on regional cooperation and integration is not as evident as in the subsequent documents. What is clear is that ASEAN represents a potential market for the EU, and the latter does not want to be left out of the economic growth of the area.⁵⁰ In the 1995 Commission communication, the normative use of trade power is clear in that “trade policy [is defined] as a way of promoting regional integration with and among developing

⁴⁵ *Ibid.*, p. 11.

⁴⁶ *Ibid.*, p. 12.

⁴⁷ *Ibid.*

⁴⁸ *Ibid.*, p. 17.

⁴⁹ I. Manners, *Normative Power Europe: The International Role of the EU*, paper presented at the Biennial Conference, Madison-Wisconsin, 31 May 2001, retrieved 5 April 2012, http://aei.pitt.edu/7263/01/002188_1.PDF, p. 13.

⁵⁰ European Commission, *Communication from the Commission to the Council - Creating a new dynamic in ASEAN-EU relations*, COM (96) 314 final, 03 July 1996, pp. 5-12.

countries”.⁵¹ A normative dimension comes out also when the Commission speaks about “the European Union ...[as] a ‘natural’ supporter of regional initiatives”.⁵²

Further evidence of the European normative promotion of regional integration and of the use of trade to influence economic partners is to be found in the communication, “Global Europe”. The trade *in* power dimension is clear when the EU seeks to increase its competitiveness and market access. At the same time, the EU’s pattern of institutionalized economic integration influences normatively the European Union’s external action as a power *through* trade:⁵³ the EU seeks regional “deep and comprehensive FTAs”⁵⁴ – clearly recalling its own model of integration – with key regions, among which is ASEAN. The normative use of trade power is explicit in the 2010 update of the EU’s commercial strategy:

“Trade and trade policy reinforce the EU’s international influence and concerted action at EU level should pursue and support EU economic interests in third countries. So the Union’s trade and foreign policies can and should be mutually reinforcing.”⁵⁵

⁵¹ European Commission, Communication from the Commission – European Community Support for Regional Economic Integration Effort among Developing Countries, COM (95) 219 final, Brussels, 16 June 1995, p. 12.

⁵² *Ibid.*, p. 6.

⁵³ European Commission, *Communication from the Commission to the Council, the European Parliament, the European Economic and Social committee and the Committee of regions - Global Europe: competing in the world. A contribution to the EU’s growth and jobs strategy*, COM (2006) 567 final, Brussels, 4 October 2006, pp. 2-10.

⁵⁴ European Commission, *Communication from the Commission - Trade, Growth and World Affairs. Trade Policy as a Core Component of the EU’s 2020 Strategy*, COM (2010) 612 final, Brussels, 20 December 2010, p. 10.

⁵⁵ *Ibid.*, p. 15.

1.2 “What the EU does”:⁵⁶ regional integration or trade?

This section will demonstrate the second element of the analysis (“what the EU does”). The EU deploys a number of instruments, often in collaboration with ASEAN itself, to strengthen and enhance southeast Asian regional economic integration: a) political dialogue; b) development cooperation and capacity building; c) preferential trade arrangements; d) conditionality.⁵⁷ According to the normative power Europe, political dialogue and conditionality are based on information/persuasion, transference and socialization processes⁵⁸ as well as procedural diffusion.⁵⁹ Development aid and capacity building allows the EU’s actions to have an important impact and consequences that persist over time.⁶⁰ Following a market power Europe approach, commercial agreements can be seen as one of the main EU tools to enhance southeast Asian regionalism. It should be pointed out that conditionality is not a common means for promoting regional integration;⁶¹ however, it is worth mentioning it because the measure, in its negative version, has been used against Myanmar and the issue had repercussions on EU-ASEAN relations.

Political dialogue helps the diffusion of the European idea of regional integration⁶² by structuring the EU-ASEAN relation:⁶³ it provides inputs on regional processes intended to persuade the southeast Asian counterparts who go through a socialization process.⁶⁴ The EU-ASEAN political dialogue is concretized through presidential and ministerial-level meetings. Since the first ASEAN-EC Ministerial Meeting (AEMM) in 1978, ASEAN-EU MM have been held regularly every two years, sometimes even more often. Regional integration occurring in

⁵⁶ C. Damro, *op. cit.*, p. 17.

⁵⁷ K. E. Smith, *op. cit.*, pp. 99-106.

⁵⁸ *Ibid.*, p. 9.

⁵⁹ I. Manners, *loc. cit.*

⁶⁰ T. A. Börzel & T. Risse, *op. cit.* p. 9.

⁶¹ K. E. Smith, *op. cit.*, pp. 99-106.

⁶² *Ibid.*, p. 9.

⁶³ I. Manners, *loc. cit.*

⁶⁴ T. A. Börzel & T. Risse, *loc. cit.*

the two regions is mentioned as early as 1978.⁶⁵ However, its promotion through political dialogues has gained momentum since the late 1990s. The fact that in these political dialogues the EU addresses southeast Asia as a region has led ASEAN members to organize a common position on the issues at stake.⁶⁶ It prompts what Higgot called “interregionalism...as an intra-regional mobilizing agent”.⁶⁷

A clear case of normative diffusion through socialization as well as the power of example is the creation of the ASEAN Committee of Permanent Representatives (CPR), whose legal basis is article 12 of the ASEAN Charter.⁶⁸ The reference to the EU’s COREPER is evident: indeed, the Eminent Persons Group (EPG) that drafted the Charter went on a mission to Brussels to learn best practices.⁶⁹

Development cooperation is helpful to diffuse European ideas and **capacity building** of the ASEAN actors allows these ideas to be concretized and to endure. Beside this, socialization processes occur when southeast Asian Officials work together with EU personnel.⁷⁰ The EU-ASEAN development cooperation relation is based on the 1980 Cooperation Agreement; more recently (2004, 2007), the EU issued regional programming for southeast Asia.⁷¹ The European Union’s technical aid focuses on the capacity building of the ASEAN Secretariat and other regional structures. Indeed, from the EU’s viewpoint, institutions are the backbone of regional

⁶⁵ ASEAN-EC, ‘Joint Joint Declaration of the First ASEAN-EC Ministerial Meeting’, 21 November 1978, Brussels, retrieved 5 April 2012, <http://www.aseansec.org/1499.htm>.

⁶⁶ K. E. Smith, *op. cit.*, p. 102-105.

⁶⁷ R. Higgot, ‘Ideas, Interests and Identities in the Asia Pacific’, *The Pacific Review*, vol. 7, n° 4, pp. 367-380 cited in J. Gilson, ‘New Interregionalism? The EU and East Asia’, *Journal of European Integration*, vol. 27, n° 3, 2005, pp. 310.

⁶⁸ Association of Southeast Asian Nations (ASEAN), ‘The ASEAN Charter’, Jakarta, 2007, retrieved 5 April 2012, <http://www.aseansec.org/21069.pdf>, p. 17.

⁶⁹ Intervention of ASEAN diplomat at Policy Spotlight on ‘Indonesia’s ASEAN Priorities in 2011’, Friends of Europe, Brussels, 14 April 2011.

⁷⁰ T. A. Börzel & T. Risse, *loc. cit.*

⁷¹ European Commission, *Commission Regional Programming for Asia. Strategy Document 2007-2013*, Revision 1, 31 May 2007, retrieved 5 April 2012, http://eeas.europa.eu/asia/rsp/07_13_en.pdf, pp. 11-12.

economic integration.⁷² Despite the fact that the Union declares that it does not aim to “export” the European integration model”,⁷³ it acknowledges that it “has become an unavoidable ‘reference’”.⁷⁴

Referring back to the normative and market dimensions which this work aims at analysing, evidence of the EU’s influence on ASEAN regional dynamics is to be found in the adoption by ASEAN members of legislation that took on the main features of the EU cosmetics directive.⁷⁵ On the one hand, such adoption, as much as the establishment of the CPR, shows that a certain normative diffusion of EU’s ideas and practices is taking place. On the other hand, the market power notion explains the EU’s presence on the ground, which impacts on southeast Asian countries’ willingness to integrate. Indeed, ASEAN is an intergovernmental association, and there is no such actor as the Commission to supervise the correct transposition and implementation of legislation. Thus, EU officials involved in the management of development cooperation programs intervene in this respect by providing technical aid and assistance to members in transposing legislative acts.⁷⁶ In doing so, they ensure a certain influence on ASEAN’s integration pattern by shaping the adoption of the legislation in a way which conforms to the EU’s standards.

Preferential trade arrangements will be assessed in the case study presented in section 2 (the EU-ASEAN free trade agreement) and conditionality will be analysed in section 2.1 with reference to Myanmar, the major stumbling block in the FTA negotiation.

⁷² *Ibid.*

⁷³ European Commission, Communication from the Commission – European Community Support for Regional Economic Integration Effort among Developing Countries, COM (95) 219 final, Brussels, 16 June 1995, p. 8.

⁷⁴ *Ibid.*

⁷⁵ J. Pelkmans, Director of Economics Department, College of Europe & Consultant to the European Commission for Economics Relations with ASEAN and Indonesia, Bruges, 7 April 2011.

⁷⁶ ASEAN-EU, ‘Towards a Single ASEAN Cosmetic Market: APRIS II and the ACD’, 2009, retrieved 5 April 2012, http://eeas.europa.eu/delegations/indonesia/documents/eu_asean/apris2_successtories_en.pdf.

1.3 Intentional impact or “(un)- acknowledged⁷⁷” consequences of the EU’s action on ASEAN regional dynamics?

This section considers the third element of the analysis: the consequences of the EU’s words and actions. Indeed, normative power Europe predicts a diffusion – the spreading of ideas, principles and practices in different geographical areas and through various periods of time⁷⁸ of EU’s ideas and practices within ASEAN. At this point, a methodological drawback of NPE should be mentioned: the difficulty in distinguishing what is the result of the EU’s action and what is a consequence of broader dynamics. Moreover, it is hard to differentiate between the EU’s influence and ASEAN’s own initiative. Nevertheless, as Jetschke has rightly pointed out, the analysis of the promotion of regional integration should include a diffusional element.⁷⁹ Various systems have been proposed by scholars to identify diffusional dynamics. In particular, the literature has highlighted two main criteria with which to assess potential diffusion resulting in the “voluntary adoption”⁸⁰ by third actors of the EU’s mechanisms: a) the timeframe when the decisions are taken and when the practices occur; and b) the level of similarity between them.⁸¹ These two yardsticks are useful to assess what seem to be the two most relevant and recent cases of the diffusion of the EU’s practices in southeast Asia: 1) the ASEAN Charter; 2) the ASEAN Economic Community project.

A certain unintentional diffusion through contagion might be identified between the EU’s ‘Constitutional Treaty’ and the ASEAN Charter, a document signed by southeast Asian leaders in 2007.⁸² In 2001 the EU issued the Declaration on the future of Europe and a Convention was

⁷⁷ A. Jetschke, *op. cit.*, p. 3.

⁷⁸ P. Busch & H. Jörgens, ‘The International Sources of Policy Convergence: Explaining the Spread of Environmental Policy Innovations’, *Journal of European Public Policy*, vol. 12, n° 5, 2005, p. 6.

⁷⁹ A. Jetschke, *loc. cit.*

⁸⁰ *Ibid.*, p. 6.

⁸¹ *Ibid.*, p. 17.

⁸² *Ibid.*, pp. 18-22.

set up to draft a Constitution. This document, which aimed at taking a leap forward in the integration process, was signed in 2004.⁸³ Malaysia came up for the first time in 2004 with the idea of an ASEAN Charter, officialised during the 2005 ASEAN Summit. The Charter was created as a legal basis to increase regional cooperation and achieve an ASEAN Community based on Asian principles and standards.⁸⁴ The two criteria -time and similarity- are thus fulfilled. To define this situation as diffusion, it should be tested whether there are no other possible explanations for this adoption.⁸⁵ Taking into account the content of the Charter, reference is made to the importance of consensus, non-interference and sovereignty principles; these rules of behaviour do not necessarily need such a legalized instrument to be applied.⁸⁶ Nevertheless, ASEAN -during a crisis period in the aftermath of the 1997 financial crisis and in the midst of the East Timor issue- chose a policy device previously used by an outstanding regional actor, the EU:⁸⁷ it seems thus that a certain diffusion is taking place.

Following the 1992 decision of establishing an ASEAN free trade area (AFTA), deeper economic integration has been envisaged to create “a single market and production base”⁸⁸ and a true ASEAN Economic Community (AEC).⁸⁹ It is difficult to say if the time criterion is fulfilled: since the end of the Cold war, a resurgence in regionalism (the so-called ‘new regionalism’) has been recorded. This wave of regional integration is a global phenomenon, thus it cannot be

⁸³ N. Nugent, *The Government and Politics of the European Union*, Houndmills, Palgrave Macmillan, 2010, 7th edn, pp. 69-74.

⁸⁴ E. Ascitti, ‘The ASEAN Charter: An Analysis’, *Perspective on Federalism*, vol. 2, n° 1, 2010, pp. 43-66, retrieved 5 April 2012, http://www.on-federalism.eu/attachments/004_004_Volume-2_Issue-1-2010.pdf, p. 46.

⁸⁵ A. Jetschke, *op. cit.*, p. 6.

⁸⁶ *Ibid.*, pp. 18-19.

⁸⁷ *Ibid.*

⁸⁸ Association of Southeast Asian Nations (ASEAN), ‘Vientiane Action Plan (VAP) 2004-2010’, Vientiane, 2004, retrieved 5 April 2012, <http://www.aseansec.org/VAP-10th%20ASEAN%20Summit.pdf>.

⁸⁹ Association of Southeast Asian Nations (ASEAN), ‘Cebu Declaration on the Acceleration of the Establishment of an ASEAN Community by 2015’, Cebu, 13 January 2007, retrieved 5 April 2012, <http://www.aseansec.org/19260.htm>.

attributed only to the EU's influence.⁹⁰ Moreover, the Association itself acknowledges the importance of creating a stronger southeast Asian regional unit -in the form of an AEC- as a measure to face the rise of China and India.⁹¹

As regards the similarity criterion, it seems straightforward: the single window initiative for customs and the system of solvit are just a few examples of mechanisms modelled on the European ones.⁹² However, a deeper analysis shows substantial differences: for instance, article 1 of the ASEAN Charter foresees the free movement of skilled labour only, while the free movement of *all* labour seems to be an essential element of an economic community.⁹³ ASEAN refers to the EU's experience, but it 'does it its own way'. There seems to be a "legitimizing"⁹⁴ function in making reference to and following well established schemes employed by what is considered the world's best example of regional integration.⁹⁵ This interaction between norms coming from outside and the indigenous exercise of those principles is described by Acharya as "constitutive localization":⁹⁶ European norms are translated in such a way as to fit ASEAN's nature.⁹⁷

ASEAN and the EU seem to be normatively different regional integration processes. ASEAN regionalization is driven by market forces and is quite informal; conversely, EU

⁹⁰ K. A. Eliassen & A. C. Børve, 'Comparison of European and Southeast Asian integration' in Mario Telò (ed.), *European Union and new regionalism: regional actors and global governance in a post-hegemonic era*, Aldershot, Ashgate, 2007, pp. 204-205.

⁹¹ Association of Southeast Asian Nations (ASEAN), 'An ASEAN Economic Community by 2015-Fact Sheet', 2008, retrieved 5 April 2012, <http://www.aseansec.org/Fact%20Sheet/AEC/2007-AEC-001-2.pdf>.

⁹² Interview with an EU Official, European Commission, Directorate-General for trade, Brussels, 18 April 2011.

⁹³ Interview with L. Cuyvers, Director of Centre for ASEAN Studies-Antwerpen, phone conversation, 18 April 2011.

⁹⁴ F. Bicchi, 'Our Size Fits All: Normative Power Europe and the Mediterranean', *Journal of European Public Policy*, vol. 13, n° 2, 2006, p. 292.

⁹⁵ *Ibid.*

⁹⁶ A. Acharya, *Whose Ideas Matter? Agency and Power in Asian regionalism*, London, Cornell University Press, 2009, pp. 4-5.

⁹⁷ *Ibid.*

regionalism is based on a legalized institutional system.⁹⁸ History partly explains these two different models. The EU's starting point was economic, while political issues entered the agenda later on. On the contrary, ASEAN was mainly a Cold War political organization created to strengthen national sovereignty and only recently looked at economic integration.⁹⁹ The EU had been created to ensure peace on the continent, while the ASEAN was responding to an external communist threat.¹⁰⁰ In the so-called 'ASEAN way,'¹⁰¹ sovereignty is essential and cannot be pooled to supranational institutions. "Consensus, informality"¹⁰² and the principle of non-interference are common practices of this weakly institutionalized organization. As a southeast Asian diplomat puts it, "ASEAN can be described as a twin sister of the EU with a different shape"¹⁰³. It seems thus unlikely that the Association will take, at least in the short-to-medium term, the path followed by the EU: "it will remain ASEAN".¹⁰⁴

1.4 Perceptions of the EU in southeast Asia: a need for a clarification of the EU's role?

Finally, from a normative perspective, it is relevant to assess whether the EU is indeed perceived as a norm-setter in the region where it seeks to promote integration.¹⁰⁵ However, perceptions of counterparts are neglected in many analyses of the EU's international role.¹⁰⁶ The European Commission has commissioned an evaluation of its cooperation with ASEAN, but the

⁹⁸ R. Higgot, 'Alternative models of regional cooperation? The limits of regional institutionalization in East Asia', in Mario Telò (ed.), *European Union and new regionalism: regional actors and global governance in a posthegemonic era*, Aldershot, Ashgate, 2007, pp. 86-88.

⁹⁹ K. A. Eliassen & A. C. Børve, *op. cit.*, pp. 214-215.

¹⁰⁰ M. Beeson, *Contemporary Southeast Asia. Regional Dynamics, National Differences*, New York, Palgrave Macmillan, 2004, p. 221.

¹⁰¹ J. Rüländ & A. Jetschke, '40 Years of ASEAN: Perspectives, Performance and Lessons for Change', *The Pacific Review*, vol. 21, n° 4, 2008, p. 398.

¹⁰² S. Narine, 'Forty Years of ASEAN: an Historical Review', *The Pacific Review*, vol. 21, n° 4, 2008, p. 414.

¹⁰³ Interview with Southeast Asian diplomat (Minister Counsellor-Deputy Head of Mission), Brussels, 27 April 2011.

¹⁰⁴ J. Rüländ & A. Jetschke, *op. cit.*, p. 407.

¹⁰⁵ L. Allison, *Has the Time Come to Debunk Normative Power Europe?*, American Political Science Association (APSA), 2010, retrieved 23 March 2011, http://apsa2010.com.au/full-papers/pdf/APSA2010_0279.pdf.

¹⁰⁶ A recent research, which does not focus, however, on southeast Asia, has been done by S. Lucarelli & L. Fioramonti: *External Perceptions of the European Union as a Global Actor*, London, Routledge, 2010.

section on EC visibility in ASEAN produced mixed and rather limited results.¹⁰⁷ A recent study by Portela showed that the EU is seen among southeast Asian elites mainly through its achievements -the creation of the common currency and the Schengen system- but not as a regional unit itself.¹⁰⁸ Given such perceptions, how can it possibly pursue a credible strategy of the promotion of regional integration? Portela's work outlines a general fear of protectionist measures on the EU side: the European Union is seen as a trade power and a "defender of its interests".¹⁰⁹ On the normative side, the fact that the EU links trade to human right issues generates unease and irritation.¹¹⁰ All in all, it seems that despite all efforts to be and to act as a normative actor, the EU is in the end perceived mainly as a market power. One could ask whether promoting regionalism through dialogue, cooperation and trade without solving the problems related to perceptions is not contradictory in the long term: if there is a mismatch or a lack of understanding between EU's intention and action and what ASEAN perceives, any attempt to promote regional integration might be undermined. As a senior Official of the ASEAN Secretariat points out: "What does the EU expects from ASEAN's regional integration and where does it see its role in southeast Asia?"¹¹¹

2. The case of the EU-ASEAN FTA: norms and markets

This section will apply the concepts of normative and market power to the EU-ASEAN FTA case and demonstrate that both notions are relevant to analyse the EU's position during the negotiation. The interplay between the promotion of ASEAN regional integration and European

¹⁰⁷ Particip GmbH – DRN, *Evaluation of the European Commission's Cooperation with ASEAN*, final report, vol. 2, June 2009, retrieved 5 April 2012, http://ec.europa.eu/europeaid/how/evaluation/evaluation_reports/reports/2009/1262_vol2_en.pdf, pp. 42-47.

¹⁰⁸ C. Portela, 'The Perception of the European Union in Southeast Asia. Low Priority Statuses and Selectivity', *Asia Europe Journal*, vol. 8, n° 2, 2010, pp. 150-153.

¹⁰⁹ *Ibid.*, p. 154.

¹¹⁰ *Ibid.*

¹¹¹ Interview with an ASEAN Official, phone conversation, April 2011.

market interests impacts on Europe-southeast Asia relations. After negotiations in 2008/2009, the conclusion of a regional agreement has turned out to be difficult for economic and political reasons.¹¹² Given the relevance of the region for European exporters, the EU reluctantly agreed to shift the discussion to the bilateral level. Negotiations are currently ongoing with Singapore and Malaysia, and a political agreement was reached with Viet Nam.¹¹³ It should be added that in the case of ASEAN, on the basis of the Commission's mandate, only those southeast Asian countries that have already concluded a Partnership and Cooperation Agreement (PCA) with the EU (or agreed to do so in the future) are entitled to negotiate an FTA with the Union.¹¹⁴

From a normative perspective, the link established between the FTA and PCA shows that trade is encapsulated in a political framework, which helps (possibly deep) regional economic integration to persist. Furthermore, the European Union's will to negotiate a "deep and comprehensive FTA"¹¹⁵ (including services, investments, intellectual property rights, government procurement and non-trade barriers) clashed with ASEAN's members' economic disparity and political interests.¹¹⁶ The EU's insistence on the liberalization of those issues derives from the nature of its market and it has, besides the search for economic benefits, a normative element which is difficult for the EU to drop.¹¹⁷ Indeed, the EU's deeply institutionalized and highly liberalized single market becomes a model to promote through the EU's external relations.

¹¹² L. Chen et al., 'An ASEAN-EU FTA, Regional Production Sharing, and Regional Cohesion. Focus on Cambodia, Laos and Myanmar', *South African Journal of Economics*, vol. 79, n° 4, 2011, pp. 411-427.

¹¹³ *Ibid.*

¹¹⁴ R. Sally, *The European Union's New FTA Negotiation in Asia*, European Center for International Political Economy (ECIPE), 2007, retrieved 5 April 2012, http://www.ecipe.org/media/publication_pdfs/looking-east-the-european-union2019s-new-trade-negotiations-in-asia-1.pdf, p. 16.

¹¹⁵ European Commission, *Communication from the Commission - Trade, Growth and World Affairs. Trade Policy as a Core Component of the EU's 2020 Strategy*, COM (2010) 612 final, Brussels, 20 December 2010, p. 10.

¹¹⁶ D. Camroux, *The European Union and ASEAN: Two to Tango?*, Notre Europe, 2008, retrieved 5 April 2012, http://www.notre-europe.eu/uploads/tx_publication/Etude65EU-ASEAN-en.pdf, pp. 25-32.

¹¹⁷ Intervention of EU Official of the European Commission-DG Trade at Round Table 'Rethinking the Role of Regionalism: Perspectives from Asia and the Americas', United Nations University-Comparative Regional Integration Studies - College of Europe, Bruges, 13 April 2011.

The market power notion allows us to include in the analysis the interest of EU companies competing with Asian firms. Given the number of FTAs already concluded or in the process of negotiation between ASEAN and third parties (Japan, Australia-New Zealand, United States), European companies would have lost market share if an FTA were to be postponed and reduced in scope to accommodate ASEAN members' requirements.¹¹⁸ Thus the EU finally decided to continue with bilateral discussions. The Commission's compromise view is that the bilateral FTAs will be 'regionalized' in the medium term: to be able to do so, the EU is trying to negotiate the bilateral FTAs following uniform conditions, the clearest example being the harmonization of rules of origin.¹¹⁹

However, medium-term regionalization might be difficult to achieve. ASEAN members' divergent economic interests and the EU's intransigence on concluding a wide-scope FTA are the main obstacles on the way. The EU's attitude seems to contrast with its desire to promote regional integration through trade. The purely trade power dimension might have unexpected and unwanted consequences over the normative one: market access through bilateral FTAs came, at least in the short term, at the expenses of a deep and comprehensive regional agreement.

It should be outlined also that the regional FTA negotiation was planned between the EU and only seven ASEAN members: Myanmar, Cambodia and Laos were not included.¹²⁰ The latter two, being listed as least developed countries (LDC), already enjoy duty free access to the EU market under the Everything But Arms (EBA) initiative. Myanmar¹²¹ was not considered for political reasons related to the lack of respect for human rights as well as to the sanctions which

¹¹⁸ Interview with L. Cuyvers, Director of Centre for ASEAN Studies-Antwerpen, phone conversation, 18 April 2011.

¹¹⁹ Interview with an EU Official, European Commission, Directorate-General for trade, Brussels, 18 April 2011.

¹²⁰ R. Sally, *loc. cit.*

¹²¹ Myanmar is also listed as a least developed country (LDC). Source: UN-OHRLLS, *Least Developed Countries. Country Profile*, 2011, retrieved 22 April 2011, <http://www.unohrlls.org/en/ldc/related/62/>.

were in place against the regime.¹²² The Burmese problem was, along with the aforementioned economic factors, the main political stumbling block in the FTA negotiation. It has much broader consequences on the EU's role as a promoter of regional integration in southeast Asia which is worth assessing.

2.1 EU conditionality, Myanmar and ASEAN regional integration

Over the past two decades Myanmar has been one of the few examples in which the EU applied negative conditionality.¹²³ European action towards Myanmar seems to fit the description of a normative power perfectly: the EU aims at setting the norm of 'respect for human rights and democracy' and it acts consequently. However, the hypothesis that trade can be used as an instrument of normative power appears invalid: the restrictive measures were in place for fifteen years, and the military regime hardly improved.¹²⁴ Some commentators argue that not only sanctions are irrelevant, they might also have negative consequences. Moreover, since they were applied only by Western countries and Myanmar kept on trading with states in East Asia,¹²⁵ the effectiveness of the measure can be questioned.

The sanctions negatively affected the promotion of regional integration: the absence of proper region-to-region dialogue, including all ASEAN members, clearly hindered the enhancement of regional dynamics. To understand the European Union's attitude towards the issue of Myanmar, it seems useful to draw a comparison between EU-ASEAN relations and EU's relations with other partners. The EU has negotiated (though often suspended and not concluded) arrangements with countries¹²⁶ whose human rights record is not much different than

¹²² R. Sally, *loc. cit.*

¹²³ K. E. Smith, *op. cit.*, p. 128-131.

¹²⁴ M. Petersson, 'Myanmar in EU-ASEAN Relations', *Asia Europe Journal*, vol. 4, n° 4, 2006, p. 577-578.

¹²⁵ *Ibid.*, p. 569.

¹²⁶ European Commission-DG Trade, *Overview of FTAs and Other Trade Negotiations*, 2012, retrieved 5 April 2012, http://trade.ec.europa.eu/doclib/docs/2006/december/tradoc_118238.pdf.

the Burmese one, e.g. Libya, Belarus, China and Syria.¹²⁷ However, human rights became the *sine qua non* condition for finalizing an agreement with southeast Asian states. Obviously, the Union could not afford the same behaviour towards China since the political price would be too high.¹²⁸ Similarly, Belarus is geopolitically important for energy supply due to its position as a transit country. One of the EU's priorities to prevent the rise of conflicts at its borders is engaging with Arab neighbours. Nevertheless, the economic and geopolitical relevance of southeast Asia, apparently neglected by the EU, should not be underestimated. ASEAN is the EU's third largest partner after the US and China, and it is the hub of various regional schemes bringing together key players (China, Japan and South Korea).¹²⁹ Moreover, the Malacca Strait is of primary importance not only for trade among countries in the East Asia region, but also for international trade.

All in all, it seems that the sanctions had a rather symbolic political function:¹³⁰ the EU could not drop, under those circumstances, what are its basic principles (human rights and democracy), but it accepted to temporarily leave aside the promotion of regional integration. Trade has been prioritized, and in the short term it came before regionalism. However, it did not come before human rights and democracy: negotiating bilateral FTAs is taking longer, and the chance of increasing market share is lost in the meantime.

It should be noted that in May 2012, following political developments in the country - with Nobel Peace laureate Aung San Suu Kyi winning a seat in the parliamentary elections- the EU decided to legally suspend the sanctions and maintain the arms embargo only.¹³¹ This is a

¹²⁷ Freedom House, *Freedom in the World-Report*, 2010, retrieved 5 April 2012, <http://www.freedomhouse.org/template.cfm?page=505>.

¹²⁸ K. E. Smith., *op. cit.*, pp. 137-141.

¹²⁹ e.g. the ASEAN plus three's framework.

¹³⁰ M. Petersson, *op. cit.*, pp. 578-579.

¹³¹ Council of the European Union, *Press Release 9626/12 Presse 195*, 14 May 2012, retrieved 17 May 2012, http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/130188.pdf.

major change in the EU's political line which could have long-term consequences on EU-ASEAN relations. The evolution does not affect the analysis of the EU's attitude towards the regional free trade agreement, as negotiations for the FTA were held previously. However, the fact that the EU took the decision as soon as a sign of democratization became evident confirms the political function of the sanctions.

Conclusion

The aim of this research has been to investigate the pertinence of the theoretical notions of normative power Europe and market power Europe in explaining the nature of the EU's promotion of regional economic integration in ASEAN. This paper has argued that both conceptualizations, taken individually, are limited in explaining the EU's practice; however, together as table 1 shows, they offer helpful insights of its role and action. On the one hand, a normative perspective helps understand the spread of EU's ideas and practices of regionalism. On the other hand, the market power notion explains the EU's interests which go beyond the simple promotion of regional integration and are concretised through the externalisation of its internal market's practices and instruments.¹³²

Political dialogue, development cooperation and trade agreements are employed by the EU to promote ASEAN regional economic integration.¹³³ As this research has shown, political dialogue has mostly a normative function of the diffusion of ideas and socialization:¹³⁴ the provision of inputs about regionalism and the fact that southeast Asian officials work with EU personnel helps spread ideas, principles and practices and it leads the region concerned to

¹³² C. Damro, *op. cit.*, pp. 1-20.

¹³³ K. E. Smith, *op. cit.*, pp. 99-106.

¹³⁴ *Ibid.*

construct its own image through the relation with the EU.¹³⁵ The role of development cooperation and technical aid has a twofold longer term impact: it reinforces southeast Asian regional integration and it normatively introduces EU's standards and practices through development programs.¹³⁶

The methodological issue of the measurement of the diffusion of norms, principles and practices and their distinction from third actors' independent action¹³⁷ as well as from the environment in which they are diffused¹³⁸ have been tackled. The assessment of the ASEAN Charter shows a diffusional contagion from the EU: time and similarities with the EU Constitutional Treaty are evident.¹³⁹ The project of the AEC seems to be more a result of other types of diffusions, notably procedural and transference. However, ASEAN is not a passive recipient in this respect: ideas and practices 'taught and learned' in the framework of dialogues, as well as development assistance programs, undergo a process of "constitutive localization",¹⁴⁰ and they are adapted to fit ASEAN principles.

The differing historical evolution of the two organizations accounts for their different approaches to regional integration. In this respect, an element which many authors fail to take into consideration is the perception of ASEAN towards the EU.¹⁴¹ It seems that there is a mismatch between the EU's intent of behaving and being recognized primarily as a normative actor in promoting regional integration and on the other hand, the perceptions of ASEAN, which sees the EU mainly as a trade power defending its interest.¹⁴² However, the literature currently available on this topic is rather limited:¹⁴³ therefore, it is desirable that future research

¹³⁵ R. Higgot, 'Ideas, Interests and Identities in the Asia Pacific', *The Pacific Review*, vol. 7, n° 4, pp. 367-380 cited in J. Gilson, 'New Interregionalism? The EU and East Asia', *Journal of European Integration*, vol. 27, n° 3, 2005, p. 310.

¹³⁶ T. A. Börzel & T. Risse, *loc. cit.*

systematically includes the study of perceptions in the assessment of the EU's promotion of regional integration in southeast Asia.

The case study presented, the negotiation of the EU-ASEAN FTA, has showed that the negotiation of trade arrangements is intended to increase the EU's international influence and to reproduce its patterns and standards of advanced economic integration in trade partners.¹⁴⁴ However, evidence shows that in this specific case trade is prioritized over regionalism and that, given the impossibility to conclude a single regional agreement, the EU turned to various bilateral ones to be regionalized in the future. While the notion of normative use of trade explains the initial EU's intent of negotiating an FTA to enhance the reproduction of its trade-related features in ASEAN regional integration, the theoretical usefulness of the concept of market power is evident in accounting for the switchover to a bilateral negotiation. Moreover, MPE allows for the introduction in the analysis of the important role of the business sector in the FTA negotiation.¹⁴⁵

The assessment of the EU's action with regard to the issue of Myanmar is mixed: on the one hand, the normative power concept suggests that the EU could not turn a blind eye on what are its fundamental principles, democracy and human rights; on the other hand, the notion of market power explains why the EU accepted to follow a bilateral approach not to lose market share in southeast Asia's profitable markets. The recent détente in EU-Myanmar relations seems

¹³⁷ L. Aggestam, 'Introduction: Ethical Power Europe?', *International Affairs*, vol. 84, n° 1, 2008, pp. 1-11.

¹³⁸ I. Manners, *loc. cit.*

¹³⁹ A. Jetschke, *op. cit.*, p. 6-22.

¹⁴⁰ A. Acharya, *loc. cit.*

¹⁴¹ C. Portela, *loc. cit.*, pp. 149-160.

¹⁴² *Ibid.*

¹⁴³ *Ibid.*

¹⁴⁴ K. E. Smith, *op. cit.*, pp. 107-109.

¹⁴⁵ C. Damro, *op. cit.*, p. 11.

likely to open up in the medium term possibilities for a new course in EU-ASEAN regional trade relations too.

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