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## Defending State-Centric Regionalism through Mimicry and Localization: Regional Parliamentary Bodies in the Association of Southeast Asian Nations (ASEAN) and Mercosur

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# **Defending State-Centric Regionalism through Mimicry and Localization: Regional Parliamentary Bodies in the Association of Southeast Asian Nations (ASEAN) and Mercosur**

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## **Abstract**

The creation of parliamentary bodies for regional organizations such as ASEAN or Mercosur seems to contradict the very logic upon which these organizations rest. We approach this paradox from a sociological institutionalist perspective. By applying norm diffusion theory, we show that legislative bodies in Southeast Asia and South America have primarily been established to retain the respective organization's "cognitive prior," which in both cases rests upon deeply entrenched corporatist norms and ideas. We test our theoretical claims by a comparative study on the emergence and evolution of the ASEAN Inter-Parliamentary Assembly and the Mercosur Parliament.

## **Key words**

Regionalism, ASEAN, Mercosur, Parliaments, Sociological Institutionalism, Southeast Asia, South America

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## Introduction

The past 20 years have witnessed an unprecedented proliferation of regional organizations in all parts of the globe. Closely associated with this New Regionalism is the claim of an alternative model of regional cooperation. Many of the regional organizations formed in recent years explicitly dissociate themselves from the European Union (EU) as the globally most advanced regional cooperation scheme. In contrast to the EU's selective supranationalism they prefer a strictly intergovernmental process of cooperation. Surprisingly, though, some, but by no means all, have nevertheless created bodies that are usually associated with a deepening of regional integration, legalization and constitutionalization; in other words, institutions closely associated with the EU.<sup>1</sup> One of these bodies is regional parliamentary organizations.

This article seeks to explain this paradox. It undertakes to explore why regional organizations have established parliamentary bodies and which functions they perform. As cases to answer this puzzle we chose the Association of Southeast Asian Nations (ASEAN) and Mercosur. Both are well-established regional organizations often associated with the New Regionalism. While this is undisputable in the case of Mercosur which was created in 1991, ASEAN, founded in 1967, may less easily be subsumed under the New Regionalism. Yet, the grouping has undergone profound reforms in the early 1990s explicitly strengthening the intergovernmentalist and soft law-based cooperation format typical for the New Regionalism.<sup>2</sup>

While ASEAN and Mercosur share certain structural similarities, both cases exhibit sufficient variance to make them interesting cases for comparison. The key difference is that contrary to Mercosur ASEAN does not require members to be democracies. Although with the not yet accomplished accession of Venezuela, Mercosur's democracy norm has been diluted, ASEAN members exhibit much greater political diversity, including new democracies such as Indonesia, defective democracies such as the Philippines and Thailand, semi-authoritarian regimes such as Malaysia and Singapore and autocracies such as Vietnam, Laos, Cambodia, Brunei and Myanmar.

In the subsequent sections, we first briefly assess the explanatory scope of a number of theories applied to the study of regionalism and International Relations and show that most of them have difficulties of explaining persuasively the formation, ideational roots, functions and performance of regional parliamentary bodies in ASEAN and Mercosur. We argue that sociological institutionalism is better equipped than variants of realism, liberal institutionalism, neofunctionalism/supranationalism and intergovernmentalism to explain these issues. By applying norm diffusion theory, we show in the following two case studies that regional parliamentary bodies have primarily been established to retain the respective regional organization's "cognitive prior"<sup>3</sup>, which restricts decision-making to a small bureaucratic elite.

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<sup>1</sup> Apirat Petchsiri, 'Asia in the Making of Europe, Europe's Heritage in Asia and Asia as Europe's Other', *European Studies* 25, 2007, pp 51.

<sup>2</sup> Shaun Narine, 'Forty Years of ASEAN: A Historical Review' *The Pacific Review* 21:4, Winter 2008, pp. 417.

<sup>3</sup> Amitav Acharya, *Whose Ideas Matter. Agency and Power in Asian Regionalism* (Ithaca: Cornell University Press, 2009).

This cognitive prior is in the case of ASEAN an amalgamation of imported European pre-Second World War corporatist ideas and local organicist notions of power, kingship and statehood. Similarly, in the case of Mercosur, it rests upon deeply entrenched corporatist ideas and norms. The latter, fused with elements of liberal democracy, have morphed into the region's "delegative" model of democracy.<sup>4</sup>

## Theoretical Issues

Several competing theories may explain the formation and evolution of regional parliamentary bodies. While for conventional realist approaches regional institutions are merely epiphenomena of international relations, more recent variants of realism recognize that in contemporary international politics institutions matter and that international politics is no longer primarily determined by sheer military power. Hegemonic stability theory, for instance, posits that durable international institutions emerge if they are created by a hegemon. Regional hegemons interested in a favorable institutional environment are thus seen as being pivotal in the formation of regional integration schemes. If this includes the formation of regional parliamentary bodies, regional powers would expect that they legitimize and strengthen their leadership role. But hegemonic stability theory fails if a regional leader actively promotes a regional parliamentary organization without using it to enhance its regional influence.

Also recent approaches of institutional realism acknowledge the growing significance of institutional power in international relations.<sup>5</sup> They differ from hegemonic stability theory by no longer positing that only hegemons create international institutions. For them regional institutions may also be created by weaker powers which employ them as devices for "institutional balancing." In this view, regional parliamentary bodies would be primarily created by one or several members of a regional organization to respond to shifts in the intra-regional power equation. But institutional realism cannot explain the creation of regional parliamentary bodies which have no impact on the intra-regional power equation.

For liberal institutionalism the creation of international institutions is a response to mounting cross-border problems and a device to manage complex interdependence. Nation states create international institutions because they are faced with functional needs which they are unable to solve individually in a cost-effective way. As these issues are becoming increasingly complex and technical, successful cooperation often entails an inherent trend towards legalization, contractualization and constitutionalization. This view of regional governance is strongly inspired by the experiences of European integration and Western constitutionalism. It entails a normative and teleological dimension as it implicitly presumes sacrifices of national sovereignty and a secular trend towards supranationalism. In this perspective regional parliamentary bodies are created to balance the strongly governmental and state-centric nature of regionalism, democratizing regional governance, thereby enhancing the latter's legiti-

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<sup>4</sup> Guillermo O'Donnell, 'Delegative Democracy?', *Journal of Democracy* 5:1, Spring 1994.

<sup>5</sup> Kai He, 'Institutional Balancing and International Relations Theory: Economic Interdependence and Balance of Power Strategies', *European Journal of International Relations* 14:3, Fall 2008.

macy. But liberal institutionalists cannot explain why parliamentary bodies are created even though they are not equipped with competences to contribute to the solution of regional collective action problems and to democratize regional governance.

Finally, neofunctionalism and supranationalism can explain the emergence of regional parliamentary bodies only, if they are the result of spillover effects or if they have been promoted and created by supranational bodies. Due to the New Regionalism's strictly intergovernmental nature, the neofunctionalist perspective fails to elucidate the phenomenon of regional parliamentary bodies. Intergovernmentalism may at least explain the fact that the formation of parliamentary bodies is usually a response to initiatives launched by member governments, but it may not explain the seeming rhetoric-action gap characterizing the performance of regional legislative bodies.

This article claims that sociological institutionalism provides better insights into the emergence of regional parliamentary bodies which do not enhance the political influence of regional powers, are not devices of institutional balancing and are not created to contribute to the resolution of collective action problems or the democratization of regional governance. We will rather argue that regional parliamentary bodies have been established in response to external and/or intra-regional normative pressures as institutions endowing regional organizations with legitimacy, modernity and respectability.

Organizations respond to normative challenges in several ways. Wholesale normative transformation by adopting new, externally propagated paradigms occurs rarely. The belief that external norm entrepreneurs may induce norm recipients to fully change deeply entrenched beliefs and world views is an overly optimistic assumption of the early norm diffusion literature. It is driven by the Western-centrism and the *telos* of mainstream modernization theory and attaches agency primarily to the external norm entrepreneurs. More recent empirical evidence however suggests that this view ignores agency on the part of the norm recipients. Much more than being passive norm-takers, they may completely reject new ideas, adopt them rhetorically or amalgamate them with existing ideas.<sup>6</sup> The latter two approaches are the most frequent responses of norm recipients to external challenges and need to be discussed in greater detail.

Adopting new norms rhetorically is what in the norm diffusion literature is known as isomorphic behavior. In order to acquire legitimacy and to survive, organizations emulate the structure of the most advanced organization in their field. Isomorphic behavior may take a coercive, mimetic and normative form.<sup>7</sup> Coercive isomorphism denotes a process in which compulsory or structural power exerted by one superior organization force other organizations to resort to isomorphic behavior.<sup>8</sup> Mimetic isomorphism is a response of organizations

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<sup>6</sup> For a comprehensive and critical discussion of the different generations of norm diffusion literature, see Amitav Acharya, *Whose Ideas Matter*.

<sup>7</sup> P.J. DiMaggio and W. W. Powell, 'The Iron Cage Revisited: Institutional Isomorphism and Collective Rationality in Organizational Fields', *American Sociological Review* 48:2, Summer 1983, p. 150.

<sup>8</sup> *Ibid.*, p. 150.

to uncertainty which may be the result of ambiguous organizational goals or a lack of understanding organizational technologies.<sup>9</sup> Finally, normative isomorphism is facilitated by common professional socialization, professional networks and filtering of personnel through hiring in the same organizational field.<sup>10</sup>

One major characteristic of isomorphic behavior is that organizational adjustments remain largely ceremonial, causing multiple processes of decoupling in the form of rhetoric-action gaps and a hiatus between the norms underlying the new model and the normative orthodoxy.<sup>11</sup> At this point we go beyond the foundational studies, which capture the rhetorical imitation of organizational structure but do not care about the cognitive underpinnings of the emulating organizations. We argue here that isomorphic behavior exists where organizations have only emulated the model organization, but retained their normative orthodoxy more or less unchanged. This occurs where the decision to imitate the structural equivalent of another organization is exclusively made in a top-down manner by an inner-ruling circle without public discourse (in case of a repressive regime) – or following what Schimmelfennig called “controversial” and “pseudo-competitive argumentation” (in case of a more permissive regime).<sup>12</sup> All three modes of communication (or non-communication) do not facilitate even a partial transformation of the identity of the norm recipients. It may thus be further presumed that isomorphic behavior is likely to occur, if the response to normative challenges is chiefly designed as an act to satisfy an international audience and to muster a modicum of external legitimacy.<sup>13</sup>

Acharya’s concept of localization differs from isomorphic behavior by being more than only a rhetorical appropriation of new organizational structures and external norms by local recipients. It is the result of a public discourse shaped by “competitive argumentation.” The latter denotes a type of “rhetorical action,” in which the actors accept the warrant, that is, “the kinds of grounds that are admissible and suitable to accept a claim” [or a norm], whereby “the grounds themselves [...] are disputed”.<sup>14</sup> Consensus about the validity of norms opens up opportunities for mutual persuasion which in some instances may trigger a wholesale normative transformation, but more frequently only leads to limited concessions by the norm recipients in the form of fusing the new norms with the normative orthodoxy. Localization thus entails a partial transformation of identity among the norm recipients. Such a partial transformation can be identified if the norm recipients adopt certain elements of new ideas and when they translate them into institutional reforms. Localization tends to occur when

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<sup>9</sup> Ibid., p. 151.

<sup>10</sup> Ibid., p. 152.

<sup>11</sup> John W. Meyer and B. Rowan, ‘Institutionalized Organizations. Formal Structure as Myth and Ceremony’ *American Journal of Sociology* 83:2, Summer 1977.

<sup>12</sup> Frank Schimmelfennig, *The EU, NATO and the Integration of Europe: Rules and Rhetoric* (Cambridge: Cambridge University Press, 2003), p. 211.

<sup>13</sup> Maria-Gabriela Manea and Jürgen Rüländ, *How much an Actor and under which Logics of Action? Parliament in the Democratic Control of the Armed Forces in Indonesia and Nigeria* (Osnabrück: German Foundation of Peace Research 2010) (unpublished research report).

<sup>14</sup> Frank Schimmelfennig, *The EU, NATO and the Integration of Europe*, p. 211.



the external norm entrepreneurs find vocal allies within the recipient society or organization and when the ancien régime must not only increase its international respectability but also strengthen its domestic legitimacy. Yet, even though localization changes the normative orthodoxy, local norm recipients seek to make them compatible with the cognitive prior through framing, grafting and pruning so that the core, or even a major part, of the old set of norms is retained (Acharya 2009). Localization is thus a more elaborate strategy than isomorphic behavior to build legitimacy through the “modernization of tradition”.<sup>15</sup> It also involves greater concerns for organizational efficiency and thus creates a less pronounced rhetoric-action gap than isomorphic adaptation and may thereby shield against further destabilizing normative challenges (Manea & Rüländ 2010).

*Table 1: Criteria for Isomorphic Behavior and Localization*

Isomorphic Responses	Localization
No or only weak public discourse; top-down elitist decision-making	Public discourse, top-down and bottom-up decision-making
Changes of organizational structure rhetorical, ornamental, declaratory, symbolic	Substantive Institutional reforms
No identity change of norm recipient	Partial identity change of norm recipient; fusion of old and new norms through framing, grafting, pruning
Targeting international audience	Targeting international and domestic audience
Decoupling; strong rhetoric-action gap	Moderate rhetoric-action gap

The following sections serve to test our theoretical claims empirically. They briefly contextualize the emergence of regional parliamentary bodies in the evolution of Southeast Asian and South American regionalism and seek to explain why regional parliamentary bodies have been formed and why and how they have changed over time.

## **The Association of Southeast Asian Nations (ASEAN)**

### *The Formation of the ASEAN Inter-Parliamentary Assembly (AIPA)*

ASEAN’s organizational structure was highly state-centric and elitist since its inception in 1967. It was dominated by the ministers of foreign affairs, senior officials and later increasingly the heads of state and government and subsequently also other ministerial rounds. By the early 1970s ASEAN began to establish representational mechanisms, initially primar-

<sup>15</sup> Lloyd I. Rudolph and Susanne Hoeber-Rudolph, *The Modernity of Tradition. Political Development in India*, (Chicago: University of Chicago Press, 1967).

ily co-opting the business sector. Coinciding with these developments, Indonesia started an initiative to form a regional legislative body in 1974. After lengthy deliberations, ASEAN member countries finally agreed on a statute in 1977 and eventually launched the ASEAN Inter-Parliamentary Organization (AIPO).<sup>16</sup> In 2007 the AIPO statute was slightly amended and the organization renamed ASEAN Inter-Parliamentary Assembly (AIPA).

As laid down in the AIPA statute, the parliamentary forum's main decision-making and executive bodies are the General Assembly, the Presidency, the Executive Committee, the Committees, a women's group (WAIPA), the Secretariat, the National AIPA Secretariats and, launched very recently, the AIPA Caucus. The General Assembly as the main formal decision-making body meets annually. Each member country sends up to fifteen delegates. The delegation is headed by the Speaker or his/her representatives, at least five members of the delegation must be women and, in order to ensure a modicum of continuity, at least five members must have participated in the immediately preceding General Assembly. The General Assembly adopts policy initiatives through resolutions and recommendations. All its decisions must be made by consensus. It is supported by six Standing Committees, Study Committees and ad-hoc Committees.

The presidency rotates among member countries in alphabetical order. The President represents AIPA at ASEAN Summits and chairs the Executive Committee. The latter is composed of not more than three delegates of each member parliament, one of whom shall be the Speaker. The Executive Committee prepares the agenda of the General Assembly, monitors the implementation of the latter's resolutions, proposes setting up committees, supervises the AIPA Secretariat and appoints the Secretariat's staff.<sup>17</sup>

The AIPA Secretariat is headed by a Secretary General, who is appointed by the AIPA President with the approval of the General Assembly for a 3-year term. He or she monitors and conducts all AIPA activities and interacts with ASEAN, in particular the ASEAN Secretariat. With only five experts the Secretariat's staff is small, which may suffice to carry out routine work but which is inadequate to tackle more ambitious tasks.<sup>18</sup> In its monitoring and implementing tasks the Secretariat is thus strongly dependent on the AIPA National Secretariats which serve as links between the national legislature and AIPA.

The revised Statute of 2007 not only changed AIPO's name to AIPA, but in accordance with the objectives of the ASEAN Charter also sought to strengthen ASEAN's implementation capacity and thereby contribute to a deepening of Southeast Asian regionalism.<sup>19</sup> One way of doing this is to work towards a greater harmonization of legislation among ASEAN countries

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<sup>16</sup> The House of Representatives of the Republic of Indonesia and AIPO Secretariat, ASEAN Inter-Parliamentary Organization (Jakarta: 2003), p. 2.

<sup>17</sup> See AIPA Statute, AIPA Website <http://www.aipasecretariat.org/about/statutes/> (accessed 19 September 2010).

<sup>18</sup> Interview, 18 August 2010.

<sup>19</sup> <http://www.aipasecretariat.org/about/background-history/the-renaming-of-aipo-to-aipa/> (accessed 19 September 2010).



and to place greater emphasis on the implementation of AIPA's resolutions through the member legislatures. In order to facilitate these two objectives, AIPA formed a new body, the AIPA Caucus. The Caucus consists of three members from each country, one member from Special Observer Countries, the Secretary General of AIPA and one official each from the respective AIPA National Secretariats.<sup>20</sup>

AIPA's organizational structure suggests that the forum is not a genuine regional legislature. As a legislature it would perform representative, legislative and oversight functions. AIPA, however, does not perform any of these functions to a noteworthy extent. AIPA's representativeness is spurious as the majority of member countries send handpicked delegates from the ruling parties to the General Assembly.

AIPA also lacks legislative powers. It exerts its limited recommendatory functions mainly through resolutions of which it has passed over 400.<sup>21</sup> This said does not mean to belittle the effect of resolutions. Resolutions passed by a highly articulate, representative and, hence, legitimate body may well develop substantial discursive power. The debates preceding resolutions may help to create fresh insights into existing problems, resolutions may have agenda-setting functions and may frame, dramatize and publicize issues, thereby exerting early warning functions. Yet, as much as AIPA's resolutions are intended to serve as policy inputs to regional governance, they are usually very general and lacking precise guidelines and technical specifications how identified problems could be addressed and remedied. This vagueness leaves national legislatures much room for interpretation on how to translate resolutions into national law, a deficiency seriously impeding the envisioned harmonization of ASEAN laws. Worse even, as AIPA resolutions are non-binding, national legislatures cannot be forced to implement them, thereby complicating another goal AIPA has placed high on its agenda since its renaming. Finally, the AIPA Caucus as the new body designed to support a greater legalization of ASEAN through promoting the harmonization of national legislation, is so far organizationally underequipped to perform the ambitious tasks envisaged for it.

Given the body's predominantly pro-government composition, it is hardly surprising that it does not critically scrutinize official ASEAN policies. Without investigative powers, its oversight performance remains weak. Rather than acting as watchdogs over regional policies, AIPA General Assemblies retroactively affirm policies previously agreed by ASEAN. AIPA resolutions "support," "welcome," "re-affirm" or "endorse" ASEAN policies, even if these are at variance with the aspirations and expectations of legislators' constituents and the policies promoted by national legislatures. One illustrative example in this respect is AIPA's persistent support for trade liberalization under the auspices of ASEAN's Economic Community pillar despite the fact that the Indonesian, Philippine and Thai parliaments prefer more protectionist policies. An exception to this docile behavior is the ASEAN Inter-Parliamentary Myan-

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<sup>20</sup> See AIPA Website, <http://www.aipasecretariat.org/reports/aipa-caucus-reports/first-aipa-caucus-report/> and <http://www.aipasecretariat.org/reports/aipa-caucus-reports/second-aipa-caucus-report/> (accessed 19 September 2010).

<sup>21</sup> Bernama, 23 August 2007, [http://www.bernama.com/bernama/v3/news\\_lite.php?id=280881](http://www.bernama.com/bernama/v3/news_lite.php?id=280881) (accessed 12 September 2010).

mar Caucus (AIPMC), a group of legislators loosely connected with AIPA which formed the caucus in 2004. They vocally criticize ASEAN's policy of "constructive engagement" towards Myanmar's pariah regime, although Jones has shown that some governments merely instrumentalize their parliamentarians to initiate shifts in their Burma policy without overly damaging official relations (Jones 2009).<sup>22</sup> Yet, due to the controversial issues raised by the caucus which especially the authoritarian regimes in ASEAN regard as irritating, AIPA so far denied the Caucus recognition as an official body of AIPA. The same occurred to the ASEAN Inter-Parliamentary Caucus on Good Governance which was launched in late 2005 by many of the same legislators who are active in the AIMPC.

## Explaining ASEAN's Legislative Body

What accounts for the formation of AIPO and the fact that this forum of Southeast Asian legislators is quite remote from a regional legislature? Indonesia has initiated AIPO, but neither used it to create for itself a favorable institutional environment nor as an institutional arena for strengthening its regional leadership role. AIPO also did not become a vehicle for purposes of institutional balancing. While all these observations rule out realist explanations, liberal institutionalist explanations likewise cannot well explain AIPO's formation and operation as legislators did little to contribute to the solution of the region's collective action problems.

Sociological institutionalism offers a more persuasive answer to our puzzle, explaining the initiative to create AIPO as mimetic isomorphic behavior.<sup>23</sup> The latter is – as we have argued above – a response of organizations to uncertainty resulting from ambiguous organizational goals.<sup>24</sup> Taking a closer look at the circumstances of AIPO's formation, ASEAN was indeed in a situation of profound uncertainty. The end of the Vietnam War ushered in major geopolitical changes to which the organization had to respond by adjusting its organizational goals. While it did this with declaring Southeast Asia a Zone of Peace, Freedom and Neutrality (ZOPFAN) (1971), the Treaty of Amity and Cooperation (TAC) and the Declaration of ASEAN Concord at its first summit held in Bali in 1976, member governments such as Thailand and, to a lesser extent, Indonesia, also faced domestic challenges and intensifying demands for more democracy. Uncertainties also loomed in the economic realm. Malaysia and Singapore lost their Commonwealth preferences with the British accession to the EC, while import substitution in Thailand and the Philippines had reached the limits of narrow domestic markets and was in the stranglehold of protectionist vested interests.

As ASEAN countries continued to regard continuous rapid economic growth as a major precondition to contain communist threats, most of them initiated a shift towards a more outward-looking export-oriented development strategy. While their policies of economic opening were plurilateral, the EC was one of the main targets. In the early 1970s ASEAN

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<sup>22</sup> Lee Jones, 'Democratization and Foreign Policy in Southeast Asia: the Case of the ASEAN Inter-Parliamentary Myanmar Caucus', *Cambridge Review of International Affairs* 22:3, Fall 2009.

<sup>23</sup> For a comprehensive explanation of ASEAN as an isomorphic organization, see Jetschke (2009).

<sup>24</sup> DiMaggio and Powell, 'The Iron Cage revisited', p. 151.

countries intensified relations with the EC, which by the end of the decade became an ASEAN dialogue partner, a process culminating in a cooperation treaty concluded in 1980. In the view of ASEAN governments, more European capital could be attracted and economic relations intensified, if the association succeeds boosting its legitimacy and respectability. Hence, the imitation of European structures of economic interest representation through the formation and accreditation of regional business organizations and the establishment of a regional legislative body.<sup>25</sup> Already in the 1970s the EC was widely acknowledged as the most advanced and most successful scheme of regional integration which other regional organizations found worthwhile to emulate.

While the idea to create a regional legislative body may have been the result of institutional mimicry, the actual formation may be better explained as coercive isomorphic behavior. Although the initial response of ASEAN member countries to the Indonesian overtures was lukewarm, they eventually agreed to the formation of AIPO when after the Helsinki Accord, Jimmy Carter's election as U.S. president and the accelerating emergence of transnational advocacy networks, democracy and human rights for the first time became international themes and exerted pressures on ASEAN's autocracies. Their structural dependencies on Western powers have certainly been part of their motivation to rhetorically emulate the European Parliament and to create a regional democratic façade.

That the formation of AIPO was driven by isomorphic behavior can also be gleaned from the fact that it did not go hand in hand with even a partial identity change among ASEAN government elites. The formation of AIPO was an exclusively elitist decision, without even a modicum of public debate and largely addressed to an international audience. It left ASEAN's cognitive prior largely unaltered. ASEAN's cognitive prior differs strongly from the liberal-pluralist model of interest representation to which ASEAN seemed to tilt with the accreditation of interest groups and the formation of a legislative body. The operation of AIPO was devised in a way that it largely kept intact the organicist and corporatist mode of interest representation which ASEAN's authoritarian regimes had imported from Europe since the 1920s, localized with organicist elements of local political culture<sup>26</sup> and from the domestic domain transferred to AIPO and ASEAN's other mechanisms of interaction with interest groups. European state corporatism stressed social unity, harmonious class relations which it sought to secure through vertical instead of horizontal societal organization, limitation of political participation to "participation in implementation" instead of "participation in decision-making"<sup>27</sup> and likening the political system to an organic or familial system. These

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<sup>25</sup> That the European Parliament was an object of study is confirmed in ASEAN Inter-Parliamentary Organization: ASEAN Parliament: the Study of Merit and Demerit of the Establishment of ASEAN Parliament, Jakarta: AIPO Permanent Secretariat, 1993, Doc. 14GA/93-PM/SD-0-6.

<sup>26</sup> David Reeve, Golkar of Indonesia. *An Alternative to the Party System* (New York: Oxford University Press, 1985). Marsillam Simanjuntak, *Unsur Hegelian dalam Pandangan Negara Integralistik* (Depok: Universitas Indonesia, Fakultas Hukum, 1989). David Bourchier, 'Positivism and Romanticism in Indonesian Legal Thought', in Timothy Lindsey, ed., *Indonesia: Law and Society* (Sydney: The Federation Press, 1999).

<sup>27</sup> John M. Cohen and Norman T. Uphoff, 'Participation's Place in Rural Development: Seeking Clarity through Specificity', *World Development* 8:2, Summer 1980.

conservative notions of societal organization tallied well with local beliefs about the nature of power. The latter, derived from Hindu-Brahmanic court rules in the Indianized parts of Southeast Asia, perceived power as a resource that is indivisible, finite, amoral and concentrated in the ruler. Decentralization or the existence of multiple power centers, due to their power-limiting effects virtues in liberal-pluralist theory, were therefore regarded as weakness and symptom of the ruler's waning legitimacy.<sup>28</sup> Authoritarian state corporatism also resonated well in Islamic societies with the unity of religion and state, Confucianism, socialist political systems and in Philippine Catholicism.<sup>29</sup>

A closer look at AIPO's operation suggests that the forum has never shed its organicist and corporatist ideational underpinning. First, until to the present, many delegations regard the exclusion of opposition legislators as an act of strengthening regional unity. Second, AIPO and, subsequently, AIPA's largely affirmative posture towards ASEAN's regional policies indicates that it is a body for strengthening "participation in implementation" rather than "participation in decision-making." AIPO, in other words, is thus primarily acting as a transmission belt, making ASEAN policies palatable to national legislatures which usually exhibit greater scepticism towards regional cooperation than government bureaucrats. Third, until very recently, AIPO documents suggest that the forum's largely anti-liberal notions of concepts such as democracy and human rights have hardly changed since the 1970s. Fourth, and final, a closer examination of the speeches held at the General Assemblies indicates that the language of corporatism with its frequent references to kinship and familism, unity, leadership and harmony is still ubiquitous.

The renaming of AIPO into AIPA has hardly changed this pattern. It is another mimetic response, this time driven by increasing external and domestic pressures on ASEAN governments to democratize their polities and, for the first time, also regional governance. While most of these demands to democratize ASEAN decision-making centered on civil society participation, forcing ASEAN to make substantial concessions and triggering a partial identity change among some member governments, there was little pressure to democratize ASEAN's legislative body. Demands raised by individual legislators to create a regional legislature date back to the 1980s, but have never received serious consideration. Given the low public trust legislatures and legislators enjoy in most ASEAN countries,<sup>30</sup> they were never mentioned in public debates as vehicles to democratize regional governance. The re-naming of AIPO thus had few practical consequences and did not change the bodies' operation.

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<sup>28</sup> Benedict R.O.G. Anderson, 'The Idea of Power in Javanese Culture', in C. Holt, ed., *Culture and Politics in Indonesia* (Ithaca: Cornell University Press, 1972).

<sup>29</sup> Howard J. Wiarda, *Corporatism and Comparative Politics: Another Great "Ism"* (Armonk: M.E. Sharpe, 1997).

<sup>30</sup> For Indonesia, see *The Jakarta Post*, 4 October 2005.

## Mercosur

### *From the Joint Parliamentary Committee to the Mercosur Parliament*

Mercosur was formally launched in March 1991 by the Treaty of Asuncion and after a transitional period of 3 years, its institutional structure was fixed in December 1994 by the Protocol of Ouro Preto (POP).<sup>31</sup> Mercosur is a typical example of the New Regionalism. It functions on a strictly intergovernmental base, all bodies are composed of national staff and binding decisions have to be taken by consensus. This notwithstanding, the POP also established a Joint Parliamentary Committee (Comisión Parlamentaria Conjunta, CPC) deemed to be the regional organization's parliamentary body and a Consultative Economic and Social Forum (Foro Consultivo Económico Social, FCES) for the representation of civil society.

The CPC, which was formally succeeded by the Mercosur Parliament in 2006, was originally composed of sixteen delegates from each member state's national legislature. According to its Rules of Procedure,<sup>32</sup> it had a consultative character. It requested information about the process of integration from other Mercosur institutions and it was expected to accelerate the internal proceedings within the national parliaments to ensure a quick implementation of those Mercosur norms, which need to be incorporated into national law. The CPC thus functioned as a transmission belt between the regional organization's decision-making organs and the national parliaments. Regular meetings took place twice a year in the country which held the Pro Tempore Presidency. At the top of the CPC's institutional structure stood an executive board that was composed of the members of the executive boards of the national sections. It created eight sub-commissions. All its decisions had to be taken by consensus of the national delegations, who expressed themselves through a majority vote of their members.

Despite its weak position within Mercosur's institutional structure, it was upon the initiative of the CPC that the member states' compromise with democracy was cast into institutional form. The Protocol of Ushuaia, signed in 1998 by all member states including the associated members Bolivia and Chile, made adherence to democracy a prerequisite for participation in the regional integration process. Yet democracy, as understood by the elites in most Southern American countries, is largely confined to its procedural dimension. This also explains why the inclusion of Venezuela is not regarded as an infringement of Mercosur's democratic norm. South America's political regimes have thus been described as "delegative democracies".<sup>33</sup> Mercosur's focus on flexibility and the outstanding role of the presidents in the settlement of controversies reflect this delegative leadership style.

Although the CPC had been working for the establishment of a parliamentary body for many years, it thus took most observers by surprise when the then new president of Brazil, Lula da Silva, and his Argentinean counterpart, Eduardo Duhalde, amidst a prolonged crisis of re-

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<sup>31</sup> Mercosur's foundational treaty and the subsequent protocols are available from the organization's website: <http://www.mercosur.org.uy>.

<sup>32</sup> CPC, Res. N° 2/97.

<sup>33</sup> Guillermo O'Donnell, 'Delegative Democracy?.'



gional integration in January 2003 declared that the CPC should advance in the direction of a Mercosur parliament. The idea to strengthen Mercosur's institutional structure got further momentum after the election of Nestor Kirchner in Argentina, with the Mercosur Parliament (Parlasur) eventually constituted in Montevideo in December 2006.<sup>34</sup>

The Constitutive Protocol of the Mercosur Parliament<sup>35</sup> provided for two transitional periods. The first one ranged from 2007 until 2010 and the second one started in 2011 and will last until 2014. During the first period, Parlasur was composed of eighteen representatives from each national parliament. Beginning with the second period there will be a decreasing proportional representation<sup>36</sup> and until 2014 each member state will choose its delegates through direct elections. The second transitional period will result in a dissociation of the national and the regional parliamentary bodies since Parlasur delegates may no longer exercise any other legislative or executive functions in their member states or other Mercosur organs. Beginning in 2014 parliamentarians in all member states shall be elected simultaneously by direct, universal and secret suffrage. Paraguay and Uruguay will then hold eighteen seats, Argentina forty-three and Brazil seventy-five. As a counterweight to these imbalances, most decisions have to be taken by a "special" majority (*mayoría especial*) which requires two-thirds of all representatives and has to include delegates from all member states.<sup>37</sup>

According to its constitutive protocol Parlasur represents the peoples of the Mercosur, respecting their ideological and political plurality. It will promote and defend democracy, peace and liberty and it shall guarantee the participation of the actors of civil society in the integration process. The parliament is directed by a president who represents it and is in charge of its official communication. He or she is elected by the general assembly and presides the plenary sessions. The president is assisted by one vice-president from each of the other member states. Together they compose the board of officers (*mesa directiva*). Members of the board are elected for 2 years with one possible re-election. The board, amongst others, proposes the administrative and financial organization and staff regulations to the plenary, approves the agenda, convenes extraordinary sessions of the parliament, and establishes the composition of the standing committees. It is assisted by a parliamentary secretary and an administrative secretary. Four permanent secretariats are established at the seat of the parliament. It has ten standing committees, which may be supplemented by temporary and special committees and by external delegations. Ordinary sessions take place at least once a month. From the inaugural session in May 2007 until the end of 2010 Parlasur held twenty-seven plenary and ten extraordinary sessions.<sup>38</sup>

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<sup>34</sup> G. Caetano, *Parlamento Regional y Sociedad Civil en el Proceso de integración. Una nueva oportunidad para 'otro' Mercosur?* (Montevideo: Friedrich-Ebert-Stiftung, 2006).

<sup>35</sup> CMC, Dec. N° 23/05, *Protocolo Constitutivo del Parlamento del Mercosur*.

<sup>36</sup> Throughout this interim period Uruguay and Paraguay retain eighteen seats, whereas Argentina holds twenty-six and Brazil thirty-seven seats.

<sup>37</sup> Political Agreement for the Consolidation of Mercosur and Corresponding Propositions, see Parlasur website: <http://www.parlamentodelmercosur.org/innovaportal/file/3029/1/Acuerdo%20Pol%EDtico.pdf> (accessed 4 February 2011). The agreement was approved in October 2010 by CMC, Dec. N° 28/10.

<sup>38</sup> See Parlasur-website: <http://www.parlamentodelmercosur.org> (accessed 4 February 2011).



With the transition from the CPC to the Parliament the representative functions of Mercosur's regional body will have been remarkably improved. By adopting a model of decreasing representation, Parlasur better copes with the enormous demographic differences between its member states. Even more important are the provisions for the establishment of political groups. Whereas the CPC was organized along national commissions, which had to converge on a single vote by majority rule, delegates in the Mercosur Parliament may form groups according to their political alignment and thus transcend national boundaries.

Yet the improved representativeness of the Mercosur Parliament contrasts sharply with its lack of legislative functions. Parlasur may propose legal norms to the Council of the Common Market (Consejo del Mercado Común, CMC), Mercosur's main decision-making body. It may also propose measures for the harmonization of member states' legislation to the national parliaments. Yet throughout its first transitional period the parliament has mainly acted through declarations and recommendations. Declarations often express the Parliament's "support" or "endorsement" of member states' foreign policies or the positions they take in multilateral organizations. But they also express the Parliament's consent to the further deepening of regional integration. Accordingly, recommendations often call for concrete measures in areas such as civic participation or infrastructure projects. Most outstanding from its present record, however, is the lack of opinions (dictámenes) given by the parliament. The Constitutive Protocol stipulates that the Parliament gives its opinion on legal norms, which need to be incorporated into national law in one or more member states, if the Council sends them to the Parliament before they are approved. The national parliaments in turn take provisions for the quick implementation of those legal norms that have been endorsed by the Mercosur Parliament. This idea was first introduced in an inter-institutional agreement between the CMC and the CPC in 2003, which was the outcome of a project to improve the institutional quality of the CPC sponsored by the European Commission.<sup>39</sup> Yet the CMC has never made use of the instrument and still seems to ignore it under the new provisions of the Mercosur Parliament.

Parlasur also performs some oversight functions. It may request reports and written opinions from the bodies with decision-making authority and the consultative organs established in the POP. These have to be responded within a period of 180 days. Furthermore, at the beginning and the end of its half-year term, the Pro Tempore Presidency has to present the parliament its working program and a report on its completed activities, respectively. Parlasur also holds semestral meetings with the FCES, examines petitions from legal and individual persons and channels them towards the decision-making bodies of Mercosur.

### *Explaining Mercosur's legislative body*

Why did the founders of Mercosur endow the integration scheme with a legislative body?

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<sup>39</sup> A. Dreyzin de Klor, 'La necesidad de un Parlamento para el Mercosur', in Konrad-Adenauer-Stiftung (KAS) and Comisión Parlamentaria Conjunta del Mercosur (CPC), eds., *Hacia el Parlamento del Mercosur* (Montevideo: Mastergraf, 2004), p. 30.

And why did Mercosur leaders choose to upgrade the Joint Parliamentary Committee into a Mercosur Parliament at a time when regional integration stalled? Whereas Mercosur's initial institutional structure was devised by the Argentinean-Brazilian tandem, the regional hegemon has been the mainspring of the latter. But Brazil has not used the Parliament to enhance its regional influence. Parlasur has not become a device for institutional balancing either. And it does not have the capacities to contribute to the solution, or at least mitigation, of the region's collective action problems. The realist and institutionalist propositions discussed above can thus be discarded.

Yet the formation of a regional parliamentary assembly satisfies all key criteria of mimetic isomorphic behavior as defined in the theoretical part of the paper. Mercosur was founded in a situation, where its member states faced profound political and economic uncertainties. Throughout the 1980s the Southern American countries had successively undergone a process of political transition. But their fledgling democracies were still far from being consolidated. Argentina, for instance, faced a number of military uprisings throughout the first decade after transition. Moreover, the country had just lost a war and its international reputation was tarnished by the dismal human rights record of the preceding military government. The preservation of democracy, stability and peace were amongst the most pressing needs in order to regain at least a modicum of credit on the international stage. No less uncertain was the economic outlook. The 1980s culminated in economic crises and hyperinflation. A return to the protectionist and inward-oriented development model of the past seemed to be irrevocably foreclosed. Moreover, the incipient globalization of the world economy and the formation of economic blocks in other world regions left Southern Americans with fears of becoming marginalized. Regional integration was thus conceived of as a means to integrate the economies of the Southern Cone in the world economy.

In this situation of uncertainty Mercosur members harked back to the European Union as the most prominent and successful example of regional integration. While Mercosur's main decision-making bodies, the Council and the Common Market Group (Grupo del Mercado Común, GMC), resemble the European Council and the European Commission, the grouping's representative bodies, the FCES and the CPC, mimic the European Economic and Social Council and the European Parliament, respectively. The idea to provide Mercosur with representative institutions was not derived from a consensus that had emerged in a previous process of communicative action. A public discourse about the future institutional shape of regional integration was non-existent at the time. Insulated from societal pressures, a small political elite within the national executives decided upon the institutional outlook of Mercosur with the objective of improving the organization's international reputation. In practice, however, the commitment to parliamentarian representation and the inclusion of civil society exhibited the decoupling typical for isomorphic responses to normative pressures. Mercosur has largely been an organization run by its national executives. All important decisions and the resolution of conflicts have been reserved to the presidential level. The regional integration scheme insofar heavily resembles the delegative democracies in the member states.<sup>40</sup>

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<sup>40</sup> A. Malamud, 'Presidential Diplomacy and the Institutional Underpinnings of MERCOSUR: An Empirical

This means that the formation of a regional parliamentary body did not signify a change of identity on the part of the ruling elites. The delegative democracies that replaced the authoritarian predecessor regimes on the national level are characterized by weak and dysfunctional institutions, which are often substituted by informal practices, and the delegation of political power to the top of the state. As a consequence, “whoever wins election to the presidency is thereby entitled to govern as he or she sees fit, constrained only by the hard facts of existing power relations and by a constitutionally limited term of office”.<sup>41</sup> The presidential leader is conceived of as the embodiment of the nation and the sole actor capable of uniting the dispersed fragments of society into a whole. Parliaments and other institutions of horizontal accountability do not fit well with such an idea of paternalistic leadership. In fact, they are regarded “as a mere impediment to the full authority that the president has been delegated to exercise”.<sup>42</sup>

The delegative democracy practiced in South America may thus be regarded as a cognitive adjustment of conservative elites to the challenges of democratization. It tallies well with the region’s powerful organicist and corporatist “cognitive prior”.<sup>43</sup> The origins of Latin America’s longstanding tradition of corporatism can be traced back to the colonial period.<sup>44</sup> Corporatist ideas have thrived under different political regimes. In the Southern Cone they were particularly influential during the rule of Peron and Vargas and the subsequent military regimes.<sup>45</sup> Shortly after democratization, paternalistic thinking and corporatist views of state-society relations were still prevalent in the mind-set of South American political elites. Some authors even argue that civic inclusion is still impeded by a “long-standing and deep-seated hostility towards ‘ordinary people’ on the part of the governing elites”.<sup>46</sup> These residues of authoritarian and corporatist ideas can explain the creation of the CPC as a fig leaf for the democratic representation of Mercosur’s citizens. And it also explains why the CPC, despite its pro-active engagement in issues of regional integration, has never been regarded as a serious interlocutor by the national elites within Mercosur’s decision-making bodies.<sup>47</sup>

While the organicist and corporatist normative orthodoxy markedly shaped regional governance in Mercosur’s formative years, at the level of member countries it has come under increasing pressure in the 1990s. State reform and structural adjustment measures have largely eroded the scaffolding of corporatism.<sup>48</sup> This has strengthened a new type of political leader-

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Examination’, *Latin American Research Review* 40:1, Spring 2005.

<sup>41</sup> G. O’Donnell, ‘Delegative Democracy?’, p. 59.

<sup>42</sup> *Ibid.*, p. 60.

<sup>43</sup> Amitav Acharya, *Whose Ideas Matter*.

<sup>44</sup> Howard J. Wiarda, *Corporatism and Comparative Politics*.

<sup>45</sup> Philippe C. Schmitter, ‘Still the Century of Corporatism?’, *Review of Politics* 36:1, Spring 1974. M. Malloy (ed.), *Authoritarianism and Corporatism in Latin America* (Pittsburgh: University of Pittsburgh Press, 1977).

<sup>46</sup> Jean Grugel, ‘Regionalist Governance and Transnational Collective Action in Latin America’, *Economy and Society* 35:2, Summer 2006, p. 212.

<sup>47</sup> M. Vázquez, ‘La Comisión Parlamentaria Conjunta del MERCOSUR’.

<sup>48</sup> P.D. O’Horn, ‘Is the Century of Corporatism Over? Neoliberalism and the Rise of Neopluralism’ in P.D. O’Horn and G. Ducatenzeiler (eds.), *What Kind of Democracy? What Kind of Market?* (University Park: Penn-

ship that is less attached to corporatist institutions. Challenges also came from proliferating grass-roots mobilization. Civil society organizations flourished in the less repressive political climate of the region's new democracies and vociferously demanded more participatory rights for the people. In the process, this debate spilled over from the domestic domains to the regional arena.

In contrast to the creation of the CPC, in the case of *Parlasur* norm diffusion went beyond mere mimesis and is better captured by localization.<sup>49</sup> In the second half of the 1990s discussions intensified within epistemic communities about the shortcomings of Mercosur's institutional structure and the future prospects for regional integration. Civil society organizations had become far more entangled with issues of regional integration than in the early 1990s. Most NGOs targeted their protests against the idea of a Free Trade Area of the Americas (FTAA) that would have comprised all American countries under the lead of the United States. At the same time South-South cooperation was endorsed. Discussions within these groups circled around the establishment of a "different model" of integration, including demands for a further democratization of Mercosur and a stronger participation of civil society in the integration process<sup>50</sup>.

The idea to enhance Mercosur's democratic profile through the creation of a regional parliament thus gained prominence in certain segments of society. The CPC had promoted its own conversion into a parliamentary body from the very beginning of its existence.<sup>51</sup> Donor organizations such as political foundations provided means and channels for the diffusion of those ideas. The EU also actively endorsed them through financial support and the transfer of European expertise.<sup>52</sup> The prolonged crisis of regional integration and the advancing FTAA-negotiations further contributed to a growing public awareness of Mercosur's institutional deficits. In this context, the political leaders from Brazil and Argentina presented their initiative for the installation of a Mercosur Parliament. In contrast to the establishment of the CPC this has not happened in isolation from society. Moreover, the first draft of the Constitutive Protocol of the Mercosur Parliament was elaborated by an expert group (*Grupo Técnico de Alto Nivel*, GTAN) that was largely composed of renowned members of epistemic communities.

The transformation of the CPC into a Mercosur Parliament has led to some qualitative improvements as to the representative functions of the body. These institutional reforms suggest at least a partial identity change among the elites. But they stand in sharp contrast to *Parlasur*'s lack of any substantial legislative power and the unchanged posture of the national

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sylvania State University Press 1998). F. Hagopian, 'Democracy and Political Representation in Latin America in the 1990s: Pause, Reorganization, or Decline?', in F. Agüero and J. Stark (eds.), *Fault Lines of Democracy in Post-Transition Latin America* (Miami: North-South Center Press 1998).

<sup>49</sup> Amitav Acharya, *Whose Ideas Matter*.

<sup>50</sup> Jean Grugel, 'Regionalist Governance and Transnational Collective Action in Latin America'.

<sup>51</sup> M. Vázquez, 'La Comisión Parlamentaria Conjunta del MERCOSUR'.

<sup>52</sup> Clarissa F. Dri, 'Limits of the Institutional Mimesis of the European Union: The Case of the Mercosur Parliament', *Latin American Policy* 1:1, Spring 2010, pp. 59-62.

elites represented in the regional organization's decision-making bodies towards the Parliament. While these attitudes may today be less undergirded by corporatism, they retain the paternalistic idea of leadership inherent to delegative democracy. Although the institutional reform of Mercosur may have gone far and even foreshadow supranational elements, greater regional democracy is curtailed by the grafting and pruning of the new ideas to make them compatible with the region's cognitive prior.

## Conclusion

This article explained the establishment of legislative bodies in ASEAN and Mercosur by concepts derived from sociological institutionalism. We have shown how isomorphism and the localization of external norms have transformed the institutional design of both regional organizations without significantly altering the norms and procedures upon which these organizations rest. Both the establishment of AIPO and the subsequent renaming into AIPA and the creation of the CPC and its transformation into Parlasur have neither contributed to a democratization of these organizations nor to a deepening of regional integration.

Quite to the contrary, elites in both regions succeeded in preserving their organizations' cognitive prior. Cultural differences between Southeast Asia and Latin America notwithstanding, there is a common denominator of those norms, ideas and values that undergird cooperation in both regions. This common denominator rests upon corporatist conceptions of state and society and a paternalistic view of political leadership.

On the other hand, differences between ASEAN and Mercosur emerged regarding the local responses to external norm pressures. Whereas both ASEAN and Mercosur initially merely copied European institutions in an act of mimetic or coercive isomorphism, the further path of both integration schemes varied to a considerable degree. These differences might be attributed to differences in the level of democratization achieved in both regions and the cohesiveness of their "cognitive prior." Whereas Southeast Asia's ideational foundation remained stable, in South America corporatist and organicist ideas have been increasingly challenged by elements of liberal democracy. Even though ASEAN and Mercosur shared the experience of increasing domestic pressures on regional governance, in ASEAN's case they did not target the regional legislative body. ASEAN could thus confine AIPO to minor rhetorical and symbolic changes. In South America, on the other hand, democratic pressures did not bypass the regional parliament. Unlike ASEAN, Mercosur thus responded with localization to these pressures, which brought about at least a partial identity change among Mercosur decision-makers and much more far-reaching institutional changes than in ASEAN's case. Parlasur meets more frequently, it is more representative, entails interaction with civil society groups and by allowing the formation of regional party factions and introducing qualified majority decisions even moves cautiously towards a supranationalist structure. Yet, as the legislature exerts its legislative and oversight functions only very marginally, a sizeable rhetoric-action gap remains, with the effect of retaining the grouping's elitist cognitive prior and delegative model of democracy. Parliamentarizing regionalism has thus hardly been a driving factor for greater legalization and constitutionalization in ASEAN and Mercosur.

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