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Normative Power Europe and Asia-Europe Relations

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Abstract

The establishment of the EU was primarily aimed to bring together democratic states against the milieu of the Cold War. With its growing influence on international relations, "what the EU is (doing)" behind the non-state entity gives rise to debates on defining "actorness"—the capacity that used to be attributed to an actor of Westphalian notion in international relations. This paper extends the debates and suggests a post-modern definition of actorness to capture the nature of the EU. The EU's norm-oriented "presence" in international arena qualifies its actorness as a "normative power". Yet, by applying the approach of localization to its interregional dialogue with Asian countries, especially with ASEAN, this paper found that the EU's normative power is limited by local extant norms. The promotion of democracy in Asia is confined within the well-known "ASEAN Way".

Key words

EU, actorness, normative power, democracy, ASEAN, interregional dialogue, regional cooperation, localization, framing, cognitive priors, ASEAN Way

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Introduction

Inspired by the European integration project, a debate emerged in the 1970s whether non-state actors may be regarded as actors in international relations (Sjöstedt 1977).[1] For the role of the European Union (EU) in international relations, Manners (2002) proposed the concept of "normative power," thereby shifting agency conceptions from traditional Westphalian to post-modern ontologies. Five core norms — peace, liberty, democracy, rule of law and respect for human rights and fundamental freedoms — exemplify the EU as a "normative power" and define the principles and objectives of the EU's "presence" (Allen & Smith 1990) in the international arena. As a "normative power," the EU is expected to promote these norms in its external relations. Unfortunately, though, there are few studies examining the utility and effectiveness of the EU's "normative power." By applying Acharya's (2004) theory of "constitutive localization" (Acharya 2004, 2009), this paper seeks to contribute to narrowing this gap in the literature.

The paper is organized as follows. In a first step, an analytical framework based on more recent conceptualizations of power, the "actorness" literature and norm diffusion research is developed. This is followed, secondly, by an examination of the EU's democracy promotion policies, before, thirdly, Chapter 4 explores the interactions between the EU and Asian partners, most notably in the context of the ASEAN-EU dialogue relations and the Asia-Europe Meeting (ASEM). The paper shows that the EU indeed acts as a "normative power," but that its impact in the international arena is debatable. It argues that by localizing EU norms other world regions are highly selective in adopting the norms propagated by the EU. Perhaps even more surprising is the finding that the EU limits its impact by a process of anticipatory localization by which it seeks to tailor its democracy concept in a way that it becomes more palatable for the norm recipients.

Theoretical Framework

Conceptualizing Power

Before talking about "normative power," it is necessary to review the concept of "power." Students of international relations usually discuss power in the conceptual framework of realism. Here, the most well-known definition is that power defines relations between actors in which *A* has the ability to make *B* "do something that *B* would not otherwise do" (Dahl 1957: 202-3). In other words, power refers to one state's capability to use its material resources to ensure the compliance of other states (Barnett & Duvall 2005: 40). Yet, although realist concepts of power have been very influential, alternative conceptual perspectives have been competitively propagated in international relations debates. One important example is the neoliberal institutionalist concept of

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[1] For an overview of the "actorness" literature, see Doidge (2004, 2008, 2011).

"soft power," which complements (and partly contradicts) the realist notion of "hard power."[2]

Indeed, as Nye points out, "because power is a relationship, by definition it implies some context" (Nye 1990: 160). Power *per se* does not presume any particular meaning or forms such as military power. Its implicit intersubjectivity has become more obvious especially after the Cold War. It is more often that specific contexts define power rather than the other way round. As a result, the concept of power is contested. In a major contribution, Barnett and Duvall seek to bridge the often mutually exclusive conceptualizations of power. By highlighting the multidimensional nature of power, they contribute to a better understanding of what denotes "normative power," the dimension of power often associated with the EU (Barnett & Duvall 2005).

According to Barnett and Duvall, power goes beyond relationships: it pertains to a process of producing "effects that shape the capacities of actors to determine their circumstances and fate." To highlight their argument, the authors distinguish four forms of power: compulsory power, institutional power, structural power, and productive power (ibid.).

Compulsory Power is basically a realist concept. Dahl's realist definition cited above illustrates this perspective, but Barnett and Duvall's understanding transcends realist thought. According to their conceptualization, compulsory power need not hinge on the power deliverer's intention to exert control over the recipient (Barnett & Duvall 2005: 50). Compulsory power exists as long as one's actions confine the other's actions and circumstances, even if the one who exerts power has no intention to do so. It also does not need to depend on material resources to generate influence on power recipients (ibid.: 50). Symbolic and normative approaches, such as shaming and legal norms, may be used by less powerful actors to constrain the powerful. Because power is the product of effects, compulsory power is best understood from the perspective of power recipients (ibid.: 50).

While compulsory power has a direct impact on power recipients, *institutional power* exerts an indirect influence on power recipients by working through rules and procedures. Institutional power is different from compulsory power in that the resources of power, namely institutions, cannot be possessed by particular actors and that institutions enable the power to endure over time and space, resulting in the power deliverer's disconnection with power recipients. By designing institutions or by taking advantage of existing rules and institutional procedures, actors can make the institutional outcome comply with their interests whereas diverging from the others' interests. In short, institutions become media of power, and institutional bias creates "winners" and "losers" (Barnett & Duvall 2005: 51-52).

Structural power and *productive power* are related to structures that constitute actors' interests and capacities. *Structural power* concerns structural positions that define actors' "being" in their social relations. Actors' social being and interests have meanings only by virtue of their counterparts. Such social relations are regarded here as the "structure"

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[2] For the terms "hard power" and "soft power," see Nye 1990: 166; Keohane & Nye 1998: 86.

that constitutes actors' social relational capacities, subjectivities and interests. Structural power thus means the effects generated in the social processes to determine actors' fates and conditions of existence. The structural relations do not have to be among equals. Master-slave relations are a handy example. Moreover, structural power can operate to constrain the less privileged from recognizing the domination of the powerful. Capital-labor relations are viewed by Gramscians and Marxists, for instance, in this perspective. These unequal structural relations will be reproduced through ideological hegemony. Dominant ideologies serve the interests of the privileged at the direct expense of the subordinate.

In contrast to these relatively "static" structuralist perspectives, the notion of *productive power* focuses more strongly on the dynamic knowledge-building processes in which meanings of objects are shaped by the discursively more powerful. Productive power also exists in social relations but is constituted of

> *"... all social subjects with various social powers through systems of knowledge and discursive practices of broad and general social scope. Conceptually, the move is away from structures, per se, to systems of signification and meaning (which are structured, but not themselves structures), and to networks of social forces perpetually shaping one another"* (Barnett & Duvall 2005: 55).

Two important features of productive power distinguish it from structural power. First, productive power relates to discursive processes in which meaning is produced, fixed, lived, experienced, and transformed. Second, productive power concerns the boundaries of all social identities and considers all social subjects to be equal individuals whose relationships are constituted by changing understandings, meanings, norms, customs, and social identities (Barnett & Duvall 2005: 55). In this regard, "attention to productive power looks beyond (or is post-) structure" (ibid.). According to Foucault, productive power entails the accumulation of knowledge which allows actors with discursive capabilities to influence other actors' action by changing existing understandings, norms, customs and social identities. To give a concrete example, words such as "European" and "democratic" are detached from any particular values. Actors who are capable of defining what is considered as "democratic" or "European" also have the power to affect other actors' conceptions and actions on those terms. This paper will adopt this discursive, process-oriented perspective to analyze how and to what extent Europe's productive power has shaped the conception of democracy in other regions.

"Normative Power" as an Ideological Framework for "European Foreign Policy"—Towards a Post-modern Definition of "Actorness"

In international relations, "power nearly becomes an attribute that an actor possesses and may use knowingly as a resource to shape the actions or conditions of action of others" (Barnett & Duvall 2005: 45). Traditionally, power is exercised by states, which means states are the only actors exercising power in international relations. Consistent with Morgenthau's seminal book (Morgenthau 1948), international politics should be regarded as "politics among nations" and a "struggle for power (and peace)." The

disregard of non-state actors in international relations and the neglect of their potential "power" inevitably gave rise to contentious debates about what constitutes actors in international relations. This debate is also "a history of the attempt to understand the European Community/Union's place in the international system" (Doidge 2008: 33-34). The notion on "actorness" specifies the capacities "to perform certain functions which are usually attributed to actors in international relations" (Hänggi, Roloff & Rüland 2006: 6). In this regard, one must ask, what capacities the EU possesses – and to what extent these capacities define its agency in international politics.

For Hill "the realist view that the state is the basis of power and interest in the international system ... has correspondingly damaged the Community's image as a powerful and progressive force in the reshaping of the international system" (Hill 1993: 306). To capture this "new type of entity with actor quality" which "is experimenting with a new form of both unit and subsystem structure" (Buzan & Little 2000: 359), it can be argued that the European region "within which the modern state system emerged is now moving towards a post-modern and post-sovereign political system, in which authority will be shared among different levels of government and in which the Westphalian concept of sovereignty will have disappeared, with a more diverse and open international civil society emerging in its place, with multiple levels of authority and governance" (Wallace 1999: 203). Taken from Allen and Smith's concept of "presence" (Allen & Smith 1990), it is more important to consider whether the EU "possesses influence in a given realm of activity, rather than focusing purely on whether it can act in a purposive manner" (Doidge 2008: 35). "Presence," according to Allen and Smith, "is a feature or a quality of arenas, of issue-arenas or of networks of activity, and it operates to influence the actions and expectations of participants" (Allen & Smith 1990: 21). Therefore, the EU's "presence" is qualified as "actorness," even though it is lacking "the key central institutions and instruments characteristic of foreign policies based on statist or what might be termed 'modernist' assumptions" (Smith 2003: 558). To understand "what the EU is (doing)" one needs to move beyond the Westphalian concept of state order toward a "post-ontological" stage (Caparaso 1996). Hill adopts this idea and recognizes that it can "get us off the hook of analyzing EPC [European Political Cooperation] in terms of sovereignty and supranationalism, which might lead us to suppose that there was in fact no European foreign policy" (Hill 1993: 309).

Accordingly, actorness is at least partly defined as "presence" in an issue-area or domain of activity (Allen & Smith 1990: 21). In many ways it is not the actor itself but the "presence" that constitutes the critical factor. Presence in a given issue domain "can be a property of ideas, notions, expectations and imaginations" (ibid.: 22). European foreign policy evolves in a way that it frames and reframes "foreign policy spaces." It influences how endogenous and exogenous factors interact, shapes complex bargaining and problem-solving mechanisms, and creates "a flow of communications and understandings within, between, and around the core of European collective action" (Smith 2003: 570). This post-modern notion of "actorness without an actor" implicitly explains why European foreign policy continues to be "less than a state, but more than a conventional intergovernmental organization" (Hill 1993: 309). Manners therefore

pleads for "think[ing] of the ideational impact of the EU's international identity/role as representing *normative power*" (Manners 2002: 238). The EU's "presence" in the international arena manifests "productive power" - or the "power over" concept (Manners 2002: 239). Its ability to express normative "ideas, notions, expectations and imaginations" and to "shape conceptions of 'normal' in international relations" contribute to knowledge building in its social relations with third countries (ibid). Yet, normative power also entails other forms of power, such as institutional power embedded in the political conditionality of cooperation agreements between the EU and third countries.

What then is the normative basis for the EU to promote particular norms? The historical evolution of its normative foundation through the development of declarations, treaties and policies over the past 50 years provides the key for understanding its actions (Manners 2002: 242). According to Manners, there are five "core" norms within the vast body of EU regulations: peace, liberty, democracy, rule of law and respect for human rights and fundamental freedoms. All of these can be found in the Treaty Establishing the European Economic Community of 1957 (also known as the Treaty of Rome) and in the Treaty on European Union of 1993 (TEU), as well as in other declarations, treaties or policies. In addition, there are four "minor" norms within the constitution and practices of the EU: social solidarity, anti-discrimination, sustainable development and good governance (ibid.: 243).

After the end of the Cold War, economic power has been no longer sufficient to support the EU's legitimacy based on the intergovernmental management of global economic governance. Therefore, these norms allow the EU "to legitimate itself as being more than the sum of its parts" vis-à-vis third countries (ibid.: 244). Moreover, "the EU represents a normative power, more so than most other actors in world politics" (Manners 2006a: 179). Normative objectives constitute the framework of European foreign policy. Had those normative aims not been pivotal, European foreign policy might still have been suffering from the often deplored "capability-expectations gap" (Hill 1993).

In sum, the concept of normative power as the ideological framework for European foreign policy offers the EU greater legitimacy in dealing with international issues and expands EU actorness beyond Westphalian conceptions towards a post-modern understanding of internal and external "governance without government" (Hix 1998; Smith 2003: 570). After dealing with conceptualizations of Europe's role in international relations, we now turn to the question of "how to judge whether a normative power is both normative and powerful?" (Manners 2006a: 170). To answer this question, the following section introduces the analytic approach to examine the EU's normative power and its ability to project its norms to other world regions.

Framework of Analysis:
Localization as a Two-Way Approach to Norm Diffusion

> *"... unity in Europe does not create a new kind of great power; it is a method for introducing change in Europe and consequently in the world"* (Monnet 1962: 26).

Monnet's comment suggests that the responsibility of promoting "change" has constituted the core idea of European foreign policy since the outset of the European integration project. According to Manners, "post-national normative power" (Manners 2006b: 182) enables the EU to export norms through six mechanisms: Contagion, informational diffusion, procedural diffusion, transference, overt diffusion and cultural filter (Manners 2002: 244-5). However, this process of spreading norms, which in the view of Manners is also a self-image building process, is a one-way street, which ignores the response from "norm-takers." The actual process of norm diffusion thus still remains a black box.

Similar to Manner's proposition, many scholars (see, for instance, Gourevitch 1978; Pevehouse 2005; Burnell 2000; Risse & Sikkink 1999) address the issue of norm diffusion mainly from a one-way outside-in perspective (Rüland 2006). They thus disregard the response of local agents to external normative challenges and ignore the entangled histories of the global and the local which constitute political ideologies and policy paradigms of nation states (Randeria 2002; Compton, Jr. 2000: 21-49). Especially with regard to highly normative concepts such as democracy, norm diffusion as a social practice depends on the degree of "cultural matches" to decide the depth of norm internalization by states (Checkel 1999). This perspective, however, can be still unduly static, for it simply describes an existing match rather than a dynamic process of matchmaking (Acharya 2004: 243). Hence, instead of just assessing the existing "goodness of fit" between domestic and outside identity norms (Börzel & Risse 2003) and explaining strictly dichotomous outcomes of acceptance or rejection, Acharya proposes a dynamic two-way "localization" process. He argues that the success of norm diffusion depends on the extent to which norm-takers build congruence between foreign norms and local norms (Acharya 2004: 241-3).

Localization, as defined by Acharya, is a process of "the active construction (through discourse, framing, grafting, and cultural selection) of foreign ideas by local actors, which results in the former developing significant congruence with local beliefs and practices" (Acharya 2004: 245). While norm studies usually take the determinist view of norm displacement, localization emphasizes the crucial role of local actors that "build congruence" between, not displace, transnational norms and local practices and beliefs. According to Acharya, there is rarely wholesale norm acceptance; instead, norm adaptation is accompanied by localization (Acharya 2004, 2009). Therefore, the response of local actors becomes the crucial factor in the analysis. The localization approach is thus not only trying to explain how norms are diffused, but also why some norms that are accepted in one place are rejected in another. This unpacks the black box of diffusion in which agents representing the "cognitive prior" (Acharya 2009) actively select norms rather than the other way round.

In order to explore the extent to which EU norms are diffused, this paper applies Acharya's localization theory to EU-Asia relations, with a particular focus on the Association of Southeast Asian Nations (ASEAN). It seeks to explore how Southeast Asian norm-takers respond to EU norm diffusion—through resistance, localization or norm displacement (Acharya 2004: 254). Since norm displacement rarely occurs, primary attention is directed to norm diffusion, which implies an incremental process of norm adjustment. The influence of EU normative power is therefore contingent on the extent of localization by norm agents in Southeast Asia.

Two factors are decisive for norm localization (ibid.: 247-250). The first is related to norm-takers, specifically, "insider proponents" who have credible discursive ability and influence to re-construct external norms. The second is the strength of local extant norms: the stronger the local norms, the greater the likelihood that external norms will be localized rather than fully accepted. Moreover, localization exists "when an extant institution responds to a foreign idea by functional or membership expansion and creates new policy instruments to pursue its new tasks or goals without supplementing its original goals and institutional arrangements" (ibid.: 253). Accordingly, a norm is localized when there are new policy instruments or new institutions to pursue new tasks or goals.

Based on this understanding of localization, the following parts of the paper thus examine the dialogue between the two regions and the efforts that (Southeast) Asian countries made to respond to the norms propagated by the EU. Methodologically, the study rests on process tracing. The latter is adopted to identify the intervening causal process between independent and dependent variables and thus seeks to minimize the equifinality problem (that is, the same outcome can occur under a different set of independent variables) by considering alternative causal path ways (George & Bennett 2005: 157, 206-7).

European Foreign Policy and the EU's Normative Role in International Relations — Framing Democracy for Foreign Policy

This paper argues that the extent of EU norm diffusion to Asia depends on the extent of localization. According to Acharya (2004: 248-9), the prospect for localization lies in two main factors: the key norm-takers, who have credible ability of framing, and the strength of prior local norms. Regarding the dynamics of the process, the ability of framing is the critical factor in the causal nexus between external norms and local adjustment. Framing by local agents is seen as being more crucial than that by external actors. However, the extent to which local agents localize foreign norms also depends on how external actors "present" their norms. As a first step, it is therefore necessary to understand how external (European) actors frame the norms they seek to propagate.

Democracy promotion is one of the core ideas in European foreign policy, incorporated

into various agreements with third countries since 1993. Democracy framing occurs not only between external and local actors but also between European norm entrepreneurs themselves for the reason that different organs of the EU have different competences and policy instruments.

The Meaning of Democracy for the EU in International Relations: Identity Building and Democratic Peace

The nexus between democracy and European foreign policy is related to the conditions under which the European Communities (EC) were established. During the Cold War, there was a need to cooperate against the communist threat. As a result of the ideological rivalry, EC membership was not open to all European states, but only to those that were "democratic ... with freely elected parliaments."[3] At the time, this provision excluded the communist states in Central and Eastern Europe, fascist Spain and autocratic Portugal. "Foreign policy cooperation was therefore to be linked with the broad objective of community-building which was itself to be underpinned by a very specific philosophical and normative commitment—the consolidation and expansion of liberal representative democracy in Europe" (Smith 2002: 68).

The 1970 Davignon Report was the first successful attempt at foreign policy cooperation by EC member states. It introduced an informal intergovernmental forum termed European Political Cooperation (EPC): a mechanism which allowed the exchange of information, and "when it appears feasible or desirable,"[4] joint foreign policy activities could be undertaken. The EPC was the first step to institutionalize European foreign policy cooperation and was later superseded by the Common Foreign and Security Policy (CFSP) created by the 1992 Maastricht Treaty. The Davignon Report was also important because it provided a model for the future institutionalization of a common foreign policy and outlined a clear Community identity. It recognized that the Community was developing an increasing stature "capable of assuming its responsibilities in the world of tomorrow and of making a contribution commensurate with its traditions and its mission,"[5] which is "respect for the liberty and rights of man."[6] The Davignon Report was therefore the first document laying the foundation for a European foreign policy based on the Community idea of "[bringing] together democratic States," so that Europe could "speak with one voice."[7]

However, the first official reference to the identity underpinning the Community's role in international affairs was the document "Declaration on European Identity"[8] released

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[3] See Davignon Report, 1970, Part One, Para. 5.
(http://www.cvce.eu/content/publication/1999/4/22/4176efc3-c734-41e5-bb90-d34c4d17bbb5/publishable_en.pdf, accessed 06 April 2012).
[4] Ibid., Part I, Para. I(b).
[5] Ibid., Part II, Para. 2.
[6] Ibid., Part II, Para. 5.
[7] Ibid., Part II, Para. 5 and 8; see also Smith (2002: 67-68).
[8] The document is available at: http://www.cvce.eu/content/publication/1999/1/1/02798dc9-9c69-4b7d-b2c9-f03a8db7da32/publishable_en.pdf (accessed 8 March 2012)

in December 1973 (Smith 2002: 76). It resulted from the strained EC-U.S. relations throughout the 1970s, which prompted Europe to define its international role as distinct from that of the United States. In the document, member states declared that U.S. relationships should rest on "equality" and "a spirit of friendship"[9] and that the EC would remain committed to the Atlantic alliance. More importantly, however, this document officially pointed out the "fundamental elements of the European Identity" including the principles of "representative democracy, of the rule of law, of social justice — which is the ultimate goal of economic progress — and of respect for human rights."[10] One corollary of the 1973 Declaration is that it articulated an identity which linked membership to a very specific political philosophy, thus reinforcing the democratic membership conditionalities of the Davignon Report and reasserting the maxim of "speaking with one voice."

Before the 1990s democracy was only a principle for internal cooperation and unification, shaping Europe as a coherent actor in international relations. With the end of the Cold War and the increasing significance of human rights issues, the 1992 Maastricht Treaty (or Treaty on European Union, TEU) elevated the promotion of democracy, rule of law, and human rights to be the primary objectives of European foreign policy. While the preamble of the Treaty has already committed the Union to "the principles of liberty, democracy and respect for human rights," Article 130u (2) of the Treaty (TEU) additionally linked development policy with foreign policy by stipulating that development cooperation "shall contribute to the general objectives of developing and consolidating democracy and the rule of law, and to respecting human rights and fundamental freedoms."[11] It repeats almost literally the objectives laid down in the Provisions on a Common Foreign and Security Policy (TEU, Article J.1). Development cooperation is therefore a tool to complement foreign policy in achieving general objectives of the Union. This represented a change from earlier EC development cooperation policies on the basis of "partnerships of equals" to an emphasis on conditionality (Smith 2002: 23; Börzel & Risse 2004: 5-6). Since 1992, EU agreements with third countries introduce human rights and democracy clauses as "essential elements" (European Commission 2001: 4; Börzel & Risse 2004: 3). The subsequent treaties of Amsterdam (1997) and Nice (2000) initiated substantial institutional reforms to the CFSP (see Smith 2002: ch.3), but left the core ideas of European foreign policy largely unchanged (European Commission 2001: 3).

Over the last decades, the meaning of democracy in the context of European foreign policy shifted from internal efforts of identity building towards external efforts of

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[9] "The close ties between the United States and Europe of the Nine — we share values and aspirations based on a common heritage — are mutually beneficial and must be preserved. These ties do not conflict with the determination of the Nine to establish themselves as a distinct and original entity. The Nine intend to maintain their constructive dialogue and to develop their co-operation with the United States on the basis of equality and in a spirit of friendship."
See Declaration on European Identity, Para. 14, http://www.cvce.eu/viewer/-/content/02798dc9-9c69-4b7d-b2c9-f03a8db7da32/en;jsessionid=C6ACFF45403FFFBE87E25BAF9D492FC8 (accessed 31 March 2012).
[10] Declaration on European Identity, Para. 1.
[11] The Treaty on European Union can be found under
http://eur-lex.europa.eu/en/treaties/dat/11992M/htm/11992M.html (accessed 31 March 2012).

promoting common governance norms. Yet, the meaning of democracy remained rather vague. There is no "commission for democracy promotion" in the EU which is in charge of conceptualizing EU democracy policies. Consequently, EU decision-making pertaining to democracy promotion becomes a framing process in which the three key institutions (European Council, Commission and Parliament) have developed different "frames" for democracy and democratization.

Framing Democracy within the EU

The European Commission:
Democratization as a People-Centered Multi-Faceted Process

As already set out in the Maastricht Treaty, the Amsterdam Treaty reaffirms that the EU "is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles that are common to the Member States."[12] The Union seeks to uphold the universality and indivisibility of human rights and democracy, as reasserted in the 1993 World Conference on Human Rights in Vienna. The protection of human rights, along with the promotion of democracy and the rule of law, are the essential objectives of the EU development policy as manifested in the 2000 Cotonou Agreement with a group of African, Caribbean, and Pacific (ACP) countries.

Commission policy in the field of foreign relations is further based on the EU Charter of Fundamental Rights which was officially proclaimed at the Nice Summit in December 2000 (European Commission 2001: 3). As the preamble of the Charter points out that "the Union [...] places the individual at the heart of its activities," the Commission can claim that it pursues a "people-centered" foreign policy (European Commission 2008: Annex B). The Commission's communications on foreign development policy highlight that concerns about individual good and individual rights constitute the reason of action, because "individual well-being" is regarded as a basis for democratization and the respect of human rights. Poverty reduction, for example, is therefore recognized by the Commission as a key objective for a sustainable democracy (European Commission 2001: 4).

In the light of the emphasis on individual well-being, the definition of democracy by the Commission is therefore more than "just electoral processes or establishing or reinforcing democratic (governmental or semi-governmental) institutions" (European Commission 2008: Annex B). As clearly affirmed in the Programming Guide for Strategy Papers,

> *"... the understanding of democracy should be that of a system of political governance whose decision-making power is subject to the controlling influence of citizens who are considered political equals. A democratic political system is inclusive, participatory, representative, accountable, transparent and responsive to citizens' aspirations and expectations"* (European Commission 2008: Annex B).

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[12] See Treaty of Amsterdam, Part One, Article 1.

Furthermore, for the concern of cultural differences, the Programming Guide recognizes that "there is no universal model of democracy," because:

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

To make democratic change sustainable, a culture of citizen participation in public affairs needs to be developed which is "firmly anchored within a functioning civil society and rooted in people's minds" (ibid.). Consistent with these concerns, the instruments of development policy used by the Commission mainly focus on political dialogue: not only at the government level but also at the level of civil society. This is in line with the Cotonou Agreement, which formally gives civil societies (including NGOs) an enhanced role in capacity building (European Commission 2001; Börzel & Risse 2004: 5).

From the Lomé IV Convention to the Cotonou Agreement (the major framework of cooperation with third countries),[13] the Commission has adopted fairly similar instruments to promote human rights, democracy, and the rule of law across the globe. These were initially developed for the ACP countries and then also guided the European enlargement process (Börzel & Risse 2004: 2-3). This "one-size-fits-all" model, however, shows little sensitivity for national or local cultures and values (ibid.: 3). To complement the top-down approach, the Commission adopted the European Initiative for Democracy and Human Rights (2000-2006)[14] as a comprehensive strategy to integrate the promotion of democracy and human rights into the EU's external policies (European Commisssion 2001: 5). From 1 January 2007 the Initiative was replaced by the European Instrument for Democracy and Human Rights (EIDHR)[15] which proudly states that, "Work with, for and through civil society organizations gives to the EIDHR its critical profile."[16] EIDHR is complementary to other programs that aim to defend democracy and protect human rights. It is complementary in that it does not only assist other instruments which are used to implement EU policies for democracy and human rights, but it can also support groups or individuals within civil society as well as intervene without governments' consent.[17] Nevertheless, also due to this decentralized character, EIDHR does not contain

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[13] The convention is available at http://ec.europa.eu/europeaid/where/acp/overview/lome-convention/index_en.htm (accessed 12 March 2012)

[14] For details of the Initiative, see: http://europa.eu/legislation_summaries/human_rights/human_rights_in_third_countries/r10110_en.htm (accessed 8 March 2012)

[15] EIDHR is a financial instrument established by the Regulation (EC) No 1889/2006. The content is available at: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32006R1889:EN:NOT (accessed 8 March 2012)

[16] See the EIDHR website: http://ec.europa.eu/europeaid/how/finance/eidhr_en.htm (accessed 8 March 2012).

[17] Ibid.

any provisions on political dialogue and political conditionality (Börzel & Risse 2004: 14), which are in the meantime the other two main instruments[18] used by the Commission for the promotion of democracy. EIDHR manifests the Commission's "people-centered" approach to democracy promotion, thereby enhancing the positive impact of EU development policy rather than unilateral enforcement backed by power. Such a cooperative attitude is following the principle of "managed compliance" (Chayes & Chayes 1995) or "soft diplomacy" (Petiteville 2003).

The European Parliament: Stronger Parliaments, Stronger Democracies.

The European Parliament (EP), together with the Council of Ministers, is the legislative body in the Union, although it does not initiate legislation, which is vested in the competence of the Commission. Yet, despite its limited formal powers (under the second pillar of the Maastricht Treaty) the EP has been, and remains, an active player in the formulation of EU foreign and external policies. The EP is the only institution whose members are directly elected by EU citizens. It sets conditions and priorities in the legislative and budgetary processes, and exerts important checks-and-balances functions vis-à-vis the other two major EU institutions — the Commission and the Council of Ministers. In this regard, the EP is in fact engaged in framing of foreign policy. Importantly, the framing process distinguishes "the EP from most *national* European parliaments in its constant efforts to *shape* rather than merely react to or control initiatives of the executive" in the field of foreign policy (Piening 1997: 1).

Institutional arrangements – including the "co-decision procedure,"[19] the "assent procedure" and the budgetary power conferred to the EP by the Maastricht Treaty – empower the EP to ensure that the EU's commitment to democracy and human rights is included in all agreements with third countries. Thus, in order to get the EP's consent, the Commission (or the Council) needs to ascertain that agreements with third countries are consistent with common normative guidelines. The concept of democracy adopted by the Commission is therefore significantly influenced by the EP's view of democracy, emphasizing that a sustained representative democracy is governed not only for the people but also "by the people." The Commission's "people-centered" definition of democracy is, however, the result of its executive competence, which is sensitive to diverse cultures in partner countries and the need to adjust policy implementation to local practices. In comparison, the EP is less sensitive to local cultures, not least because it prioritizes the development of parliamentary institutions as a fundamental element of democratization (Working Group Report 2006). In Article 7 of the EP Resolution of 2009 on Democracy Building in the EU's External Relations, the EP adopts the UN General Assembly's 2005 definition of democracy as the reference point for all EU democratization policies, reaffirming that democracy is based on the "freely expressed will of people" and "there is no single model of democracy" and, by doing so,

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18 See the website of the Commission for human rights and democracy :
http://ec.europa.eu/europeaid/what/human-rights/index_en.htm (accessed 6 April 2012).
19 The recently ratified Lisbon Treaty renames the "co-decision procedure" as "ordinary legislative procedure," where the European Parliament can have a say in almost all legislation except tax and foreign policy matters. See Archick & Mix (2010).

underscoring "the necessity of due respect for sovereignty and the right of self-determination."[20] In 2008, the EP further established the Office for the Promotion of Parliamentary Democracy (OPPD) to support programs with the mandate of strengthening parliamentary capacity in new and emerging democracies (NEDs), highlighting the operational definition of democracy and its inter-parliamentary approach to democracy promotion. The importance of parliaments for a sustainable democracy is justified as follows:

> *"Parliaments are the primary bearers of the highest democratic values, and underpin civil and political freedoms. The development of parliamentary institutions is therefore synonymous with democratization, and their sound functioning is a fundamental requirement of democracy. Exchanges between parliaments enhance and strengthen their mission within each country, and contribute to the worldwide dissemination of democratic values. Cooperation between parliaments at different levels of development is therefore a fundamental means of encouraging democracy"* (Working Group Report 2006).

In other words, the EP contends that democratic consolidation requires representative and well-functioning parliaments because they provide a place where "a reasoned political manner" is likely to be inspired by politicians who listen to electorates and develop well-founded arguments based on factual research and political visions.[21] This reasoning emphasizes "horizontal accountability" and "vertical accountability," corresponding to Fish's argument of "stronger legislatures, stronger democracies" (Fish 2006).

Passing resolutions urging for improvements of human rights and democracy is another statutory instrument adopted by the EP to exert influence on third countries, although these resolutions may provoke the protest of target governments which view them as interference into their domestic affairs (Piening 1997: 7). In addition, the EP has established inter-parliamentary delegations and joint parliamentary committees. These facilitate an ongoing exchange and cooperation between parliaments and "the worldwide dissemination of democratic values" through (mostly region-to-region) dialogue, which sustain "fundamental means of encouraging democracy" (Working Group Report 2006). As stressed in Article 8 of the EP Resolution of 2009, "democracy cannot be exported or imposed from the outside," so "a successful strategy for democracy promotion must be based on *dialogue* and entail broad efforts to strengthen civil society... [The dialogue should be] adapted to the specific situation of each country." The EP is thus not only involved in a ritual statutory procedure but indeed has the power to help *shape* the EU's external relations (Piening 1997: 9).

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[20] UN General Assembly (2005): Resolution of 15 September 2005 on 2005 World Summit Outcome (A/RES/59/201).

[21] For a more detailed discussion see the OPPD website: http://www.europarl.europa.eu/aboutparliament/en/0094641612/Office-for-Promotion-of-Parliamentary-Democracy.html (accessed 3 April 2012).

The Council of Ministers: No Attempt to Define Democracy, but Generally Corresponding to the Commission.

The Council of Ministers (formally known as the Council of the European Union) is one of the two decision-making bodies of the EU and plays the governing role in the second pillar of the intergovernmental framework of the Maastricht Treaty. Issues in the domain of the Common and Foreign Security Policy (CFSP) are under the Council's competence. Democracy promotion as one of the main objectives in the EU's development policy, which falls within the first pillar, is nevertheless one of the "cross-cutting issues" identified by the 2006 European Consensus on Development.[22] These are issues that impact on more than one policy field and thus require cross-pillar and multi-level actions. Hence, the Council shares the responsibility for the common objective of democracy promotion through the EU's development policy.

The Council recognizes that while extant treaties do not define the concept of democracy, they provide the legal basis for the EU's objective of "developing and consolidating democracy" in third countries in the conduct of its external relations (Joint Paper prepared by the Commission/Council General Secretariat 2009: 5). Yet, the Council too has not given a clear definition that specifies what is to be considered democratic. Generally, democracy should ensure the full respect of human rights as laid down in the Universal Declaration on Human Rights. The rights protected by subsequent international conventions including gender equality and the rights of minorities, indigenous peoples and vulnerable groups should also be guaranteed. While recognizing that there is no single model of democracy, democracies do share certain common features, including the respect for human rights and fundamental freedoms without discrimination (Council of the European Union 2009: 7). Democracy building is a "locally driven process" tailored to the specific conditions of each country. The "country-specific approach" emphasizes that "any EU action should be based on a deep understanding of the local context, preferably produced by relying on local information sources to the extent possible, and be specifically tailored to it" (Joint Paper 2009: 19). This implies that the EU's approach to democracy promotion should not be "one size fits all" (Börzel & Risse 2004). Moreover, in order to better adapt the implementation of development policies to local conditions, the Council adopted the 2008 Conclusions[23] to highlight local authorities' contribution to enhancing democratic local governance and to stress "the principle of ownership" of development strategies and programs by partner countries.

The Council thus neither defines the conditions of democracy nor does it introduce new instruments for democracy promotion. In the Conclusions on Democracy Support in the EU's External Relations, the Council contends that "there is no need to renegotiate existing norms, values and central principles as to what constitutes the building blocks

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[22] European Consensus on Development 2006, Part 3, Point 101, link:
http://ec.europa.eu/development/icenter/repository/european_consensus_2005_en.pdf (accessed 9 March 2012).

[23] Council Conclusions 2008 on Local Authorities as Actors for Development, Working to Reduce Poverty, available at: http://register.consilium.europa.eu/pdf/en/08/st15/st15293.en08.pdf (accessed 9 March 2012).

of democracy, nor to set out new policies".[24] Instead, the Council affirms the need to improve the implementation of *existing* EU policies, which should be carried out more coherently and effectively. For this purpose, the Council refers to the EU Agenda for Action on Democracy Support attached to the Council Conclusion on Democracy Support in the EU's External Relations.[25] It highlights five areas[26] that merit more attention in order to enhance the coherence and effectiveness of the EU's support for democracy.

In sum, the Council's approach to democracy promotion is nothing but recognition of existing EU policies and instruments and an effort to apply them geographically and thematically (see the Joint Paper 2009). However, the Council's approach does not come without problems. It complicates the EU's role in democracy promotion, and, as criticized by the Commission (2001: 7), the Council's approach can be rather fragmented, since it addresses issues of human rights and democracy both geographically and thematically. As a result, the Council's contribution to the promotion of democracy is less significant than its decision-making powers would suggest. It is member states, not the Council, which give a voice in the political dialogue; the Council is a tool, not a player, for member states to make EU policies comply with their interests.

The EU's Contribution to Global Democracy Promotion

Initially, EU democracy strategies primarily focused on neighboring countries in Eastern Europe. Relations with non-European developing countries were originally geared to economic issues and placed less weight on democracy, human rights and the rule of law. During the Cold War the "distant South" had little direct impact on Europe's security and political interests (Smith 2002: 183). It was only after the end of the Cold War that the EU embarked on political conditionalties in its foreign and development policies (Smith 2002: 184; Börzel & Risse 2004).

The policy of conditionality has since become a fundamental element in EU negotiations, by which it seeks to enhance its profile in international affairs, to foster a European identity, and to promote the regional integration process (Olsen 2000: 143-4). A case in point is the Eastern enlargement in which the Copenhagen criteria of 1993 became a precondition for accession to the EU. However, compared to the discussion about the effectiveness of EU human rights promotion, few scholarly papers have addressed the success of European democracy promotion outside Europe. It is not surprising, though, that democracy promotion is rarely studied *per se*, since it is recognized as a "cross-cutting issue." Indeed, the Commission and the Council admit that unlike human rights "democracy is seldom addressed as such" (the Joint Paper 2009: 31). One corollary of the

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[24] Council Conclusions 2009 on Democracy Support in the EU's External Relations – Towards Increased Coherence and Effectiveness, Point 3. The document can be cited at:
http://register.consilium.europa.eu/pdf/en/09/st16/st16081.en09.pdf (accessed 6 April 2012).
[25] Ibid.
[26] The "country-specific approach" is one of them. The others are dialogue and partnership, EU coherence and coordination, mainstreaming and international cooperation. See the Council Conclusions of 18 November 2009. For more details, see the 2009 Joint Paper prepared by the Commission and the Council General Secretariat.

cross-cutting character of democracy promotion is that the instruments and tools at the EU's disposal are quite diverse. Consequently, it is often criticized that there is lack of policy coherence and consistency among member states and the Community (Youngs 2001, 2008). Conflicting individual national interests and the objectives of the Commission within a consensus-oriented politico-bureaucratic culture are additional sources of policy inconsistency (Olsen 2000). Moreover, as security remains "high politics" and democracy is still considered "low politics," security is given priority when democratization causes security threats such as the 1992 electoral victory of Islamist parties in Algeria (Olsen 2000: 155). Critics further zero in on several inconsistencies, including the uneven aid allocation in favor of "client states" and a small number of Western-style advocacy NGOs, the incommensurate rewards to reformed states, and the weakly enforced sanction clause that is subject to longwinded "consultation procedures" (Youngs 2001).

These unresolved challenges, however, do not principally reduce the EU's capabilities as an international actor. Norm diffusion, as already explained earlier in this paper, is an incremental adjustment process in which foreign norms are more readily accepted when they are grafted on local ideas and practices. Although it rarely leads to normative transformation and, more often, re-legitimates and modernizes the "cognitive prior," localization of foreign norms creates (limited) opportunities for change. Often this is the result of a framing process in which "norm-takers" and "norm-makers" compete to frame the concepts of norms in ways that are acceptable for themselves and the counterparts. Based on this localization approach, the EU's contribution to democracy promotion is – as will be shown in the next chapter - a question of degree and, hence, not entirely a failure.

European Norms Diffusion: Democracy Localization in Asia

This chapter will assess an EU policy instrument that has become a central means for framing democracy promotion: the cultivation of interregional dialogue. After examining the democracy "frames" defined by the EU and the three main institutions of European foreign policymaking, the following sections scrutinize the EU-Asia interregional dialogue on democracy with a particular focus on ASEAN. Special attention will be given to the interactive nature of this framing process. Before trying to answer how Asian actors respond to EU democracy promotion and what sorts of normative adjustments they make, it is necessary to examine Southeast Asia's regional "cognitive priors," that is, the extant normative order challenged by external norm entrepreneurs (Acharya 2009). These cognitive priors reflect imprints of existing local norms, conventions and mindsets which, in the process of localization, confine the scope to frame and graft external ideational forces (Acharya 2009: 21).

Asia's Regional Cognitive Priors
— Absence of Liberal Democratic Values

While the EU is keen to uphold its norm entrepreneurship in international relations, the diffusion of ideas is not a one-way street in which local actors "passively" adopt foreign norms (Randeria 2002). If the latter were the case, it would be difficult to explain the diverse and multifaceted responses to external norm promotion policies. Southeast Asian countries do not offer a static "fit" for European institutional designs (Börzel & Risse 2003). Therefore, instead of expecting dichotomous responses of either accepting or rejecting foreign norms, Southeast Asia's normative and institutional change is better described as an evolutionary process that remains contingent on regional "cognitive priors" (Acharya 2009: 7). Cognitive priors condition subsequent regional institution-building efforts (Acharya 2009: 108-111). In this regard, localization is constitutive on the grounds that the cognitive priors will adapt to the new external norms through a process of framing and grafting.

Southeast Asia's regional cognitive priors can be traced back as far as to the region's pre-colonial history (Jetschke & Rüland 2009: 187-192). The controversial ASEAN Way as the repository of regional cooperation norms draws from such aged-honored collective identities. A cultural analysis reveals that the Indianized parts of Southeast Asia exhibit a collective identity that can be traced back to the Hindu-Brahmanic *mandala* concept (ibid.; Rüland 2000: 438-9). The realist worldview inherent in the *mandala* concept presumes a world of Hobbesian anarchy, in which rulers survive by conquering neighboring territories and preventing conquests of external forces. The experience of highly volatile relations between pre-colonial empires and kingdoms, the colonial conquest, the Japanese occupation during the Second World War and the exigencies of the Cold War have deeply entrenched worldviews which are highly responsive to power shifts and are characterized by deep distrust towards the external world (ibid.). All this explains why the ASEAN Way displays a great affinity to the so-called Asian values which stress national sovereignty, power, hierarchy and authority, thereby markedly curtailing the space for liberal democracy and a European-type regional integration process. While the EU has adhered to democratic values as a precondition for membership, ASEAN has never specified any political conditionality for its members.

In the post-colonial era, the significance of national sovereignty was manifested in the 1947 Asian Relations Conference (ARC) and the 1955 Bandung Conference (Acharya 2009: 69). Two important normative traditions surfaced during this period: the principles of "non-intervention" and "sovereign equality." Both of these principles dovetail nicely with other Southeast Asian regional cognitive priors, including soft institutionalism, defense bilateralism, security proto-multilateralism and developmental regionalism. ARC's failure of setting up a permanent organizational structure (the Asian Relations Organization) led to the attempt of legitimizing Asia's regional cognitive priors in the Bandung Conference. The emergence of "process diplomacy"—asserting that regional meetings should be based on principles of informality, consensus and consultation— was widely seen as a successful outcome of the Bandung Conference (whereas the ARC, as an

institutional body, was deemed a failure). Asian countries' preferences for non-binding decisions and informality help to explain the soft institutionalization that characterizes Asian regionalism. Non-intervention norms were further elaborated in the "Declaration on the Promotion of World Peace and Cooperation" at the Bandung Conference in 1955. The declaration includes "Ten Principles" that have strongly influenced Asian regional institution-building efforts, including the well-known "ASEAN Way." Indeed, after its formation in 1967, it was ASEAN that helped to institutionalize the core principles of the conference. The adoption of the 1971 "Zone of Peace, Freedom and Neutrality Declaration" (ZOPFAN) affirmed the continuing validity of the Bandung Declaration, while the normative spirit of the Bandung Conference was further institutionalized in the 1976 "Treaty of Amity and Cooperation" (TAC). Up to the present day, the TAC incorporates the "Ten Principles" and serves as the code of conduct between member states (Acharya 2009: 69-111).

Therefore, if regionalism is based on the Kantian notion that shared democratic values lead to regional cooperation, as elaborated by Deutsch's (1961) work on security communities, then liberal theories fall short in explaining the emergence of ASEAN's regionalism. After all, ASEAN did not share liberal democratic values; nor was it bound by high degrees of economic interdependence at its inception (Acharya 2001: 7, 30-34). Despite the fact that non-intervention norms partly resulted from the concern of communist interference (Acharya 2001: 58) democratization was not on the agenda of the newly independent states in Asia. While ASEAN countries repeatedly asserted that their policies were consistent with the UN Charter, it is fairly obvious that democratic values did not shape their policies and actions for most of the time during the Cold War era. The UN Charter chiefly became a legal instrument to legitimize norms of non-intervention, the equality of sovereignty, and the territorial integrity of all nations. By disregarding the form of government, the ASEAN non-intervention principles differed markedly from the European idea of self-determination. The norms enshrined in the ASEAN Way compelled ASEAN to refrain from "criticizing the actions of a member government towards its own people, including violation of human rights, and from making the domestic political system of states and the political styles of governments as a basis for deciding their membership in ASEAN" (Acharya 2001: 58).

ASEAN did not experience substantial transformations until the Cold War was about to end. The Philippine People Power Revolution (1986), the collapse of Suharto's authoritarian rule in Indonesia (1998), the rise of constitutional democracy in Thailand in the late 1980s; and the *reformasi* movement in Malaysia are cases in point (Jones 2009: 387). The Asian financial crisis of 1997, in particular, constituted a watershed, as it increased the pressure from within and outside ASEAN to openly address issues of democratization. At the same time, by placing greater emphasis on normative compliance, EU policies towards third countries changed significantly. Since liberal democratic norms were only weakly developed in Southeast Asia's regional cognitive priors, the question as to what extent the EU has contributed to the emergence and consolidation of democracy norms in Asia is therefore a litmus test for the EU and its role as a "normative power."

Interregional Dialogue between Europe and Asia:
The "ASEAN Way" Remains Intact

Formal interactions between the EU and Asian countries were initiated by ASEAN. A starting point was the initiation of ASEAN's Special Coordinating Committee (SCCAN), which was set up in 1972 with the purpose of enhancing the institutional dialogue with European counterparts (Rüland 2001: 12). The first regular ministers' meeting (ASEAN-EC/EU Ministerial Meeting, AEMM) was held in 1978. The cooperation agreement signed in Kuala Lumpur in 1980 became a model for interregional relationships between the EU and other regional organizations, including the Andean Group in 1983 and Central American Countries in 1984 (ibid.: 14). Consistent with ASEAN's realist foreign policy tradition, these enhanced cooperation efforts were driven by political anxieties due to global power shifts and the economic objective of gaining access to European markets (ibid.: 9-10). However, ASEAN's desired overtures with the EC initially met with limited success. Interregional relations with ASEAN remained inferior in the EC's partnership hierarchy which, in line with the Lomé Convention, was primarily concerned with improving relations with ACP and Mediterranean countries (ibid.). Moreover, prior to the end of the Cold War the interregional dialogue between the EC and Southeast Asia focused primarily on economic cooperation. Political issues were confined to the declaratory level and dominated by the norms of the ASEAN Way. Issues of democratization were thus sidelined in the policy agenda. An exception was the dialogue between legislators of the EP and the ASEAN Inter-Parliamentarian Organization (AIPO). The inter-parliamentarian dialogue occasionally caused irritations in Southeast Asia due to European parliamentarians' criticism of human rights violations in the region (ibid.: 13).

With the end of the Cold War, EU policies towards ASEAN countries changed markedly. Political conditionalities became part and parcel of the EU's cooperation agreements. The ideological defeat of communism prompted Western countries to adopt a more proactive stance in advocating the values of liberal democracy, human rights, market economies, and disarmament. These normative efforts were further accelerated by President Bush's promotion of a "New World Order" (ibid.: 17). ASEAN responded to this normative challenge by starting to frame and promote its own norms and values in its inter- and trans-regional relations with the EU and other Western countries.

It was at the ninth and tenth ASEAN-EC Ministerial Meeting (AEMM) that conflicts between the two regions surfaced for the first time. The EC insisted that human rights and democracy clauses should be included in a renewed cooperation agreement (ibid.:18). While the EC harshly criticized human rights violations, including the violent suppression of Myanmar's democracy movement in 1988 and the killing of East Timorese civilians by the Indonesian military in 1991 (see Acharya 2001: 108-110), ASEAN refuted these criticisms as undue interference in the internal affairs of its member states. By invoking the non-intervention norm, ASEAN adopted the policy of "constructive engagement" vis-à-vis the ruling military junta in Myanmar. ASEAN's "constructive engagement" subsequently became a crucial test for the grouping's relations with

Western countries over issues of human rights and democracy (Acharya 2001: 111). Western advocacy of democracy and human rights was often viewed by ASEAN, and other Asian countries, as a neo-colonialist attempt of establishing cultural hegemony (Rüland 2001: 18). To counter pressures from the West, ASEAN foreign ministers issued a statement in July 1993 calling for a "relativist" position on human rights (Acharya 2001: 154-5). The statement, issued not long after the Vienna World Conference on Human Rights, appealed that economic, social, and cultural rights were "indivisible" and of "equal importance" when dealing with human rights issues.

By adopting a different normative frame, ASEAN foreign ministers implicitly rejected what they saw as the West's excessive focus on individual civil and political rights. In their view human rights policies must pay "due regard for specific cultural, social, economic and political circumstances" of individual countries, thereby rejecting the notion of universal human rights advocated by the West.[27] With such statements they posited the existence of "Asian values:" a distinct set of regional norms that stress communitarian traditions over Western-style individualism (Chua 1995). As rejecting individualist human rights, ASEAN also disagreed Western-style liberal democracy. Skeptical observers warned that its promotion would undermine the foundations of regional order, which were based on the inviolability of state sovereignty and the principle of non-intervention (Acharya 2001: 155).

The impasse between the EU and ASEAN was eventually resolved given Europe's concerns over its protracted economic recession and the fear of economic marginalization due to the rise of a trade bloc in the Asia-Pacific region, the Asia-Pacific Economic Cooperation (APEC) (Rüland 2001: 18). As a result, the eleventh AEMM, which took place in Karlsruhe in 1994, "saw a return to more pragmatic policies and the down toning of value-related issues" (ibid.: 19). The ASEAN Way defined the code of conduct in the interregional relations. The subsequent launch of the Asia-Europe Meeting in 1996 was then modeled after ASEAN on the basis of informality, consensual decision making and non-intervention principle.

However, the 1997 Asian Financial Crisis profoundly challenged the ASEAN Way, eventually also eroding the ASEAN consensus on Asian values. Critics attributed ASEAN's poor crisis management to the ASEAN Way and the grouping's soft institutionalism (Rüland 2000: 444). With ASEAN mired in a deep economic depression, the EU was emboldened to return to its value-based foreign policy (Rüland 2001: 20). Nonetheless, ASEAN reaffirmed the statement made in Singapore in 1993[28] that "human rights issues should not be made conditional to the promotion of free trade among nations."[29] Myanmar then became a member of ASEAN in spite of vocal European opposition. Consequently, the ASEAN-EU dialogue stalled again and the conflict became even sharper. Ministerial meetings were suspended for nearly 3 years and the EC-ASEAN Joint Cooperation Committee (JCC) was deferred for more than 2 years, even though the twelfth AEMM in 1997 had agreed that "the spirit of dialogue and cooperation between

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[27] See Joint Communiqué of the 26th ASEAN Ministerial Meeting, Singapore, 23-24 July 1993, Point 16, 17.
[28] Joint Communiqué of the 26th ASEAN Ministerial Meeting, Singapore, 23-24 July 1993.
[29] See Joint Communiqué of the 30th ASEAN Ministerial Meeting, 24-25 July 1997, Point 35.

ASEAN and EU should continue."[30] The thirteenth AEMM was eventually held in Vientiane in 2000, and Myanmar was allowed to attend the meeting by sending lower level representatives (Rüland 2001: 20). However, while Laos and Cambodia were admitted to join the ASEAN-EC cooperation agreement, Myanmar was rejected by the EU on the ground that the ruling junta had committed severe human rights violations. Due to Myanmar's controversial participation and the absence of most European counterparts, the Vientiane meeting in fact did little to lift the ASEAN-EU dialogue back on track (Rüland 2001: 20).

Concerning that the Asian Financial Crisis had precipitated ASEAN into the deepest downturn since the grouping's establishment in the 1960s, ASEAN sought to reform its regional cooperation scheme with particular focus on economic integration (Rüland 2000). The reform policy received a great boost at the Ninth ASEAN Summit in Bali in 2003 given the critical statement of the Declaration of ASEAN Concord II (Bali Concord II). The latter set up a framework to establish an ASEAN Community by 2020[31], which will consist of three pillars, namely an ASEAN Security Community (ASC), an ASEAN Economic Community (AEC) and an ASEAN Socio-cultural Community (ASCC).[32] The subsequent Vientiane Action Programme (VAP) 2004 – 2010[33] was launched as an instrument to provide and unify the strategies of the three pillars so as to effectively approach ASEAN Vision 2020. Perhaps even more significant was the fact that with the Bali Concord II and the subsequent VAP ASEAN for the first time acknowledged democracy as one of its norms (Rüland 2005: 167).

Since the adoption of the Bali Concord II, the EU's attitude towards ASEAN changed. Brussels became more supportive of ASEAN's focus on regional integration, and by expressing respect for the "equality of civilizations" at the fourteenth AEMM the EU seemed satisfied with ASEAN's "comprehensive way" to approach democracy.[34] Thereafter, ASEAN regional integration became one of the cooperation goals in the ASEAN-EU dialogue. The European Commission supports programs and projects to facilitate ASEAN integration in accordance with ASEAN's three pillars. The most important of these projects is the ASEAN-EU Programme for Regional Integration Support (APRIS) which, co-financed by the European Commission and the ASEAN Secretariat, supports the integration of the ASEAN Economic Community pillar and also strengthens EU-ASEAN relations as a whole through the Trans-Regional EU-ASEAN Trade

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[30] See Joint Declaration of the 12th ASEAN-EU Ministerial Meeting, 13-14 February 1997, Point 10, Para. 3, available at http://www.aseansec.org/5643.htm (accessed 8 August 2010).

[31] In ASEAN Vision 2020 it was expected to establish an ASEAN Community by 2020. However, concerning the need to meet regional economic challenges and retain ASEAN's role as a driving force in the region, at the Twelfth Summit in Cebu, Philippines, 2007 ASEAN leaders accelerated the timetable for realization of the ASEAN Economic Community to 2015. See the website of the ASEAN-EU Programme for Regional Integration Support (APRIS): http://www.aseansec.org/apris2/index.htm (accessed 6 April 2012).

[32] See the Bali Concord II (http://www.asean.org/15159.htm, accessed 10 March 2012).

[33] The document is available at:
http://www.aseansec.org/VAP-10th%20ASEAN%20Summit.pdf (accessed 10 March 2012).

[34] See Joint Co-Chairmen's Statement of the 14th EU-ASEAN Ministerial Meeting, Brussels, 27-28 January 2003.

Initiative (TREATI) and the Regional EU-ASEAN Dialogue Instrument (READI).[35] The EU's commitment to provide such support has been further endorsed by the Commission's strategy document "A New Partnership with Southeast Asia" of July 2003.[36] The document identifies enhancing regional trade and investment relations with ASEAN, practicing dialogue in specific policy areas and a channel to discuss normative issues contentious between the two regional groupings as key priorities. At the sixteenth AEMM in 2007 the EU showed its friendly support in the Nuremberg Declaration on an Enhanced EU-ASEAN Partnership.[37]

Yet, despite these changes which observers regarded as a shift of ASEAN towards the European model of regional integration (Jetschke 2009), the grouping still retained key norms associated with its cognitive priors as embodied in the ASEAN Way. The critical issue is that ASEAN strictly adheres to the principle of non-intervention which has been explicitly upheld in the ASEAN Charter. The recent political turmoil in Thailand, one of the founding members of ASEAN, testifies to the tensions between the newly adopted democracy norms (which also entail domestic criticism of unconstitutional military coups) and the non-interference norm. If ASEAN were to take its newly adopted democratic orientation seriously, it would have condemned the Thai military's coup in September 2006. Yet, there were only feeble reactions of ASEAN members to the coup, suggesting that the non-interference norm still features prominently on the normative priority list. In that case, the EU's advocacy of democracy norms has hardly inaugurated a wholesale transformation in ASEAN towards a European-style community. It is therefore more plausible that the ASEAN Way persists even though it may appear in the guise of a European-style structure.

Framing Democracy by ASEAN:
A Comprehensive Evolutionary Process

Chartering ASEAN: The Dilemma between Transformation and Sovereignty Preservation

To write an ASEAN Charter is not a novel idea. Already in the early 1970s, the five founding members of ASEAN considered the possibility of developing a constitutional document to formalize the grouping. However, in the context of the Cold War preferred adopting the TAC in 1976, thereby legitimizing the ASEAN Way as the code of conduct between member states. For the next 30 years, ASEAN members did not deem a charter or constitution necessary. Demands to this effect were not recorded on official agendas (Volkmann 2008: 78-79).

Since the Asian Financial Crisis, and the rapid economic rise of China and India, ASEAN has launched a series of initiatives aimed at enhancing the region's security and coherence. The ultimate goal is to achieve a more cohesive regional integration as

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[35] See APRIS website: http://www.aseansec.org/apris2/index.htm (accessed 10 March 2012).
[36] The document is available at http://eeas.europa.eu/delegations/vietnam/documents/ eu_vietnam/new_partnership_with_sea_en.pdf, (accessed 10 March 2012).
[37] Nuremberg Declaration on an EU-ASEAN Enhanced Partnership, 16th EU-ASEAN Ministerial Meeting, Nuremberg, Germany, 15 March 2007.

embodied in the Bali Concord II of 2003. The Bali Concord opened a new chapter in Southeast Asian regionalism by incorporating the norms of democracy and human rights in ASEAN's integration project. Most ASEAN observers regard it as "the most elaborate and ambitious effort to get regional cooperation back on track" (Rüland 2005: 166). Building on the desire to realize an ASEAN Community as envisaged in the Concord, the eleventh ASEAN Summit in 2005 agreed to draft an ASEAN Charter. Guided by expectations of enhancing the Association's role in regional and global affairs, the ten member governments signed the ASEAN Charter in 2007. With the ratification by all ten member countries, the Charter took effect on 15 December 2008. Forty years after its foundation, ASEAN thus acquired a legal personality of its own which entailed an organizational identity separable from the identities of individual member states.

In some member countries, most notably in Indonesia, the Asian Financial Crisis also facilitated processes of democratization. The democratization in Indonesia, as well as the growing political space for civil society, compelled ASEAN governments to address intensifying domestic demands for regime accountability (Dosch 2008: 531). Closely associated with such demands were pressures of modifying the prevailing norms of the ASEAN Way and a shift towards deep institutionalization. Especially in the face of growing interdependence resulting from globalization, the development of individual countries increasingly relies on the successful incorporation of political accountability into regional orders (Jones 2008: 735).

Assessments of the ASEAN Charter in respect of its recognition of human rights, democracy, transparency and political accountability generally conclude with a disappointing note. While the blueprint of the Eminent Persons Group (EPG) (which ASEAN leaders mandated to provide bold and visionary ideas for the Charter) outlined a pro-democratic and "people-centered" charter (Report of the EPG 2006: 6), the charter-writing High Level Task Force (HLTF) failed at "paying attention to the peoples" desires (Chongkittavorn 2007, quoted by Dosch 2008: 535). The HLTF was composed of ten members who were all incumbent public officials beholden to their governments. As a result, the HLTF drafted a charter which greatly diluted the EPG recommendations (Emmerson 2009: 38). Initial efforts to shed ASEAN's elitist image were therefore compromised by the political realities surrounding the HLTF.

The Charter failed to adopt the EPG Report's recommendations to facilitate democratization, including an "active strengthening of democratic values [and] good governance," a "rejection of unconstitutional and undemocratic changes of government," and "upholding the rule of law and respect for human rights and fundamental freedoms."[38] In response to the critics of elitism, it made only a weak commitment in the Charter to transform ASEAN into a "people-oriented organization"[39]

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[38] "The EPG recommends that these principles and objectives be reflected in the Charter which broadly cover the following areas: Through the active strengthening of democratic values, good governance, rejection of unconstitutional and undemocratic changes of government, the rule of law including international humanitarian law, and respect for human rights and fundamental freedoms" (Report of the EPG 2006: Point 3).

[39] "The purposes of ASEAN are:... To promote a people-oriented ASEAN in which all sectors of society are encouraged to participate in, and benefit from, the process of ASEAN integration and community building;

despite the EPG's genuine appeal to a "people-centered organization."[40] Even more remarkably, the Charter explicitly retained the non-intervention norm, thus severely impeding the promotion of democracy and human rights in the region.

The finalized ASEAN Charter is at best declaratory when championing democracy norms. The Charter leaves much space for flexible interpretation. For example, it refers to "the principles" of democracy instead of using the more concise term "democratic values." The Charter also does not clearly specify ASEAN's relationship to civil society and, hence, fails to alter its elitist character (Rüland 2009: 383). Nor does the Charter adopt the concept of human security. Instead, it maintains the traditional principles of comprehensive security as a response to all forms of threats. In the end, the launching of an ASEAN Charter is little more than an exercise on paper for the sake of enhancing ASEAN's legitimacy. The normative mismatch of democracy promotion for gaining legitimacy, on the one hand, and national resilience guaranteed by the principle of non-intervention, on the other, leaves little room for meaningful normative change. This becomes particularly obvious when the introduction of democracy *as a term* is deemed sufficient for conferring legitimacy (Emmerson 2009: 9).

On the human rights side, it is at first sight an achievement of the Charter that it provided for the establishment of a regional human rights mechanism. Regardless of the form the body takes, it is a breakthrough for an organization that has strictly avoided politically sensitive issues over the past 40 years (Dosch 2008: 542). Yet, the insufficient credibility of the body may well offset the merit of its launching. The human rights body was established by the Cha-am/Hua Hin Declaration, which was passed during the Fifteenth ASEAN Summit in 2009 and is commonly referred to as the ASEAN Intergovernmental Commission on Human Rights (AICHR). It will be guided by Terms of Reference (TOR) which ASEAN members negotiated for more than 8 months. Given its consensual decision-making structure, its budgetary dependence on the ASEAN Foreign Ministers Meeting,[41] and the absence of a credible sanction mechanism for human rights violations, AICHR has been frequently described as a paper tiger which may promote but not protect human rights in the region (Rüland 2009: 383). Such assessments are corroborated by statements like the one of Thai Prime Minister Abhisit Vejjajiva. Speaking at the inaugural ceremony of the AICHR Abhisit commented that "the issue of human rights is not about condemnation but about awareness."[42] Awareness-raising may thus be framed as an "evolutionary process toward strengthening the human rights

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..." (ASEAN Charter, Article 1, Point 13)

[40] "ASEAN needs to shed its image of being an elitist organization comprising exclusively diplomats and government officials. ... The EPG recommends: Cultivate ASEAN as a people-centred organization and to strengthen the sense of ownership and belonging among its people, including enhancing the participation of and interaction among Parliamentarians in ASEAN Member States (AIPA), representatives of the civil society organizations, the private business sector, human rights groups, academic institutions and other stakeholders in ASEAN." (Report of the EPG 2006: Point 9)

[41] *The Jakarta Post*, 24 October 2009.

[42] Remarks by H.E. Abhisit Vejjajiva , Prime Minister of the Kingdom of Thailand, on the Occasion of the Inaugural Ceremony of the ASEAN Intergovernmental Commission on Human Rights (AICHR), Cha-Am Hua Hin, Thailand , 23 October 2009.

architecture in the region."[43] This corresponds indirectly with the 1993 Singapore Communiqué made at the Twenty-sixth ASEAN Ministerial Meeting (AMM). The promotion of human rights is "evolutionary" as well as "constructive" (in line with non-intervention norms), according to the 1993 Communiqué, for it not only aims at promoting civil and political rights but also at fostering equally important economic, social, and cultural rights. Human rights promotion shall, as recalled by TOR, give due regard to "different historical, cultural and religious backgrounds" (TOR, Point 1.4). This means that the Charter still retains a concept of human rights that is strongly inspired by the Asian value thesis. Moreover, without any provisions to actively and impartially protect human rights – neither in the Charter nor in the Terms of Reference for AICHR – an effective protection of human rights has thus been sacrificed on the altar of non-intervention. Flagrant human rights violators such as the military junta in Myanmar thus have little fear of the regional human rights body.

The Charter has also retained other major norms of the ASEAN Way such as the consensus rule. It does not pave the way to majority decisions as recommended by the EPG and many academics. Flexible interaction on the basis of an "ASEAN minus X" formula is limited to the field of economic cooperation - and only if there is a consensus to do so (ASEAN Charter, Article 21). Consensual decision-making may lead to a stalemate in political negotiations, thus preventing actions and reinforcing the norm of non-intervention. Consequently, consensus may lead to inaction or ineffective reaction in a crisis, a problem well exemplified in the disaster of Cyclone Nargis in Myanmar in 2008 (Acharya 2009: 139-140).

The final version of the ASEAN Charter also failed to establish credible dispute settlement, compliance monitoring and enforcement mechanisms, even though, as aptly noted by the EPG, "ASEAN's problem is not one of lack of vision, ideas, or action plans," but rather "one of ensuring compliance and effective implementation" (Report of the EPG 2007: 4). Although the ASEAN troika was established after the 1997 financial crisis for the purpose of dispute settlement, it is merely an *ad-hoc* mechanism that cannot be activated without the consensual agreement of all foreign ministers (Freistein 2005: 182, 194). "ASEAN's basis of continuity" has been limited to the office of the ASEAN Secretary-General that supervises Association activities (Jetschke 2009: 413). However, to preserve national authority and interests, member states have been reluctant to create a strong central secretariat. Although the Secretary General is entitled to initiate, advise, coordinate, and implement ASEAN activities, its powers in practice remain highly circumscribed, making it difficult to fulfill the mandate with any effectiveness (Severino 2005: 6). Moreover, there are no effective instruments for conflict management.

The Charter has not decisively remedied these shortcomings of the grouping. The Secretary General is designated only to monitor (and report on) the progress of ongoing agreements without attaining the power to enforce implementation. He or she is not authorized to sign agreements with third parties on behalf of ASEAN member states. In the case of a breach of the Charter or non-compliance, the matter shall be referred to the ASEAN Summit (Article 20). This means that due to fears of compromising national

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[43] Ibid.

sovereignty, an effective compliance mechanism to enhance ASEAN's credibility remains absent. The virtually unchanged intergovernmental character of ASEAN is thus clearly preserved.

It is nonetheless encouraging that ASEAN has made efforts to transform itself into a coherent, rule-based and, hence, more credible actor in the international arena. But it is also frustrating to find that many of these efforts do not transcend the rhetorical level. The ASEAN Charter serves mainly as an instrument to make regional integration more effective.[44] Nevertheless, it is aspiring to provide guidance and pave the ground for deepening regional integration. Yet, despite references to appeal for a more "participatory regionalism" (Acharya 2003), the Charter has done little to overcome the state-centric and elitist cognitive priors of the Association. In fact, the principles of sovereignty and non-intervention "localize" democracy by emphasizing the importance of community prerogatives. In doing so, they remain distinct from Western conceptualizations of democracy that place greater weight on individualism and individual rights. ASEAN's central objective is rather pragmatic. It focuses on the establishment of a sustainable regional order, which implies that democratization is part of ASEAN's gradual community-building process.

The ASEM Process: Comprehensive Partnership beyond Normative Compliance

As a consequence of the "Spirit of Karlsruhe" and the launching of the European Commission's New Asia Strategy in 1994, the Asia-Europe Meeting (ASEM) was inaugurated in 1996 on the basis of an equal partnership and non-interference.[45] The promotion of democracy and human rights did not appear in the communiqués of the first four ASEM summits. Instead, they were subsumed under the term of "fundamental rights" (Robles 2008: 140). The Asia-Europe Cooperation Framework (AECF) 2000, which was adopted at ASEM 3 in Seoul, set out the vision, principles, objectives, priorities and mechanisms for the ASEM process. It explicitly referred to the "respect for democracy, the rule of law, equality, justice and human rights" as the "common interests and aspirations."[46] However, the subject matter of "common interests" was not specified. The framework only outlines several cooperation areas that can be regarded as "common interests," including the promotion of democracy and human rights, but cooperation in these areas is neither mentioned as a principle, nor included in the listed objectives and priorities. Democracy and human rights issues are therefore easily sidelined by other issues in the ASEM process. Indeed, the "comprehensive" character of the partnership[47] has implied that the ASEM process has no specific goals and principles and therefore deals with a broad range of issues. For Asian member states of ASEM, it thus became easier to sweep sensitive issues under the carpet and prioritize economic development. Due to the superiority of economic development in the policy paradigm of Asian

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[44] Talk by the Secretary General of ASEAN, "Forty Years of ASEAN: Can the European Union be a Model for ASEAN?", Berlin, Germany, 16 July 2007.

[45] Chairman's Statement of the Asia-Europe Meeting, 1996, Point 5.

[46] Asia-Europe Cooperation Framework (AECF) 2000, http://www.aseminfoboard.org/About/AECF2000/ (accessed 16 August 2010).

[47] See the AECF 2000.

countries (including ASEAN) European counterparts have often found themselves caught in a dilemma between economic interests and normative commitments (see Robles 2008: 141-7).

As mentioned earlier in this paper, the common foreign policy of the EU has introduced human rights and democracy clauses in all cooperation agreements with third countries (which are so-called "third generation" agreements) since the early 1990s.[48] These normative clauses were regarded as "essential elements"[49] in cooperation agreements, as they seek to promote normative transformation in third countries, including democratization, respect for human rights, and the rule of law (Reiterer 2005). However, the EU did not successfully apply the policy of conditionality to the relationships with Asia, at least not at the regional level.[50] The EU-ASEAN cooperation agreement did not include "essential elements." Nor can the AECF 2000 be regarded as a binding agreement to provide a legal basis to impose European norms on Asian ASEM member states. Among the three pillars of ASEM's organizational structure, issues of human rights shall be addressed in the political field, but the AECF 2000 stipulated that the focus of the informal political dialogue shall be on "issues of common interest." Therefore, as long as the promotion of democracy and human rights is only a European priority, there will be always a conflict between the two regional actors. This conflict is likely to mire the EU itself in internal division between those who adhere to more norm-based principles and those who favor a pragmatic orientation in foreign policies. In other words, for the Asian ASEM states, economic development is the primary concern, but the EU links economic interest with political goals in its common foreign policy. This creates a serious dilemma for the EU: By honoring its commitment to human rights and democracy, it jeopardizes its economic interests. A case in point was Europe's interests in the WTO, particularly regarding the launching of new trade talks and the modification of Asian states' domestic laws. As one of the world's biggest economies, China has been a main WTO partner. The EU-China bilateral dialogue on human rights, which was initiated in 1995, has served as an important alternative to more offensive mechanisms that publicly criticize Chinese

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[48] "First generation" agreements mainly covered trade provisions. "Second generation" agreements pro-actively include a wide range of economic cooperation activities. "Third generation" agreements extensively enclose development cooperation and contain normative clauses on respect for human rights and democracy. An example of a "second generation" agreement is the 1980 EU-ASEAN Cooperation Agreement whereas the Cotonou Agreement with Africa, Carabbean, Pacific (ACP) countries would be regarded as a "third generation" agreement (See Reiterer 2005: 8). There are also "fourth generation" agreements, which are more ambitious than previous ones, going beyond simple trade and development aid agreements and providing for political cooperation and free trade areas. See the Fact Sheets on the European Union: Latin America, available at:
http://www.europarl.europa.eu/factsheets/6_3_8_en.htm (accessed 5 April 2012).

[49] In 1992 a clause defining democratic principles and human rights as "essential elements" of agreements was introduced in agreements to effectively protect human rights and democracy. Previously, Article 5 of Lomé IV and similar articles in other agreements dido not provide a clear legal basis to suspend or denounce agreements in cases of violations of human rights and democratic values, See Commission Communication on the Inclusion of Respect for Democratic Principles and Human Rights in Agreements between the Community and Third Countries, COM (95)216 of 23 May 1995, accessible at:
http://www.eulib.com/documents/com95_216_en.pdf (accessed 18 August 2011).

[50] See Reiterer 2005: 11-14, there are nevertheless some bilateral cooperation agreements including essential elements, such as those with Cambodia and Laos.

shortcomings and result in spells of non-cooperation. Indeed, after the EU supported a UN Human Rights draft resolution, which cast a negative light on China's human rights situation, the Chinese government suspended the dialogue in 1996. This flow of events indicates that European criticism of China's human rights record at ASEM may, once again, lead to a suspension of the bilateral dialogue. Moreover, it is possible that China, given its rising economic and political power, may succeed in convincing other Asian countries to withdraw their cooperation on several important WTO issues, as well as on ASEM's trade-related action plans including the Investment Promotion Action Plan (IPAP) and the Trade Facilitation Action Plan (TFAP) (see Robles 2008: 147-9). The EU-China bilateral dialogue here raises doubts over whether sensitive issues are better addressed bilaterally, but it seems to be equally doubtful that ASEM will be able to perform better. As a multilateral forum patterned after the ASEAN Way with its focus on informality, consensus and non-intervention, ASEM hardly provides a platform for constructive dialogue on normative issues. Consistent with Rüland's functional utility approach, which distinguishes five major functions of interregional forums, including balancing, institution-building, rationalizing, agenda-setting and identity-building (Rüland 2011: 4-9), it is obvious that the EU's ability to promote democratic values and human rights within and through ASEM is limited. Rather than being a forum for promoting democratic norms, the main purpose behind the establishment of ASEM was, even on the part of the EU, to balance shifts in the Triadic[51] economic power equation in a globalizing world (Rüland 2001: 22-23; 2006: 48-49).

Due to the informality and non-intervention norms, institution-building for such sensitive issues as human rights and democracy is doomed to be difficult in ASEM. These sensitive issues are mainly addressed through Track Two dialogues (for example through the Asia Europe Foundation, AEF) and Track Three dialogues (for instance, in the Asia-Europe People's Forum, AEPF)[52]. ASEF, a non-profit foundation, is the only existing ASEM institution charged with promoting cultural, intellectual and people-to-people exchange between the two regions (Robles 2008: 157-161). The ASEM cultural dialogue through ASEF covers a broad range of issues, including security, financial, economic, gender, human rights, labor, cultural and environmental topics. It sustains a regular exchange by operating roundtables, forums, workshops, conferences and lectures. ASEF is hailed for its numerous projects and programs, its contribution to mutual understanding among various cultures and societies, and its efforts to facilitate the participation of diverse groups of people. Yet, at the same time, it is criticized for the high degree of state control

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[51] The term economic "Triad" stands for the three global economic core regions, that is, North America, East Asia and Europe.

[52] At the beginning, it was "Track Two Diplomacy", coined in 1981 by Joseph Montville, that referred to a broad range of unofficial contacts and interaction aimed at resolving conflicts both internationally and within states. By 1991 it had become clear that unofficial interaction varies widely. Therefore, Louise Diamond coined the phrase "Multi-Track diplomacy" to capture the complexity of Track Two activities (See Notter & McDonald 1996). In general, there are three tracks. Track One are governments and officials. Track Two are intellectuals and academics. Civil society organizations are regarded as Track Three. European and American Track Two and Track Three activities are free to produce ideas of conflict resolution. In Asia, Track Two diplomacy involves governments in an unofficial form, and civil society organizations are limited to provide support to official policy. (See Rüland 2002).

over its operations. Funding is provided by ASEM member states and the EU; and ASEF activities are governed by a Board of Governors that represent member states. ASEF has thus been blamed for retaining elitism and for its inability to adequately represent the interests of civil society (Robles 2008: 159). With the significant influence of authoritarian governments on ASEF decision-making, the organization remains relatively silent on issues of human rights and democracy.

The Track-Three approach by AEPF involves NGO networks and civil society representatives. It provides a platform for "actors who have insisted that improvement in the human rights situation in Asia should be at the center of ASEM, but they are excluded from the official process" (Robles 2008: 149). Due to this exclusion they can hardly exert effective political pressure on Asian and European governments.

Since 1997, ASEM has also hosted a series of unofficial human rights seminars (ibid.). Yet, these initiatives suffer from the same problem as ASEF— a biased composition of participants, a proximity to governments, and a lack of transparency in seminar proceedings (ibid.: 150).

In light of these institutional constraints, the ASEM dialogue is often described as an "evolutionary process." It does not impose specific objectives on participants and leaves much room for flexible deliberation. Thus far, participants have not devoted much effort to enhance the institutionalization of democracy and human rights.[53] These restraints are partly explained by the prevailing adherence to the principle of non-intervention. Even though the recently launched ASEAN human rights body might eventually refute Robles's claim that Asia is the only region that lacks a "system for the protection of human rights" (ibid.: 139), the intergovernmental nature of this body will continue to compromise its ability to effectively protect people from their governments.

Institutional constraints also prevent ASEM from performing "rationalizing" and "agenda-setting" (Rüland 2001) functions in the field of human rights issues. The act of "rationalizing" in this context denotes a "subsidiary" clearing house function[54] which interregional forums carry out for global institutions. This means that global institutions transfer controversial and contested issues to "lower" levels of global governance, in the expectation that this relocation reduces the unwieldy plurality of interests. After discussing controversial issues in regional or interregional bodies, the negotiated "solution packages" are then, in a second step, transferred back to global multilateral forums (Rüland 2006: 48). Yet, in the field of democracy and human rights, global institutions have not transferred any issues to ASEM. Nor has ASEM ever set the agenda in the context of global human rights debates. Within ASEM, politically sensitive issues

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53 However, in the economic domain, there has been a relatively strong impact on strengthening and institutionalizing East Asian cooperation especially in the aftermath of the Asian financial crisis. Already in the early 1990s, the establishment of the East Asian Economic Grouping/Caucus (EAEG/EAEC) reflects the need of Asian states to coordinate themselves to enhance their bargaining power vis-à-vis the more effective unity of the EU. The most significant contribution to institution-building is the Chiang Mai Initiative to create an Asian Monetary Fund (AMF) as a counterweight to the IMF, which was perceived as being part of the problem, not the solution, of financial crisis management. See Rüland 2001: 24-25; Reiter 2004: 264-266.

54 On the subsidiarity of ASEM, see Segal 1997.

are selected based on "wisdom and judiciousness" while respecting the principles of consensus and non-intervention in internal affairs.[55] As mentioned already, Asian states prefer to deal with issues related to democracy and human rights at the level of Track Two and Track Three dialogues. Unsurprisingly, this has largely proven to be an ineffective approach. If focusing on agenda-controlling rather than agenda-setting functions, Asian participants have effectively suppressed undesirable topics at ASEM meetings.

One important condition to fulfill the rationalizing and agendas-setting functions – which Dent subsumes under the concept of "multilateral utility"[56] – is "a strong enough consensus among ASEM's members for proposed actions" (Dent 2004: 223). Establishing a consensus on such sensitive issues has largely proven futile under the aegis of ASEM. Consensual agreements are further complicated by the steadfast opposition of China who makes it unlikely that human rights issues will feature prominently on ASEM's policy agenda. The EU's resistance to Myanmar's accession to ASEM might have been the only occasion that officials of both sides openly discussed Myanmar's dismal democracy and human rights record. In general, a consensus or, to be more precise, a "common interest" (as articulated in AECF 2000) that allows to bring issues of human rights and democracy to the table remains elusive.

The most effective contribution of ASEM has arguably been in the field of identity-building. In the case of Myanmar's accession to ASEM, the EU's emphasis on normative objectives has proven ineffective as Asian partners declined to regard normative issues as a domain of "common interests and aspirations."[57] By accepting Myanmar's membership, ASEM recognized Asia's diversity and emphasized a "comprehensive and future-oriented partnership" (AECF 2000). It re-affirmed the Asian consensus on the "ASEAN Way," which stresses comprehensive development through constructive engagement rather than compliance with externally propagated norms. By perceiving European norm advocacy as an encounter carried by a significant regional "Other," Asian members of ASEM rather strengthened their Asian identity based on the "ASEAN Way."

A review of the five functions of interregional dialogues shows that ASEM performed at best the functions of balancing and identity-building. Seen from a European perspective, with respect to democracy promotion, ASEM had rather unintended consequences: It primarily facilitated identity-building of the Asian side. In fact, the creation of ASEM contributed to the formation of "ASEAN plus Three" (APT) grouping, strengthening the cohesion in the wider East Asian region (Reiterer 2004: 255). Building on the "ASEAN Way," ASEM's diffuse and "evolutionary" process continues to challenge the normative commitments that underlie EU foreign policies. In most cases, European counterparts have responded with strategic adjustments and a continued support in numerous projects, programs and initiatives. In this respect, it can be argued that ASEM's Asian

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[55] AECF 2000, Point 12.

[56] On the "multilateral utility" concept, see also Rüland (2010) and (2011).

[57] When confronting China's human rights issues, the EU also reluctantly conceded its normative commitment to its economic interests, corroborating the limit of the EU's foreign policy. See Robles 2008: 141-147.

member states – and, here, in particular, ASEAN - have forced the EU to recalibrate its normative approach in accordance with ASEAN's "comprehensive" concerns. Above all, normative negotiations have demonstrated that "democracy" in the eyes of many Asian countries cannot be confined to the development of individuals, but must also include the development of the community.

Conclusion: Power to the Extent of Localization

Whether the EU is qualified to be an international actor has been extensively discussed in the literature. This paper has argued that the EU's actorness relies on its international "presence" to influence the actions and expectations of other actors. The EU's "presence" is guided by "the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law" (TEU, preamble). Upholding the universality and indivisibility of those principles has become a key objective of EU foreign policy and a hallmark of Europe's "normative power." Yet, these ideological underpinnings have been widely criticized, not only because they imply a form of cultural hegemony, but also because Europe has been unable to effectively implement its normative agenda.

Normative power, however, does not only imply the unilateral quest for normative transformation. By exercising its productive power, a normative power views all social subjects as equal individuals. It allows exchanges of meanings, norms, customs, and social identities in order to achieve the universalization of its norms. Consequently, the EU as a normative power is involved in discursive processes in which it seeks to persuade other actors by its "presence" rather than by coercive means. This explains why the EU's foreign policy places more emphasis on incentives than on sanctions.

Taking the Asian region and, in particular, ASEAN as examples of European democracy promotion policies, this paper has discussed the utility and effectiveness of the EU as a normative power. The analysis of European-Asian dialogues provides some support for Europe's normative power in international relations – especially if norm localization processes are taken into account. At least at a rhetorical level Europe's democracy promotion has made contributions to Asia's democratization process, particularly in the context of ASEAN. After the Cold War, the EU continuously sought to insert democratic norms into regional and interregional dialogues. In the Bali Concord II (2003) ASEAN explicitly included references to democracy in its communiqués and, by doing so, paved the ground for enhanced interregional cooperation. Despite its rhetorical nature, it is a big step for ASEAN from avoiding Western norms on the paper to modeling after European structure.

A review of both regional groupings' efforts to frame the democracy concept reveals some surprising results: The Commission's perception of democratization approximates ASEAN's collective stance on democracy more than one would have expected from an actor which claims to be a normative power. While the Commission emphasizes indivisible political rights, it also recognizes the diversity of democratization pathways

for that democratization is "a multi-faceted, multi-disciplinary process" driven by a country's "history, culture, social and economic factors" (European Commission 2008: Annex B). This corresponds to ASEAN's relativist notion that democratization is an "evolutionary process" proceeding in a "comprehensive" way with "due regard for specific cultural, social, economic and political circumstances" of individual countries. More importantly, the European Commission recognizes that "there is no universal model of democracy" (European Commission 2008: Annex B). The other two institutions of the EU – The Council of Ministers and the European Parliament - have also recognized the need to adjust the promotion of democratic norms to country-specific contexts. Based on this understanding, the Commission does not regard other interpretations of democracy as improper. Therefore, when ASEAN launched the Bali Concord II and the Vientiane Action Program to strengthen regional integration, the Commission actively initiated and funded a number of programs and projects in support of ASEAN's integration plan, despite the fact that democratization is not the primary concern on the agenda.

Nevertheless, compared to the EU, ASEAN takes quite a different approach to regional integration. In the context of Southeast Asia, regional integration precedes democratization – not the other way around. In addition to assisting ASEAN to draft an ASEAN Charter,[58] the most significant step of the EU to support this approach is to express its intention to accede to the Treaty of Amity and Cooperation. It marks a notable change in the EU's policy of conditionality and shows that Europe is willing to adjust the normative agenda in its cooperation with ASEAN. European concessions are also observable in the ASEM process. ASEM's mode of conduct, its accession of members (e.g. Myanmar), and its dialogue agendas (which exclude politically sensitive issues) testify to the fact that the EU has markedly softened its attitude towards non-democratic partners in Asia.

Similar to its European counterpart, ASEAN has also introduced a number of significant changes. Normative adjustments were influenced by the European democratization discourse, in particular, the normative framework of the European Commission. The ASEAN Charter reformulates the concept of "people-centeredness" as "people-oriented" and stipulates the establishment of a regional human rights body – two institutional changes that nicely correspond with the EU's promotion of "inclusive" democracy[59] and human rights. Moreover, recent efforts to enhance the capacities of the ASEAN Secretariat demonstrate ASEAN's commitment to enhance the quality of regional governance.

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[58] The Konrad-Adenauer-Stiftung was the first European partner who directly accompanied the process of the elaboration of the ASEAN Charter. It organized programs to support the network of ASEAN Institutes of Strategic and International Studies (ASEAN-ISIS) in the drafting process. Conversations with experts and politicians involved in the drafting of the European Constitution were also organized. For more information about the efforts of the Konrad-Adenauer-Stiftung to provide support of drafting an ASEAN Charter and build bridges between the EU and ASEAN, see the foundation's website: http://www.kas.de (accessed 6 April 2012).

[59] "A democratic political system is inclusive, participatory, representative, accountable, transparent responsive to citizens' aspiration and expectations." (European Commission 2008: Annex B).

Recalling Acharya's definition, a process of localization can be identified when actors respond to a foreign idea "by functional or membership expansion and create new policy instruments to pursue their new tasks or goals without supplementing their original goals and institutional arrangements" (Acharya 2004: 253). An unexpected finding here is that policy localization is pursued by *both* sides: the EU as the norm entrepreneur accepts elements of the ASEAN Way in order to make the propagated norms more palpable to the norm recipient, that is, ASEAN, whereas ASEAN elites are trying to "mimic" the European model for the sake of enhancing their legitimacy and in the meantime retain core dimensions of the ASEAN Way such as national sovereignty and the non-interference norm (Jetschke 2009). They do so by grafting ASEAN norms onto European terminology, a phenomenon well-illustrated in the wording of the ASEAN Charter. In this respect, the EU's "presence" in the domain of democracy promotion in Asia has at least to some extent strengthened Europe's normative power. Yet, the strong localization of European democratic norms by ASEAN and the EU's own anticipative localization of its democratic values in the context of its interregional interactions with ASEAN, within ASEM and, most likely, other regional organizations suggests that the impact of European "normative power" in international relations is rather limited.

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Abbreviations

ACP countries	African, Caribbean and Pacific countries
AEC	ASEAN Economic Community
AEMM	ASEAN-EC/EU Ministerial Meeting
AICHR	ASEAN Intergovernmental Commission on Human Rights
AIPO	ASEAN Inter-Parliamentarian Organization
AMM	ASEAN Ministerial Meeting
APEC	Asia-Pacific Economic Cooperation
APRIS	ASEAN-EU Programme for Regional Integration Support
APT	ASEAN plus Three
ARC	Asian Relations Conference
ASC	ASEAN Security Community
ASCC	ASEAN Socio-cultural Community
ASEAN	Association of Southeast Asian Nations
ASEM	Asia-Europe Meeting
CFSP	Common Foreign and Security Policy
EC	European Community
EP	European Parliament
EPC	European Political Cooperation
EPG	Eminent Persons Group
EU	European Union
HLTF	High Level Task Force
IPAP	Investment Promotion Action Plan
JCC	EC-ASEAN Joint Cooperation Committee
NEDs	New and Emerging Democracies
OPPD	Office for the Promotion of Parliamentary Democracy
READI	Regional EU-ASEAN Dialogue Instrument
SCCAN	Special Coordinating Committee of ASEAN
TAC	Treaty of Amity and Cooperation
TEU	Treaty on European Union

TFAP	Trade Facilitation Action Plan
TOR	Terms of Reference
TREATI	Trans-Regional EU-ASEAN Trade Initiative
VAP	Vientiane Action Programme
ZEI	Zentrum für Europäische Integration
ZOPFAN	Zone of Peace, Freedom and Neutrality Declaration

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