GENDER EQUALITY AND WOMEN'S RIGHTS IN THE INTERREGIONAL RELATIONS BETWEEN THE EUROPEAN UNION AND ASSOCIATION OF SOUTHEAST ASIAN NATIONS

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The European Union (EU) and ASEAN, as two outstanding instances of regional integration, have been actively promoting gender equality and women's rights at their respective regional level. While the EU sets out the priorities of its own roadmap for achieving gender equality within the union, it has also recognised the significance of its value in its external relations and designed approaches to integrate gender into different facets of its foreign policies.

The partnership between the EU and ASEAN dates back to the early 1970s and a continuous dialogue has been conducted. The EU has been an ardent supporter of ASEAN regional integration process ever since. The interregional relations as such between the EU and ASEAN are relatively new in international relations. The EU's self-aspired role as a normative power raises the question of how far interregional relations have indeed facilitated the diffusion of norms to other regional organisations.

This paper aims to find out how the diffusion of the norms of gender equality and women's rights has been made possible in the interregional relations between the EU and ASEAN. For this purpose, it will draw on the theories of international relations, namely, social constructivism and liberal institutionalism. Constructivism tries to explain how interests are constructed and actors constituted, while liberal institutionalism, a type of rationalism, explains how these already constituted actors behave in a rational way. Finnemore and Sikkink propose a division of labour between rationalism and constructivism. They contend that constructivism focuses on how norms evolve and rationalism focuses on how actors act rationally within these norms.[1] The combination of the different lenses of the two approaches is believed to offer more insights into the research problem.

Before the discussion, it is necessary to clarify some conceptualisation issues. The term 'region' in the context of international relations traditionally denotes sub-areas of the international system without implying homogeneity within a region.[2] Michael

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[1]   Martha Finnemore and Kathryn Sikkink, 'International Norm Dynamics and Political Change', *International Organization*, vol. 52, no. 4, Autumn 1998, p. 909.

[2]   Michael Keating and John Loughlin (eds.), *The Political Economy of Regionalism*, London: Routledge, 1997, p. 91.

Haas identifies regional systems in terms of three key elements: geographical delimitation of space, multiple actors, and a relatively self-contained network of political and military interactions.[3] Thompson privileges geographical proximity, regularity and intensity of interactions and shared perceptions of the region as a distinctive theatre of operations.[4] From a constructivist point of view, Katzenstein writes that 'regions are not simply physical constants or ideological constructs; they express changing human practices'.[5]

Closely related to the notion of region, regionalisation refers to the diverse flows and processes, be they economic, technological, or social-cultural that bind the constituent entities of any given region.[6] In comparison, regionalism describes the tendency of a region and its constituents to preserve or expand the benefits of regional interaction by developing institutions and mechanisms of various kinds that set, monitor and enforce the standards of interaction.[7] The two concepts of regionalisation and regionalism could be distinguished in the way that the former refers to regional concentration of economic flows and the latter a political process characterised by policy cooperation and coordination. To some extent, regionalism can be regarded as a result of regionalisation.

The proliferation of regional actors created a need for intermediaries linking global and regional institutions and – at the lower end of the international system – regional and national policy-making levels.[8] As a response, interregional and subregional transborder institutions were created. Interregionalism may be understood as a corollary of regionalism in the sense that the more regions become constituting factors of the international system, the more they tend to interact among themselves in order to balance and manage relations.[9] For analytical consistence, the term 'interregionalism' in this paper is understood as an arrangement between two regionalisms. Simply put, interregionalism represents the interaction of one region with another.[10]

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[3]   Michael Haas, 'International Subsystems: Stability and Polarity', *American Political Science Review*, vol. 64, no. 2, 1970, p.101.

[4]   Joseph A. Camilleri, *Regionalism in the New Asia-Pacific Order*, Cheltenham, UK: Edward Elgar, 2003, p. 2.

[5]   Peter Katzenstein, *A World of Regions: Asia and Europe in the American Imperium*, Ithaca: Cornell University Press, 2005, p. 12.

[6]   Joseph A. Camilleri, op.cit. p. 12.

[7]   Ibid. p. 12.

[8]   Ibid. p. 5.

[9]   Heiner Hänggi, 'Regionalism Through Inter-Regionalism: East Asia and ASEM', in Liu, F. and Régnier, P. (eds.), *Regionalism in East Asia: Paradigm Shifting?* London: Curzon Press, 2003, p. 15.

[10]   Julie Gilson, 'New Interregionalism? The EU and East Asia', *European Integration*, vol. 27, no. 3, 2005, p. 309.

Norms of Gender Equality and Women's Rights
in EU-ASEAN Relations

Gender equality and women's rights are widely regarded as international norms as evidenced in the establishment of international laws and treaties. Traditionally, EU engagement in the social sphere of its external relations was very limited because of its restricted competence. Such matters were within the prerogative of individual member states. However, the EU's influence in this domain has gradually been extended. Through the means of trade, development policy and other instruments, the EU has put exporting the norm of gender equality on its agenda of external relations, recalling the 'commitment to conduct the EU's internal and external policies in a consistent way'.[11]

The notion of 'Normative Power Europe' is explicitly articulated in the EU's external promotion of gender quality. Ian Manners is admittedly the father of the notion. He argues that Europe's normative power needs to be set alongside the more traditional conceptions of military and civilian power. It is not even economic means that are at the core of EU power. Instead, he stresses the concept of normative power as Europe exercising power in the world through its ability to influence (and partially set) global opinions and norms. In this way, 'power becomes an effect of norm leadership and persuasion'.[12]

Manners points out that the EU enjoys the unique ability of shaping conceptions of 'normal' in international relations because of its own institutional and ideational attribute. The EU is structurally different and its combination of historical context and legal constitution enables it to be a worldwide promoter of universal norms and principles. With a special political personality formed by the principles as stated in the Treaties for the formation of the European Union and European Community, the EU gains a normative significance that is fundamentally different from traditional state-like policies.

As stated by Manners, 'the most important factor shaping the international role of the EU is not what it does or what it says, but what it is'.[13] Nevertheless, 'what the EU is' is inexorably embodied in 'what it does', especially in its external relations. More and more EU external activities can be considered as examples of the EU exercising its normative power in the social dimension of its external relations. With the mechanism of interregionalism, the EU has employed a series of policy instruments for the diffusion of the norms of gender equality and women's rights in its external relations with ASEAN countries. The European Commission has suggested that the objective of the EU is to promote its values and share its experience and its model of integrated economic and

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[11]   Council of the European Union, 'Council Conclusions on Decent Work for All', Brussels, 2006.

[12]   Thomas Diez and Michelle Pace, 'Normative Power Europe and Conflict Transformation', paper for presentation at the Sixth Pan-European Conference on International Relations, Turin, 2007, p. 1.

[13]   Ibid. p. 252.

social development.[14] The European Council has also endorsed the view that 'the European Social Policy Agenda' has been extended to an external dimension that covers employment, social policy and equal opportunities.[15]

Political Dialogue

Unlike Europe, Asia does not have a regional system for the protection of human rights. The ASEAN Intergovernmental Commission on Human Rights established in October 2009 is more of a consultative body. The EU opts for an alternative interregional political dialogue to discuss with partner countries how they are implementing international legal obligations on women's rights.

Political dialogue between the EU and ASEAN took place initially at regular ministerial meetings between the EU and ASEAN. The foreign ministers of both organisations have met for political dialogues every second year since 1978. Human rights remained a low priority in EU-ASEAN relations during the early stage of bi-regional cooperation, in which mainly economic and trade relations were emphasised. This is despite the fact that ASEAN and the EC declared at the first ministerial meeting in 1978 that promoting human rights would be one way for ASEAN-EC cooperation to serve the peoples of Southeast Asia and Western Europe.[16] The 1980 Cooperation Agreement added that the two organisations would facilitate development on the basis of freedom, equality and justice.[17]

After the Cold War, the need to tolerate authoritarian regimes in the third world for the East-West confrontation no longer exists. On the one hand, respect for human rights became a goal of the Community's external policy and was put on the agenda of ASEAN-EC/EU meetings. On the other hand, ASEAN claimed for the region the right to formulate its own conception of human rights that are allegedly more appropriate to its level of development. Obviously the EU tried to extend interregional relations to a new area where there were no pre-existed shared understanding while ASEAN insisted that human rights have two mutually balancing aspects, entailing respect for rights as well as individuals' obligations to society and to the state. The emphasis on the individual's duties to the community is the essence of the so-called 'Asian Values', which is believed to be the result of the region's traditional mode of production.

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[14]   EU Commission, 'Promoting Decent Work for All - The EU Contribution to the Implementation of the Decent Work Agenda in the World', Commission Communication to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions, May 2006.

[15]   Council of the European Union, op.cit.

[16]   'Joint Declaration of the First ASEAN-EC Ministerial Meeting', Brussels, 1978.

[17]   'Cooperation Agreement between Member Countries of ASEAN and the European Community', ASEAN-EU Ministerial Meeting (second), Kuala Lumpur, 1980.

In the 1990s, EU positions in meetings with ASEAN attempted to create an interregional-level dialogue on and a consensus on the notion of human rights. However, ASEAN governments seemed reluctant to accept the international protection of human rights. They insisted the right of the state to set its own priorities and to decide the means of achieving them without external interference. At the first Asia Europe Meeting (ASEM) in Bangkok in 1996, human rights were kept on the sidelines. Thereafter, the Commission's new document on ASEAN-EU relations in the same year omitted any specific proposals on the consolidation of democracy and respect for human rights, other than a proposal to organise joint ad-hoc discussion on major social issues.[18]

In this way, a human rights' clause is excluded in EU-ASEAN agreement. The situation has not changed to date. The human rights dialogue between the EU and ASEAN is supposed to be carried out 'on the basis of equality and mutual respect for each other's sovereignty'.[19] It does not mean human rights are altogether neglected, but rather, the EU made concessions in the form of principles for interpreting the commitment to human rights.

Conditionality in Trade and Aid

The EU enjoys exclusive competence in the field of trade; meanwhile, it provides over half of the world's official development aid and has committed to increasing its contribution. The availability of EU resources in trade and development aid has given the EU a good opportunity to translate them into normative power in external relations. One of the ways of exercising the power is through the use of conditionality. 'Political conditionality entails the linking of perceived benefits to another state (such as aid, trade concessions, cooperation agreements, political contacts, or international organisation membership), to the fulfillment of conditions relating to the protection of human rights and the advancement of democratic principles'.[20] Gender equality, acknowledged as a fundamental human right by the EU, is enshrined in the EU Treaty and promoted in EU trade and aid policy.

It was only in 1973 when the UK became a member of the European Community that relations with its former colonies in Asia started to be included in the Community's international development effort. In the 1970s, the European Economic Community introduced the General System of Preferences (GSP) for countries in Asia and Latin America. Till today, the European Commission still holds a strong belief in this 'single most important trade tool for development', as former EU Trade Commissioner Peter

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[18]   European Commission, 'Creating a New Dynamic in EU-ASEAN Relations', Communication (96) 314 final, 1996.

[19]   'Joint Declaration of the Twelfth ASEAN-EU Ministerial Meeting', Singapore, 1997.

[20]   Karen Smith, 'The Use of Political Conditionality in the EU's Relations with Third Countries: How Effective?', *European Foreign Affairs Review*, vol. 3, no. 2, 1998, p. 256.

Mandelson put it.[21] Under the GSP scheme, many developing countries and territories are provided preferential access to the EU market. Their products either benefit from duty free access or tariff reduction. The GSP scheme is renewed every three years. The current regime applies as of 1 January 2014.

There are three kinds of GSP regimes at present. The standard GSP allows all beneficiary countries to enjoy the benefit of the general arrangement; the GSP Plus is a special incentive arrangement for sustainable development and good governance which provides additional tariff reductions for countries implementing certain international standards in human and labour rights, environmental protection, fight against drugs etc. Preferences offered under the GSP Plus incentive scheme are more generous than under the general arrangement of the GSP. Besides, an initiative for the 50 least-developed countries, also known as the 'Everything But Arms' (EBA) arrangement, provides the duty-free and quota-free' access to the EU's market for all products from these countries.

Most ASEAN economies are among the beneficiaries of the GSP scheme. Cambodia and Laos benefit from the EBA. Singapore has been excluded from the GSP arrangement since 1998 and Myanmar was reinstated into the GSP scheme on 19 July 2013 in response to the process of its political and economic reform since 2011. The other six ASEAN countries are beneficiaries of the standard GSP.

Gender equality comes within the remit of the Core Labour Standards, which the EU promotes through the incentive arrangements under the GSP. Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and other International Conventions that cover women's civil and political rights as well as their economic and social rights are among the list that candidate countries must ratify in order to apply for a GSP Plus scheme. Since none of the ASEAN countries is the beneficiary of the GSP Plus, they are immune to the obligations specified of the scheme. It is also noteworthy that in the GSP scheme the EU has not made any reference to the International Labour Organisation (ILO) Conventions No.100 on equal remuneration and No. 111 concerning discrimination in respect of employment and occupation, which are essential to promote gender equality and women's rights.

Since the early 1990s, human rights have been systematically included in the EU's external agreements, making the observance of it an 'essential element' and a condition for trade terms and development aid. Some agreements with an 'essential element' clause also include a suspension clause which gives the parties the right to suspend the agreement without notice if there is violation of the essential elements. Some agreements replace the suspension clause with a non-execution clause, which enables the parties to take appropriate measures in cases of non-compliance.

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[21] Commission of the European Communities, 'European Member States Back New EU Generalised System of Preferences', Press Release, Brussels, 2005.

EU relations with six of the 10 ASEAN countries take place under the 1980 cooperation agreement, which well predates the EU's policy of conditioning its trade and aid. Therefore, no 'essential element' clauses have been included in EU-ASEAN cooperation agreement. The new agreement with an 'essential element' clause proposed in 1991 has been resisted by ASEAN countries. Alternatively, the EU has concluded bilateral cooperation agreements with Vietnam in 1995, and Cambodia and Laos in 1997. The agreement with Vietnam is based on an 'essential element' clause without the non-execution clause, whereas the agreements with Cambodia and Laos have both 'essential element' clauses and non-execution clauses.

The European Community was involved in development cooperation with third countries since its foundation in 1957; however, only after the Maastricht Treaty that development cooperation was formally part of EU objectives and community action. Since then, EU competence in development policy has been in constant reform. For the time being, development cooperation is still an area where the community and member states share their competency. The EU acts as an implementer of its own development cooperation projects and as a coordinator of member states initiatives. The 1995 communication to the Council and the Parliament on integrating gender issues in development cooperation contains the first major policy statement on the EU's commitment to the promotion of gender equality in development cooperation.

The European Consensus on Development signed in 2005 defines the framework of common principles within the European Commission and the member states for the first time. It is a single policy framework that covers EU development cooperation with all developing countries. The vision outlined in the consensus corresponds to the United Nations Millennium Development Goals (MDGs). Gender equality is identified as one of the common values, common principles and 'cross-cutting issues' in EU development cooperation.

Based on these policy documents, the EU and its member states adopt a two-track strategy on promoting gender equality in development cooperation, i.e. the mainstreaming of gender equality into all policies and actions and the financing of specific measures that directly support women's empowerment. Gender has been taken as a special category under thematic budget lines in development cooperation. A scoreboard on gender equality covering all services of the commission monitors the progress of the work by regional and country programme implementers.

The EU's 2007 Strategy Paper for Asia (2007–2013) explicitly confirms the promotion of human rights and democracy, and gender equality as cross-cutting issues. These issues are to be 'addressed at the regional level and streamlined throughout the programme'.[22] Individual country strategies for Southeast Asia were drafted based on

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[22]   Commission of the European Communities, 'Regional Strategy Paper for Asia (2007–2013)', Brussels, 2007.

the Asia Strategy Paper. In these strategies, gender equality is also identified as a cross-cutting issue.

Influence through International Organisations and Non-governmental Organisations

Besides exercising direct influence, the EU pursues the export of social norms through exercising its influence in international organisations and non-governmental organisations (NGOs). Some international organisations are responsible for setting social standards and some are more active in carrying out development programmes. The EU has strived to play an influential role in both aspects. In setting social standards, the commission actively promotes the inclusion of social clauses including issues of gender equality in multilateral forums such as the World Trade Organisation.

In supporting development programmes, the EU has been an important donor for some key international development agencies. Specifically, it has enhanced cooperation and policy dialogue with the United Nations (UN) fundamentally for the reason that it has a stated objective of supporting effective multilateralism with a strong UN at its core. From 2011 to 2014, around €1 billion were provided by the European Commission through the UN system for development assistance each year.[23] The UN and the EU generally share the same values and objectives for advancing peace and security, human rights and development. They champion common methodologies and tools for development programmes and conduct coordination in all forms.

UN agencies, in particular the United Nations Development Programme (UNDP) and UN Women (formerly the United Nations Development Fund for Women, UNIFEM), have played the leading role in Southeast Asia in promoting gender equality. The role of UN Women grew substantially on the heels of the ratification of CEDAW by Southeast Asia countries. In 2013 and 2014, 13 European countries were among the top 20 contributors to UN Women.[24] One of the outstanding cooperation initiatives is the 'EC/UN Partnership on Gender Equality for Development and Peace' (2007-2009). The EU Commission is involved as a leading donor. The project has a specific focus on the role of women in conflict and post-conflict situations, and on the proper implementation of UN Security Council Resolution 1325.[25] To give one more example, the EU has worked with the United Nations Population Fund (UNFPA) on an initiative for the promotion of the reproductive health of female youth in Asia. Three developing countries

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[23]   Figure from Europe Aid Statistics.

[24]   UN Women official website, <http://www.unwomen.org/~/media/Headquarters/Attachments/Sections/Partnerships/Donor%20Countri es/2013%20Top%2020%20core%20contributors%20pdf.pdf > and <http://www.unwomen.org/~/media/headquarters/attachments/sections/partnerships/donor%20countries/ 2014%20top%2025%20core%20contributions.pdf?v=1&d=20150423T172022> (accessed 21 September 2015).

[25]   UN Security Council Resolution 1325, adopted on 31 October 2000, is the first formal and legal document from the UN Security Council that required parties in a conflict to respect women's rights and support their participation in peace negotiations and in post-conflict reconstruction.

in ASEAN—Laos, Cambodia and Vietnam—are included in the programmes which have a time span from 1998 to 2006. Besides the UN and its agencies, the ILO has collaborated with the EU in offering gender training and technical assistance.[26]

NGOs in all the Southeast Asian CEDAW-signatory countries are reported to have established and expanded. Regional exchanges between governmental and NGO actors have increased on a bilateral or multilateral basis. With ASEAN countries, the EU works with these women's organisations and NGOs that promote gender equality and women's empowerment at the national and regional levels. The Southeast Asian Women's Caucus on ASEAN was formed in 2008 as a network of women's organisations from 10 ASEAN countries and East Timor. It is coordinated by two regional organisations i.e. International Women's Rights Action Watch Asia Pacific and Asia Pacific Forum on Women, Law and Development. The network was a dialogue partner of the High Level Panel on an ASEAN Human Rights Body and commits to campaign for the full integration of women's human rights and inclusion of gender perspective into all the ASEAN structures and processes. Several European governments and aid agencies are among the donors of this organisation.

Corporate Social Responsibility

EU-based multinationals have been an important force in regionalisation and globalisation and potentially have the leverages to affect social development targets of the investing countries. Corporate social responsibility (CSR) has been incorporated into the EU's strategy in affecting social standards in other countries through the promotion of core labour standards. The commission stressed that the European CSR policy should be based on international instruments, particularly those emanating from the ILO, the OECD and the UN. Specifically, the commission refers to the ILO Declaration on Fundamental Principles and Rights at Work as a benchmark for responsible corporate behaviour.[27]

The European Alliance for CSR was launched in 2006 as an 'umbrella' organisation for CSR-related business initiatives. In the international dimension of CSR, it has been combined with the promotion of trade incentives such as the GSP scheme, development agreements and cooperation with international organisations. Better implementation of gender equality in the operations and through supply chain of companies is an inherently incorporated aim of CSR as the OECD Guidelines for Multinational Enterprises explicitly stress the importance of equality in all aspects of employment practices.

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[26] For instance, the EC Gender Help Desk was set up in collaboration with the ILO for increasing the visibility of gender issues in EC policy making in 2006.

[27] European Commission, 'Corporate Social Responsibility: a Business Contribution to Sustainable Development', COM (2002) 347 final, Brussels, 2002.

CSR used to be regarded as a fundamentally business-driven voluntary movement, enforced by the market in certain circumstances. Except for a few member states such as Denmark, France and Spain which have mandated CSR reporting for years, CSR was largely erratically supported and implemented within the EU, and subordinated to economic objectives more often than not. However, a renewed EU strategy on CSR is currently in the formation. In October 2011, the commission issued a communication that posits a new definition of CSR, in sharp contrast to the first EU green paper on CSR in 2001, which defines it as being 'on a voluntary basis'.[28]

Following the proposal by the commission, the plenary of the European Parliament adopted the directive on the disclosure of non-financial and diversity information by certain large companies and groups on 15 April 2014. Companies concerned will need to disclose information on policies, risks and outcomes as regards environmental matters, social and employee-related aspects, respect for human rights, anti-corruption and bribery issues, and diversity in their board of directors.[29] Although the directive leaves significant flexibility for companies to disclose relevant information in the way that they consider most useful, or in a separate report, it marks a big step towards more sustainable corporate governance.

Supporting the Building of Regional Institutions

The EU is generally seen as a natural supporter of regional integration initiatives. Indeed, the EU perceives itself as a model and promotes regional integration proactively. As early as in 1995, the communication from the commission, namely, 'Supporting Regional Economic Integration Efforts among Developing Countries', specified how the European Community intended to promote regional integration.[30] It clarified for the first time how trade policy and development cooperation could promote effective integration among developing countries.

Councils of the ASEAN Community, comprising the Council of ASEAN Economic Community, Council of ASEAN Security Community and Council of ASEAN Social-Cultural Community, resemble that of the three pillars of the EU institutions. The various ASEAN ministerial meetings are consolidated and grouped under the councils. Through the ASEAN-EU Programme for Regional Integration Support (APRIS I and II, 2003-2010), the EU offered to help strengthen the institutional capacity of the ASEAN Secretariat. The programme is succeeded by the current ASEAN Regional Integration Support from the EU (ARISE, 2012-2016).

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[28] European Commission, 'A Renewed EU Strategy 2011-14 for Corporate Social Responsibility', COM (2011) 681 final, Brussels, 2011.

[29] European Commission, 'Improving corporate governance: Europe's largest companies will have to be more transparent about how they operate', Statement by the European Commission, Brussels, 15 April 2014.

[30] European Commission, COM (95) 219 final, Brussels, 1995.

The degree of regional integration of the EU has enabled it to entail not only economic cooperation but also cooperation that incorporates social, cultural, developmental, educational and environmental dimensions on a supranational level. Compared to the EU, though the scope of cooperation seems similar among ASEAN countries, cooperation on the issues of social development including the promotion of gender equality is mainly limited to intergovernmental activities.

Efforts towards establishing an ASEAN involvement as a region in women's issues began during the ASEAN Women Leaders' Conference held in 1975. The ASEAN Sub-Committee on Women (ASW) was established in 1976 and renamed the ASEAN Women's Programme (AWP) in 1981. The ASEAN foreign ministers signed the Declaration of the Advancement of Women in the ASEAN Region in 1988. The AWP was restructured into the ASEAN Committee on Women in 2002. The ASEAN Commission on the Rights of Women and Children was established in 2010. It remains as an intergovernmental commission that coordinates and monitors the implementation of ASEAN's key regional priorities and cooperation in women's issues. At the regional level, issues of gender equality and women's rights have been integrated into building an ASEAN socio-cultural community in line with the vision for an ASEAN Community by 2015.

For the EU, the support for regional integration is not an end in itself but rather an intermediary step to foster the integration of developing economies into the global market. Specific measures at the regional level have been designed to meet the gender demands and promote gender equality in the long run, but the immediate impacts of some trade and development instruments on women remain controversial.

The policy instruments that the EU employs for the diffusion of the norms of gender equality and women's rights fall into two general categories: persuasion and the manipulation of utility calculations. Persuasion refers to the situation in which actors try to persuade each other on the validity claims inherent in any causal or normative statement.[31] It involves reason giving and challenging the claims of the legitimacy of previously existing norms. In contrast, the manipulation of utility calculations entails providing both negative and positive incentives. As mentioned earlier, ASEAN countries are interested in gaining access to the EU markets and receiving financial and technical assistance. The EU can therefore induce ASEAN countries into adopting the norms of gender equality and women's rights by manipulating their utility functions. EU incentives have thus been positive in most cases in the EU's engagement with ASEAN. Importantly, the EU does not rely on coercive means. All the instruments through persuasion and the manipulation of utility calculations are soft measures.

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[31]   Tanja A. Börzel and Thomas Risse, 'Diffusing (Inter-) Regionalism: the EU as a Model of Regional Integration', KFG Working Paper No. 7, September 2009, p. 8.

Table 1   The EU Tool Box for the External Diffusion of the Norms of Gender Equality and Women's Rights

Persuasion	Manipulation of Utility Calculations
• Political dialogue • Support of regional institution building • Corporate social responsibility • Influence through international organisations and NGOs	• Support of regional institution building • Conditionality in trade and aid

Issue in Focus: Protecting the Rights of Female Migrant Workers in ASEAN Countries

With globalisation and regional integration, women were increasingly migrating as the main economic providers, or 'breadwinners' of their households. The percentage of international migrants who are women increased by almost 3%, from 46.7% to 49.6%, between 1960 and 2005.[32] The proportion of women migrants varies significantly by country and could be as high as 70%-80% in some cases.[33] This section focuses on the issue of the protection of female migrant workers' rights in ASEAN countries and gives a close examination on whether the norms of gender equality have been upheld and how interregionalism between the EU and ASEAN has influenced the travelling of the norms.

Since the 1980s, labour migration has been increasingly feminised in Southeast Asia. In 2010, it was estimated that women constituted roughly half of all immigrants in Southeast Asia.[34] The majority of Asian migrant women are independent contract workers seeking employment abroad in order to augment family incomes and personal savings. The largest proportion of these women, most of whom are unskilled (including those who are documented and those who are not), continue to work in the narrow range of reproductive labour characteristically assigned to female migrants, for example as domestic workers, sex workers and other service employees.

Feminised and therefore gendered migration in Southeast Asia has its roots in the region's rapid but uneven economic development, which is characterised by the inequality and conflict that differences of gender, class and nationality produce. Pressure to emigrate tends to increase in countries where fledgling industrialisation has

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[32]   World Bank, 'The International Migration of Women', 2007, p. 2.

[33]   United Nations Information Service, 'Feminization of Migration, Remittances, Migrants' Rights, Brain Drain among Issues, as Population Commission Concludes Debate', New York, 2006.

[34]   United Nations, 'International Migrant Stock: The 2008 Revision'.

yet to absorb the growing labour force and is at the same time destructive to traditional subsistence agriculture.[35] Massive numbers of females as inexpensive, tractable and disposable labour have been mobilised and controlled under the traditional patriarchal hierarchy to fuel the Asia's 'economic miracle'.

In order to augment foreign exchange revenues, many source countries, such as the Philippines and Indonesia, promoted female migration. Increasingly feminised and gendered migration in Southeast Asia has given rise to an intensification of gender discrimination based on social class, region, nationality and ethnicity. While international migration provides migrant women with opportunities for social mobility, the highly segmented labour market at the destination often channels them into occupations in which they are possibly subject to labour exploitation and even human rights violations.

One of the most severe challenges to migrant women and children is human trafficking. Human trafficking is an old phenomenon, but the forms, purposes, routes and sources of trafficking have gone through continuous development under the rapidly changing structures and circumstances of globalisation. The growing variety of patterns and actors involved in trafficking has added complexity to the phenomenon.

In Southeast Asia, trafficking has been a long-standing issue and increasing incidents of trafficking in women have been witnessed in recent decades, exemplified by 'mail-order brides' and growing sex tourism. Estimates have it that at least 200,000-225,000 women and children from Southeast Asia are trafficked annually, representing nearly one-third of the global trafficking trade.[36] Most trafficking occurs within the region and only a minority of women have been trafficked to other parts of the world. According to an intelligence report from the United States, Southeast Asia is the most important source of trafficking of women and young girls into the United States. Of the estimated 45,000-50,000 women and children estimated to be trafficked into the United States each year, approximately 60% (30,000) are believed to come from Southeast Asia.[37]

The governments of Southeast Asian labour-importing countries have adopted immigration policies that vary considerably according to their history, demography and politics; however, the problems associated with migration in Southeast Asia are transnational in nature. The deficiencies of national government policies on migration are becoming more and more salient. With the deepening of regional economic

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[35]   Manolo Abella, 'Emigration pressures in selected Asian countries: some preliminary findings.' in *Migration and Regional Economic Integration in Asia*, OECD Proceedings, Paris, 1998.

[36]   International Organisation for Migration, 'Combating Trafficking in South-East Asia: A Review of Policy and Programme Responses', 2000.

[37]   Amy O'Neill Richard, 'International Trafficking in Women to the United States: A Contemporary Manifestation of Slavery and Organized Crime', Centre for the Study of Intelligence, Washington D.C., 2000.

integration and the increase in migration and labour mobility, it is imperative for Southeast Asian countries to develop a comprehensive regional approach to collective actions and build effective collaboration between labour sending and receiving countries.

At the Sixth ASEAN Summit in 1998, ASEAN adopted the six-year Ha Noi Plan of Action (HPA). The HPA comprises measures to strengthen ASEAN collaboration in combating the trafficking in, and crimes of violence against, women and children. At the 12th ASEAN Summit in 2007, the ASEAN heads of state adopted the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers. The Declaration calls on origin and destination countries to promote the full potential and dignity of migrant workers; cooperate on resolving cases of migrant workers who become undocumented due to no fault of their own; and take into account the fundamental rights of migrant workers and their families already residing in the destination country.

To address the issue of trafficking in women and children specifically, three ASEAN bodies are involved in pursuing initiatives and activities against trafficking: the ASEAN Ministerial Meeting on Transnational Crime, the ASEAN Chiefs of National Police and the ASW.

Remarkably, the inclusion of immigration issues in the ASEAN regional effort primarily serves the purpose of economic integration and cooperation. The protection of migrants' right, especially that of female migrants, is pursued alongside, but often not as a priority. Currently, out of the 10 ASEAN countries, only Indonesia and the Philippines have ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

In comparison with ASEAN, the EU's regional framework on migration issues is more institutionalised and systematic. In 1999, the Treaty of Amsterdam granted the EU the capacity to act in the field of immigration. Since then, EU capacity has been enhanced step by step with a view to progressing towards a common immigration policy. The 2011 EU Directive on preventing and combating human trafficking and protecting its victims is the most recent sign of the commitment of the EU in this field. Apart from it, an anti-trafficking coordinator has been appointed, whose responsibilities are to coordinate and consolidate the anti-trafficking efforts of the EU and its member states.

Meanwhile, more attention has been paid to the external dimension of its immigration policy. The EU acknowledged the importance of managing immigrant inflows in a global manner by establishing relations with the countries of origin or transit and jointly carrying out cooperation projects and activities with them. As in its actions in diffusing the norms of gender equality in general, similar policy instruments could be identified in the EU's efforts of engaging in promoting the rights of female migrant workers from ASEAN countries.

Political Dialogue

The EU has integrated migration issues into the regular political dialogues with key regional actors, though the cooperation and dialogues are still at their nascent stage. One of the dialogue results is the Declaration of the ASEM Ministerial Conference on Cooperation for the Management of Migratory Flows between Europe and Asia which was issued in April 2002. ASEM ministers stressed the importance of enhancing the social integration of legal migrants, protecting their rights and ensuring fair treatment while fully respecting the sovereignty of individual countries. They agreed furthermore to fight against xenophobia, discrimination, labour and sexual exploitation of aliens in ASEM states. In addition, the chairman's conclusions of the first ASEM Labour and Employment Ministers' Conference held in September 2006 underlined among other things the importance of developing coordinated efforts towards effective management of migration processes as well as further investing in human capital in view of increasing labour mobility and integration of immigrants. The Ministers' Conference has been held every two years since 2006.

Corporate Social Responsibility

As previously stated, the almost ubiquitous presence of major multinational corporations have made the implementation of the CSR an ideal channel for advocating social causes. The European Commission has committed to facilitating CSR in the field of combating human trafficking by helping companies to raise awareness, and identify and prevent forced labour in supply chains and operations. For instance, the Bodyshop Stop Sex Trafficking of Children and Young People campaign is one of the high-profile projects that attracted wide public attention. The campaign started in 2009 and was carried out alongside with the ECPAT (End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes, a global network headquartered in Bangkok). Its purpose is to raise public awareness and provide vital funds for victims or those at risk of trafficking on a global scale.

Supporting the Building of Regional Institutions

The EU and ASEAN have launched the Migration and Border Management Programme that helped strengthen the cooperation between border management agencies in ASEAN member states. The first programme was implemented in July 2012. This helps to improve the exchange of information between Interpol National Central Bureaus in ASEAN capitals and the Interpol General Secretariat, which in turn improved regional cooperation in combating transnational crime. The second programme which is worth €3.4 million and launched in 2012, supports the ASEAN people-to-people connectivity agenda by strengthening law enforcement agencies' networks and cooperation at main regional transit hubs as well as by conducting a study on easing visa requirements for ASEAN and non-ASEAN nationals within ASEAN.[38]

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[38]   EU Delegation in ASEAN, 'EU-ASEAN: Natural Partners', June 2013.

Conditionality in Trade and Aid

During the EU Seville meeting in 2002, Spain proposes to condition EU development aid with the requirement of managing migration according to EU standards. It also proposed to apply sanctions towards these third countries that do not manage migration flows according to EU aims. However, France, Luxembourg and Sweden believed that this proposal could be counter-productive as they understood development as a basic key to persuade would-be migrants to stay in their origin countries instead of emigrating. In the end, this 'negative conditionality' was not accepted.

Undoubtedly, relations with foreign countries were essential to manage immigration-related issues because the EU asked these countries to readmit their citizens, improve their border controls and fight against irregular migration. In search of deeper cooperation and collaboration with these countries, EU member states have been struggling to find the best balance between carrot and stick. As 'negative conditionality' is not an option, 'positive conditionality' has become an alternative. Up to now, the EU has not imposed any conditionality on the issue of labour migration in its development cooperation with ASEAN countries.

Influence through International Organisations and NGOs

International organisations provide the EU with a useful venue for advancing the objectives of its immigration policy. For instance, the International Organisation for Migration (IOM) has established a strategic partnership with the EU on programmes for border control, migration management, capacity building to fight against human trafficking and assisted voluntary return. Moreover, the UN and the EU jointly supported the country-based anti-trafficking activities in Asia, stressing the efforts to improve national legal and policy frameworks and highlighting the need to focus on labour exploitation as well as sexual exploitation.

NGOs such as the European Union Agency for Fundamental Rights and the RESPECT network (a European network of migrant domestic workers' organisations and supporters) have campaigned for the rights of female migrant workers. In light of the fact that the European political discourse is generally not in favour of liberalising unskilled labour immigration, the regularisation procedures for undocumented migrants or extended workers' rights are not evident in EU regulations. The main focus of the EU still lies in combating human smuggling and trafficking.

Based on the aforementioned empirical facts, it could be found that ASEAN cooperation in the sphere of migration is essentially intergovernmental. Unlike the EU, ASEAN regional institutions do not share any competence in migration issues with member states, thus making the emulation of EU practices largely difficult. The EU only resorts to soft measures for the promotion of gender equality in issues of labour migration among ASEAN countries. As the feminisation of migration in the ASEAN region has

become very salient, the protection of the rights of female migrant workers, especially those undocumented ones, remains as a big challenge to the governments of ASEAN member states.

The Logic of Norm Diffusion in
EU-ASEAN Interregional Relations

This section attempts to offer some theoretical analyses of the logic behind the diffusion of the norms of gender equality, specifically on three aspects: how the EU has utilised interregionalism to conduct its external affairs with ASEAN countries, particularly for the promotion of gender equality and women's rights; how the norms are localised in targeted countries; and how norm diffusion makes an impact on regional identity building.

Interregionalism as a Social Construct

Social constructivism essentially acknowledges that human relations, including international relations, consist of thoughts and ideas. The core ideational element of constructivism focuses on intersubjective beliefs shared among people. In the study of international relations, the core hypothesis of constructivism is that the interests of states are derived endogenously from the social interaction of actors instead of being created exogenously. Hence, interests and preferences are not 'givens' before any social interaction takes place.

Constructivists insist on the mutual constitutiveness of social structures and agents. 'Normative and ideational structures may well condition the identities and interests of actors, but those structures would not exist if it were not for the knowledgeable practices of those actors'.[39] The mutual constitutiveness of agents and structures offers a key to discover the formation of identities and interests. It means that the identities and interests of actors emerge from the interaction between agents and structures and are endogenous of this process.

Seen from a constructivist perspective, interregionalism between the EU and ASEAN can be understood as a social construct, which has emerged and continues to emerge from the social interaction among politicians and the citizens of EU member states and their counterparts in ASEAN countries. It seems very natural for the EU to use interregionalism to conduct its external policies. It is regarded typically a European way of relating to the outside world. The EU constitutes various interregional arrangements with other regions according to its own regionalist ideology. The regional cooperation model is essentially an extension of the EU's own philosophy that deeper regional cooperation is a route to national as well as regional stability and growth.

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[39]   C. Reus – Smit, 'Constructivism' in S. Burchill, R. Devetak, A. Linklater, M. Paterson, C.Reus – Smit and J. True (eds.), *Theories of International Relations*, 2nd Edition, New York: Palgrave, 2001, p. 218.

The EU strives to make the best use of its competence in projecting influence in interregional agreements. Interregionalism corresponds to the EU's construction as a normative power that seeks to diffuse its own model of governance through regional partnerships. Interregionalism thus constitutes a part of a global order in which regional entities are the structuring units of international relations. The EU has designed a tool box that it uses systematically to diffuse the norms and values that it considers fundamental to construct its identity.

Interregionalism has facilitated norm diffusion in EU-ASEAN relations in two important ways. First, it helps to strengthen the EU's 'actorness' in the international arena. Actorness could be understood as the capacity to act purposively and to shape the outcomes in the external world.[40] The level of actorness may vary significantly among issue areas and among regions. Unlike nation states, the EU is a different kind of political animal as a regional institutionalised polity. As such its actorness is often questionable when most of its counterparts are sovereign states partly because the institutional arrangement that emerged from the EU has made its foreign policy-making process complex and policies sometimes inconsistent. One strategy to increase the EU's actorness and reinforce its international personality has been to strengthen its connections with other regional entities. Interregional arrangements strengthen the EU's identity as a global actor by notifying its presence and adding its legitimacy. In this way, interregional relations with other regions reinforce the EU's actorness.

Second, interregionalism contributes to institution building that in turn becomes channels of norm transfer, an effective way to set agendas for regional actors. Interregional forums provide new arenas for regional organisations to highlight issues that they consider of critical strategic or ideational significance in their regional cooperation. Issues concerning the promotion of gender equality and women's rights are raised on the interregional platform for consensus building and lobbying. Actors in the interregional forum are able to instrumentalise interregional dialogues for voicing their concerns and preferences. Thus, interregionalism may be perceived as a new approach to contributing to global governance.

The Domestic Analogy and Norm Localisation

How can norms shape the behaviour of a state? The effect of norms is attributed to socialisation processes. Socialisation, in sociologist theories, is a continuing process whereby a person grows within society and culture surrounding him/her and by learning social norms, values, behaviour and social skills appropriate to his/her social position. The concept can also be applied to international relations when the subject is a state instead of a person. Within the norm 'life cycle', these norms were pushed past the 'tipping point' at which a critical mass of states collectively validates that these norms

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[40]   Björn Hettne, 'EU as a Global Actor: An Anatomy of Actorship', paper presented at the EU in International Affairs Conference, Brussels, 2008.

form part of their identity.[41] As a result, states internalise the expectations of behaviour imparted to them by their social environment (international society/community) and by this way align their preferences and interests in accordance with these expectations.

The value-based expectations of appropriate domestic policy shared by society can influence a state's foreign policy because decision makers like to see their international environment ordered according to the same values and principles governing their own political and social systems.[42] The foreign policy actions of norm diffusion are determined to a great extent by the existence of the norms of gender equality within domestic societies of the EU. These norms in the domestic societies of the EU constitute the identities and interests of these state actors. Foreign policy decision makers align their preferences in accordance with these norms. The behaviour-guiding effect of these norms means that the practices of state actors of the EU on an international scale follow a domestic analogy.

The norms diffusion activities of the EU follow both the logic of consequence and the logic of appropriateness. It could be argued that social context is a background for rational choice and rational choice produces social knowledge. The logic of consequence is a behaviour logic which underlies the rational choice approaches to norm analysis. Actors construct and diffuse norms because norms help them get what they want. The common knowledge/intersubjective understanding, i.e. the norms of gender equality and women's rights in this case, formed the basis of the EU's calculations and the EU has made its objective to change the contours of common knowledge of ASEAN actors in their strategic interactions. The logic of appropriateness, in contrast, describes a concept of *homo sociologicus*. *Homo sociologicus* takes decisions on the basis of norms and rules originating from its historical-cultural experience and institutional involvement.[43] Norms are diffused because these norms are understood as good, desirable and appropriate.

The influence of norms on the EU's foreign policy behaviour depends on its two properties: on its commonality, i.e. on how many actors of a social system share a value-based expectation of behaviour, and on its specificity, i.e. on how precisely a norm distinguishes between appropriate and inappropriate behaviour.[44] The EU per se is a society of states that shares common values and intersubjective beliefs which are closely connected with the existence of a collective historical experience. Through the application of norms and rules, the EU translates very general common values and

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[41] Martha Finnemore and Kathryn Sikkink, 'International Norm Dynamics and Political Change', *International Organization*, vol. 52, no. 4, Autumn 1998, p. 909.

[42] Henning Boekle, Volker Rittberger and Wolfgang Wagner, 'Norms and Foreign Policy: Constructivist Foreign Policy Theory', Turbingen Working Paper No, 34a, Centre for International Relations/ Peace and Conflict Studies, University of Tubingen, 1999, p. 19.

[43] Ibid. p. 4.

[44] Ibid. p. 4.

aspirations into specific collective policies and behaviours internally and externally. This means that the commonality of the norms is at a high level. At the same time, public discourse shaped by various interests groups including expert groups and transnational advocacy networks etc is explicitly in favour of the norms and thus enhances the specificity of these norms of gender equality.

Undoubtedly, social norms never enter a normative vacuum; instead, they need to compete with existing values. Many local beliefs are themselves a part of a legitimate normative order, which conditions the acceptance of foreign norms.[45] Checkel's notion of 'cultural match' describes 'a situation where the prescriptions embodied in an international norm are convergent with domestic norms, as reflected in discourse, the legal system, constitutions, judicial codes, laws and bureaucratic agencies, organisational ethos and administrative agencies'.[46] Norm diffusion is more rapid when a foreign norm resonates with historically constructed domestic norms. However, when such a cultural match is missing, it means that emerging transnational norms and preexisting regional normative and social orders sometimes are at odds with each other.

Norm dynamics would be shaped by different conditions and processes. One cannot expect the new social norm to come through the diffusion process unaffected by local conditions. It may be extremely difficult to engender change if existing norms are constitutive parts of the organisational culture. In the light of that domestic political structures and agents condition normative change, local agents need to reconstruct foreign norms to ensure that the norms fit in with the agents' cognitive identities.

Having looked at different facets of EU-ASEAN cooperation in promoting the norms of gender equality and women's rights, it is evident that differences in constituting values and the ways in which these are promoted can affect how social norms travel from one region to another. The ASEAN discourse on non-intervention has been its *modus operandi* and probably a prerequisite for the very existence of ASEAN. It indicates that ASEAN has not moved beyond classic international cooperation which is in sharp contrast to EU style of supranational intuitionalism. Non-interference is deeply rooted in ASEAN's history, ensuring the independence of its member states when they experience tense relations with the external world and among each other. The principle is highly instrumental in securing stability in the region. It paved the way for the consolidation of the norms and practices that eventually shaped the self-identification of ASEAN.

The EU views that human rights and fundamental freedoms 'cannot be considered as interference in the internal affairs of a state and constitute an important and legitimate part of their dialogue with third countries' whereas ASEAN's approach is that human rights and governance issues are a more or less domestic affairs. Many ASEAN

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[45]   Amitav Acharya, 'How Ideas Spread: Whose Norms Matter? Norm Localization and Institutional Change in Asia Regionalism', *International Organization*, vol. 58, no. 2, Spring 2004, p. 239.

[46]   Jeffrey T. Checkel, 'Norms, Institutions and National Identity in Contemporary Europe', *International Studies Quarterly,* vol. 43, issue 1, March 1999, p. 87.

countries subscribe to a cultural relativist view on human rights, emphasising that human rights are shaped by each country's experiences, especially by religion and culture. They argue for the need to find a balance between individual rights and freedoms and communitarian values. It is believed that individual freedoms and rights that have gone too far are often impairments to social stability and economic growth.

Furthermore, based on the founding principle of sovereignty and non-interference, ASEAN is very reluctant to accept international protection and international accountability of human rights and connecting human rights with other kinds of external cooperation. The different underlying values of the EU and ASEAN is likely to cause complications to their relations with each other and thus have profound implications for the norm diffusion process. As ASEAN remains basically an intergovernmental organisation and emphasises informality and consensus with the avoidance of binding agreements and regulatory frameworks, the EU is only able to use soft and indirect measures in its engagement in the promotion of gender equality.

There is some emulation involving the borrowing of ideas and adapting of policy approaches, tools or structures, but these norms have been translated into ASEAN realities and its own ideational framework. The localisation of the norms of gender equality in ASEAN also follows the logic of consequence and the logic of appropriateness. In some circumstances, emulation happens because of the EU's manipulation of the utility calculations of ASEAN. In some other circumstances, emulation is more the result of persuasion in which ASEAN has been convinced of the appropriateness of these norms.

Norm Diffusion and Regional Identity Building

The diffusion of norms is inseparable with the building of regional identities. 'normative power Europe' is first and foremost a discourse in which actors of the EU construct themselves as 'model citizens'. The tag of 'normative power Europe' itself reflects that the EU has a normative identity. The politics of identity refers to a particular set of ideas about political community that policy-makers draw on to mobilise a sense of cohesion and solidarity in order to legitimise the general thrust of their foreign policy.[47] Collective identities express a sense of belonging to the membership of a distinct group. As such, identities tend to provide a system of orientation for self-reference and action. At the level of the EU, the identity as a normative power defines what EU institutions and national governments consider 'appropriate behaviour' and collectively ascribe themselves to.

One of the ways of constructing identity is through cooperative and positive interaction with other actors, leading to intersubjective understanding and shared norms. EU regional institutions are constituted by a set of interrelated norms that define

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[47]   Lisbeth Aggestam, 'Role Conceptions and the Politics of Identity in Foreign Policy', Working Paper 08, ARENA Centre for European Studies, 1999.

behavioural roles and the expectations of behaviour attributed to these roles. States define and redefine themselves from their participation in these institutions and their compliance to the norms set. Hence, high levels of interaction between states help to encourage the development of a growing 'we-feeling' and common identity. Regional identities are strengthened when actors in the region generate and internalise a repository of shared norms and beliefs and thus enhance regional cohesion.

Norm entrepreneurs are people who have strong notions about appropriate behaviour and who invest resources in 'moral proselytism'.[48] The EU's role as a norm entrepreneur is particularly important for the formation of its collective identity. EU policy-makers affirmed a self-image of the EU as an actor whose identity prescribes the promotion of gender equality and the protection of women's rights. The EU strives to make the discourse of the promotion of gender equality an essential element in its relations with Southeast Asia. 'Normative power Europe' is a discursive construction rather than an objective fact, and that the power of 'normative power Europe' rests on the identity it provides for the EU.[49] It could be argued that the EU's policy practice of norm diffusion has contributed to the formation of an EU identity which relates itself to the protection and promotion of gender equality and women's rights.

There has to be a consensus among EU policy makers about the general importance of these norms before the EU takes up the role as a norm entrepreneur in Southeast Asia. Through its domestic and foreign policy practices, the EU has acknowledged that it not only adheres to the principles of gender equality, but also formulates a role for itself to actively promote and defend these norms both internally and externally. 'Once the objectives to promote certain norms are adopted at the EU level, the member states become involved in a process in which their initial preferences are reshaped and in which they must make compromises over how these objectives will be achieved'.[50] Through such a process, the EU's international identity as a normative power gradually acquires more substance.

Identity distinguishes the EU from other political entities; however, at the same time, Europe as a normative power attempts to assimilate others. It seems an apparent contradiction lying in the concept of the EU's identity. This reflects the two features inherent in the concept of normative power, a contradicting inclusive aspect and an exclusive aspect. As a normative power it attempts to diffuse norms and assimilate others into an inclusive identity. However, in doing so, the EU's interaction with targets of norm diffusion sharpens the differences between the two regions. This conflict between the Self and the Other constitutes an exclusive identity of the EU. In other words, the

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[48]   Martha Finnemore and Kathryn Sikkink, op.cit. p. 897.

[49]   Thomas Diez and Michelle Pace, 'Normative Power Europe and Conflict Transformation', paper for presentation at the 6th Pan-European Conference on International Relations, Turin, 2007, p. 2.

[50]   Karen Smith, 'Conceptualising the EU's International Identity: Sui Generis or Following the Latest Trends?' paper presented at the ECPR European Politics Conference, Bordeaux, September 2002, p. 16.

inclusive aspect of the EU identity entails what sort of international presence the EU envisions for itself and hope to portray to the external world. The exclusive aspect of the EU identity means that the EU posits itself against 'non-EU' and 'non-European norms'.

In the context of an exclusive identity, the EU identity depends on a boundary between the Self and the Other. The contrast to the Other and its norms is part of knowing the Self. Without these differences the Self does not exist anymore. A variety of boundary drawing practices help to foster the identity of the Self. The effort to promote the model of the EU in its interregional relations with ASEAN has given greater prominence to specific 'Asian values' in contrast to 'EU values'. Interregional dialogues promoted by ASEAN tend to be informal, less institutionalised and more flexible, which makes a great distinction with the EU style of foreign policy. Therefore, interregional forums facilitate the building of this exclusive regional identity.

Normative Power Europe:
Power Capacities and Power Impact

Manners asserts that 'normative power Europe' has the capacity to shape the conceptions of 'what is normal' in world politics.[51] Indeed, the EU sees its norm-driven practices as giving rise to an observably distinct behaviour of itself in world politics. However, the assertion of its normative power is only possible under the condition that the EU has enough power capacities at its expense. Significantly, the role of the EU as a normative power inevitably depends on the recognition given by other countries, especially the norm-receiving countries. The EU's self-image and its interpretation by other countries do not necessarily correspond with each other. The perceptions of other countries are essential to determine the power impact of 'normative power Europe' which exhibits some distinct features.

First, a normative power promotes universal principles. Norms can be relevant for diffusion among other political entities only if they are constructed or perceived as universal. Active norm diffusion then becomes a legitimate course of action in the eyes of norm entrepreneurs. Norms are only 'universal' when all the relevant communities for moral action construct them as humanity at large. Women's suffrage and gender equality were firstly advocated as a demand for domestic change within western countries which eventually became an international norm and universal through the ratification of several international conventions (e.g. the Convention on the Elimination of All Forms of Discrimination Against Women). The EU's commitment to the promotion of the norms of gender equality thus gained normative value because of the universal character of the principle.

Second, a normative power behaves according to international norms. The norms projected by the EU in its external relations are those to which the EU itself aspires. The

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[51] Ian Manners, 'Normative Power Europe: a Contradiction in Terms?' *Journal of Common Market Studies*, vol. 40, no. 2, 2002, p. 239.

EU exports its norms in a default manner because these norms guide its internal practices. The consistency of conduct between its internal and external practices is important to lend legitimacy to the actions of norm diffusion. Evidently, the EU has developed a comprehensive institutional framework for the advancement of women's rights within the union. Over the years, EU legislation of gender policy has covered many different facets of the issue both in depth and in width. The effective implementation of these norms in the EU's own internal institutional settings is very helpful for its exportation in terms of displaying expertise and sharing of best practices.

Third, a normative power's norms are dynamic and contingent. The meaning of the norm itself is likely subject to complex processes of re-interpretation and re-negotiation. The socialisation and internationalisation processes of norms are also all context-dependent. Likewise, the diffusion of gender equality norms is highly dependent on the economic and social situations of the norm receivers. To Swedish women, equality may mean high representation in parliament elections, but for a Cambodian country girl it probably means that she is supposed to be able to receive full-time education in school. Therefore, norm diffusion is not an effort to be achieved once and for all; in contrast, it demands steady and progressive commitment in a fairly long period of time. As a matter of fact, the strategies of approaching gender equality have gradually evolved with the emphases on different focal points. Thus norm diffusers will continue to design new policy tools and approaches.

Fourth, a normative power does not necessarily promote universal norms by normative means. Normative means is distinguished from the traditional means of power. It is a means of obtaining desired outcomes through attraction rather than coercion. In the case of promoting the norms of gender equality, the EU has not relied exclusively on normative power. It also has other means of powers at its disposal, such as the manipulation of utility calculations as mentioned earlier. The use of such kind of power does not necessarily contradict the idea of being a normative power.

Fifth, a normative power does not have only normative interests in promoting certain international norms. The motivation of a normative power could be both altruistic and self-interested at the same time. Normative interests and other interests might conflict with each other in appearance in the short run, but they must be mutually supportive and reinforce each other in the long run. In this sense, the social constructivists' view that norms and interests are constituted by social interactions can be well connected with the rational choice reasoning of liberal institutionalism. The normative interests that the EU pursues in spreading norms such as gender equality and women's rights are also an expression of its rational calculation on how to secure its security and advantage. Increasingly interdependence among states suggests that it is a form of enlightened self-interest to assist in a reasonable life for everyone else in other countries. Advocating norms such as gender equality and women's rights is an essential part of bringing about responsible and sustainable development. Besides being a moral obligation, a normative power's action could be viewed as a useful self-enforcing investment.

For the EU, two important elements, i.e. material conditions and ideational conditions, are required to command a valid power capacity. The most important material condition lies in the EU's economic weight in the world economy and its gigantic market size. The significance of the EU as a giant in global trade has given it prominent international presence as well as added financial flows, direct investment and various kinds of economic and technical cooperation. Moreover, the European Commission, together with its member states, is the world's largest donor of official development aid. Such a favourable position of the EU in international relations avails it tremendous advantages in exporting its norms and role model to its trade and cooperation partners. Meanwhile, the EU fulfills ideational conditions by demonstrating an awareness of its presence in the international system as well as a great willingness to act as a norm entrepreneur.

Nonetheless, some factors constrain the EU's capacity as a normative power. First, there are obvious structural conflicts between the supranational level where the commission's visions and interests are displayed and the national level where the desire of member states to maintain their autonomy is strong. For example, the EU's international development cooperation is a 'shared competence' in that the commission plays its role within EU supranational institutions, whereas member states have also retained the right to conduct their own bilateral development programmes in accordance with their national priorities and preferences. Given the difficulties of coordination and coherence between the EU and its member states, the visibility of the EU aid in the international arena is limited.

With each new member, the union's portfolio of programmes has to expand. By the end of the 1990s, EU development policy has too many programmes, instruments, budget lines and administrative procedures under its belt. The union also drew, for no logical reason, on two different funds. The European Development Fund, created in 1957 by the Treaty of Rome, is devoted to both the African, Caribbean and Pacific countries and overseas territories, while for the assistance of candidate states and developing countries in Asia and Latin America, financing is through the EU budget.

The external dimension of EU social policy is also fraught with tension between intergovernmentalism and a supranational view. Theoretically the Common Foreign and Security Policy (CFSP) can draw support from other EU policies such as economic external relations and development policy, but in practice instruments outside of the CFSP has not been developed to the degree that it would be available whenever needed. Thus, in relation to many of the issues that are of concern to the promotion of gender equality, it is the combination of the continuing role of member states and the emerging role of the commission working in parallel that creates complications. This frustrates the search for a consistent and overarching thrust by the EU playing an effective role as a norm entrepreneur.

To evaluate if the EU has been successful as a normative power, the question of coherence and consistency in the EU's norm diffusion activities is important if the EU expects to yield effective power impact. Coherence demands a high level of internal coordination of EU policies so that they do not contradict one another and at the expense of one another. Consistency demands a high degree of congruence between the external policies of member states and the EU. Problems of inconsistency may arise out of the institutional difference between the commission and the council.

As mentioned earlier, the EU suffers from its own shortcomings in the organisational sphere. This is a multifaceted problem, which involves both the difficulty to form united EU approaches on an intergovernmental basis as well as coordination problems within the EU, between pillars and institutions. Although it is the consensus of the EU and member states to incorporate gender equality as a common value to be promoted in external relations, it has been proved to be very challenging to make other policies coherent with gender equality goals. Studies have shown that trade liberalisation and the EU's protectionist measures in agriculture have severe gender implications for ASEAN women, affecting both their paid work in the formal and informal sectors of the economy and their unpaid work in the household.[52]

Another crucial element to assess the EU's normative impact is how the norm recipients react to the EU's attempts to exert influence. The differences in the perceptions of regionalisation and the nature of region building between the EU and ASEAN produce impediments to the norm diffusion process. For one thing, the shared interests of ASEAN are primarily economic and political-strategic. The underlying rationale is to secure peace and stability so that member states can concentrate on their own economic and social development. Most ASEAN leaders consider safeguarding national interest and stability in the region as their first priority; of secondary interest is the promotion and protection of human rights including gender equality. As to the relations with the EU, ASEAN tends to attach more importance to the EU's economic power than to its normative power mostly for the reason of the considerable benefits it can get from economic cooperation.

As such, the nature of regional integration in the view of the EU and ASEAN is very different. Although both ASEAN and the EU started out as peace projects created to ensure regional stability, the EU chooses to bridge over state sovereignty, while ASEAN opts for strengthening the nation state. The distinction between the EU and ASEAN has been termed as 'de jure institutional regionalisation' versus 'de facto economic regionalisation'.[53] Indeed, the *raison d'etre* for forming ASEAN was very different from that of the EU from the very beginning. ASEAN was not about regional

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[52]   See for example, Naty Bernadino, 'Gender implications of the European Union-ASEAN Free Trade Agreement', report of Women In Development Europe (WIDE), 2007.

[53]   Richard Higgott, 'The Politics of Economic Crisis in East Asia: Some Longer Term Implications', Centre for the Study of Globalisation and Regionalisation working paper 02/98, University of Warwick, March 1998.

integration but arose out of the need to contain regional tensions in order to focus on domestic development. The founding declaration of ASEAN explicitly stated the determination of its member states to ensure their stability and security from external interference and to preserve their national identities. This explains why it has developed a *modus operandi*, 'the ASEAN way', which entails norms that prescribe informalism, consultation and consensus with the avoidance of binding agreements and regulatory frameworks.

The EU's Normative Power: An Ideal Type

As ASEAN is unwilling to reassess the principle of non-interference, promoting fundamental rights such as gender equality has not been a priority in EU-ASEAN interregional relations. Despite all the rhetoric, EU support of ASEAN regional integration is mainly in the economic dimension. To complicate things further, ASEAN is much more heterogeneous than the EU in terms of socio-cultural characteristics and economic development. There are wide gaps between the 10 member states of ASEAN and discussion of human rights issues can be very difficult in some less developed member states. Guided by an intergovernmental rather than supranational approach by its member states, ASEAN is evidently further away from the development of social policies at the regional level compared to that for the EU.

Despite all the technical and structural constraints, evidence from dialogue outcomes and formal agreements with the EU on common values and objectives is still available to confirm some degree of ASEAN compliance of gender equality norms. Joint initiatives and international collaboration on setting shared agenda in this field is also in favour of the claim that there is alignment with the norms. There is definitely room for the development and adoption of social benchmarks and minimum standards at the ASEAN regional level. For example, the Declaration on the Elimination of Violence against Women and Elimination of Violence against Children in ASEAN adopted in October 2013 signifies the intensifying efforts of ASEAN member states to promote the rights of women and children.

Even though the commitment to gender equality in the framework for EU-ASEAN cooperation are somehow limited, the EU has realised the importance of interregionalism as a valuable means to promote international norms. The Lisbon Treaty has brought about a number of important reforms in the institutional structure of the EU's external policies, including the creation of both the position of 'High Representative of the Union for Foreign Affairs and Security Policy' and a 'European External Action Service'. The objective of the institutional reforms is to increase the effectiveness of the EU's external policies by increasing both their coherence and consistency. Nevertheless, norm diffusion is a dynamic and contingent process. The concept of 'normative power Europe' would not have any real references if the standard was set too high for the EU to reach full power capacity and power impact. In this way, normative power could be considered an ideal type that the EU aspires to achieve rather than a description of its current status.

On the part of ASEAN, the inclusion of a provision on an ASEAN human rights body in the ASEAN Charter and the explicit mentioning of human rights and democracy in the purposes and principles of ASEAN indicate that the nature of the discourse on human rights is undergoing some changes and the principle of non-intervention will be invoked in a selective way.

Both the EU and ASEAN have realised that there are substantial economic and strategic gains for both sides in deepening their partnership, even though interregional cooperation has proven to be more complex than bilateral relations. It is in the interest of the two parties to contain existing differences in the values they encompass through flexibility and concessions in order to make the most from the interregional relations. In spite of all the constraints, the union does take heed of gender related issues and some tangible and specific actions for promoting gender equality and women's rights have been identified.