

THE EU AND ASEAN AS REGIONAL ACTORS: THE IMPACT OF INSTITUTIONAL DESIGN ON FOREIGN POLICY EFFECTIVENESS

By

Margaryta Rymarenko

Submitted to
Central European University
Department of International Relations and European Studies

In partial fulfilment of the requirements for the degree of Master of Arts

Supervisor: Youngmi Kim

Word Count: 17 166

Budapest, Hungary
2013

Abstract

The development of regional projects in different parts of the world encouraged the debates on the role of regions as international political actors. The EU and ASEAN are often portrayed as the most successful organizations that have potential to become influential regional actors. However, ASEAN when compared to the EU is often criticized for its weak institutionalization and lack of legal governance that are believed to be the reasons for its ineffective foreign policy. The evidence of ASEAN foreign policy performance challenges this claim. ASEAN managed to develop common position and perform common action in its relations with China, in addressing the Cambodia conflict and in responding to some regional human security challenges. In this research I propose comparative analysis of the EU and ASEAN institutional performance in foreign policy in order to investigate the link between institutional type and policy effectiveness. It will be argued that the formal (EU-like) institutional settings are not a precondition for successful regional foreign policy performance. Both types have their own mechanisms to enhance their regional agency. Institutional performance in the EU and ASEAN also depends on the level of interconnection between institutional design and regional identity.

Aknowledgements

The researching-writing-editing process is over. I would like to use the opportunity to thank everyone, without whom this process won't be that educational, productive and enjoyable. I want to thank my supervisor Youngmi Kim for lighting my enthusiasm about comparative regionalism and Southeast Asia, for her valuable and helpful comments and suggestions during the writing process and for support and friendly advice for my future plans. I would like to thank the CEU Library for the incredible speed of ILL, CEU premisses for providing excellent study environment, fellow IRES groupmates for endless discussions and debates in and off the classrooms and emotional support in the moments of mental distress. Most importantly, I want to thank my family, who 'lived' my year in Budapest, heard all the lectures, wrote all the final papers and researched on my thesis project together with me. It is due to your support I managed to come to the moment of writing these words now.

Table of content

Abstract	i
Acknowledgements	ii
Table of content.....	iii
List of Abbreviations.....	iv
Introduction	1
Chapter 1: Conceptualizing regions as political actors: the role of institutions for regional actorness	6
1.1 Conceptualizing regions and regional actorness	6
1.2 Debate on institutions: the role of institutional design for regional effectiveness	9
1.3 Theoretical explanation the role of institutional mechanisms on the foreign policy cooperation	13
1.4 Methodology.....	17
Chapter 2: Formal logic of EU integration and its impact on foreign policy effectiveness.....	21
2.1 Institutionalization and the development of the EU foreign policy.....	21
2.2 Facing incoherence: dual effect of institutionalization.....	24
2.3 Blocked by unanimity? Procedures for the EU foreign policy decision-making	28
2.4 Clarity, flexibility and bureaucracy in the EU foreign policy	30
Chapter 3: Informal cooperation and effectiveness: the role of the ‘ASEAN way’ in the region’s foreign policy	34
3.1 Development of ASEAN foreign policy and its mechanisms	34
3.2 The role of the ‘ASEAN way’ for foreign policy cohesiveness.....	36
3.3 Non-interference principle as the limit of ‘ASEAN way’	39
3.4 The power of non-binding agreements	42
3.5 The problem of weak institutions	43
Chapter 4: Comparing EU and ASEAN institutional mechanisms for foreign policy.....	46
4.1 Comparative analysis of the EU and ASEAN institutional performance.....	46
4.2 Evaluation of the role of institutional design on regions’ foreign policy, connection to the theories.....	48
Conclusions	52
Appendix 1. Examples of the EU and ASEAN foreign policy responses	54

List of Abbreviations

AMM	ASEAN Ministerial Meeting
ARF	ASEAN Regional Forum
ASEAN	Association of Southeast Asian Nations
ASEAN-ISIS	ASEAN Institute of Strategic and International Studies
CFSP	Common Foreign and Security Policy
EC	European Community
EEAS	European External Action Service
ESDP	European Security and Defence Policy
EU	European Union
QMV	Qualified Majority Voting
TAC	Treaty of Amity and Cooperation
TEU	Treaty of the European Union

Introduction

Recent decades of world politics have been marked by a number of significant changes in the world political order under the influence of globalization, regionalism and regional integration. As a result, new actors such as regional and international organizations, NGOs, TNCs and lobby groups have entered the field of international relations, challenging the exclusive competence of states as actors in global politics. Among those, regions or regional organizations have taken particularly influential role, so that some scholars have even claimed the emergence of the ‘world of regions’ or ‘global world order of *strong regions*’.¹

The empowerment of regional organizations and their growing impact on world economics, politics and security has framed the new dimension in the IR scholarship - the study of regions as political actors.² While earlier studies on regions and regional integration mainly focused on the internal processes of regionalization and integration and specifically on its economic dimensions,³ more recent works highlighted regions’ role as political entities and their impact on the external political environment,⁴ focusing mainly on the EU. However, the development of regionalism in different parts of the world has challenged Europe’s uniqueness, because the other regional organizations have also demonstrated the desire and abilities to be involved in political affairs. Their performance, however, is often measured using the European Union as a benchmark.

¹ Buzan and Waver quoted in Acharya, Amitav. The Emerging regional architecture of World Politics. World Politics, Volume 59, Number 4, July 2007, pp. 629-652 (p. 629)

² See Amitav Acharya, “The Emerging Regional Architecture of World Politics” 59, no. 4 (July 2007): 629–652; Bjorn Hettne and Fredrick Soderbaum, “Theorizing the Rise of Regionness,” in *New Regionalisms in the Global Political Economy*, ed. Shaun Breslin et al., Routledge (Abingdon, 2002), 33–47.

³ See Edward D. Mansfield and Helen V. Milner, “The New Wave of Regionalism,” *International Organization* 53, no. 3 (July 1, 1999): 589–627; Edward Mansfield and Etel Solingen, *Regionalism*, SSRN Scholarly Paper (Rochester, NY: Social Science Research Network, June 1, 2010).

⁴ See Barry Buzan and Ole Waever, *Regions and Powers: The Structure of International Security*, Cambridge University Press (Cambridge, 2003); Peter J. Katzenstein, *A World of Regions: Asia and Europe in the American Imperium* (Ithaca, N.Y.: Cornell University Press, 2005).

A number of comparative studies on the regions in world politics have stressed the importance of the developed legal and institutional frameworks (the unique feature of the EU actorness) for fostering the effectiveness of the region in foreign policy.⁵ The absence of such frameworks is seen as a ‘weakness’ and limitation to regions’ pro-activeness in international relations. Hence, the studies of the EU in comparison with other regional actors pointed to later ‘ineffectiveness’ in addressing foreign policy challenges, due to the lack of institutional development. Following this logic, the Association of Southeast Asian Nations (ASEAN) is often criticized for its poor institutionalization and is believed to be incapable of facing regional political and security challenges.⁶ However, if one looks at the evidence of the organization’s performance in the foreign policy, this conclusion seems to be premature.

ASEAN that has no special institutional settings for foreign policy managed to develop common position and perform common action in its relations with China, in addressing the Cambodia conflict and in responding some regional human security challenges. The EU, in its turn, has failed to formulate common strategy in its policy towards Russia or in response to the Iraq and Libya crises, despite the developed institutional mechanisms and tools for foreign policy making and implementation.

While looking at the examples of the EU and ASEAN performance in foreign policy over the past 15 years one might find rather puzzling results. Surprisingly, the EU and ASEAN have demonstrated almost similar level of effectiveness in formulating foreign policy responses to regional challenges.⁷ The evaluation, though a little simplified, nevertheless,

⁵ See Adrian Hyde-Price, “Interests, Institutions and Identities in the Study of European Foreign Policy,” in *Rethinking European Union Foreign Policy*, ed. Ben Tonra and Thomas Christiansen (New York: Manchester University Press, 2004), 99–113; William A. Callahan, “Institutions, Culture or Ethics? The Logic of Regionalism in Europe and East Asia,” in *New Regionalism and the European Union Dialogues, Comparisons and New Research Directions*, ed. Alex Warleigh-Lack, Nick Robinson, and Ben Rosamond (Routledge, 2011), 97–114; Jens-Uwe Wunderlich, “The EU an Actor Sui Generis? Comparison of EU and ASEAN Actorness” 50, no. 4 (January 18, 2012): 653–669.

⁶ David Martin Jones and Michael L.R. Smith, “Making Process Not Progress. ASEAN and the Evolving East Asian Regional Order” 32, no. 1 (2007): 148–184; Wunderlich, “The EU an Actor Sui Generis? Comparison of EU and ASEAN Actorness.”

⁷ See Appendix 1.

contradicts the popular argument that the EU, as more institutionalized entity, is also more successful regional actor compared to the informal and less institutionalized ASEAN. This is also very much in line with the assumption made by Acharya and Johnston, who studied the impact of institutional design on the state cooperation. They noted that formal institutional structures might not be the necessary precondition for successful cooperation.⁸ However, in their study the impact of institutional design on the organizations' effectiveness has been left unexplained. Hence, further investigation on the role of the institutional type for regional foreign policy effectiveness is needed to explain the puzzle. My research question will then be as follows:

Why different type of the institutional design in the EU and ASEAN has resulted in the same level of effectiveness? How institutional type impacts foreign policy effectiveness? Do formal and informal institutions use the same or different mechanisms to impact foreign policy effectiveness?

I will follow the conceptual framework of Groen and Niemann and define '**actorness**' as ability to act (capabilities to give policy response) and '**effectiveness**' as presence of action and its outcome.⁹ They argued that 'actorness may enable influence, without entailing the latter'.¹⁰ Hence, in my research institutions in broader sense (both formal and informal) will be considered as the capabilities to provide effective foreign policy responses. Region's effectiveness in foreign policy will be defined as formulation of **unified** policy response to the external political events directed to achieve political objectives or actual achievement of political goals.¹¹ The definition identifies two criteria by which effectiveness of the organization as political actor can be evaluated: agreement on unified policy response

⁸ Amitav Acharya and Alastair Johnston, eds., *Crafting Cooperation: Regional International Institutions in Comparative* (Cambridge: Cambridge University Press, 2007).

⁹ Lisanne Groen and Arne Niemann, "EU Actorness and Effectiveness Under Political Pressure at the Copenhagen Climate Change Negotiations," *Paper No. 1*, Mainz Papers on International and European Politics (2012): 4.

¹⁰ *Ibid.*, 3.

¹¹ Karen Elizabeth Smith, *The Making of the EU Foreign Policy. The Case of Eastern Europe* (New York: St. Martin's Press, 1999), 4.

(cooperation) and achievement of political goals. By using these criteria for the foreign policy effectiveness, I aim to overcome EU-centric evaluation of regions' effectiveness through institutionalization. By decoupling institutionalization and effectiveness I will attempt to demonstrate the causal effect between institutional design and effective foreign policy. The main focus though will be made on the role of institutional design on state cooperation and the formulation of unified response because the level of achievement of political goals is rather difficult to establish.

In order to answer the research question I will analyse the cases of the EU and ASEAN responses to political and security challenges over time, focusing on the impact institutional design has had on their performance. This will lead to comparative analyses of the mechanisms formal and informal institutions employ to enhance organizations' effectiveness. I will employ the comparative method following Mill's model of agreement for evaluating the EU and ASEAN institutional performance in foreign policy and the method of process tracing for the study of specific cases of policy responses in both organizations. The data from previous research works, empirical data from organizations' reports, official documents and media reports will be used as evidence.

The research will be organized as follows. In the first chapter I will outline the main concepts and analyse the debate on the role of institutional design for regions' foreign policy effectiveness as well as the theoretical explanations on the role of institutions on states' cooperation. I will then proceed with investigation of the causal links between the type of institutional design and regions' foreign policy effectiveness, analysing the EU and ASEAN actual foreign policy performance over time. In the final chapter I will comparatively evaluate the impacts the formal and informal institutions have on the EU and ASEAN success as regional political actors.

The study aims to move away from the ‘EU-likeness’ as evaluative criteria for assessment of regional actorness by testing the claim about the necessity of formal institutions for organization’s success as political actors. Contrary to the existing studies that use level of institutionalization as criteria for evaluating regional effectiveness, I will analyze organizations’ actual performance in foreign policy in order to establish if formal and informal institutional types have the same or different impact on the success of foreign policy responses and what mechanisms they employ. The research will also aim to contribute the theoretical scholarship by analyzing, whether the functioning and performance of the informal ASEAN structures may be explained by the EU-driven integration theories.

It will be argued that formal institutional design is not a preconditions for regional effectiveness in foreign policy. Both formal and informal institutions create environment for better elite socialization, provide norms and procedures to facilitate state cooperation and to ensure states’ compliance with agreed positions. However, different institutional types employ different mechanisms to reach the same outcome. Partly, the successful functioning of institutions with regard to foreign policy in both cases is linked to the nature of regional identity that determines the level of institutional empowerment.

Chapter 1: Conceptualizing regions as political actors: the role of institutions for regional actorness

The aim of this chapter is to introduce the concepts of regional actorness and criteria for being regional actor. It will outline the main debate on the impact of the institutions on regional actorness and address the problem of taking institutionalization as evaluative criteria for regions' effectiveness. The second part of the chapter will analyse the causal link between institutions and effectiveness in foreign policy from theoretical perspective. The last section will outline the methodological approach and the structure of the current research.

1.1 Conceptualizing regions and regional actorness

Before discussing regional effectiveness in foreign policy, it is worth touching upon the problem of defining the term 'region' itself. The variety of definitions ranges from pure geographical understanding of a region as 'a substate entity' to its broader conceptualization as the category that brings together spacial (material) practices and virtual (ideational) characteristics and discourses.¹² The most influential definition is that offered by Bjorn Hettne, who conceptualized regionalism as "the process whereby the geographical area is transformed from passive object to an active subject capable of articulating transformational interests of the emerging region"¹³ This particular feature of regions to be 'active subjects' in international relations will be the focus of the current research.

For the purpose of my study, I will use regional organizations as a proxy for regions. This conceptualization is widely used by scholars, who study regions as political actors. In fact, it is regional organizations they refer to while talking about regional actorness, making the terms 'region' and 'regional organization' interchangeable in this context.

¹² Rick Fawn, "'Regions' and Their Study: Wherefrom, What for and Whereto?" 35 (February 2009): 5–34.

¹³ Bjorn Hettne quoted in Alex Warleigh-Lack, Nick Robinson, and Ben Rosamond, eds., *New Regionalism and the European Union. Dialogues, Comparisons and New Research Directions* (Routledge, 2011), 7.

The evolution of ‘regions as active subjects’ has added a new research agenda to the IR studies that focuses on regions as actors in world politics.¹⁴ They participate in international relations at the same level as states and even possess some of the statehood qualities.¹⁵ At the same time, they represent different kind of political entities and their external relations are organized and function differently from territorial states.¹⁶ In contrast to states, “*regional* agency is new and underresearch phenomenon, which came to life due to the transformation of the EU... to a political actor trying to shape external conditions”.¹⁷ The position of the European Union has always been crucial in the study of regional integration,¹⁸ however, EU studies contributed to somewhat Euro-centric evaluation of regional projects elsewhere. The research works on regional actorness are particularly representative in this regard.

In line with the development of the European Union as regional project and its strengthening as political actor, various approaches to conceptualize the EU actorness have been developed. The earliest study on the EU actor capacity was done in 1970 by Gunnar Sjostedt, who identified two prerequisite for the EU actorness – minimum degree of internal coherence and necessary degree of autonomy.¹⁹ Later on, more operationalized understanding of the EU actorness was offered by Bretherton and Vogler and Jupille and Caporaso, who stressed the ability to identify policy priorities and formulate coherent policy, capacity to utilize policy instruments and the legitimacy of decision-making process as the features of

¹⁴ Luk van Langenhove, “Why We Need to ‘Unpack’ Regions to Compare Them More Effectively,” 47, no. 1 (March 2012): 16–29.

¹⁵ *Ibid.*

¹⁶ Bjorn Hettne, “EU as a Global Actor: An Anatomy of Actorship,” April 25, 2008.

¹⁷ Bjorn Hettne, The European Union as an emerging actor, in *The European Union and Global Governance A Handbook* by Jens-Uwe Wunderlich and David J. Bailey, Routledge London 2011, p. 28

¹⁸ Luk van Langenhove, “Why We Need to ‘Unpack’ Regions to Compare Them More Effectively,” 23.

¹⁹ Charlotte Bretherton and John Vogler, *The European Union as a Global Actor*, 2nd ed. (Abingdon: Routledge, 2006), 37.

actorness.²⁰ However, as it was rightly pointed out by Wunderlich, all of the offered frameworks “being rich in explanatory content regarding the particularities of the EU... leave very little room for generalization”.²¹

New regionalism and later comparative regionalism school have offered more objective criteria for regional actorness. According to Hettne’s definition regional actorness is “a capacity to act purposively to shape the outcomes in the external world”.²² The general understanding of actorness allowed better comparison of different regional organizations’ performance in international relations. The criteria for comparing regional actorness ‘regardless of the type of actor considered’ were more precisely developed by Hettne, Doidge and Wunderlich. However, the evaluative analysis of regions by these scholars did not fully escape the ‘traps’ of the EU-centrism. All of them identified institutionalization, the determining feature of the EU, as one of the central factors of regional actorness. For instance, Hettne considered the establishment of “formal transnational rules, in which formal institutions and structures may evolve”²³ as the phase of region’s transformation into ‘active subject’, Doidge outlined policy and performance structures to characterise regional actorness²⁴ and Wunderlich emphasised ‘institutionalization and decision-making structures’²⁵ as criteria to evaluate regional actorness. Indeed, institutionalization defined as “formal procedures and structures that regulate and facilitate the functioning of the region”²⁶ is often used to evaluate “the strength of the [regional] grouping in practice”²⁷. However, as the next section will demonstrate, institutionalization appears to be the controversial criteria for

²⁰ Ibid., 38; Martijn L.P. Groenleer and Louise van Shaik, “United We Stand? The European Union’s International Actorness in the Cases of the International Criminal Court and the Kyoto Protocol” 45, no. 5 (2007): 972.

²¹ Wunderlich, “The EU an Actor Sui Generis? Comparison of EU and ASEAN Actorness,” 657.

²² Bjorn Hettne, “Regional Actorship and Regional Agency: Comparative Perspective,” June 9, 2008, 1.

²³ Warleigh-Lack, Robinson, and Rosamond, *New Regionalism and the European Union. Dialogues, Comparisons and New Research Directions*, 7.

²⁴ Wunderlich 2012, 657.

²⁵ Ibid., 661

²⁶ Fawn, “‘Regions’ and Their Study: Wherefrom, What for and Whereto?,” 19.

²⁷ Ibid.

evaluating how effective regions are. While most scholars argue that developed institutional structure is the necessary precondition for the region to be effective in external relations, there are alternative considerations that informal institutional design might also contribute to the successful actorness.

1.2 Debate on institutions: the role of institutional design for regional effectiveness

The interest in the impact of institutions on the functioning and performance of regional organizations has been formed by the experience of the European Union. The EU has served as a case study for the majority of works on regionalism and integration. Formal institutionalization and legalizations are the central features of the European integration. That is why, most studies on the development, functioning and impact of the institutions in the European Union focused on this type of institutional structure. Giving that the scope of literature on the EU institutions is rather broad I will only discuss those studies that refer to the role of institutions for foreign policy.

The most extensive study on the effect institutions have on the EU foreign policy is *'Europe's Foreign and Security Policy: The Institutionalization of Cooperation'* by Michael E. Smith. He investigated the role institutionalization has had on foreign policy outcomes, and how those outcomes resulted in further institutional reforms. Smith argued that the EU Member States have achieved the significant level of cooperation in their foreign policy while strengthening it as an institution. On the base of the EU evidence he developed his fundamental claim on the relationship between the formal institutions and foreign policy cooperation. Vaguely specified institutions have little impact on states' behaviour. More robust institutions with clearly defined goals and procedures change state behaviour in

accordance with these goals and rules²⁸. Hence, “when institutions develop from weak agreement to formal organization, then we should see corresponding changes in state behaviour”²⁹ or, in other words, increased cooperation resulted in enhanced effectiveness. Smith also noted that the performance of institutions to large extent depends on regional identity. He considered regional identity as internal factor that is shaped by the states, their historical experience and domestic interests and concluded that the empowerment of institutional mechanisms depends on the nature of regions’ identity.³⁰ Though Smith described both formal and informal institutional settings for foreign policy effectiveness, his generalization is made out of single case study of the EU at different stages of institutional development, which might question the applicability of his findings for other regions. Moreover, his study focuses only on the process of institutionalization, and not on the evaluation of institutional performance for actual foreign policy effectiveness.

Some generalizations on the impact of institutions in the field of external relations were made while analysing the different dimensions of the EU foreign policy. Both formal and informal mechanisms of institutional structure in the EU Common Commercial Policy, Humanitarian Aid, Common Foreign and Security Policy and Crises Management were examined by Sofie Vanhoonacker in ‘*International relations and the European Union*’ by Smith and Hill.³¹ Her evaluation of the role of institutions is built around the comparative analysis of institutional structures in specified policy fields and evaluation of their *capabilities* to impact the policy outcomes. Hence, she has evaluated their possible but not actual performance. She also touched upon the role of the informal mechanisms for foreign policy decision-making and concluded that they contribute to the better cooperation. However, she

²⁸ Michael Eugene Smith, *Europe’s Foreign and Security Policy: The Institutionalization of Cooperation* (Cambridge: Cambridge University Press, 2004), 11.

²⁹ *Ibid.*

³⁰ Smith, *Europe’s Foreign and Security Policy: The Institutionalization of Cooperation*, 257.

³¹ Sophie Vanhoonacker, “The Institutional Framework,” in *International Relations and the European Union*, ed. Christopher Hill and Michael Eugene Smith, 2nd ed., The New European Union Series (New York: Oxford University Press, 2011), 75–100.

did not provide the comparison of formal and informal institutional mechanisms in terms of their effectiveness.

A number of studies has also provided the detailed analysis of different stages of the EU institutional development in the foreign policy from legal perspective by analysing the changes in the EU treaties.³² They focused on the impact that upgraded institutional settings might have for the foreign policy effectiveness on each stage. Some evaluations of actual foreign policy effectiveness have also been done only on the base of individual case studies³³ and institutions are not always touched upon in the analysis.

Though all of these studies have contributed to the development of the theoretical claims on the role of institutional mechanism for foreign policy effectiveness, they focused mostly on formal and legal institutional design and thus were quite successful for explaining the EU foreign policy development. However, it has led to somewhat misleading conclusions about the effectiveness of other regions that are qualitatively different from the EU in their institutional design. For example, comparing institutional logic of regionalism in Europe with ethical governance in Asia Callahan has pointed out that regional organizations in Asia are still “tentative and weak when compared with the EU or NATO”.³⁴ Comparing EU and ASEAN as regional actors Wunderlich concluded that “moving from informal to formal institutional structure may enhance [ASEAN’s] regional actorness.”³⁵ None of these studies, however, explores the actual performance of the informal institutions in Asia. The

³² Fraser Cameron, “Building a Common Foreign Policy. Do Institutions Matter?,” in *A Common Foreign Policy for Europe?: Competing Visions of the CFSP*, ed. John Peterson and Helene Sjursen, European Public Policy Series (Abingdon: Routledge, 1998), 59–76; Zoltan Horvath, “The Common Foreign and Security Policy and European Security and Defence Policy,” in *Handbook On The European Union* (Reference Press, 2007), 533–562.

³³ See, for instance, Groenleer and Van Shaik, “United We Stand? The European Union’s International Actorness in the Cases of the International Criminal Court and the Kyoto Protocol”; Groen and Niemann, “EU Actorness and Effectiveness Under Political Pressure at the Copenhagen Climate Change Negotiations”; Nicole Koenig, “The EU and the Libyan Crisis: In Quest of Coherence?,” IAI WORKING PAPERS, Istituto Affari Internazionali (July 2011).

³⁴ Callahan, “Institutions, Culture or Ethics? The Logic of Regionalism in Europe and East Asia,” 103.

³⁵ Wunderlich, “The EU an Actor Sui Generis? Comparison of EU and ASEAN Actorness,” 664.

conclusions are shaped only on the base of the EU comparison and the EU shaped theories of integration.

On the other hand, development of the new regionalism approach and growing scope of comparative regional studies questioned the importance of the formal institutional structure for region's effectiveness. The most influential study on the role of institutional design and its effect on the nature of cooperation is '*Crafting Cooperation: Regional International Institutions in Comparative Perspective*' by Acharya and Johnston. The study mainly investigated the factors that determine the type of institutional design and concluded that institutions do impact the nature of cooperation.³⁶ At the same time the authors rather focused on how institutional design illustrates cooperation³⁷, than on its actual impact on regional cooperation. However, they made some assumptions about possible effect of institutional design, stating that they did not find evidence that formal institutional structure is the necessary precondition for the 'effective cooperation', leaving this issue among the agenda for future research³⁸.

In fact, other focused case studies on ASEAN and Visegrad Group functionality have brought in the alternative argument, that it is the "lack of institutionalization has allowed the grouping[s] to function well."³⁹ The studies of the institutional structures outside Europe focused on the processes of institutional development of the organizations rather than on the impact of the institutions on policy effectiveness.⁴⁰ Hence, it is disappointingly few studies on how informal institutional structures have contributed to the actual effectiveness of foreign policy cooperation in these organizations. Moreover, as it will be demonstrated in the next section, theories of regionalism and regional integration explain the mechanisms through which formal institutions contribute to the regional effectiveness in foreign policy. However, there is lack of studies on whether informal institutions have the same impact or they influence regional effectiveness in the foreign policy in their own specific way.

³⁶ Acharya and Johnston, *Crafting Cooperation: Regional International Institutions in Comparative*.

³⁷ *Ibid.*, 264.

³⁸ *Ibid.*

³⁹ Fawn, "'Regions' and Their Study: Wherefrom, What for and Whereto?," 20.

⁴⁰ Mark Beeson, *Institutions of the Asia-Pacific: ASEAN, APEC and Beyond* (Routledge, 2008); Laurence Henry, "The ASEAN Way and Community Integration: Two Different Models of Regionalism" 13, no. 6 (November 2007): 857–879.

My research will aim to address this gap in understanding the role of institutional design for regional actorness. Firstly, it will attempt to address the problem of controversial evaluation of the institutional design with regard to the regions' foreign policy effectiveness. The EU and ASEAN foreign policy responses will be studied over the period of time in order to evaluate the performance of institutional settings for their effectiveness and reveal the main strengths and weaknesses of institutional design. Secondly, giving that according to the preliminary research both structures have the same level of effectiveness, I will compare the mechanisms formal and informal institutions employ to increase regions' cooperation in foreign policy.

In order to proceed with the analysis of the impact that different institutional design has on foreign policy effectiveness I will first outline the theoretical framework for explaining institutional impact on foreign policy cooperation and specify the methodology and the structure of the research.

1.3 Theoretical explanation the role of institutional mechanisms on the foreign policy cooperation

A number of IR theories and integration theories provide explanations for regional actorness and effectiveness. However, as it was noted by Karren Smith with regard to the EU foreign policy, "no general theory has arisen to explain EU foreign policymaking."⁴¹ The same might be applied to the other regions as well. Different approaches offer various explanations of regional actorness and different theories might be appropriate to explain the effectiveness in different policy dimensions.⁴²

Region's actorness itself seems to be best explained by constructivism approach. Realism and liberalism theories as well as intergovernmentalism consider states to be the main actors in international relations. States dominate international organizations that are seen only as the tools to achieve national goals or as frameworks for coordination. Hence, regional

⁴¹ Smith, *The Making of the EU Foreign Policy. The Case of Eastern Europe*, 12.

⁴² Ibid.

organizations themselves cannot be considered independent actors.⁴³ Neofunctionalism, that provides explanation of integration process by spill-over effect, is limited only to the economic field of cooperation and appears to be less powerful for analyses of political dimension of regionalism. Contrary to these theories, constructivism gives better explanation of regional actorness. Constructivist framework with its emphasis on the identity and norm power allows us to consider regions as autonomous actors in international relations. Regional organizations through the constructivist vision have the power to shape preferences and policies of member states and thus form region's self-perception as an actor.⁴⁴ Moreover, most of the proposed criteria for regional actorness are developed within constructivist framework. They consider the organizations' ideational perceptions as actors, which determines the level of their autonomy from states and their influence in the outside world. Constructivism claims that the development of region's external activities in its turn contributes to actorness because regions are recognised as such by other participants of international relations.⁴⁵ Moreover, normative foundation can potentially influence the achievement of political goals either by enhancing policy effectiveness (EU normative power influence) or limiting it (non-intervention principle in ASEAN). It is also important to note, that norms and ideas of the region determine the type of its institutional design, giving preference to formal or informal institutional settings.⁴⁶

The theories also view differently the role of institutions for the effective foreign policy. It has already been defined in the previous section that *effective* foreign policy of the region should represent a *unified* response of the member states. It is generally believed that foreign and security policy are states' least likely competences to be delegated to supranational level and even in such convergent and interdependent organization as the EU,

⁴³ Smith, *The Making of the EU Foreign Policy. The Case of Eastern Europe*, 12–15.

⁴⁴ Wunderlich, "The EU an Actor Sui Generis? Comparison of EU and ASEAN Actorness," 656.

⁴⁵ Hettne and Soderbaum, "Theorizing the Rise of Regioness," 37.

⁴⁶ Acharya and Johnston, *Crafting Cooperation: Regional International Institutions in Comparative*.

intergovernmentalism remains the main explanatory framework for foreign policy dimension.⁴⁷ When member states consider common action more beneficial and influential, then common foreign policy is possible, otherwise national interests will prevail and organization's foreign policy might fail due to their impossibility to reach a compromise.⁴⁸ The intergovernmental nature of ASEAN regionalism makes this theory also suitable for analysing this organization's foreign policy. Despite the fact that ASEAN has developed wider institutional framework in the past decades it 'continue[s] to emphasize intergovernmental decision-making'.⁴⁹ In this case institutions are seen only as tools to facilitate state bargaining but they themselves do not contribute to the effective outcome.

On the other hand, constructivism theory offers alternative explanation. From constructivist perspective institutions not only reflect certain level of regional actorness but they themselves have the power to change the behaviour of member states, contributing to the formation of regional identity⁵⁰ and as a result the preferences for joint policy actions. From this perspective, institutions themselves are believed to be an explanatory variable for regions' effectiveness. Institutionalism and neo-institutionalism theories have developed more precise explanatory framework of the causal relationship between institutions and regions' effectiveness. The focus however, has been made on the formal institutional structure.

There are several ways in which formal institutions are seen beneficial for regional actorness. According to neoliberal institutionalism they solve the problem of collective action as they "facilitate cooperation by setting rules and providing enforcement and sanction mechanisms."⁵¹ Developed institutions in the form of treaties reflect the agreement between

⁴⁷ Arthur Benz and Christina Zimmer, "The EU's Competences: The 'vertical' Perspective on the Multilevel System" 5, no. 1 (2010): 12–13.

⁴⁸ Smith K., *The Making of the EU Foreign Policy. The Case of Eastern Europe*, 14.

⁴⁹ Yuen Foong Khong and Helen E.S. Nesadurai, "Hanging Together, Institutional Design, and Cooperation in Southeast Asia: AFTA and the ARF," in *Crafting Cooperation: International Institutions in Comparative Perspective*, ed. Amitav Acharya and Alastair Johnston (Cambridge: Cambridge University Press, 2007), 34.

⁵⁰ Hettne and Soderbaum, "Theorizing the Rise of Regioness," 36.

⁵¹ Smith K., *The Making of the EU Foreign Policy. The Case of Eastern Europe*, 13.

member states to act jointly.⁵² This process of legalization is seen as important criteria for regional actorness and effectiveness: it marks the highest level of interests' convergence among member states or highest level of integration; secondly, it obliges member states to adhere to common decisions rather than act individually.⁵³

Historical institutionalism approach focuses on the impact that institutions have over the period of time on member states behaviour. This is reflected in the ideas of 'path dependency' that is member states' actions are shaped by their previous institutional experience and are considered appropriate at a given time.⁵⁴ However, even the EU itself that served as a case for such theoretical considerations contradicted the theory. As it was rightly pointed out by Krotz and Maher, "decades of institutionalization did not prevent the [EU] fiascos, surrounding Bosnia, Kosovo and Iraq, or the self-help policies in relations with Russia."⁵⁵

Finally, social institutionalism identifies the role of institutions for member states identity and preference change. Institutions might enhance collective action by providing environment for elite socialization,⁵⁶ so that national governments tend to prefer community position over national one. Institutions also impact member states expectations, priorities and ways of policy-making.⁵⁷ They frame the so called 'logic of appropriateness' that means that member states are guided in their behaviour by rules and norms determined by institutions. For the purposes of this research social institutionalism represents especially relevant theoretical framework, as it conceptualizes institutions in the broader sense, including informal mechanisms of cooperation.⁵⁸

⁵² Vanhoonacker, "The Institutional Framework," 78.

⁵³ Ulrich Krotz and Richard Maher, "International Relations Theory and the Rise of European Foreign and Security Policy" 63, no. 3 (July 2011): 563.

⁵⁴ Vanhoonacker, "The Institutional Framework," 77.

⁵⁵ Krotz and Maher, "International Relations Theory and the Rise of European Foreign and Security Policy," 564.

⁵⁶ Smith M., *Europe's Foreign and Security Policy: The Institutionalization of Cooperation*, 33.

⁵⁷ Vanhoonacker, "The Institutional Framework," 78.

⁵⁸ *Ibid.*

Hence, the main theoretical assumption of the research will be as follows. The foreign policy in the EU and ASEAN is determined to large extend by intergovernmental logic. In line with this theoretical consideration the role of institutions is seen in helping to overcome the foreign policy divergences between member states and come up with the unified position as a single actor. I will argue that not only formal but also informal institutional design contributes to organizations' effectiveness, which confirms the assumption of Acharya and Johnston. I will demonstrate that both institutional types create an environment for the elite socialization, produce rules and procedures for states' behaviour and action, aiming to increase the organizations' foreign policy effectiveness. However, they differ in the approach and mechanisms they employ to reach the same outcome. Bringing back M. Smith's argument I assume that the level of effectiveness of informal institutions also depends on the pre-existing ideational unity of the regions (the strength of the community feeling) and on the extent to which institutions can contribute to this ideational unity. The next section will outline my methodology approach to test these claims as well as some limitations that the methods might have.

1.4 Methodology

The project will focus on two organizations, the EU and ASEAN, investigating the role of institutional design for effective/ non-effective foreign policy. The general approach of the study will be the comparative method that is often used to develop, test and refine theories about causal relationships and to establish social scientific generalizations.⁵⁹ The aim of comparison for my project will be to refine EU-centred theories of regionalism and regional actorness by comparing two regional organizations the EU and ASEAN. Both organizations have ambitions to be involved in international relations and actively present themselves as political actors with debatable level of effectiveness. The comparison will follow Mill's

⁵⁹ Jonathan Hopkin, "The Comparative Method," in *Theory and Methods in Political Science*, by D. Marsh and G. Stoker (Basingstoke: Palgrave, 2010), 285.

model of agreement⁶⁰. EU and ASEAN represent two diverse models of regionalism and have different backgrounds for political actorness. The EU is highly institutionalised and legalized polity with supranational, intrusive logic of regionalism, while ASEAN is informal and intergovernmental community with strong adherence to sovereignty preservation and non-interference. Both organizations act in different external environment: the EU is an economic giant surrounded by poorer and politically weaker states; ASEAN is a group of relatively young postcolonial countries acting in the region of great powers like Japan, China and the US.

Foreign policy effectiveness (dependent variable) has already been conceptualized in the introduction. From that definition I propose the following criteria of effectiveness that were also used for preliminary empirical investigation: integrated response on political or security challenge and achievement of political goals. Hence the assessment framework for regional effectiveness is as follows:

Table 1. Assessment framework for foreign policy effectiveness

Common response (plan of action, policy)	Goals achieved
+	+
+	-
-	+
-	-

The first and the second types will be considered effective. The third type is excluded, because we assess effectiveness of the region as political actors. Hence, if policy goals are achieved without community agreed and approved response, it does not present organization as successful player in foreign policy. In order to analyse policy responses of the EU and ASEAN, I have chosen the most significant political and security challenges in Wider Europe and Asia-Pacific regions respectively over the same period of time. For the EU the time frame

⁶⁰ *Ibid.*, 291.

has been chosen between 1993 and 2012 (since common foreign and security policy appeared), for ASEAN - between 1999 and 2012 (since ASEAN incorporated ten members). The identification of ‘the most significant challenges’ might be somewhat subjective but for each organization ten events have been chosen, that are evaluated in the existing literature as representative examples of regional actorness regardless effective or not. Both organizations have more or less the same scope of foreign policy dimensions they declare to be involved in (conflict prevention and conflict management, humanitarian aid, peacekeeping, human security). The research will focus only on the policy responses to political and security events and won’t evaluate the effectiveness of long-term policy initiatives that require different evaluative criteria. In fact, it is organizations’ response to unexpected challenges or crises management that represent ‘the real test’⁶¹ for effectiveness of foreign policy cooperation.

Based on the evidence of organizations’ actual performance over the identified timeframes for the EU and ASEAN, I will investigate how the type of institutional design (independent variable) has contributed to regions’ foreign policy effectiveness. The focus will be made on the institutional impact on states’ cooperation. The achievement of policy goals is rather difficult to evaluate objectively and it also depends on a number of additional factors. I will refer to it only when there is a clear link between the role of institutions and foreign policy success. In the final chapter I will compare the two regions in order to establish, whether formal and informal institutional structures have similar mechanisms of impact on foreign policy cooperation and provide some evaluations of their performance. The difficulty of comparative analysis here is in the fact that political or security events in these two regions are not identical, that is the EU had more occasions to be involved in peacekeeping and

⁶¹ Wolfgang Wessels, “The Institutional Development of the Common Foreign, Security and Defence Policy. Theoretical Perspectives: Beyond the Supranational and Intergovernmental Dichotomy,” January 13, 2004, 20, <http://www.uni-koeln.de/wiso-fak/powi/wessels/DE/LEHRE/VERANSTALT/SS05/CISP%2005/Mahnke%2004-14-07.pdf>.

conflict resolution, while ASEAN had to address environmental challenges and territorial disputes between member states.

In order to complement the comparative study and to address the problem of small number of cases that are also imperfectly matched, I will conduct the analyses using the method of process tracing. Process tracing is identified as “the analysis of evidence on processes, sequences, and conjunctures of events within a case for the purposes of either developing or testing hypotheses about causal mechanisms that might causally explain the case.”⁶² The advantage of this method for my research is that it allows to combine theory testing and theory development in one process and allows to get more complete explanation of DV by considering specific ‘side effects’ of independent variable or additional/intervening variables that might be discovered within the case analysis.

The research will be based on the existing literature on the EU and ASEAN effectiveness as political actors. Apart from that, official documents (communiqués, joint statements, reports) of the organizations will be used. I will also look at both organizations’ and member states’ public statements and officials’ interviews in mass-media, in order to investigate what factors were important for developing effective foreign policy decisions. These sources will also be used for the evaluation of policy goals achievement. One of the limitations to the sources is that most of the transcripts of actual negotiations are not available to the public, that is why only final joint documents might be analysed. Possible language limitation might concern literature on ASEAN that be in native languages.

The next two chapters are assigned for study cases analysis and will investigate the causal relationship between institutional design and foreign policy and will be followed by comparative chapter.

⁶² Andrew Bennett and Jeffrey T. Checkel, “Process Tracing: From Philosophical Roots to Best Practices” 21, *Simons Papers in Security and Development* (2012): 10.

Chapter 2: Formal logic of the EU integration and its impact on foreign policy effectiveness

The unique architecture of the EU institutional design has won the organization a title of the actor *sui generis*. In fact, no other regional organization in the world has reached the same level of integration. Institutional structure that holds together 27 EU Member States was designed and developed among other reasons to strengthen Europe as political union and make it an effective regional and global actor by ensuring Member States coherence and unity in addressing foreign policy issues and strengthening the EU capabilities to provide effective responses to regional challenges. In this chapter I will investigate the impact formal EU institutional design has had on foreign and security policy effectiveness. Instead of discussing capabilities provided by EU treaties and EU institutions for foreign and security policy that has been already done by a number of scholars,⁶³ I will focus on the actual effect institutions have had on the EU foreign policy analysing the set of recent EU policy responses to regional political and security challenges. By doing so I will demonstrate that formal institutions do impact foreign policy effectiveness in terms of formulation of unified position, however, their complexity also creates clear constraints for the EU's effective reaction. It will also be argued that though the institutional design of the EU provides the necessary capabilities for effective foreign policy, Member States often lack political will to employ them.

2.1 Institutionalization and the development of the EU foreign policy

In 1970, when the European Political Community (EPC) was established, the whole idea of European foreign policy cooperation provoked scepticism and uncertainty even among European foreign ministers.⁶⁴ Despite very modest goals assigned to the EPC (regular consultations between Member States and harmonization of national positions) the

⁶³See Smith M., *Europe's Foreign and Security Policy: The Institutionalization of Cooperation*; Hyde-Price, "Interests, Institutions and Identities in the Study of European Foreign Policy"; Horvath, "The Common Foreign and Security Policy and European Security and Defence Policy."

⁶⁴ Smith M., *Europe's Foreign and Security Policy: The Institutionalization of Cooperation*, 1.

expectations on its behalf were mostly negative. The only commitment it encouraged in Member States was to keep foreign policy separate from supranational European Community (EC) framework.⁶⁵ Starting from such an unfavourable point, the EC and later the EU managed to bring the Common Foreign and Security Policy (CFSP) partially to the supranational level and as a result to establish the European External Action Service (EEAS) that can be considered to some extent a Foreign Ministry for Europe. Hence, the EU foreign policy represents a compromise between supranational and intergovernmental levels.

The development of the European Union into an international political actor happened through a number of institutional changes. Provisions for common foreign policy were identified in the Treaty of the European Union, the Single European Act, but formally institutionalized in the Maastricht Treaty in 1993, where the Common Foreign and Security Policy appeared as the second pillar of the three-pillar European Union.⁶⁶ Later, institutional developments of the CFSP proceeded through the strengthening of the legal mechanisms and decision-making under the Amsterdam Treaty (1999). Under this treaty foreign policy competence shifted further to the supranational level and the position of Foreign Policy Representative, who shall speak in the name of the EU was introduced.⁶⁷ After the Kosovo crisis in 1999 institutional developments for the CFSP were further upgraded under the Nice Treaty in 2000 and the European Security and Defence Policy (ESDP) appeared as a separate dimension.⁶⁸ The Union's current foreign policy was finalized under the Lisbon Treaty (2008). After Lisbon the EU has obtained the legal personality. Foreign policy mechanisms and decision-making procedures were further improved, in order to enhance the EU policy coherence.⁶⁹ The Lisbon Treaty also gave birth to the European External Action Service. It

⁶⁵ Smith K., *The Making of the EU Foreign Policy. The Case of Eastern Europe*, 8.

⁶⁶ Smith M., *Europe's Foreign and Security Policy: The Institutionalization of Cooperation*, 176–181.

⁶⁷ Horvath, "The Common Foreign and Security Policy and European Security and Defence Policy," 545.

⁶⁸ *Ibid.*, 548–554.

⁶⁹ Kataryna Koehler, "European Foreign Policy After Lisbon: Strengthening the EU as International Actor" 4, no. 1 (2010): 57–72.

should be admitted that though the EU institutions have been changing over time, the general logic of formality, bureaucracy and legal nature of their functioning has been kept, setting the nature and the mechanisms of the EU diplomacy and foreign policy decision-making and implementation.

According to the concepts of international actorness discussed in the first chapter, the institutionalization of the foreign policy and the empowerment of the EU-level institutions (or increasing autonomy) can be considered a successful development of the organization as political actor, yet how much does it tell us about its effectiveness? According to some quantitative evidence, the EU activity in the CFSP/ESDP has improved. Michael Smith provides encouraging numbers for the EU joint actions and common positions, that increased from 8 in 1970s to 94 in 1990-1995 (declarations were excluded from the count).⁷⁰ Interesting statistics is provided by Wolfgang Wessels. According to his data the EU progressed from 8 common positions in 1994 (after Maastricht) to 22 in 2002. There is a separate data for joint actions, they ranged from 14 to 20 between 1994 and 2000 and declined to 16 in 2002.⁷¹ Hence, institutionalization did result in some improvements. As it will be shown in the analysis below, the EU performance in response to political and security challenges over past decade provides mixed evidence on the impact of institutional settings on foreign policy effectiveness. In fact, the EU performance is at best characterised as having “a high degree of activity with low degree of cohesiveness”.⁷² Moreover, even if the cohesiveness is at place, the policy goals are often not achieved.

⁷⁰ Smith K., *Europe's Foreign and Security Policy: The Institutionalization of Cooperation*, 68.

⁷¹ Wessels, “The Institutional Development of the Common Foreign, Security and Defence Policy. Theoretical Perspectives: Beyond the Supranational and Intergovernmental Dichotomy,” 19.

⁷² *Ibid.*, 21.

2.2 Facing incoherence: dual effect of institutionalization

The aim of growing institutionalization in Europe has been to ensure “coherence and effectiveness of the EU external capabilities.”⁷³ which means the EU should have developed the necessary institutional instruments to provide unified or coherent response to foreign and security challenges. Taking in consideration the mixed nature of the EU foreign policy-making (supranational and intergovernmental) the coherence should be established between national foreign policies of Member States, between Member States and the EU-level institutions and between the EU institutions themselves. Paradoxically, while contributing to better foreign policy coherence and cooperation institutional, structures of the EU also add several new risks for incoherence.

The institutional design of the European Union provides several mechanisms, through which coherence is ensured. In line with social institutionalism theory, formal institutional settings create the environment for elite socialization, and shape the principles and norms that in the long run cause states’ preference change to the benefit of the Community.⁷⁴ Legally-binding treaties establish clear decision-making and policy implementation procedures and oblige all 27 Member States to comply with them and present a “common front in external relations.”⁷⁵ Moreover, according to Article 24.3 of the Treaty of the European Union (TEU), Member States “shall refrain from any action which is contrary to the interests of the Union or likely to impair its effectiveness as a cohesive force in international relations.”⁷⁶ Hence, the Union treaties not only establish the mechanisms for the Member States to come to the joint position, but also prevent possible individual actions of Member States that might undermine the EU authority.

⁷³ Smith, *Europe’s Foreign and Security Policy: The Institutionalization of Cooperation*, 209.

⁷⁴ Hyde-Price, “Interests, Institutions and Identities in the Study of European Foreign Policy,” 104.

⁷⁵ *Ibid.*, 212.

⁷⁶ “Consolidated Versions of the Treaty on European Union and the Treaty on the Functioning of the European Union and the Charter of Fundamental Rights of the European Union” (Council of the European Union, May 28, 2010), http://europa.eu/lisbon_treaty/full_text/.

Positive effect of institutions as transformative settings in the EU was confirmed by a number of studies.⁷⁷ However, cooperation and coherence according to the findings progresses only at the administrative level through increased scope of information sharing and networking as well as standartization of policy-making mechanisms (the process known as ‘Brusselization’).⁷⁸

The impact of institutions on the formation of stronger European identity and on the possible preference shift from the national positions to the benefit of the Community position is also supported by the evidence from the EU foreign policy. One of the examples of preference shift occurred during the EU Council meeting on the Iraq crisis in 2003. The EU was not able to reach the common position over Iraq intervention, though some compromises has been made in order to issue a joint statement. In the process of the decision-making the position of Germany has shifted from the total rejection of any military intervention to milder position that “left the door open for the use of military force.”⁷⁹ Other examples of the adjustments of the national positions to the EU one can be observed in the cases of policy responses to Libya intervention,⁸⁰ Kosovo-Serbia dispute,⁸¹ or current crisis in Syria.⁸² These cases demonstrate how binding institutional frameworks make Member States to search for the common denominator in their positions. In each of these cases the Council issued a joint statement with the common position of Member States. However, common positions represented the “compromise formulation that covers over existing differences, but in no way

⁷⁷ Hyde-Price, “Interests, Institutions and Identities in the Study of European Foreign Policy”; Jeffrey T. Checkel, “Social Mechanisms and the Quality of Cooperation: Are Europe and the EU Really All That Different?,” in *Crafting Cooperation: International Institutions in Comparative Perspective*, ed. Amitav Acharya and Alastair Johnston (Cambridge: Cambridge University Press, 2007), 221–243.

⁷⁸ Wessels, “The Institutional Development of the Common Foreign, Security and Defence Policy. Theoretical Perspectives: Beyond the Supranational and Intergovernmental Dichotomy,” 17.

⁷⁹ Peter Schwarz, “EU Summit Agrees on War Against Iraq as a ‘Last Resort’,” *World Socialist Web Site*, February 19, 2003, <http://www.wsws.org/en/articles/2003/02/eu-f19.html>.

⁸⁰ “War in Libya: Europe’s Confused Response,” *IISS Strategic Comments*, April 18, 2011, The International Institute For Strategic Studies edition.

⁸¹ “A Breakthrough at Last,” *The Economist*, April 20, 2013, <http://www.economist.com/blogs/easternapproaches/2013/04/serbia-and-kosovo-0>.

⁸² “No Extension of EU Arms Embargo on Syrian Rebels — RT News,” accessed May 28, 2013, <http://rt.com/news/eu-syria-arms-embargo-864/>.

resolves them.”⁸³ Hence, formal obligations to come up with the unified policy response did force Member States to adjust their distinct national positions in order to issue a common document, but they did not have enough power to encourage Member States to sacrifice national interests in favour of the Union’s position or the position of the majority. As a result, the EU common position does not go further than expressing joint Member States’ reaction to the event and rarely represents the agreement on common policy or action to be taken.

Interestingly, the institutional development of the EU that aimed to resolve the problem of policy coherence added some extra risks for incoherence. One of the extra lines of disagreement exists between the EU-level institutions and Member States. When the EU has the intention and even capabilities to proceed with foreign policy actions, Member States can oppose the initiative from the fear of the EU taking over their most vital national competence in foreign policy. Some evidence for that might be found while looking at the EU responses to a number of political challenges. In the interview to the *Spiegel* Martin Schulz, the head of the Socialist Group in the European Parliament, commented on the EU response to Libya: “...the institutions in Brussels are taking action. The Parliament is providing money and the European Commission has tripled humanitarian aid. The European Union isn't the problem. ... The real scandal is the never-ending manoeuvring of the member states.”⁸⁴ In this case ‘big members’ were not able to reach a compromise on the Union’s reaction and as a result Britain, France and Italy opted for intervention under NATO mission, acting in their own name and not as the coalition on behalf of the EU. The EU authority in response to the ‘Arab Spring’ was also eroded by the activities of several Member States. Britain, France and Italy preferred not to act through the EU framework and have chosen to act individually due to

⁸³ “War in Libya: Europe’s Confused Response.”

⁸⁴ “Divided Response to Libyan Crisis: ‘The Maneuvering of EU Member States Is a Scandal’,” *Spiegel Online International*, March 7, 2011, <http://www.spiegel.de/international/world/divided-response-to-libyan-crisis-the-maneuvering-of-eu-member-states-is-a-scandal-a-749376.html>.

their special historical ties with the region.⁸⁵ Member States also failed to cooperate in facing the massive inflow of refugees from North Africa.⁸⁶ A dual situation exists with regard to recent Kosovo-Serbia talks, where the EU was involved as mediator. The effective Union's diplomacy guided by the European External Action Service and particularly the High Representative Lady Ashton resulted in the ratified agreement between Serbs and Kosovars.⁸⁷ However, while the EU is ready to open the accession talks with Kosovo, 5 Member States still have not recognized Kosovo's independence. Hence, as rightly defined by Checkel, the EU has become 'the victim of its own success'. Growing power of supranational institutions resulted in "domestic political resistance and mobilization against the European project."⁸⁸

Complicated institutional architecture of the EU foreign policy also resulted in inconsistencies between different EU institutions that are involved in foreign policy making. In the case of the response to the war in Libya the High Representative for Foreign and Security Policy, the President of the European Council, the Head of the Commission and the Head of the European Parliament all issued statements condemning violence in Libya. This resulted in the confusion on who is actually responsible for foreign policy representation in the Union. Moreover, inconsistency occurred in terms of the content, because the High Representative and the President of the European reported different aims of military intervention in Libya in their statements.⁸⁹

Cases of successful cooperation between Member States and the EU-institutions also exist. During 2009 'gas crises', when Europe was cut off from gas supplies from Russia, Member States under the Czech Presidency and the European Commission unified there

⁸⁵ *The EU's Response to the "Arab Spring"* (Brussels, December 16, 2011), http://europa.eu/rapid/press-release_MEMO-11-918_en.htm.

⁸⁶ Koenig, "The EU and the Libyan Crisis: In Quest of Coherence?," 10.

⁸⁷ "A Breakthrough at Last." *The Economist* (2013)

⁸⁸ Checkel, "Social Mechanisms and the Quality of Cooperation: Are Europe and the EU Really All That Different?," 242.

⁸⁹ Koenig, "The EU and the Libyan Crisis: In Quest of Coherence?," 8.

forces to maintain gas transition across Europe and to renew the supplies.⁹⁰ The Commission ensured coordination between Member States, gas companies and relevant EU Committees, the Czech Prime-Minister took the role of the EU mediator, conducting high level meetings with both Russian and Ukrainian representatives, thus contributing to the resolution of the dispute between the two, that initially caused gas cutoffs to Europe.⁹¹ However, in this particular case it is difficult to connect the successful cooperation of Member States and the EU bodies with the effect of institutional framework. The Union has rather unified under the conditions of pressing emergency (gas cuts in the middle of January have left some countries literary ‘freezing’), than due to treaty obligations and effective institutional mechanisms.

2.3 Blocked by unanimity? Procedures for the EU foreign policy decision-making

Unanimity decision-making in CFSP/ECDP is often seen as a constraint for the effective foreign policy. As former French President Nicolas Sarkozy defined it: “the unanimity rule, which is supposed to protect the vital interests of each EU member state, has over the years become the source of enduring obstacles...Only majority voting can end the delays of a decision-making process that is incompatible with the kind of quick reactions needed in the area of security policy.”⁹² With 27 Member States unanimity makes the common decision-making almost impossible, as the disagreement of one state may block the whole policy document. In fact, treaty amendments gradually increased the number of areas, where the EU may use qualified majority voting (QMV) for foreign policy decision-making. In reality, Member States rarely refer to this opportunity even in the cases, where it is allowed by the

⁹⁰ “EU Ministers Appreciate Steps Taken by Czech Presidency to Resume Gas Supplies,” *Government of the Czech Republic*, January 13, 2009, <http://www.vlada.cz/en/media-centrum/aktualne/eu-ministers-appreciate-steps-taken-by-czech-presidency-to-resume-gas-supplies-51948/>.

⁹¹ European Commission Working Document, *The January 2009 Gas Supply Disruption in the EU: An Assessment*, 2009.

⁹² Sarkozy, Nicolas, *Testimony*. (New York: Pantheon. 2007) p. 75 quoted in Asle Toje, “The Consensus–Expectations Gap: Explaining Europe’s Ineffective Foreign Policy” 39, no. 1 (February 2008): 130.

Treaties.⁹³ The reason behind is their fear to create a precedent for the similar cases in the future.⁹⁴ At the same time QMV may only be applied after Member States unanimously agree to use it⁹⁵ (which basically means almost never). QMV also does not apply to the cases, where military or defence issues are involved.⁹⁶ Hence, the EU is still bound by the unanimity rule.

Despite the fact that unanimity is the main decision-making procedure for the foreign policy and is fixed in the Treaties, “CFSP decisions are rarely voted upon,”⁹⁷ so the decisions in reality are taken by consensus. However, even if consensus is reached Member States are not always able to provide common response. For example, in the case of the response to the Iraq crisis consensus resulted in excluding of the two important issues from the joint position: the timing and criteria of when the transition to war should be made and the EU response in case if the US will start military campaign without UN SC resolution.⁹⁸ Unanimity, at the lowest common denominator, was also reached in the case of Syria. The EU response to this challenge can be described as superficial⁹⁹ rather than effective. The EU agreed on wide range of non-military actions (namely, economic sanctions, withdrawal of any kind of aid and financing for the Syrian government, huge inflows of humanitarian aid).¹⁰⁰ Unfortunately, none of these measures aimed to directly resolve the humanitarian crises in Syria¹⁰¹ or at least diminish the violence in the country that is officially the part of the European Neighbourhood. More ambitious measures such as providing arms to Syrian rebels were advocated by Britain and France, but the unanimity rule blocked these measures from being implemented, and the

⁹³ Daniel C. Thomas, “Explaining the Negotiation of EU Foreign Policy: Normative Institutionalism and Alternative Approaches” 46 (2009): 344.

⁹⁴ Smith M., *Europe’s Foreign and Security Policy: The Institutionalization of Cooperation*, 215.

⁹⁵ Cameron, “Building a Common Foreign Policy. Do Institutions Matter?”, 71.

⁹⁶ Article 31 (3), The Treaty of Lisbon, 2008.

⁹⁷ Toje, “The Consensus–Expectations Gap: Explaining Europe’s Ineffective Foreign Policy,” 134.

⁹⁸ Schwarz, “EU Summit Agrees on War Against Iraq as a ‘Last Resort’.”

⁹⁹ Jeanne Heure, “EU’s Foreign Policy Sacrificed?,” *Cafebabel.com*, October 19, 2012, <http://bruxelles.cafebabel.com/en/post/2012/10/19/La-politique-étrangère-de-l’UE-sacrifiée>. (accessed on 15 May 2013)

¹⁰⁰ *The European Union and Syria, Factsheet* (Luxemburg: Council of the European Union, April 22, 2013), http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/128379.pdf.

¹⁰¹ Richard Gowan, “The EU and Syria: Everything but Force?,” *Institut d’Etudes De Sécurité De l’UE*, January 26, 2012, <http://www.iss.europa.eu/fr/publications/detail-page/article/the-eu-and-syria-everything-but-force/>.

consensus was reached only after a lengthy bargaining process in the Council.¹⁰² Both countries stated, that if the EU members had vetoed the proposal, they were intended to break the unanimously agreed arms embargo and provide weapons to Syrian rebels.¹⁰³ Hence, though decision-making procedures allow for the unified position to be agreed on, it also prevents the EU to adopt more pro-active policy responses. In this regard unanimity decision-making process has the same effect as the need for coherence. It is usually very modest set of goals the EU can agree on to be coherent, and it is very modest actions it can propose for policy response in order to ensure unanimous agreement.

2.4 Clarity, flexibility and bureaucracy in the EU foreign policy

Within the legal and institutional framework of the CFSP/ESDP one might observe the balancing between clarity, flexibility and bureaucracy in the policy formulation, decision-making and implementation. With the process of institutionalization the functioning of the CFSP has become clearer and more specified. Each next treaty after 1993 aimed to clearly distinguish competences that are allocated to the Member States and the EU institutions, interconnections between them and specify the mechanisms of policy formulation and decision-taking for various policy areas. Despite the intentions of the treaties to make the functioning of the CFSP clear, competences of the Member States and supranational institutions very often overlap and functional mechanisms in the foreign policy are too complex. The institutional scope of foreign policy is growing continuously, which provides a fertile ground for bureaucracy.¹⁰⁴ This slows down and complicates foreign policy functioning. Even the mechanisms that are supposed to increase Union's flexibility are either not used or themselves demand long procedures to be put in process. One of the examples is

¹⁰² "No Extension of EU Arms Embargo on Syrian Rebels — RT News."

¹⁰³ John Irish, "France, Britain to Push EU to End Syria Arms Ban: Fabius," *Reuters*, March 14, 2013, <http://www.reuters.com/article/2013/03/14/us-syria-crisis-france-idUSBRE92D0BJ2013031> . (accessed on May 17 2013)

¹⁰⁴ Toje, "The Consensus–Expectations Gap: Explaining Europe's Ineffective Foreign Policy," 132.

the mechanism of the permanent structural cooperation. This mechanism is designed to enhance the EU military capabilities. It allows the group of Member States, who are willing and capable to take action, to form the permanent structural cooperation for joint performance of the Union's missions (Article 42.6 TEU). The mechanism is believed to be a step forward in increasing EU actorness and effectiveness.¹⁰⁵ However, it has not been used so far. The procedure of the establishing of permanent structural cooperation is rather complex and slow. In order for the Member States to form permanent structural cooperation, they need to go through the procedure of assessment of their military capabilities by the European Defence Agency, inform the European Council on their intentions to establish such cooperation, get the Council's approval (which takes up to 3 month) and the approval for the missions to be performed. The functioning of such cooperation is decided by unanimity (that makes the decision easy to block), though only Member States participating in the cooperation can vote (Article 46 TEU).

The procedure for decision-making and functioning of the European Union are currently so complex and so slow that Member States opt for the informal mechanisms of cooperation in order to avoid Union's complex institutional network. The illustrative example of such state practice is the letter of 'Future of Europe Group' of the 11 EU Foreign Ministers. The document was presented in September 2012 and contains propositions for policies and actions to be taken for strengthening the EU role in international relations. The letter is the outcome of the seven month work of the informal self-appointed group,¹⁰⁶ that emerged under the conditions of general EU governance crises and poor Union's responses to the recent foreign policy challenges. It is remarkable that the outcome document, contrary to usual EU common positions and common strategies, does not represent the consensus at the lowest

¹⁰⁵ Sven Biscop and Jo Coelmot, "Permanent Structured Cooperation in Defence: Building Effective European Armed Forces" no. No 15, Bruges Political Research Papers (September 2010): 1–23.

¹⁰⁶ "'Future of Europe Group' Bids for Foreign Policy, Defence Clout," *EurActiv.com*, accessed May 27, 2013, <http://www.euractiv.com/future-eu/future-europe-group-tables-propo-news-514876>.

common denominator. This summary of informal discussion contains a set of very ambitious goals and actions (e.g. amendment of the Union treaties)¹⁰⁷ to be taken by the EU. Moreover, the fact that not all of the parties have agreed with all the propositions¹⁰⁸ of the document did not prevented it to be issued on behalf of all 11 Foreign Ministers, hence it still represents a unified position. This example again reveals dual effect of the EU institutionalization. On the one hand, it demonstrates that ties between government officials are close enough to cooperate and come up with the ambitious joint initiative, which is the result of the elite socialization. At the same time, it reveals unnecessary complexity of the EU institutional structures that prevent the initiatives from being taken within the prescribed procedures.

Overall, the EU formal institutional design does ensure the formulation of unified response of 27 Member States to external challenges. It provides the environment for elite socialization and closer cooperation. However, this mostly contributes to the coherence on administrative level rather than political coherence of the Member States. Hence, legal agreements and procedures create somewhat ‘artificial’ coherence in policy responses, while states remain to be divided in their positions and may still choose to act individually. On the other hand, growing scope of institutional settings creates new lines of incoherence between MS and EU institutions and between EU institutions themselves.

Unanimity clearly represents a constraint for the Union foreign policy agency. In order to rich unanimity Member States usually end up agreeing on very modest policies or joint actions to be taken, if any at all. The mechanisms that are intended to increase Unions’ ability to take policy actions are either not employed or demand long and complex procedures to be activated that may result in Member States opting for the informal mechanisms of cooperation and decision-making. The next chapter will demonstrate that ASEN faces the same problems

¹⁰⁷ “Final Report of the Future of Europe Group of the Foreign Ministers of Austria, Belgium, Denmark, France, Italy, Germany, Luxembourg, the Netherlands, Poland, Portugal and Spain.,” September 17, 2012.

¹⁰⁸ *Ibid.*, 1.

of providing coherent policy responses, as the EU. It will be shown that the informal cooperation in Southeast Asia employs different from the EU mechanisms to increase its effectiveness, however, they have the same goal and impact as the EU legal treaties and formal institutions.

Chapter 3: Informal cooperation and effectiveness: the role of the ‘ASEAN way’ in the region’s foreign policy

The Association of Southeast Asian Nations (ASEAN) is often referred to as “the most successful regional project in the developing world.”¹⁰⁹ It is famous for developing its own style of cooperation or the ‘ASEAN way’, that emphasizes informal cooperation, consensus decision-making and non-interference in internal affairs of member states. ‘ASEAN way’ also avoids the establishment of legal frameworks and supranational institutions. This chapter will aim to investigate the impact that ASEAN informal institutional framework has on its foreign policy effectiveness. Just like in the case of the EU, I will not focus on ASEAN potential capabilities and weaknesses but will analyse the impact ‘ASEAN way’ had on the Association’s actual foreign policy responses over the past 15 years. It will be argued that ‘ASEAN way’, in fact, has positive effect on the organization’s foreign policy effectiveness and the lack of formal institutional mechanisms or binding agreements does not prevent ASEAN from formulating unified policy response or proceed with policy action. However, some aspects of the ‘ASEAN way’ like non-intervention and the absence of permanent institutions may limit Association’s effectiveness in specific areas.

3.1 Development of ASEAN foreign policy and its mechanisms

If the EU has started its development as international actor from economic integration, ASEAN was founded in 1967 for mostly political and security purposes. Also contrary to Europe that consciously realized the need for common foreign and security policy only in early 1990s, ASEAN surrounded by powerful China, Japan and the US understood the importance of common stance in international relations much earlier. Moreover, since its existence the organization has demonstrated its readiness to take responsibility over regional political and security challenges within its borders and later in the wider Asia-Pacific

¹⁰⁹ “The Founding of ASEAN,” ASEAN web site, n.d., <http://www.asean.org/asean/about-asean/history>.

region.¹¹⁰ Over the past two decades the scope of traditional foreign policy issues that required ASEAN joint response (such as conflict prevention and conflict management) has increased and incorporated new challenges like environmental hazards, transnational crime and terrorism, stability and security in wider East Asia region.¹¹¹ The territorial disputes between ASEAN member states, however, still dominate the list of challenges.

The institutional development of ASEAN with regard to foreign policy has undergone several stages. However, contrary to the European Union, ASEAN has chosen to keep significant part of its functional settings within informal frameworks ('ASEN way'), avoiding the establishment of legally-binding rules and procedures or supranational institutions.¹¹² Some key treaties were, nevertheless, signed by the members of the organization and by other countries of the region, the so called Dialogue Members of the ASEAN. The Treaty of Amity and Cooperation (TAC) was the first formal document signed in 1976 by the members of the Association. It has established 'general norms' and procedures for the functioning of the ASEAN such as respect for sovereignty and territorial integrity, principle of non-interference and also the set of procedures for collective decision-making that has later become known as the 'ASEAN way'.¹¹³ However, TAC did not establish any institutions or formal mechanisms to govern the organization, except for the High Council, whose role was to settle disputes between member states.¹¹⁴ At the same year ASEAN Declaration 'Concorde I' was signed that established central secretariat, though with very insignificant competences.¹¹⁵ In 2003, due to widening external relations, ASEAN Declaration 'Concorde II' launched the ASEAN defence community¹¹⁶ that in the latest version of the ASEAN Charter adopted in 2008 was finalized

¹¹⁰ Khong and Nesadurai, "Hanging Together, Institutional Design, and Cooperation in Southeast Asia: AFTA and the ARF," 41.

¹¹¹ "ASEAN Political and Security Community Blueprint" (ASEAN Secretariat, June 2009).

¹¹² Khong and Nesadurai, "Hanging Together, Institutional Design, and Cooperation in Southeast Asia: AFTA and the ARF," 33.

¹¹³ *Ibid.*, 41.

¹¹⁴ Beeson, *Institutions of the Asia-Pacific: ASEAN, APEC and Beyond*, 26.

¹¹⁵ Henry, "The ASEAN Way and Community Integration: Two Different Models of Regionalism."

¹¹⁶ *Ibid.*, 859–860.

as the Political and Security Community. At this point, when the EU proceeded with deepening integration in foreign and security policy as separate dimension and its further institutionalization, ASEAN strengthened the so called ‘Track II’ diplomacy or the informal networks to address the issues of foreign and security policy¹¹⁷ without the establishment of specific institutions within the organization for these purposes. Hence, the external relations of the Association till today are governed by the two main ASEAN functional institutions the ASEAN Summit (that takes place twice per year) and the ASEAN Foreign Ministers Meeting. In international relations the organization is usually represented by the chairing country. Foreign policy decision-making is determined by the ‘ASEAN way’ and happens through informal procedures and mechanisms such as consensus-building (*musyawarah*) and consultation (*mufakat*).¹¹⁸ In dealing with regional foreign and security problems ASEAN also widely involves the ASEAN Regional Forum (ARF) the institution based on the ‘ASEAN Way’ principles and chaired by the ASEAN representative.¹¹⁹

3.2 The role of the ‘ASEAN way’ for foreign policy cohesiveness

While investigating ASEAN responses to the major political and security challenges in the region one might observe, just like in the case of the EU, both positive and negative effects of institutional design on foreign policy effectiveness. ASEAN members are guided by the intergovernmental logic in the foreign policy decision-making and face the same need for foreign policy cohesiveness as the EU.

Informal institutional settings in the form of the ‘ASEAN way’ have the same effect on the foreign policy cohesiveness as the EU formal institutional structures in terms of their strong effect on elite socialization that establishes a unique environment for states’

¹¹⁷ Donald K. Emmerson, “Security, Community, and Democracy in South East Asia: Analyzing ASEAN” 6, no. 2 (2005): 166.

¹¹⁸ Beeson, *Institutions of the Asia-Pacific: ASEAN, APEC and Beyond*, 21.

¹¹⁹ Khong and Nesadurai, “Hanging Together, Institutional Design, and Cooperation in Southeast Asia: AFTA and the ARF.”, 61.

cooperation. Its uniqueness is in regular consultations between government officials as well as non-governmental participants (field experts, representatives of think tanks), that creates more inclusive and cooperative environment. Lee Chian Siong, director of the community affairs development of the ASEAN Secretariat, once referred to the atmosphere of the ASEAN Community as ‘big family’.¹²⁰ The informality of the system encourages free, unlimited by official procedures, exchange of information, opinions, positions, drafts, that usually results in the formulation of the agreement before the official meetings.¹²¹ As the ASEAN Summits, where major policy decisions are made, happen only twice a year, the majority of the negotiations should be conducted in advance between states and consensus should be reached during this process.

Starting from 1999 ASEAN foreign ministers hold the so called ‘Retreats’ or informal meetings where issues of common foreign and security policy are discussed frankly.¹²² Later on, in ASEAN Ministerial Meeting Communique foreign ministers “reaffirmed the usefulness of informal, open and frank dialogue . . . to address issues of common concern to the region.”¹²³ Hence, national positions of member states are often formulated in the process of informal consultations and interpersonal discussions with involvement of Track II diplomacy,¹²⁴ so when the officials meet for actual decision-making it is easier to reach consensus and present a cohesive policy response.

Interesting feature of the ‘ASEAN way’ that contributes to at least ‘visible’ coherence of its foreign policy responses is the principle of quiet diplomacy. It means that ASEAN

¹²⁰ Sujane Kanparit, “A Mediator Named ASEAN: Lessons from Preah Vihear,” *Reporting Developement in ASEAN*, January 21, 2013, <http://www.aseannews.net/a-mediator-named-asean-lessons-from-preah-vihear/>.

¹²¹ Tobias Ingo Nischalke, “Insights from ASEAN’s Foreign Policy Co-operation: The ‘ASEAN Way’, a Real Spirit or a Phantom?” 22, no. 1 (April 2000): 91.

¹²² Hiro Katsumata, “WHY IS ASEAN DIPLOMACY CHANGING? From ‘Non-Interference’ to ‘Open and Frank Discussions’,” *Asian Survey* 44, no. 2 (April 1, 2004): 238, doi:10.1525/as.2004.44.2.237.

¹²³ ASEAN, “Joint Communiqué, the 35th ASEAN Ministerial Meeting,” Bandar Seri Begawan, Brunei, July 29–30, 2002. Katsumata, “Why is ASEAN diplomacy changing?”

¹²⁴ Jones and Smith, “Making Process Not Progress. ASEAN and the Evolving East Asian Regional Order,” 152.

member states should refrain from criticizing each other on public.¹²⁵ Hence, while the internal divisions between countries might be significant, for external parties the Association still represents a unified entity. The most illustrative example is recent round of negotiations between ASEAN and China over the territorial disputes in the South China Sea. Four ASEAN members Malaysia, Brunei, Philippines and Vietnam have their own territorial claims over the resource-rich sea shelf, however, they preferred to ‘forget’ bilateral disputes and represented a unified ASEAN front in the negotiations with China in 1992 and 1997.¹²⁶ Quiet diplomacy, however, can work against the Association’s effectiveness, when ASEAN members tend to delay or ignore the problem in order to avoid potential disagreement.¹²⁷

The recent round of ASEAN-China dialogue was a test case for ASEAN ability to come up with unified policy response. The finalized negotiations between the ASEAN and China on the Code of Conduct in the South China Sea were scheduled to be held in September 2012. The ASEAN Ministerial Meeting in July 2012 had on the agenda the approval of the draft of the agreement to be signed with China in September.¹²⁸ A number of Retreats between ASEAN members and China preceded the official meeting and a number of unofficial drafts of the future document were exchange between ASEAN members. Despite the long process of consultations and discussions some of the ASEAN members still insisted on the national position of the dispute-solving strategy towards China.¹²⁹ The issue was so sensitive that being only the one point among 120 other items on the meeting agenda, it prevented member states to issue Joint Communiqué at the end of the meeting.¹³⁰ It was for the first time in the ASEAN history that member states failed to reach consensus in foreign

¹²⁵ Hiro Katsumata, “Reconstruction of Diplomatic Norms in Southeast Asia: The Case for Strict Adherence to the ‘ASEAN Way’” 25, no. 1 (April 2003): 107.

¹²⁶ Nischalke, “Insights from ASEAN’s Foreign Policy Co-operation: The ‘ASEAN Way’, a Real Spirit or a Phantom?,” 100.

¹²⁷ Jones and Smith, “Making Process Not Progress. ASEAN and the Evolving East Asian Regional Order,” 155.

¹²⁸ Carlyle A. Thayer, “ASEAN’S Code of Conduct in the South China Sea: A Litmus Test for Community-Building?,” *The Asia-Pacific: Japan Focus*, August 20, 2012, http://www.japanfocus.org/-Carlyle_A_-Thayer/3813.

¹²⁹ *Ibid.*

¹³⁰ *Ibid.*

policy issue.¹³¹ The responsibility for ensuring coherence and development of common strategy was taken by Indonesia, whose Foreign Minister through ‘shuttle diplomacy’ managed to persuade his colleagues to agree on the joint statement through bilateral meetings with 6 of them (which he managed to do in two days). As a result Cambodia acting as ASEAN Chair at that time issued ‘ASEAN’s Six Principles on the South China Sea’ statement presenting organizations joint position for further negotiations.¹³² This case of successful ‘unofficial’ settlement of dispute demonstrates that personal ties between ASEAN officials formed by informal working environment can contribute to the effective outcome. However, it is doubtful whether such organization may ensure same positive effect in the future. ‘Shuttle diplomacy’ in this case was fully the initiative of Foreign Minister Marty Natalegawa of Indonesia, the country that was not even the Chair of ASEAN at that time, so it is questionable if the Organization itself is capable to deal with the cases of sharp divergence, when consensus cannot be reached.

Overall, ‘ASEAN way’ contributes to the establishment of cooperative community that positively impacts the choices of member states to act jointly even in the cases of their internal disagreements. However, potential vulnerability is in the dependence of the system on personal ties between officials that may not be of permanent nature.

3.3 Non-interference principle as the limit of ‘ASEAN way’

A lot of criticism in terms of foreign policy effectiveness ASEAN has received due to its norm of non-intervention which is another grounding principle of the ‘ASEAN way’. Non-intervention into domestic affairs was the vital norm that encouraged ASEAN countries that were going through the nation-building processes and post-colonial unrest in 1970s to cooperate under the umbrella of one organization. However, researchers has pointed out to

¹³¹ “Asean Fails to Reach Agreement,” *BBC*, July 13, 2012, sec. Asia, <http://www.bbc.co.uk/news/world-asia-18825148>.

¹³² Thayer, “ASEAN’S Code of Conduct in the South China Sea: A Litmus Test for Community-Building?”.

serious limits non-interference brings to ASEAN functioning as effective regional actor, in particular with regard to human rights issues in Myanmar,¹³³ territorial disputes between member states¹³⁴ and some regional threats like piracy or environmental problems.¹³⁵ For instance, the ASEAN response to the environmental catastrophe in Indonesia in 1997-1998 according to the evaluation of Rodolfo C. Severino was ineffective due to unwillingness of Indonesia to allow neighbouring states to interfere in its domestic governance and lack of enforcement from the side of ASEAN for states to implement the agreed policies.¹³⁶ The limits of ASEAN with regard to Myanmar have the same nature. The government in Myanmar is reluctant to allow human rights monitoring of ASEAN on its territory.¹³⁷ The non-intervention principle also prevents ASEAN to interfere into any territorial disputes between member states, unless they give consent to such interference.¹³⁸ For instance, ASEAN remained inactive in recent Malaysia - Philippines conflict over Sabah. No formal statements have been made or collective actions taken with regard to the conflict escalation.¹³⁹ The human rights problem in Myanmar led to strong pressure on ASEAN from the international community, civil society and human rights organizations that demanded Association's response. Western dialogue partners refused to participate in the ARF Meeting where Myanmar had to overtake the rotation chair of ASEAN in 2006.¹⁴⁰ It was even suggested to exclude Myanmar from the ASEAN. However, the Community refrained from direct intervention into the country. It preferred to use the informal environment of the

¹³³ Jürgen Haacke, "'Enhanced Interaction' with Myanmar and the Project of a Security Community: Is ASEAN Refining or Breaking with Its Diplomatic and Security Culture?," *Contemporary Southeast Asia* 27, no. 2 (August 1, 2005): 188–216.

¹³⁴ Gillian Goh, "The 'ASEAN Way' Non-Intervention and ASEAN's Role in Conflict Management" 3, no. 1 (2003): 113–118.

¹³⁵ Rodolfo C. Severino, *Southeast Asia in Search of an ASEAN Community: Insights from the Former ASEAN Secretary-General* (Institute of Southeast Asian Studies, 2006), 107–121.

¹³⁶ *Ibid.*, 116.

¹³⁷ Christina Hadju, "ASEAN Makes Fragile Myanmar Progress," *Asia Times Online*, March 5, 2009, http://www.atimes.com/atimes/Southeast_Asia/KC05Ae01.html.

¹³⁸ Article 23, "Charter of the Association of Southeast Asian Nations" (ASEAN Secretariat, January 2008).

¹³⁹ Paul Pryce, "The Sabah Conflict: Grim Vision for ASEAN Security Community?," *China Institute of International Relations*, April 26, 2013, http://www.ciis.org.cn/english/2013-04/26/content_5908749.htm.

¹⁴⁰ Khong and Nesadurai, "Hanging Together, Institutional Design, and Cooperation in Southeast Asia: AFTA and the ARF," 47.

ASEAN cooperation and launched the policy of ‘enhanced interaction’¹⁴¹ with Myanmar to address human rights issues. ASEAN also used the possibility to establish its monitoring missions in Myanmar under the umbrella of humanitarian aid to the victims of the tropical storm.¹⁴² These missions are providing information about the actual situation with human rights in Myanmar and their activities have contributed to the Myanmar’s agreement to accept humanitarian aid from the western countries. However, no significant improvements in respect for human rights can be observed in the country so far.¹⁴³ The only ASEAN achievement with regard to this case is increased openness of Myanmar to discuss human rights issues on regional level. Hence, non-intervention seriously limited the scope of actions that ASEAN could have taken with regard to Myanmar and its efforts did not result in the achievement of political goals.

On the other hand, ASEAN do find ways to omit the principle of non-interference if the political or security considerations of several countries or the whole community are involved. The example of the occasion where non-interference was clearly violated is the East Timor crisis of 1999. In this case military intervention occurred with participation of four ASEAN members. However, the intervention was conducted under UN control (UN SC resolution 1264) and the peacekeeping mission was created on the base of the international forces, with ASEAN constituting only one-fifth of the mission.¹⁴⁴ It should be mentioned, however, that Indonesia gave consent to authorised intervention and only afterwards ASEAN countries joined the UN coalition.¹⁴⁵ The reasons why ASEAN members did not support Indonesia in this case were the beliefs of national elites that crises in Indonesia may have

¹⁴¹ The policy of ‘enhanced interaction’ allowed ASEAN states to engage in constructive interaction and openly discuss those internal problems that also impact other members of the Community, without direct interference.

¹⁴² Hadju, “ASEAN Makes Fragile Myanmar Progress.”

¹⁴³ Haacke, Jürgen. "The concept of flexible engagement and the practice of enhanced interaction: Intramural challenges to the ‘ASEAN way’." *The Pacific Review* 12.4 Apr. 1999: 581-611. *Routledge Taylor & Francis Group* . Web. 12 Dec. 2012, 605.

¹⁴⁴ Lee Jones, “ASEAN’s Unchanged Melody? The Theory and Practice of ‘non-interference’ in Southeast Asia,” *The Pacific Review* 23, no. 4 (2010): 492.

¹⁴⁵ James Cotton, “Against the Grain: The East Timor Intervention,” *Survival* 43, no. 1 (2001): 132.

consequences in their own countries, so peace and order must have been restored as soon as possible. The crises happened when the region was still recovering from 1997 economic crises and the presence of military conflicts was the least wished option for the countries, who expected an inflow of FDIs.¹⁴⁶ This case clearly points to flexibility of non-intervention, so ASEAN is capable to take action despite this norm.

The case of East Timor is also interesting in terms of demonstrating the attitude of ASEAN members to the organization as political actor. In fact only four ASEAN countries (Thailand, the Philippines, Singapore and Malaysia) took part in the UN Peacekeeping Mission, so technically there was no ASEAN cohesive policy response. Nevertheless, the coalition of the four states participated in the intervention as representatives of the ASEAN Community and Thailand took the lead of the peacekeeping forces.¹⁴⁷ It has given a clear message to the countries of the region and the international community that ASEAN is capable of taking care of regional security and dealing with regional challenges as a unified actor.¹⁴⁸ It was exactly what the EU has failed to demonstrate in response to Libya. Then only Britain, France and Italy joined the intervention acting on their own behalf and breaking the unity of the EU.

Hence, though ASEAN might have limited powers due to non-interference it, nevertheless, has omitted the principle when vital interests of the Community were at stake.

3.4 The power of non-binding agreements

Interesting aspect of ASEAN functioning is that member states adhere to the informal agreements made. Most of the ASEAN normative acts take the forms of declarations, memorandums and plans of action that are legally non-binding. At the same time they

¹⁴⁶ Jones, "ASEAN's Unchanged Melody?," 493.

¹⁴⁷ Jürgen Haacke, "ASEAN's Diplomatic and Security Culture: a Constructivist Assessment" 3 (2003): 65.

¹⁴⁸ *Ibid.*, 67.

represent a certain type of ‘gentlemen agreement’ that being non-binding has legal force.¹⁴⁹ Such agreements do not require ratification but are implemented by ASEAN states. For instance, in 2002-2003 when countries of South East Asia and wider East Asia region faced a serious threat of SARS epidemic ASEAN took the leading role in coordinating the efforts of endangered countries to stop the epidemic. At that time a number of non-binding agreements were reached during ASEAN+3, ASEAN-China meetings and the ASEAN Summit, attended also by Prime Ministers of China and Hong Kong. The agreements required apart from some urgent measures also reforms and readjustments of countries health and public education systems, land and air travel codes and infrastructures.¹⁵⁰ Despite the non-binding nature all of them were implemented. It demonstrates that informal agreements in Asia have the same force as legally binding treaties in Europe. In this particular case, however, none of the vital state interests were at threat and common challenge united the countries.¹⁵¹

It should be mentioned though that there were cases, when agreement were violated by ASEAN members or not implemented (environmental crises in Indonesia, peaceful agreement between Thailand and Cambodia). The same fear of non-implementation or possible violation of non-binding agreement over South China Sea between ASEAN members and China has encouraged ASEAN to push for binding treaty. These are the cases where the ‘weakness’ of ASEAN institutions, discussed in the next section, can be observed.

3.5 The problem of weak institutions

It has already been noted that ASEAN prefers minimum organizational structure and tends not to establish permanent institutions or powerful centralized bodies. Even inter-ministerial meetings in ASEAN happen on the *ad hoc* bases, where there is a need for policy

¹⁴⁹ Henry, “The ASEAN Way and Community Integration: Two Different Models of Regionalism,” 866.

¹⁵⁰ Severino, *Southeast Asia in Search of an ASEAN Community: Insights from the Former ASEAN Secretary-General*, 118–119.

¹⁵¹ *Ibid.*

coordination.¹⁵² The permanent multilayer networks of informal institutions for foreign and security policy like ASEAN-ISIS rather serve to create suitable environment for cooperation and ensure the so called ‘comfort level’ for consultation. However, none of them has mechanisms and competences to issue policies or enforce actions. The purpose of ASEAN-ISIS network, for instance, is limited to “coordination of activities among policy-oriented ASEAN scholars and analysts, ... studies of, and exchanges of information and viewpoints on, various strategic and international issues affecting Southeast Asia's and ASEAN's peace, security and well-being.”¹⁵³ Its representatives are also present at the ASEAN Senior Officials meetings.¹⁵⁴ In the cases, where cooperation requires institutional settings ASEAN members nominate working committees to address specific regional foreign and security policy issues. A number of *ad hoc* Committees were established to address the regional SARS epidemic or environmental disaster in Indonesia.¹⁵⁵ However, ASEAN rarely establish permanent institutional structures.

As it has been shown in previous sections ASEAN manages its cohesiveness in foreign policy quite successfully even without permanent institutions. The environment of mutual trust and confidence created by the ‘ASEAN way’ contributes to the states’ adherence even to the non-binding unofficial agreements. At the same time there are occasions when absence or of formal institutions or their ‘weakness’ in terms of competences is a constraint for effectiveness. This refers to limited powers of the ASEAN High Council for the settlement of disputes between member states, or lack of ASEAN powers to implement policy decisions or to enforce states compliance with them. The long-lasting Thai-Cambodian dispute over the 4.6 square kilometre area of Preah Vihear Temple is an example of the limited abilities of the

¹⁵² Article 7C, “The ASEAN Charter.”

¹⁵³ “About the ASEAN Institute of Strategic and International Studies,” *Singapore Institute of International Affairs*, accessed May 18, 2013, <http://siaonline.org/page/isis>.

¹⁵⁴ *Ibid.*

¹⁵⁵ Severino, *Southeast Asia in Search of an ASEAN Community: Insights from the Former ASEAN Secretary-General*, 107–121.

ASEAN institutions. The ASEAN High Council settled to resolve such disputes may only be involved after receiving the consent of the states involved. The Association has offered mediation assistance to the both parties several times during the dispute, however, neither Thailand nor Cambodia were willing to accept ASEAN involvement¹⁵⁶ making the Association powerless.

In general, ASEAN have demonstrated that informal institutional structures have both positive and negative effect on foreign policy effectiveness. The ‘ASEAN way’ creates especially favourable environment for elite socialization and contributes to better foreign policy cohesiveness. Minimal institutional settings and the informality of procedures make the policy-making and implementation processes simple and rather quick. Informal institutional design also has potential to be flexible, as the decisions and actions of the ASEAN are not determined by the treaties but rather adjusted to the situation. At the same time, some of the ASEAN deep-rooted norms like non-intervention principle may put limits to the organization’s policy effectiveness. In some cases lack of institutional empowerment also constrains ASEAN involvement.

In the next chapter I will proceed with comparative analysis of the role the EU and ASEAN institutions play for organizations’ effective actorness, pointing out to similarities and differences in the impact they make on foreign policy coherence and implementation.

¹⁵⁶ “Thai-Cambodian Conflict: An Obstacle to the ASEAN Community 2015?,” accessed May 27, 2013, <http://www.eastasiaforum.org/2011/05/20/thai-cambodian-conflict-an-obstacle-to-the-asean-community-2015/>.

Chapter 4: Comparing EU and ASEAN institutional mechanisms for foreign policy

This chapter is assigned to provide comparative analysis of the EU and ASEAN institutional performance with regard to foreign policy. The institutional design will be compared in terms of its impact on policy cohesiveness, effectiveness of the decision-making procedures, level of flexibility and the level of enforcement and compliance the system ensures. The comparison will result in the evaluation of the role institutional design has on foreign policy effectiveness with references to the additional factors of influence. The chapter will also touch upon the applicability of the EU integration theories to the ASEAN institutional performance.

4.1 Comparative analysis of the EU and ASEAN institutional performance

The analysis of the institutional design performance in the EU and ASEAN allowed us to draw some parallels in terms of the impact different institutions have on regions' effectiveness in foreign policy. The empirical investigation has determined several lines along which comparative evaluation might be done: the impact of institutional settings on foreign policy cohesiveness, the impact of decision-making procedures on the foreign policy formulation and implementation, flexibility of the system and the level of enforcement and compliance it sustains. The summary of the comparative analyses is presented in the table below.

Table 2. The impact of the institutional design on foreign policy effectiveness

EU	ASEAN
Background	
- Cooperation in Europe prioritized economic integration, the need for political and security community as well as coherent foreign policy developed	- ASEAN was created with political and security purposes and the need for coherence in foreign policy was understood much earlier in the region with

<p>later.</p> <ul style="list-style-type: none"> - Main features of institutions for foreign policy: legally-binding nature, rules and procedures are clearly determined in the treaties; foreign policy has special institutional settings both on intergovernmental and supranational level, decision-making through unanimity. - Development logic: institutionalization, supranationalism 	<p>several great powers.</p> <ul style="list-style-type: none"> - Main features of institutions for foreign policy: no legal agreements or specifically prescribed procedures and mechanisms; no specific institutions for foreign policy; governed by informal procedures of 'ASEAN way', only intergovernmental, decision-making through consensus. - Development logic: strengthening the 'ASEAN way', intergovernmentalism
Cohesiveness	
<ul style="list-style-type: none"> - The role of institutions is to level out divergent positions of member states in foreign policy. - Formal institutional design with binding rules and specified procedures holds countries together 'artificially' and legally oblige to come up with the unified position. - Formal institutional design contributes to elite socialization on the supranational and intergovernmental level (creates official networks of cooperation with unified and standardised rules and procedures of functioning and cooperation, known as 'Brusselization' process). - The two-level system creates additional incoherence between supranational institutions and Member States and between institutions. 	<ul style="list-style-type: none"> - The role of institutions is to influence the formulation of coherent positions of member states in foreign policy. - Norms and procedures do not have any strong mechanisms to enforce coherence. Unified position is developed through the process of states' interaction. - Informal institutional design strongly contributes to elite socialization on the intergovernmental level. Cooperation and cohesiveness are developed through the informal networks by consultations and discussions that create the 'family' environment of functioning and cooperation. - Relatively small powers of supranational institutions do not create competition between the levels.
Foreign policy decision-making	
<ul style="list-style-type: none"> - Unanimity decision-making prevents Member States from agreeing on firm common position; it results in adoption of very modest set of actions (agreement at the low common denominator). - Qualified majority voting is rarely used even in the areas, where it is allowed. - In reality decisions are often taken by consensus but again with very modest points of agreement. - As unanimity limits the scope of actions to be agreed on, Member States, who do not support the Union position or have the desire and capabilities to 	<ul style="list-style-type: none"> - Consensus decision-making results in countries agreeing on unified position, even if there is no agreement between MS. - Consensus process allows for wide opinion accommodation and results in the larger scope of agreed actions. - Adherence to the Community decisions prevents MS from acting individually. Those who are willing and capable to act do so representing the Community.

act, do that individually.	
Complexity and flexibility	
- Institutional settings make foreign policy functioning complex, slow and not flexible enough.	- Institutional settings and rules are flexible and might be readjusted to the needs of the Community. However, their functioning might also be slow (e.g. long time is needed to reach consensus).
Enforcement and compliance	
- Compliance is supported by treaties. Institutions have power and mechanisms to enforce common policies but do not always ensure compliance with the unified foreign policy response.	- Compliance is supported by unofficial agreements. They do not have legal enforcement power but compliance still exists and the obligations are met in most cases. Institutional enforcement is, however, needed for long term policies in some areas.

While evaluating the performance of formal and informal institutional structures one might determine both similarities and differences in the impact they make. However, there is no reason to believe that formal institutional design performs better for regions' effectiveness in foreign policy. In fact, a number of features of informal institutions appeared to be more beneficial for regional actorness.

4.2 Evaluation of the role of institutional design on regions' foreign policy, connection to the theories

The institutions in the EU and ASEAN tackle the same challenges of foreign policy effectiveness: cohesiveness and compliance. In line with the social institutionalism theory both formal supranational institutions in the EU and informal and non-binding mechanisms of the ASEAN integration aim to ensure cohesiveness in foreign policy positions by influencing member states behaviour through elite socialization. While analysing organizations' actual performance in foreign policy, it seems that the informal institutions in ASEAN create better environment for socialization and cooperation, than official and standardized norms of the EU. The ASEAN environment can be described as inclusive and accommodating and the

decision-making happens through the process of informal interactions between states. Hence, the impact on cohesiveness is made already at the stage of national foreign policy formulation. Differently from that, the socialization in the EU creates favourable conditions for cohesiveness in mechanisms and procedures of policy making but less so contributes to the cohesiveness of national foreign policies themselves. Moreover, supranational level adds new risks for inconsistency between the EU institutions and Member States that is not the case for ASEAN.

The EU and ASEAN also have the similar logic of decision-making through consensus between member states. The EU decision-making process in foreign policy can be best described as the bargaining between states and between states and institutions. In most cases Member States tend to prioritize their national interests above the Union ones. As a result consensus agreement represents the decision at low common denominator. Moreover, unanimity adds further difficulties for effective foreign policy responses as the danger of veto prevents Member States from agreeing on proactive policies. Contrary to that, the ASEAN consensus is rather the lengthy process of discussions that also usually results in the decision at the low common denominator. However, it is rarely that states put their national foreign policy priorities above the Community one. This might also be the evidence that community norms and the level of trust between member states in ASEAN in terms of foreign policy agreements are stronger, than the sense of community in the EU.

The difference in the institutional design performance in the EU and ASEAN can be observed in terms of the flexibility and complexity of its functional mechanisms. The EU foreign policy organization, procedures and mechanisms are clearly specified and governed by treaty law. Technically, it should ensure clarity and predictability in Member States and Union actions which is not what the evidence shows. At the same time, being very detailed, these norms and procedures are cumbersome and complex to follow. They slow down the

policy process or their complexity prevents Member States to perform them. Contrary to that, the ASEAN informal mechanisms of the foreign policy process are more flexible and adjustable to the situation. As there are no ‘prescribed’ ways of how foreign policy should be conducted, it is often that member states are not limited by procedural norms or any institutions. The level of predictability in such system is much lower, than in the EU, however, the outcome might be more effective. It is the nature of the ASEAN governing norms itself that puts constraints to foreign policy effectiveness. It particularly concerns the principle of non-intervention that has slowed down or prevented ASEAN policy responses to serious political challenges.

Interesting aspect of comparison is the level of institutional enforcement both for cooperation and foreign policy implementation. The analysis of the ASEAN informal mechanisms has shown that the informal agreements between member states have the same power of enforcement as the EU treaties and institutional mechanisms and ASEAN members comply with them.

However, “institutions do not exist in vacuum,”¹⁵⁷ nor do they emerge in vacuum. Institutional design is to large extent the product of the regional identity and the empowerment of institutions also depends on it. For instance, the EU Member States preferred to act individually in the case of Libya intervention when the institutional mechanisms prescribed otherwise, while in ASEAN individual states acted on behalf of the Community (the case of East Timor). ASEAN members also tend to prefer Community interests over the national ones more, than the EU Member States. Having in mind that neither the EU nor ASEAN has had common regional identity prior to the development of the regions as political actors, one might conclude that it is the effect of institutions that

¹⁵⁷ Smith M., *Europe’s Foreign and Security Policy: The Institutionalization of Cooperation*, 239.

contributed to its development. Hence, ASEAN informal institutions had greater impact on the regional actorness than the EU formal institutional design.

The impact of institutions in both cases might also be evaluated considering another important factor. The EU is the community of 27 Member States, while ASEAN has only 10 members. In addition the number of officials involved in the EU foreign policy making is in times larger than in the ASEAN (3611 officials work for the European External Action Service,¹⁵⁸ while 260 officials is the composition of the ASEAN Secretariat)¹⁵⁹. Taking that in consideration, it might be easier for ASEAN officials to maintain closer ties with each other and to reach consensus in decision-making. Another alternative explanation of the EU and ASEAN foreign policy coherence might be the external factor. It is plausible that ASEAN surrounded by powerful states like China, Japan and the US prefers common response towards them out of rationality logic and the institutional design does not play a significant role in this case. This logic, however, is not supported by the evidence from the EU case. The EU remains deeply divided in its position to Russia with regard to energy dialogue and some other political issues, despite the rationality of the common response. Thus, it is clear that institutions do not resolve everything; however, as the evaluation of the cases shows they do have their positive impact.

Though it is rather difficult to decouple the effect of institutional design from other important factors that might influence organizations' performance in foreign politics, some theoretical conclusions might be still drawn from the empirical evidence. The impact of the ASEAN informal institutional design can also be explained by the EU-shaped theories of neo-institutionalism. It definitely contributes to the elite socialization, determines rules and norms of member states behaviour, frames the 'logic of appropriateness' and contributes to the preference change in states' foreign policy positions.

¹⁵⁸ Martina Weitsch, *The European External Action Service (EEAS) one year on*, January 16, 2012.

<http://qceablog.wordpress.com/2012/01/16/the-european-external-action-service-eeas-one-year-on/>

¹⁵⁹ ASEAN Secretariat Must be Strengthened, May 21, 2012. <http://www.irrawaddy.org/archives/4610>

Conclusions

This paper aimed to address the puzzle of the EU and ASEAN's similar performance as regional political actors. Despite the informal nature of the institutional design and low level of institutionalization that are believed to be the 'weaknesses' of the organization, ASEAN performed in its foreign policy at the same level as the EU over the analysed period of time. In order to explain the puzzle, the analysis of the EU and ASEAN's foreign policy performance has been done over the same timeframe, with the focus on the impacts that institutional design has had on foreign policy effectiveness in each case. The results allowed making a comparative evaluation of the causal relationship between institutional type and regions' effectiveness as political actors. The comparative evaluation revealed four lines along which formal and informal institutional types are linked to the regions' effectiveness: policy coherence, effectiveness of the decision-making procedures, flexibility and enforcement or compliance.

In this paper I have argued that the formal institutional design is not a precondition for regions' effectiveness as political actor. Both institutional types positively impact regions' effectiveness in foreign policy; however, each uses different approaches to enhance regional agency. In line with social institutionalism theory the institutions in the EU and ASEAN provide an environment for elite socialization and frame the behaviour of member states. In both cases institutions create rules and mechanisms to facilitate state cooperation and policy implementation. Formal and informal institutional settings have demonstrated the same power of enforcement. At the same time, each type has a number of drawbacks that constrain regional cooperation and foreign policy implementation. However, permanent institutions would enhance ASEAN effectiveness in addressing some long-standing regional challenges (terrorism, drug-trafficking, illegal migration, environmental problems). Partly, the intentions

for such institutional arrangements are reflected in the ASEAN Political and Security Community Blueprint.

Regions' effectiveness as political actors obviously does not depend only on institutions. It is rather the nexus of institutions and regional identity that creates the effective outcome. The analysis of the EU and ASEAN's foreign policy performance has led to the additional conclusion on the joint effect of institutions and regional identity that needs to be further investigated. As it was argued by Khong and Nesadurai, ASEAN institutional design closely follows the preferences and needs of member states.¹⁶⁰ Moreover, its normative, even ethical, governing nature almost deconstructs the border between identity and institutions. Contrary to that, the logic of the community building in the EU emphasized abstract legal obligations and strong institutional settings. They were not backed up by common regional identity and took over Member States powers, rather than adhered to their needs. The evidence of the EU and ASEAN foreign policy performance suggests that the stronger link between institutions and regional identity in ASEAN results in better states' cooperation. The loose connection between institutional settings and ideational perceptions in the EU constrains cooperation.

¹⁶⁰ Khong and Nesadurai, "Hanging Together, Institutional Design, and Cooperation in Southeast Asia: AFTA and the ARF."

Appendix 1. Examples of the EU and ASEAN foreign policy responses

European Union foreign policy responses 1993 - 2013			ASEAN foreign policy responses 1997-2013		
Political and Security Challenges in the region	Common Policy Response,	Political Goals Achieved	Political and security challenges in the region	Common Policy Response	Political Goals Achieved
2008 Kosovo independence – mediation of recognition talks ¹⁶¹	+	+	South China Sea dispute – negotiations with China on Code of Conduct (2012) ¹⁶²	+	-
1998 Kosovo crises ¹⁶³	-	-	Myanmar – addressing human rights violations ¹⁶⁴	+	-
Response to the ‘Arab Spring’ ¹⁶⁵	+	-	North Korea – response to nuclear threats ¹⁶⁶	-	-
Libya intervention ¹⁶⁷	-	+	SARS epidemic in East Asia ¹⁶⁸	+	+
Civil war in Syria ¹⁶⁹	+	-	1999 East Timor crises – humanitarian intervention ¹⁷⁰	-	+

¹⁶¹ “Serbia and Kosovo Reach Landmark Deal,” *European Union External Action Service*, May 2013, http://eeas.europa.eu/top_stories/2013/190413__eu-facilitated_dialogue_en.htm.

¹⁶² Thayer, “ASEAN’S Code of Conduct in the South China Sea: A Litmus Test for Community-Building?”; “Asean Fails to Reach Agreement.”

¹⁶³ Florian Bieber and Zidas Daskalovski, *Understanding the War in Kosovo* (London: Frank Cass Publishers, 2003), 246; Barry R. Posen, “European Union Security and Defense Policy: Response to Unipolarity?” 15, no. 2 (2010): 149–186.

¹⁶⁴ Hadju, “ASEAN Makes Fragile Myanmar Progress”; HAACKE, “‘Enhanced Interaction’ with Myanmar and the Project of a Security Community.”

¹⁶⁵ “Policy Brief: The European Union’s Response Toward the ‘Arab Spring’” (n.d.): 1–4; *The EU’s Response to the “Arab Spring.”*

¹⁶⁶ “Asean Chair Urges North Korea to Call Off Rocket Launch,” *JakartaGlobe*, December 12, 2012, <http://www.thejakartaglobe.com/archive/asean-chair-urges-north-korea-to-call-off-rocket-launch/>.

¹⁶⁷ Koenig, “The EU and the Libyan Crisis: In Quest of Coherence?”

¹⁶⁸ Severino, *Southeast Asia in Search of an ASEAN Community: Insights from the Former ASEAN Secretary-General*.

¹⁶⁹ Council of the European Union, *Council Declaration on Syria, 3241st Foreign Affairs Council Meeting, Brussels, 27 May 2013*, accessed May 29, 2013, http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/137315.pdf.

¹⁷⁰ Cotton, “Against the Grain.”

2008 Georgia-Russia conflict ¹⁷¹	+	+	Response to the nuclear disaster in Japan	+	+
2003 Iraq war ¹⁷²	-	-	Environmental disaster Indonesia 1997-1998 (Haze) ¹⁷³	+	-
2009 'gas crises' (energy security) ¹⁷⁴	+	+	Sabah Conflict ¹⁷⁵	No position	-
Arab-Israeli Conflict ¹⁷⁶	+	-	Thai-Cambodia territorial conflict over Phnom Dong Rak ¹⁷⁷	-	-
2009 elections in Iran (human rights violations) ¹⁷⁹	+	-	1995 Spratly Island dispute with China ¹⁷⁸	+	+

¹⁷¹ Kateryna Barysh, "Europe and the Georgia Russia Conflict," *Open Democracy*, September 30, 2008, <http://www.opendemocracy.net/article/europe-and-the-georgia-russia-conflict>.

¹⁷² Schwarz, "EU Summit Agrees on War Against Iraq as a 'Last Resort'"; Johnatan Spyer, "Europe and Iraq: Test Case For The Common Foreign And Security Policy," *GlobalPolitician.com*, accessed April 10, 2013, <http://www.globalpolitician.com/print.asp?id=3048>.

¹⁷³ Severino, *Southeast Asia in Search of an ASEAN Community: Insights from the Former ASEAN Secretary-General*.

¹⁷⁴ *The January 2009 Gas Supply Disruption in the EU: An Assessment*.

¹⁷⁵ Pryce, "The Sabah Conflict: Grim Vision for ASEAN Security Community?"

¹⁷⁶ Muriel Asseburg, Michael Bauer, and Jeroen Gunning, *European Involvement in the Arab-Israeli Conflict*, Chaillot Papers (Paris: European Union Institute for Security Studies, December 2010), http://www.iss.europa.eu/uploads/media/cp124-European_Involvement_in_the_Arab-Israeli_Conflict.pdf.

¹⁷⁷ Kanparit, "A Mediator Named ASEAN: Lessons from Preah Vihear."

¹⁷⁸ Nischalke, "Insights from ASEAN's Foreign Policy Co-operation: The 'ASEAN Way', a Real Spirit or a Phantom?"

¹⁷⁹ "Iran and Human Rights," *European Union External Action Service*, May 20, 2013, http://eeas.europa.eu/iran/humanrights_en.htm.

Bibliography

- “A Breakthrough at Last.” *The Economist*, April 20, 2013. Accessed May 19, 2013.
<http://www.economist.com/blogs/easternapproaches/2013/04/serbia-and-kosovo-0>.
- “About the ASEAN Institute of Strategic and International Studies.” *Singapore Institute of International Affairs*. Accessed May 18, 2013. <http://siaonline.org/page/isis>.
- ASEAN Secretariat Must be Strengthened, May 21, 2012. Accessed May 29, 2013.
<http://www.irrawaddy.org/archives/4610>
- Acharya, Amitav. “The Emerging Regional Architecture of World Politics” 59, no. 4 (July 2007): 629–652.
- Acharya, Amitav, and Alastair Johnston, eds. *Crafting Cooperation: Regional International Institutions in Comparative*. Cambridge: Cambridge University Press, 2007.
- “Asean Chair Urges North Korea to Call Off Rocket Launch.” *JakartaGlobe*, December 12, 2012. Accessed May 20, 2013. <http://www.thejakartaglobe.com/archive/asean-chair-urges-north-korea-to-call-off-rocket-launch/>.
- “Asean Fails to Reach Agreement.” *BBC*, July 13, 2012, sec. Asia. Accessed May 25, 2013.
<http://www.bbc.co.uk/news/world-asia-18825148>.
- “ASEAN Political and Security Community Blueprint.” ASEAN Secretariat, June 2009.
- Asseburg, Muriel, Michael Bauer, and Jeroen Gunning. *European Involvement in the Arab-Israeli Conflict*. Chaillot Papers. Paris: European Union Institute for Security Studies, December 2010. Accessed May 201, 2013. http://www.iss.europa.eu/uploads/media/cp124-European_Involvement_in_the_Arab-Israeli_Conflict.pdf.
- Barysh, Kateryna. “Europe and the Georgia Russia Conflict.” *Open Democracy*, September 30, 2008. Accessed May 28, 2013. <http://www.opendemocracy.net/article/europe-and-the-georgia-russia-conflict>.
- Beeson, Mark. *Institutions of the Asia-Pacific: ASEAN, APEC and Beyond*. Routledge, 2008.
- Bennett, Andrew, and Jeffrey T. Checkel. “Process Tracing: From Philosophical Roots to Best Practices” 21. *Simons Papers in Security and Development* (2012): 1–48.
- Benz, Arthur, and Christina Zimmer. “The EU’s Competences: The ‘vertical’ Perspective on the Multilevel System” 5, no. 1 (2010): 1–31.
- Bieber, Florian, and Zidas Daskalovski. *Understanding the War in Kosovo*. London: Frank Cass Publishers, 2003.
- Biscop, Sven, and Jo Coelmot. “Permanent Structured Cooperation in Defence: Building Effective European Armed Forces” no. No 15. *Bruges Political Research Papers* (September 2010): 1–23.

- Bretherton, Charlotte, and John Vogler. *The European Union as a Global Actor*. 2nd ed. Abingdon: Routledge, 2006.
- Buzan, Barry, and Ole Waever. *Regions and Powers: The Structure of International Security*. Cambridge University Press. Cambridge, 2003.
- Callahan, William A. "Institutions, Culture or Ethics? The Logic of Regionalism in Europe and East Asia." In *New Regionalism and the European Union Dialogues, Comparissons and New Research Directions*, edited by Alex Warleigh-Lack, Nick Robinson, and Ben Rosamond, 97–114. Routledge, 2011.
- Cameron, Fraser. "Building a Common Foreign Policy. Do Institutions Matter?" In *A Common Foreign Policy for Europe?: Competing Visions of the CFSP*, edited by John Peterson and Helene Sjursen, 59–76. European Public Policy Series. Abingdon: Routledge, 1998.
- "Charter of the Association of Southeast Asian Nations." ASEAN Secretariat, January 2008.
- Checkel, Jeffrey T. "Social Mechanisms and the Quality of Cooperation: Are Europe and the EU Really All That Different?" In *Crafting Cooperation: International Institutions in Comparative Perspective*, edited by Amitav Acharya and Alastair Johnston, 221–243. Cambridge: Cambridge University Press, 2007.
- "Consolidated Versions of the Treaty on European Union and the Treaty on the Functioning of the European Union and the Charter of Fundamental Rights of the European Union." Council of the European Union, May 28, 2010. http://europa.eu/lisbon_treaty/full_text/.
- Cotton, James. "Against the Grain: The East Timor Intervention." *Survival* 43, no. 1 (2001): 127–142.
- Council Declaration on Syria, 3241st Foreign Affairs Council Meeting, Brussels, 27 May 2013*. Accessed May 29, 2013. http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/137315.pdf.
- "Divided Response to Libyan Crisis: 'The Maneuvering of EU Member States Is a Scandal'." *Spiegel Online International*, March 7, 2011. Accessed May 23, 2013. <http://www.spiegel.de/international/world/divided-response-to-libyan-crisis-the-maneuvering-of-eu-member-states-is-a-scandal-a-749376.html>.
- Emmerson, Donald K. "Security, Community, and Democracy in South East Asia: Analyzing ASEAN" 6, no. 2 (2005): 165–185.
- "EU Ministers Appreciate Steps Taken by Czech Presidency to Resume Gas Supplies." *Government of the Czech Republic*, January 13, 2009. Accessed May 15, 2013. <http://www.vlada.cz/en/media-centrum/aktualne/eu-ministers-appreciate-steps-taken-by-czech-presidency-to-resume-gas-supplies-51948/>.
- Fawn, Rick. "'Regions' and Their Study: Wherefrom, What for and Whereto?" 35 (February 2009): 5–34.
- "Final Report of the Future of Europe Group of the Foreign Ministers of Austria, Belgium, Denmark, France, Italy, Germany, Luxembourg, the Netherlands, Poland, Portugal and Spain,," September 17, 2012.

- “‘Future of Europe Group’ Bids for Foreign Policy, Defence Clout.” *EurActiv.com*. Accessed May 27, 2013. <http://www.euractiv.com/future-eu/future-europe-group-tables-propo-news-514876>.
- Goh, Gillian. “The ‘ASEAN Way’ Non-Intervention and ASEAN’s Role in Conflict Management” 3, no. 1 (2003): 113–118.
- Gowan, Richard. “The EU and Syria: Everything but Force?” *Institut d’Etudes De Sécurité De l’UE*, January 26, 2012. Accessed May 28, 2013. <http://www.iss.europa.eu/fr/publications/detail-page/article/the-eu-and-syria-everything-but-force/>.
- Groen, Lisanne, and Arne Niemann. “EU Actorness and Effectiveness Under Political Pressure at the Copenhagen Climate Change Negotiations.” *Paper No. 1*. Mainz Papers on International and European Politics (2012).
- Groenleer, Martijn L.P., and Louise van Shaik. “United We Stand? The European Union’s International Actorness in the Cases of the International Criminal Court and the Kyoto Protocol” 45, no. 5 (2007): 969–998.
- Haacke, Jurgen. “ASEAN’s Diplomatic and Security Culture: a Constructivist Assessment” 3 (2003): 57–87.
- Haacke Jurgen. “‘Enhanced Interaction’ with Myanmar and the Project of a Security Community: Is ASEAN Refining or Breaking with Its Diplomatic and Security Culture?” *Contemporary Southeast Asia* 27, no. 2 (August 1, 2005): 188–216.
- Hadju, Christina. “ASEAN Makes Fragile Myanmar Progress.” *Asia Times Online*, March 5, 2009. Accessed May 10, 2013. http://www.atimes.com/atimes/Southeast_Asia/KC05Ae01.html.
- Henry, Laurence. “The ASEAN Way and Community Integration: Two Different Models of Regionalism” 13, no. 6 (November 2007): 857–879.
- Hettne, Bjorn. “EU as a Global Actor: An Anatomy of Actorship.” presented at the EU in International Affairs Conference, April 25, 2008.
- Hettne Bjorn. “Regional Actorship and Regional Agency: Comparative Perspective.” presented at the “Global Governance and Regionalism: The Institutional Dimension, June 9, 2008.
- Hettne, Bjorn, and Fredrick Soderbaum. “Theorizing the Rise of Regioness.” In *New Regionalisms in the Global Political Economy*, edited by Shaun Breslin, Christopher W. Hughes, Nicola Phillips, and Ben Rosamond, 33–47. Routledge. Abingdon, 2002.
- Heure, Jeanne. “EU’s Foreign Policy Sacrificed?” *Cafebabel.com*, October 19, 2012. <http://bruxelles.cafebabel.com/en/post/2012/10/19/La-politique-étrangère-de-l’UE-sacrifiée>.
- Hopkin, Jonathan. “The Comparative Method.” In *Theory and Methods in Political Science*, by D. Marsh and G. Stoker, 285–307, 285–307. Basingstoke: Palgrave, 2010.

- Horvath, Zoltan. "The Common Foreign and Security Policy and European Security and Defence Policy." In *Handbook On The European Union*, 533–562. Reference Press, 2007.
- Hyde-Price, Adrian. "Interests, Institutions and Identities in the Study of European Foreign Policy." In *Rethinking European Union Foreign Policy*, edited by Ben Tonra and Thomas Christiansen, 99–113. New York: Manchester University Press, 2004.
- "Iran and Human Rights." *European Union External Action Service*, May 20, 2013. http://eeas.europa.eu/iran/humanrights_en.htm.
- Irish, John. "France, Britain to Push EU to End Syria Arms Ban: Fabius." *Reuters*. March 14, 2013. Accessed May 18, 2013. <http://www.reuters.com/article/2013/03/14/us-syria-crisis-france-idUSBRE92D0BJ20130314>.
- Jones, David Martin, and Michael L.R. Smith. "Making Process Not Progress. ASAN and the Evolving East Asian Regional Order" 32, no. 1 (2007): 148–184.
- Jones, Lee. "ASEAN's Unchanged Melody? The Theory and Practice of 'non-interference' in Southeast Asia." *The Pacific Review* 23, no. 4 (2010): 479–502.
- Kanparit, Sujane. "A Mediator Named ASEAN: Lessons from Preah Vihear." *Reporting Developement in ASEAN*, January 21, 2013. Accessed may 15, 2013. <http://www.aseannews.net/a-mediator-named-asean-lessons-from-preah-vihear/>.
- Katsumata, Hiro. "Reconstruction of Diplomatic Norms in Southeast Asia: The Case for Strict Adherence to the 'ASEAN Way'" 25, no. 1 (April 2003): 104–121.
- Katsumata, Hiro. "WHY IS ASEAN DIPLOMACY CHANGING? From 'Non-Interference' to 'Open and Frank Discussions'." *Asian Survey* 44, no. 2 (April 1, 2004): 237–254.
- Katzenstein, Peter J. *A World of Regions: Asia and Europe in the American Imperium*. Ithaca, N.Y.: Cornell University Press, 2005.
- Khong, Yuen Foong, and Helen E.S. Nesadurai. "Hanging Together, Institutional Design, and Cooperation in Southeast Asia: AFTA and the ARF." In *Crafting Cooperation: International Institutions in Comparative Perspective*, edited by Amitav Acharya and Alastair Johnston. Cambridge: Cambridge University Press, 2007.
- Koehler, Kataryna. "European Foreign Policy After Lisbon: Strenthening the EU as International Actor" 4, no. 1 (2010): 57–72.
- Koenig, Nicole. "The EU and the Libyan Crisis: In Quest of Coherence?" IAI WORKING PAPERS, Istituto Affari Internazionali (July 2011).
- Krotz, Ulrich, and Richard Maher. "International Relations Theory and the Rise of European Foreign and Security Policy" 63, no. 3 (July 2011): 548–579.
- Luk van Langenhove. "Why We Need to 'Unpack' Regions to Compare Them More Effectively" 47, no. 1 (March 2012): 16–29.
- Mansfield, Edward D., and Helen V. Milner. "The New Wave of Regionalism." *International Organization* 53, no. 3 (July 1, 1999): 589–627.

- Mansfield, Edward, and Etel Solingen. *Regionalism*. SSRN Scholarly Paper. Rochester, NY: Social Science Research Network, June 1, 2010. <http://papers.ssrn.com/abstract=1691311>.
- Martina Weitsch, *The European External Action Service (EEAS) one year on*, January 16, 2012. Accessed May 29, 2013. <http://qceablog.wordpress.com/2012/01/16/the-european-external-action-service-eeas-one-year-on/>
- Nischalke, Tobias Ingo. "Insights from ASEAN's Foreign Policy Co-operation: The 'ASEAN Way', a Real Spirit or a Phantom?" 22, no. 1 (April 2000): 89–112.
- "No Extension of EU Arms Embargo on Syrian Rebels — RT News." Accessed May 28, 2013. <http://rt.com/news/eu-syria-arms-embargo-864/>.
- "Policy Brief: The European Union's Response Toward the 'Arab Spring'" (n.d.): 1–4.
- Posen, Barry R. "European Union Security and Defense Policy: Response to Unipolarity?" 15, no. 2 (2010): 149–186.
- Pryce, Paul. "The Sabah Conflict: Grim Vision for ASEAN Security Community?" *China Institute of International Relations*, April 26, 2013. Accessed May 20, 2013. http://www.ciis.org.cn/english/2013-04/26/content_5908749.htm.
- Schwarz, Peter. "EU Summit Agrees on War Against Iraq as a 'Last Resort'." *World Socialist Web Site*, February 19, 2003. <http://www.wsws.org/en/articles/2003/02/eu-f19.html>.
- "Serbia and Kosovo Reach Landmark Deal." *European Union External Action Service*, May 2013. Accessed May 28, 2013. http://eeas.europa.eu/top_stories/2013/190413__eu-facilitated_dialogue_en.htm.
- Severino, Rodolfo C. *Southeast Asia in Search of an ASEAN Community: Insights from the Former ASEAN Secretary-General*. Institute of Southeast Asian Studies, 2006. Accessed May 28, 2013. http://books.google.hu/books?id=D2m74ag0ixgC&printsec=frontcover&hl=ru&source=gb_s_ge_summary_r&cad=0#v=onepage&q&f=false.
- Smith, Karen Elizabeth. *The Making of the EU Foreign Policy. The Case of Eastern Europe*. New York: St. Martin's Press, 1999.
- Smith, Michael Eugene. *Europe's Foreign and Security Policy: The Institutionalization of Cooperation*. Cambridge: Cambridge University Press, 2004.
- Spyer, Johnatan. "Europe and Iraq: Test Case For The Common Foreign And Security Policy." *GlobalPolitician.com*. Accessed April 10, 2013. <http://www.globalpolitician.com/print.asp?id=3048>.
- "Thai-Cambodian Conflict: An Obstacle to the ASEAN Community 2015?" Accessed May 27, 2013. <http://www.eastasiaforum.org/2011/05/20/thai-cambodian-conflict-an-obstacle-to-the-asean-community-2015/>.
- Thayer, Carlyle A. "ASEAN'S Code of Conduct in the South China Sea: A Litmus Test for Community-Building?" *The Asia-Pacific: Japan Focus*, August 20, 2012. http://www.japanfocus.org/-Carlyle_A_-Thayer/3813.

The EU's Response to the "Arab Spring". Brussels, December 16, 2011. Accessed May 15, 2013.
http://europa.eu/rapid/press-release_MEMO-11-918_en.htm.

The European Union and Syria, Factsheet. Luxembourg: Council of the European Union, April 22, 2013.
http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/128379.pdf.

"The Founding of ASEAN." *ASEAN web site*, n.d. Accessed May 20, 2013.
<http://www.asean.org/asean/about-asean/history>.

The January 2009 Gas Supply Disruption in the EU: An Assessment, 2009. Council of the European Communities, Brussels, July 2009.

Thomas, Daniel C. "Explaining the Negotiation of EU Foreign Policy: Normative Institutionalism and Alternative Approaches" 46 (2009): 339–357.

Toje, Asle. "The Consensus–Expectations Gap: Explaining Europe's Ineffective Foreign Policy" 39, no. 1 (February 2008): 121–141.

Vanhoonacker, Sophie. "The Institutional Framework." In *International Relations and the European Union*, edited by Christopher Hill and Michael Eugene Smith, 75–100. 2nd ed. The New European Union Series. New York: Oxford University Press, 2011.

"War in Libya: Europe's Confused Response." *IISS Strategic Comments*, April 18, 2011, The International Institute For Strategic Studies edition.

Warleigh-Lack, Alex, Nick Robinson, and Ben Rosamond, eds. *New Regionalism and the European Union. Dialogues, Comparisons and New Research Directions*. Routledge, 2011.

Wessels, Wolfgang. "The Institutional Development of the Common Foreign, Security and Defence Policy. Theoretical Perspectives: Beyond the Supranational and Intergovernmental Dichotomy," January 13, 2004. Accessed May 10, 2013.
<http://www.uni-koeln.de/wiso-fak/powi/wessels/DE/LEHRE/VERANSTALT/SS05/CISP%2005/Mahnke%2004-14-07.pdf>.

Wunderlich, Jens-Uwe. "The EU an Actor Sui Generis? Comparison of EU and ASEAN Actorness" 50, no. 4 (January 18, 2012): 653–669.