



# Revisiting The ASEAN-EU FTA Conundrums: Problems of Regional Actorness in Complex Negotiations

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## ABSTRACT

This paper seeks to explain the role of regional actorness in complex negotiations by analyzing ASEAN and the EU's attempt at creating a region-to-region free trade agreement. In 2007, ASEAN and EU initiated a region-to-region negotiation in the hope of creating one of the largest trading blocs in the world. However, until the end of 2023, or after 16 years of negotiation, not much progress can be observed. While there are several explanations for this, including the competing interest between major powers and the failure to manage diversity, this article argues that one core element for the slow progress is the differing levels of actorness—loosely defined as actors' internal capability and external acceptance between ASEAN and the EU. The methodology used in this article is through a literature review. The literature itself consists of articles journals, books, websites, documents, and conference papers. Throughout the negotiation, ASEAN tends to display a lower degree of actorness, which leads to challenges in undertaking decisions and building a coherent front to external actors compared to the EU. Another crucial factor is the nature of the negotiation, which creates a multilayered problem for both actors. Thus, while there are several hindrances during the negotiations, the inherent difference in actorness between the two remains to be a challenge.

## KEYWORDS

Actorness; Complex Negotiations  
 Interregionalism; ASEAN; European Union

## INTRODUCTION

Since its establishment, the Association of Southeast Asian Nations (ASEAN) has aimed to enhance economic prosperity within its member states. In achieving this objective, ASEAN implementing a more flexible trade to enhance economic growth. As a result, ASEAN has been a significant player globally, classified as a region with promising future markets and a vital trade player on the global stage. ASEAN implemented free trade agreements (FTAs) with several dialogue partners such as China, Japan, India, Korea, Hong Kong, and Australia-New Zealand. One of the most critical steps that ASEAN took was in 1972 when ASEAN initiated a dialogue with the European Community (EC), sometimes considered one of the oldest modern bloc-to-bloc relations ([Hwee, 2020](#)). In 1980, a more standardized framework was built between ASEAN and EC. The ASEAN-EC Cooperative Agreements provide the legal base and framework, mainly discussing economic cooperation and development while extending the Most Favoured Treatment (MFN) to the parties. However, since the signing of the agreement, the relationship between the EC and ASEAN has experienced various challenges such as a lack of political will to specify the commitments, leading to a passive approach and a stagnant relationship. The agreement did not resolve significant issues and produced a satisfying agreement, instead the need to deepen the relationship between these two parties has slowly faded. EC did not see any necessity to strengthen the relationship immediately, while ASEAN, with their economic robustness during this period, made them less dependent on the EC ([Meoller, 2007](#)). However, observing the stagnant relationship, both actors eventually realized the need to strengthen the relationship. Therefore, in 2003, the European Union (EU) and ASEAN deployed an initiative called *Trans-Regional EU-ASEAN Trade Initiatives* (TREATI) as a part of the endeavor to build a framework for trade facilitation and investments between both sides, which is explicitly a base towards FTA ([Thomsen & House, 2007](#)).

Since the reactivation of the relationship, it can be seen that the EU present itself to be ASEAN natural partner, allowing open dialogue and exchange of ideas and practices on a broader range of issues, including trade and investments ([Dosch & Maier-Knapp, 2017](#)). In terms of investments, ASEAN and the EU have been very active. From 2002 to 2009, the EU was the highest investor in ASEAN, with a valuation of US\$ 80,724 million ([ASEAN Secretariat, 2010](#)). In 2013, the EU tallied a US\$ 15,718 Million valuation in FDI to ASEAN, and the numbers doubled three years later, reaching US\$ 31,168 Million at peak. In 2019-2021, the EU gradually became ASEAN's top FDI origin country. As the second largest, EU held 8%-15% share of FDI in ASEAN; reaching a valuation of US\$ 14,724 Million in 2019 to US\$ 26,531 Million in 2021 ([ASEAN Secretariat, 2022](#)).

The strong economic relations between ASEAN and the EU, encouraged both actors to establish an ambitious region-to-region framework. In 2007, the European Union initiated the plan to negotiate FTA with ASEAN. The first round of negotiations began during the ASEAN-EU Economic Minister Meeting in Brunei. However, the enthusiasm for building an ambitious framework did not last long. The negotiation paused due to the lack of negotiation capacity between ASEAN countries that could possibly undermine the prospect of the framework ([Mazur, 2017](#)). Consequently, the negotiations were paused in 2009, and the EU changed its approach to establishing free trade agreements with individual countries of the ASEAN. Singapore and Vietnam were among the first. To date, six talks on FTAs have been conducted by the EU with several ASEAN countries: Singapore and Malaysia (2010), Vietnam (2012), Thailand (2013), the Philippines (2015), and Indonesia (2016). Vietnam and Singapore have applied the FTA framework with the EU, while the other countries are still trying to find a way to negotiate. In 2017, the ASEAN and EU agreed to reenact the dialogues on FTA with a bloc-to-bloc approach.

The FTA's ambitious plan has been going on for nearly two decades. Despite ASEAN and the EU recognize one another as vital partners, until the end of 2023, there has not been significant progress. This leads to the following question: why is securing the FTA negotiation between ASEAN and EU so hard, realizing it has taken about 16 years? Several explanations for this are the level of heterogeneity in ASEAN and large scope of issues caused an inefficiency for them to agree. It argues that the EU struggles to maintain its influence and make a favorable trade agreement in the region due to the involvement of other big actors in the region. It also highlights ASEAN struggles to find a common ground between its members regarding this FTA ([Meissner, 2016](#)). In the following sections, the article elaborates on the conceptual framework of complex negotiation and actorness as the base theory. After a brief explanation about methods, it continues to discuss the complex negotiation of the EU-ASEAN FTA and the actorness of ASEAN. The article ends with the conclusions.

## **THEORETICAL FRAMEWORK**

### ***Complex Negotiations***

Communication among actors at the international level manifests in various forms. One such form is negotiation—a series of communications between two or more parties designed to reach an agreement where shared interests or conflicts exist. Negotiation serves as a fundamental form of interaction to implement joint action, maintain relationships, and resolve disputes ([Patton, 2005](#)). Negotiation is characterized by uncertainty regarding information about the motives and intentions of the parties involved and participating in the process ([Au & Wong, 2019](#)). However,

the complexity of negotiations is evident in any negotiation architecture, particularly in multilateral settings. Within the academic sphere, complexity refers to situations where numerous parties have distinct roles in negotiating various issues. Consequently, factors may lead to ambiguous positions, such as communication and decision rules channels to linkage within the actors, roles, and issues that may not be well-defined ([Crump, 2020](#)). Complex negotiations, however, do not necessarily imply chaotic negotiations. Zartman distinguished complexity from chaos, describing it as numerous presences interacting. He focused on managing complexity by recognizing processes containing initiation and closure.

An international negotiation scholar, Larry Crump, endeavored to construct an analytical framework for negotiation analysts to observe and examine complex negotiation phenomena. The framework relies on the involvement of multiple entities as a significant factor that contributes to negotiation complexity and the parties engaged in a decision-making process within a specific context. He developed a framework based on a five-part structure for analyzing phenomena: negotiation architecture identification, context analysis, structure and relation analysis, process analysis, and decisional analysis ([Crump, 2015](#)). Architecture identification is considered the most essential element of negotiation complexity. The architecture can be categorized into three primary forms: bilateral, bilateral-multiparty, and multilateral. The most fundamental distinction between bilateral-multiparty and multilateral is the formation of parties involved, with at least three unitary parties engaged in solving specific problems or pursuing cooperation. Bilateral multiparty can be conceptualized as one party negotiating with two individuals who function as a group. An example is the ASEAN-EU free trade negotiations involving European countries and arguably 10 ASEAN countries.

Context analysis remains central to any negotiation. Understanding the specific context of the negotiation facilitates comprehension of its nature. Historical, cultural, social, and legal systems contexts are crucial in establishing a specific context. Structure and relation analysis pertain to power relations and communication patterns. These two types of relations provide insight into the critical relationships between the parties involved. Power relations are often a relative concept, but it is beneficial to examine the symmetrical or asymmetrical relationship between parties. Process analysis identifies the significant negotiation events from beginning to end. Decisional analysis aids in determining the level of decision-making in a party or group. Decisions can be made using rules, such as true unanimity, consensus, and simple majority. This framework aligns with the actorness framework, which constitutes the majority of the five-part complex negotiation framework and covers similar aspects of the actorness framework. The framework presented here facilitates the identification of factors that impede the

conclusion of the EU-ASEAN FTA and enables the analysis of the complexities in the EU-ASEAN FTA negotiation. The subsequent discussion regarding complex negotiations will elucidate how the number of parties affects decision-making in multilevel negotiations.

### *Actorness*

As stated in the introduction, Actorness refers to how an actor becomes identifiable and can be distinguished from others through their presence, coherence, and autonomy to define objectives, accumulate interests, and make and implement decisions ([Rüland, 2002](#)). Gunnar Sjostedt also posits that actorness is the ability of entities (in this context, regional organizations) to act and behave deliberately in relations with other actors in international systems ([Klose, 2018](#)). To date, a relatively limited number of studies have examined other regions' actorness, while the field continues to develop as it becomes increasingly relevant in international affairs. Despite this development, the discourse requires a more systematic discussion of actorness. Studies on actorness are dispersed across social constructivism, new regionalism, and European studies, referencing numerous studies on European integration ([Wunderlich, 2012](#)). The shift in the 1990s towards studying the identity of the EU as a global actor represented a significant advancement for scholars and academic development. This shift reflected a deeper exploration of the EU's role, identity, and effects ([Tiilikainen, 2014](#)). The Union has made efforts to be perceived as legitimate by both its member states (and their citizens), framing its foreign (and domestic) policies to attract newcomers and gain recognition from the rest of the world, thus constructing the EU actorness in international systems ([Čmakalová & Rolenc, 2012](#)). Cmakalova and Rolenc view the EU as *sui generis*—a novel type of international actor and a unique institution, as if it were exclusive.

However, some scholars also challenge the notion that actorness is exclusively bound to the EU. In assessing EU actorness, there exists a tendency to dismiss regions that do not conform to the 'standard EU model' when the focus is primarily on EU-style competencies, despite the significance of the EU's institutional structure in determining decision-making authority in an institutional setting. This approach leaves limited scope and restricts generalization ([Wunderlich, 2012, p. 657](#)). Such a perspective could lead to a cognitive bias wherein non-EU or non-Western regions such as ASEAN or others are considered weak and irrelevant actors in international systems ([Hulse, 2016](#)). International institutions also tend to shape the identities and interests of their member states and provide opportunities for discussing the ideational sphere and social construction of actorness.

Scholars like Wunderlich and Hulse attempt to adapt the concept and move towards a more generalizable framework of actorness. Wunderlich categorized the level of actorness into three main components: self-perception regarding identity, recognition and presence, and institution and decision-making process. This categorization helps to deconstruct the notion of actorness being exclusively bound to the EU and explains how other regions may develop their actorness despite different institutional settings. However, the limitation of the framework only indicates that they are distinct types of actors, not to determine the degree (higher or lower) of actorness in the regional organizations setting. Hulse made a significant contribution to the framework and presented the ability to demonstrate the interconnectedness of the components of actorness, illustrating how they mutually affect each other. Moreover, it provides a method for comparatively measuring actorness without conflating it with real-world behavior, which will benefit interregional studies ([Hulse, 2014](#)). The conceptual model that Hulse developed helps to formalize actorness into characteristic regions rather than behavioral ones. Hulse expanded the aspect of actorness and divided it into four elements, including identity, both formal and informal decision-making institutions, the alignment of member state preferences on specific issues, and the available resources within a region to implement decisions effectively, often referred to as capabilities ([Hulse, 2016](#), p. 61). Hulse asserted that while this model can serve as a broad framework for evaluating the overall actorness of a region, its true significance becomes more apparent when applied in a context-specific manner, focusing on particular issues or scenarios.

Identity establishes the most fundamental aspects related to actorness. Hulse asserted that Identity plays a crucial role in defining the boundaries and exclusivity of a region, delineating the distinction between insiders and outsiders, often characterized as the division between 'Self' and 'Other.' The historical context of a region contributes significantly to shaping its identity. In the case of Europe, regional integration was proposed as a solution to the conflicts and wars that plagued the 20th century. It was posited that fostering institutionalized economic interdependence would not only promote peace but also lead to the advancement of democracy and prosperity within the region. Wendt differentiated between corporate and social identity. Corporate identities, in essence, pertain to the inherent and self-organizing characteristics that define an actor's individuality. In contrast, social identities are essentially collections of meanings that an actor assigns to himself when considering how others perceive them ([Wendt, 1994](#)). Regional organizations are approximately analogous to both types of identities insofar as they all integrate into the international space and create benefits for other members. Social Identities in RO influence how RO frames and pursues their interests based on corporate identities.

If a region possesses a stronger regional identity, preferences will be more likely to align than in a region with a weaker regional identity. Hulse also posited that shared identities do not always translate into shared interests. State members will and still prioritize their material interests, but identity plays a role in influencing how states interpret and address material differences ([Hulse, 2014, p. 552](#)). The third aspect, decision-making, is crucial in enhancing a region's actorness and relates to the alignment of preferences. Hulse associated supranationalism and a more formalized institution with a high level of actorness due to the beneficial factor of a more feasible convergence among members. However, Hulse also noted that we cannot assume that regions with supranational settings hold a high level of actorness and intergovernmental settings have low actorness. Implementing a formal institutional structure could also result in a deadlock and internal disagreements ([Doidge, 2011](#)). Conversely, intergovernmental settings can have high actorness if there is 'hegemonic' leadership, which reflects a situation where one state is more powerful than the others and can influence decisions despite the consensus settings required.

The last aspect is the region's capabilities. These resemble the instruments that RO controls, consisting of budget and institutionalized instruments for policy transformation ([Hulse, 2014, p. 553](#)). The operational budget is essential, whether it is an indirect measure, to assess the institutional capacity to put policies to realization. Institutional instruments fall into three categories of mechanisms: coercion, incentivization, and moral suasion. Coercive instruments involve using force or the threat of force, like legal actions or military threats. Incentivization instruments use rewards or penalties to influence behavior, such as offering financial aid or imposing sanctions. Moral suasion instruments rely on persuasion and shared values, like diplomatic discussions and reasoned arguments. Having at least one of these tools is crucial because it will help them to influence other players and help the region reach its goals. The following section will apply the framework to ASEAN relating to the EU-ASEAN FTA phenomena. Referring to this framework the discussion below will highlight the level of actorness in ASEAN is arguably low due to the lack of decision-making and also the low level of managing diversity within ASEAN.

## RESULTS AND DISCUSSION

### *Analyzing EU-ASEAN FTA Negotiation Complexities*

The five-part framework starts with *identifying the negotiation architecture* to build the FTA. As mentioned above, the architecture can be divided into three categories: bilateral, bilateral multiparty, and multilateral. ASEAN-EU FTA can be categorized as a bilateral multiparty scheme with a more complex form of bilateral multiparty. It is important to note that ASEAN and EU were a group of nation-states from each region and acted as a unit, whether the EU countries were seen as more unitary and structured than the ASEAN countries—ASEAN's consensus approach to decision-making involves all of the member states placing their concern equally through a discussion and informal scheme, which is relatively weak in terms of decision-making. Since there is no external intervention besides the EU and ASEAN, and it also involves many parties, it implies that the negotiation architecture was bilateral multiparty.

*Context analysis* can be analyzed by looking at the historical negotiation that shows similarities with the case. Both actors have a similar case of bilateral multiparty negotiation scenario. EU conducted a major groundbreaking regional bloc-to-bloc trade with Mercosur (Argentina, Brazil, Paraguay, and Uruguay) in early 2000. However, the negotiations between the EU and Mercosur did not run that smoothly, and it took nearly two decades to reach a political agreement on trade matters in 2019 ([Baltensperger & Dadush, 2019](#)). On the other hand, ASEAN had not conducted any bloc-to-bloc negotiations before. The closest one, still part of a bilateral multiparty scheme, was the ASEAN- China FTA in 2004, which was implemented in 2005. Later, in 2019, the FTA was updated to simplify some rules. Both the EU and ASEAN have separately conducted a bilateral multiparty scheme but with different results. ASEAN concluded the FTA with China much earlier than the EU, but on the other side, the EU has concluded a much more complex FTA even though it took almost two decades to ratify the agreements.

The next part is *structural and relational analysis*. Crump mentioned that structural relations can be translated as a power relation between parties. In economic sectors, powers can be determined by the nation's GDP, GNP, or other proxies that measure a country's economic power. In this context, the trade balance in goods will be used to see the economic advantages between the EU and ASEAN. Balance of Trade is the difference between export valuation and import valuation. From 2009 to 2017, the EU has a growing deficit in the balance of trade with ASEAN. Exports to ASEAN grew from €44 Billion in 2009 to €81 Billion and showed positive growth. However, the number of imports has also increased. Imports from ASEAN grew from €57 billion in 2009 to €115 billion in 2017. As a result, the balance of trade became a deficit and grew from €13 Billion in 2009 to €34 Billion in 2017. In contrast, ASEAN shows more favorable balance of trade than the EU. In 2009, ASEAN tallied US\$ 14 Million trade balance with the EU and reached far more in 2017, with a valuation of US\$ 54 Million ([ASEAN Secretariat, 2018](#)). It shows significant growth on the ASEAN side in terms of trade with the EU. From this data, ASEAN acts more as a producer



of goods and is actively involved in exports with the EU. While the EU, in contrast, is actively involved in importing goods from ASEAN. Key players were also factors that can analyze relational analysis. In the EU, actors involved in negotiation with ASEAN were part of the European Parliament and European Commission via the Directorate General (DG) for Trade. The responsible committee was the International Trade Parliament, with Ford Glyn as the rapporteur. The other parliament involved is designated to give an opinion, such as Foreign Affairs, Industry, Research and Energy. Those are the main actors involved directly in the negotiation and decision-making ([Eurostat, 2021](#)). In contrast, ASEAN has no designed machinery such as the EU in its negotiations. Because the decision-making settings in ASEAN incorporate informality and consensus, which will be discussed below, ASEAN will involve all its member states via related ministerial bodies, in this case, trade and investments, throughout their decision.

The *process* is also examined in the framework. It requires a chronological order and a set of events during the negotiation process. In 2007, another critical agreement was signed for both regions, namely the Nuremberg Declaration. This declaration focuses on building a long-term commitment to inter-regional cooperation outlined in five dimensions: political and security, economic, energy and climate, socio-cultural, and development ([Vandewalle, 2014](#)). The realization of the FTA dialogue between the EU and ASEAN came in 2007 under this agreement with a bloc-to-bloc format. Throughout the timeline, the EU has recognized the importance of ASEAN for their economies and decided to build a competitive FTA with ASEAN. However, after seven turns of negotiation in 2009, these two entities agreed to pause the negotiation ([ASEAN, n.d.](#)). The EU believes that the ambitious agreement built between both sides is remarkable but is concerned about the slow pace of the negotiation. Based on the 2008 Trade and Economic Relations with ASEAN report by the EU, parliament realized there must be a different treatment for some ASEAN countries. The one-size-fits-all approach to tariff reductions may not be suitable for some countries within ASEAN because of the differing economic situations among its members. The parliament also excluded Myanmar from the dialogues because of Myanmar's internal circumstances— a protest that became a riot, so it can be inferred that region-to-region dialogues were disrupted. As a result, the EU initiated bilateral talks about FTAs with ASEAN members in 2009 ([Devadason & Mubarik, 2018](#)). Singapore is the first country in SEA to negotiate with the EU and become the leading trading partner among other countries in the region, followed by other countries such as Malaysia, Vietnam, Thailand, the Philippines, and Indonesia. By 2017, both entities had built a new Plan of Action to renew their collaboration strategy and take further steps toward a region-to-region agreement for FTA. This indicates that there is so much potential to resume the FTA dialogue with a region-to-region format. However, we can argue that until 2022, we have not seen much progress in FTA between ASEAN and EU.

*The decision-making process* towards negotiation in the EU and ASEAN is different. The EU is more systematic than ASEAN regarding the scope, mandate, negotiations, agreement,



and application and entry into force ([Clifford, 2020](#)). The EU starts with what they called “scoping.” It is an open discussion regarding the trade initiatives that include stakeholders throughout the EU, such as businesses, NGOs, society, the Council, and the Parliament. The Commission could conduct this process, or member states acting as a Council. Once there is an opportunity that the Commission sees in the trade initiatives, it issues a draft negotiating mandate or recommendation to the Council. If the Council approves the recommendation, it authorizes and provides negotiation directives, which will help the Commission to use it as a cornerstone of its negotiations. The Parliament also provides resolutions and what to expect from the negotiations. DG Trade will lead negotiations with partner countries once the Commission gives its green light.

After the negotiation round ends, the Commission must make a report and consult the Council about the directions of the negotiations. The Commission also must inform the Parliament, in this case, International Trade (INTA), to pass a resolution for further negotiations. When the negotiations reach an agreement between the EU and the partner, the Commission will prepare the single text of the entire agreement and send it to the Council and Parliament for signature and approval. The Council takes center stage for ratifying the agreements by qualified majority voting— the agreement/s must be supported by 55% of member states, representing 65% of the population. The Parliament was also involved through a democratic review by simple majority voting. Before it is fully ratified in the legal framework, the EU often agrees to provisionally apply the agreements to try out the agreements, even though they are not legally binding. Once settled, the agreement is finally ratified and in force on a specific date.

In the relational analysis above, ASEAN seems to use an intergovernmental approach in its decision-making. It is important to note that ASEAN does not represent its member states in the multilateral trade setting, even if it is called bloc-to-bloc ([Putra, 2015](#)). ASEAN trade negotiations typically begin with their external partners expressing interest through a Letter of Intent, which will be discussed at the Ministerial Level by Senior Economic Ministers, leading to feasibility studies and the establishment of a Trade Negotiating Committee containing a ten-member state delegation after gaining approval for the negotiation baseline from Economic Ministers, the TNC forms working groups to address the negotiation initiatives ([Killian, 2022](#)). This leads to complex negotiations between them and their partners. When a particular position is agreed upon within the negotiation between the ASEAN and its partner, the ratification returns to each member state since no other entities can ratify the agreement, unlike the EU. The inability of ASEAN to walk as one unitary actor hinders ASEAN's ability to negotiate effectively. The ASEAN trade negotiation tangibly illustrates the numerous actors involved and adds a layer of negotiation. Negotiation mainly lies in Putnam's two-level games to describe the linkage of international and domestic negotiations. Within ASEAN, there is merely a three-level game in their

negotiation, including what they call intra-regional or community negotiations ([Patterson, 1997](#)).

### **ASEAN Actorness**

Based on the actorness theoretical framework above, this discussion will mainly argue about 5 crucial factors to help assess the level of Actorness in ASEAN. This section will identify the density of ASEAN identity, how diversity and convergency in ASEAN affects the level of decision-making, and also the regional capabilities which include the ASEAN budget and instrument in policymaking. Each factor will be explained one by one to capture a more comprehensive understanding regarding to ASEAN actorness.

### ***ASEAN Identity***

Social constructivists have emphasized the importance of norms, ideas, values, and identity formation in international affairs. Constructivists argue that regions are not inherent or fixed entities, instead, are a product of intensive social interactions and the construction of ideas and concepts. Regions are shaped by their shared beliefs and interactions with actors in the international system ([Wunderlich, 2012](#)). Acharya mentions that identity is the foundation of building a sustainable community from various sectors ([Acharya, 2017a](#)). Southeast Asia has a complex and long history, marked by conflicts and colonization by significant powers that dominated the world war. In the early stages of WWII, countries in Southeast Asia were not seen as a part of a unified region ([Keling, Hishamudin, Shuib, & Ajis, 2011](#)). Post-World War II 1967, ASEAN was established in Bangkok, marking the region's emergence. The establishment of ASEAN has strongly emphasized vital priorities, including promoting economic growth and development, as well as fostering social and cultural cooperation among state members. ASEAN serves as a platform for collaboration in these areas to enhance the well-being and prosperity of state members and strengthen regional unity.

ASEAN's corporate identity is primarily shaped by a set of core norms and principles that serve as a foundation for the establishment and growth of this institution ([Xuechen, 2018](#)). These norms consist of legal-rational and social-cultural norms. Four types of legal norms, as Acharya mentions, are the non-use of force and peaceful dispute settlement, regional autonomy and collective reliance, avoidance of military pacts, and the principle of non-interference ([Acharya, 2009](#)). Most of these norms are fundamental principles shared by many international organizations in contemporary era. The first three can be illustrated by various documents of ASEAN, such as the 1971 Kuala Lumpur declaration, which requests the major powers adhere to the principle of maintaining peace, preserving freedom, and respecting the neutrality of Southeast Asia (Parekh, 2014). In practical terms, ASEAN's doctrine of non-interference places several responsibilities on its member states: they must avoid criticizing the internal affairs or political systems of fellow member governments, refrain from supporting rebel groups seeking to destabilize neighboring states (even though



there is human rights violations), and provide assistance to each other in countering subversive activities. Additionally, member states are expected to criticize actions by states that violate the non-interference principle while maintaining a stance of non-interference in each other's internal affairs, even in cases involving human rights violations. This doctrine promotes unity and cooperation among ASEAN members while respecting each nation's sovereignty ([Acharya, 2009](#)). As a result, we can arguably see that ASEAN was notable for its minimal institutionalization and reliance on elite diplomacy rather than formalized rules and institutions.

The more social approach that distinguishes ASEAN from other entities is the social and cultural norms called the ASEAN Way. Informal, consensus-based, non-adversarial negotiations characterize the norms, and a preference for a non-binding approach has played a critical role in collective identity-building and resembles a contrast to a more binding agreement and a rigid framework. The approach has gained significant relevance globally as it offers an alternative model of international cooperation ([Acharya, 2017b](#)). Legal and social norms have formed the base of ASEAN's identity and have been contested numerous times. Challenges can be seen from various issues, starting from geopolitics—regarding ASEAN centrality in the Asia Pacific that we have supported may face challenges with Cambodia's alignment with China, ethnic conflicts, and religious extremism. Within ASEAN member states, there are internal conflicts related to ethnicity, politics, and ideology in countries like Thailand, Myanmar, and Cambodia, along with territorial disputes between members such as Malaysia and the Philippines over Sabah, as well as border tensions involving Malaysia, Thailand, and Myanmar, among others, all of which present challenges to regional stability and unity ([Baba, 2016](#)). On the economic side, the ASEAN Economic Community (AEC) was formed. Mistrust and significant problems persist among ASEAN countries, with individual members often resorting to independent action when disagreements arise due to a lack of confidence in the regional apparatus to address conflict effectively, such as Thailand's increased investment flows in 2006, that were causing the Thai baht to appreciate, the Thai central bank implemented capital controls without prior consultation with its ASEAN counterparts. This unilateral move resulted in financial losses across various regional stock markets. ([Parekh, 2014](#)).

### *ASEAN Preferences Convergence*

Based on the identity presented above, as a broad observation, ASEAN member states exhibit considerable diversity in terms of their economic and institutional development, capacity, economic structures, resource endowments, specialization, legal systems, regulatory quality, ease of conducting business, demographic profiles, and more ([Kleimann, 2013](#)). We can see that ASEAN is likely to become the most diverse region in the world. The EU has been a vital investment partner for ASEAN and is one of the most important sources of FDI. From 2010 to 2021, the EU tallied 243,161 million US\$ in investments toward ASEAN

([ASEAN Secretariat, 2022](#)). The cooperation does not stop there; the EU also manifests itself in infrastructure. EU-ASEAN economic relations encompass not only trade and investment but also cooperation on infrastructure projects, including grid and road modernization in Cambodia, urban transportation, roads, and irrigation systems in Laos, grid improvements and hydropower plants in Vietnam, and solar power systems and a hydropower plant in the Philippines, supported by a combination of private finance and official EU loans and aid. Despite the fruitful cooperation events, the diverging factor still stands out rather than converging.

Inclusivity here plays a crucial role in decision-making which can affect the outcome of regional integration. The EU, for example, with its structured and systematic way of incorporating possibly all stakeholders has led them to successfully produce an effective and efficient policy that is beneficial to its members. This can be found in how the EU has been using the EU Structural and Investment Funding to help reduce disparities within European countries, promoting inclusivity, and potentially giving growth opportunities for the people. Specific evidence regarding this can be seen from 2014 to 2020 which helped to create 310.000 new jobs in a different region, increasing energy efficiency and production capacity for households, and helping 55.2 million people through employment, social inclusion or educational actions ([European Commission, 2022](#)). In contrast, ASEAN incorporated a more informal consensus sometimes leads to delays in decision making especially if it relates to economic divergence which causes ineffectiveness in concluding an agreement. Except for Cambodia, Laos, and Myanmar, which continued to benefit from the everything-but-arms scheme, the remaining ASEAN member states expressed a strong interest in engaging in negotiations for a Free Trade Agreement (FTA) with the European Union (EU), driven by their expectations of substantial economic gains and their prioritization of such an agreement as a means to bolster their competitive stance and to foster political stability in their relations with the EU ([Meissner, 2016](#)).

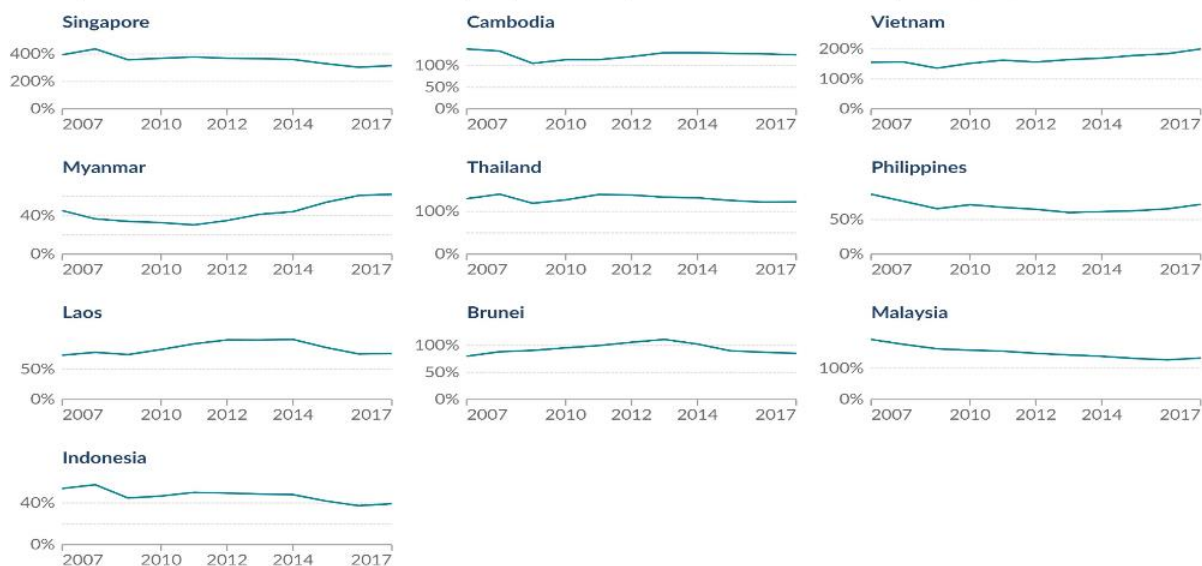
The diverging preferences can also be seen in ASEAN member states trade openness with its externals from 2007-2017. Trade openness can be defined as the government's effort to influence trade and growth through political maneuvers. It relates to the absence or the presence of trade barriers imposed by the government ([Stensnes, 2006](#)). The term "openness" can be seen as the basic idea of free trade: eradicating trade barriers between countries. It promises many benefits for countries, especially in economic growth. The higher the percentage of openness, the easier a country is to assemble economic activities with its partners ([Pratiwi & Wulansari, 2022](#)). Trade openness can be measured in different ways, with the most basic measure being trade shares, which are exports and imports added and divided by GDP.

Singapore has the highest trade openness at its peak, above 400% in 2008, and came down to 319% in 2017. It shows a decline, but it still represents a high percentage. Vietnam comes second with the second-highest percentage in Southeast Asia, reaching 200% in 2017.

Malaysia, Cambodia, and Thailand reached above 100% in 2017. Since 2009, Cambodia and Thailand hovered around 124% and 122%, respectively, while Malaysia presented a decreased percentage throughout nearly a decade and slightly went up in 2017, reaching 133%. The rest of the member states presented below 100%. Indonesia was the lowest percentage in 2017, reaching only 39%. The percentage generally represents negative trends in ASEAN countries and significant disparities between the leading countries, Singapore and the others. It also symbolized a different approach from each country towards their economic policy, which can be seen as more “protected” rather than open.

### Trade openness, 2007 to 2017

Trade openness is measured as the sum of a country's exports and imports as a share of that country's GDP (in %).



Data source: Feenstra et al. (2015), Penn World Table (2021)

OurWorldInData.org/trade-and-globalization | CC BY

Figure 1. Trade Openness Data. Source: Adapted from [Our World in Data \(2024\)](https://ourworldindata.org)

The breakdown of FTA negotiations in 2007 emerged within ASEAN due to increasing disparities regarding foreign trade among its member states. While some states reduced trade relations with European countries, others strengthened their economic ties. This trade imbalance concentrated economic activity in a few member states rather than distributing it evenly across the entire region, resulting in varying levels of interest in pursuing a Free Trade Agreement (FTA) among ASEAN members ([Camroux, 2009](#)). Consequently, this divergence in trade dynamics led to differing priorities among ASEAN member states in the negotiation process. Eventually, the EU started to enroll different approaches to bilateral settings. Countries like Singapore and Vietnam have already taken the agreement. They are already in force, while other countries like Indonesia, Thailand, Malaysia, and the Philippines still seek breakthroughs for the agreements. The continuation of the FTA

between the EU and ASEAN as a region was resumed in 2017, yet until 2022, there has been no significant progress.

Another similar case is the integration of the African Continental Free Trade Area (AfCFTA). As a big region, Africa has been developing an ambitious plan to create a single market. However, this ambitious plan also has similar obstacles to the ASEAN case. Several hurdles can be seen such as the overlapping membership in the African Continent. The existing multiple agreement within a region often leads to a conflicting arrangement and would damage the regional integration ([Garba & Alexander, 2023](#)). Besides that another similarity could be found in this case is the disparity level of infrastructure in several countries in Africa which led to the struggle to align with the trade liberalization policies ([Hartzenberg, 2011](#)). Another similar case comes from the Southern Africa Development Community (SADC) which faced similar bottlenecks in terms of negotiating its EPA with the EU. As Hulse stated, SADC mostly used an intergovernmental approach to its decision-making which tends to lead to the absence of leadership in the region and results a diverging preferences among its members ([Hulse, 2014](#)).

#### ***Decision Making (Formal and Informal Settings)***

Decision-making procedures within ASEAN have developed their way on the regional approach. ASEAN developed a more intergovernmental system compared to EU supranationalism. ASEAN's procedural norms are characterized by convention, voluntarism, and informal agreement, contrasting with the formal legal binding that defines the EU ([Wunderlich, 2012](#)). As mentioned above, the ASEAN Way has been a primary baseline for ASEAN regional integration. The ASEAN Way is a decision-making process that prioritizes discussion and consensus-building, emphasizing equality among member states and the significance of cooperation, even if it necessitates extended periods for discussions to culminate in an agreement ([Tekunan, 2014](#)). The step was taken considering the diversity of views and interests amongst ASEAN member states, which meant that agreement could only be possible if the 'pace were comfortable to all.' This approach means that progress is determined by the pace of the most hesitant or least confident member and allows for a consensus-based decision process that accommodates all members' concerns and preferences ([Severino, 2006](#)).

The terms *mushawarah*— consultation and *mufakat*— consensus was part of Malayan practice. Numerous individuals have characterized the application of the ASEAN Way as being drawn upon the traditional Malay practice. It can be said that it is based on groups that share common bonds of kinship, neighborhood, and community, and reaching *mufakat* cannot be assumed during deliberations ([Jong & Ping, 2011](#)). The process is often long, and disagreements are inevitable due to the adjustment of each viewpoint. Taking this framework, multiple ways exist to incorporate such agreements, ranging from MoU, Joint Declaration, and potential amendment to the agreements. Various methods can introduce



such a pact into the ASEAN system. Still, their effectiveness ultimately hinges on member states' willingness, making it challenging to reach an agreement ([Ming, 2020](#)).

The ASEAN Charter, adopted in November 2007 and in effect a year later, represents the latest revision of ASEAN's institutional framework, emphasizing the organization's continued inter-governmental nature of decision-making ([Feraru, 2015](#)). It marks the efforts of ASEAN to move into a more institutionalized approach. The charter produced the formation of ASEAN organs such as the ASEAN Summit, Coordinating Council, and ASEAN Community Council, which entails three sectors: political-security community (APSC), economic community (AEC), and socio-cultural community (ASCC). After more than 40 years, ASEAN finally has its prominent legal personality. The ASEAN Summit and Economic Ministerial Meeting serve as the primary decision-making body for economic matters, including trade and investment discussions, attended by related ministers from each member. However, the fundamental norms of ASEAN are still used, and decision-making in ASEAN shall be based on consultation and consensus. Since the "kinship" is still being reinforced through the charter, the hardship in concluding negotiations and binding them into an agreement remains visible. ASEAN's reliance on collective decision-making can enhance negotiations. However, it adds complexity by distributing decision-making across multi-level authorities. It complicates matters by requiring consideration of other state members (regional counterparts), thus transforming into a three-level game (domestic, regional, and international) rather than two two-level games leading to a back and forth in negotiation between layers ([Killian, 2022](#)).

Indonesia is one of the influential members of ASEAN and wields considerable influence in shaping ASEAN policy. Two prominent examples are the creation of APSC and the establishment of the ASEAN Intergovernmental Commission on Human Rights, reflecting Indonesia's commitment to extending the transition to democracy in the region ([Putra, 2015](#)). However, Indonesia takes a back seat in economic cooperation within ASEAN, leaving countries like Singapore, Thailand, and arguably Malaysia as their primary drivers of economic initiatives. ASEAN members still care a lot about their preferences in trade and investment and have not relinquished their sovereignty to the association, resulting in a high divergence across members. The ASEAN's inability to act cohesively in economic and trade matters led to increasing bilateral FTAs between ASEAN and its partners, such as the EU ([Chandra, Manurung, Pambudi, & Pakpahan, 2010](#)).

### ***ASEAN Operational Budget and Moral Suasion***

Information availability regarding the operational budget of the ASEAN Fund is limited. The details about the ASEAN Fund seem classified ([ASEAN Secretariat, n.d.](#)). The ASEAN Fund primarily provides financial support for collaborative projects within ASEAN. The ASEAN Fund agreement was initially signed in 1994— at that time, ASEAN still consisted of 6 members and comprised a total of US\$ 6 million, with each country contributing US\$ 1



million. ASEAN has a self-funding mechanism that includes ASEAN member states contributions and its external partners. There are three types of funding: 1. ASEAN Fund (ASEAN Development Fund, ASEAN Cultural Fund, and member state contribution or Sectoral Fund); 2. ASEAN Partners Trust Funds (provided by ASEAN External Partners and managed by the ASEAN Secretariat); 3. ASEAN Partners Funds (similar to number 2 but not managed by the ASEAN Secretariat). One example of a funding scheme that can be seen is the ASEAN Infrastructure Fund (AIF). Established in 2011, AIF is a regional financing institution that focuses on infrastructures built by ASEAN member states and the Asian Development Bank (ADB). The AIF is the leading finance initiative for infrastructure based on its members' contributions and shareholders all across ASEAN members and ADB, with paid equity reaching US\$485.3 million ([Asian Development Bank, 2019](#))

Regarding coercion capabilities, ASEAN is arguably dull, referring to the ASEAN Way that engaged in some issues based on peace and non-use of force, so we can agree to eliminate the coercive style on the diffusion mechanism. The ASEAN toolbox mainly involves social and moral suasion using diplomatic efforts to resolve issues. As integral components of a broader and developing regional framework, the ASEAN Regional Forum (ARF) and other dialogues focusing on economic and other issue domains are compelling examples of how ASEAN's size power has asserted its voice and influence over an evolving regional order ([Ba, 2017](#)). Some scholars, such as Herman Kraft, highlight a “significant shift” in ASEAN. At first, it focused on preventing the region from being entangled in great power rivalries to evolve into a broader regional scheme in East Asia and Asia-Pacific context and engaging with major powers within the framework. Regional groupings such as the ARF do not enforce binding commitments on their members, focusing on facilitating “constructive dialogues on common concerns and political consultations,” characterizing relatively weak, with limited effectiveness, and as platforms for discussion ([de Castro, 2022](#)).

The other diplomatic tool, the WTO dispute settlement, has been underutilized by Southeast Asian countries, especially in a trade-related context. Countries such as Singapore, Malaysia, Philippines, Thailand, and Indonesia have been involved in WTO by imposing some cases on the court or involved as a third party. One of the successful stories is Thailand's complaint on anti-dumping measures on frozen warm water shrimp imports against the US. Following a panel's decision in 2008, which upheld Thailand's claim that the US had violated the Anti-Dumping agreement, the US appealed the ruling. The Appellate Body also affirms the panel's conclusion, and in 2009, the US reported to WTO that it had taken steps to implement the DSB's recommendations and ruling ([Tan, 2017](#)).

The findings demonstrate several factors that inhibit the FTA negotiation between ASEAN and the EU. From the factors above, the significant findings are that ASEAN and the EU, despite their similarities as RO, have a different nature from the beginning. The difference can be seen in three factors: The organizational settings that lead to different decision-making mechanisms, the economic preferences and capabilities among member

states, and the capabilities to advocate its member states' differing preferences. If we compared it with the EU, ASEAN intergovernmental decision-making models added a layer of complexities to the negotiation. ASEAN's economic preferences and capabilities also represent a high disparity in its member states preferences on the FTA initiatives, leading to ASEAN's inability to walk as a unit in the negotiations.

## **CONCLUSIONS**

ASEAN has been known as a significant region in the world. The establishment of ASEAN was also meant to bring welfare to its members. In 2007, ASEAN embarked with its partners, the EU, to build Free Trade Agreements in the areas. However, the negotiation stalled because of the lack of negotiation between the EU and ASEAN in 2009. Building an FTA with a bilateral multiparty scheme seems to have a long journey for ASEAN and the EU. Different types of decision-making regarding the negotiation process seem to be a significant factor that caused the negotiation to be slow-paced. Despite its strong regional identity, ASEAN exhibits weaknesses in preferences and decision-making processes, particularly evident in discussions about a Free Trade Agreement (FTA) with the European Union (EU).

Unlike the EU, ASEAN lacks supranational authority to enforce decisions for the entire bloc, leading member states to prioritize their national interests over collective ASEAN interests. This emphasis on national interests has resulted in varying approaches and challenges in negotiations with the EU. The EU, which has a more centralized decision-making structure, faces difficulties when dealing with ASEAN's diverse and sometimes conflicting preferences. This complexity can make it more challenging for both sides to reach common ground in FTA negotiations. However, having a legal framework does not automatically ensure an effective mechanism for resolving disputes or conflicts within ASEAN. The consensus-based "family" approach to decision-making within ASEAN introduces complexity to the negotiation process. While it promotes cooperation, it can also result in protracted negotiations and challenges in reaching mutually acceptable decisions. This approach reflects ASEAN's dedication to maintaining harmony and preventing internal disputes from escalating, but it can also slow down the pace and efficiency of decision-making in crucial matters. This research solely focuses on the ASEAN – EU FTA case using actorness and complex negotiation framework. As the studies on actorness itself still relatively new in international relations studies, specifically regional integration, future research could expand more on the framework to assess another regional integration case since it's still quite few research discussing about regional actorness as the development of the studies becoming more relevant.

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