



GÖTEBORGS  
UNIVERSITET

DEPARTMENT OF POLITICAL SCIENCE

# EU FIRST?

Examining the Promotion of Sustainable  
Development in EU Trade Agreements with  
Singapore and Vietnam

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Master's Thesis:	30 higher education credits
Programme:	Master's Programme in International Administration and Global Governance
Date:	2018-05-22
Supervisor:	Lisbeth Aggestam
Words:	19 440

## **Abstract**

This dissertation aims to determine why the EU is promoting sustainable development as a value in its Free Trade Agreements (FTAs), but also to examine what kind of an actor the EU is in international relations. Since the 2015 *Trade for All* strategy, the EU has included sustainable development as a key objective in its trade strategy and one way of doing this is by adding a Trade and Sustainable Development (TSD) chapter in its FTAs. This chapter was one of the reasons to why the negotiations between the EU and ASEAN failed. However, the EU was successful in including the TSD chapter in the bilateral negotiations with Singapore and Vietnam, two member countries of ASEAN. The EU is insisting on spreading sustainable development, but it does so on a bilateral level instead of a multilateral. Both sustainable development and multilateralism is part of the EU's norms, and there seems to be a clash between them. An ideal type analysis is carried out to research what kind of actor the EU is, and the normative power theory and self-interested actor theory is conceptualised in the setting of the EU's promotion of sustainable development in its FTAs with Singapore and Vietnam. The results show that the EU might have normative interests in spreading sustainable development, but by conducting bilateral agreements, it creates an asymmetric form of a dialogue, which makes it a self-interested actor rather than a normative.

**Key words:** European Union, trade policy, ASEAN, Vietnam, Singapore, sustainable development, multilateralism, normative power, self-interested actor, norm promotion, trade agreements, bilateral.

## **List of Abbreviations**

**ASEAN** – Association of Southeast Asian Nations

**DG Trade** – Directorate General Trade

**EC** – European Commission

**EP** – European Parliament

**EU** – European Union

**EUSFTA** – EU-Singapore Free Trade Agreement

**FTA(s)** – Free Trade Agreement(s)

**ILO** – International Labour Organization

**MEA(s)** – Multinational Environmental Agreement(s)

**NPE** – Normative Power Europe

**PTA(s)** – Preferential Trade Agreement(s)

**TPP** – Trans-Pacific Partnership

**TSD** – Trade and Sustainable Development

**UN** – United Nations

**UN SDG** – United Nations Sustainable Development Goals

**U.S.** – The United States

**WTO** – World Trade Organization

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## **1. Introduction**

### **1.1 EU and Sustainable Development Promotion in ASEAN**

With Trump winning the American elections in 2016, the foreign policy of the country changed to an approach of ‘America First’. Many, among those Cecilia Malmström the current Trade Commissioner for the European Union (EU), see’s this as a populist agenda that serves national interests and is not ideal in the multilateral forum, where the US prefers bilateral agreements where it has a comparative advantage. Cecilia Malmström has in many of her speeches remarked that the EU stands for something different, and should be seen as ‘doing good’ in international relations; it stands for values and multilateralism (European Commission 2016). One of the values that the EU claims it stands for is sustainable development.

In the 2030 Agenda and the United Nations Sustainable Development Goals (UN SDGs), it states that trade is an engine for economic development, which makes it an essential instrument to achieve the dimensions of sustainable development (United Nations 2017). A direct response to this was the European Union’s *Trade for All* strategy, which was adopted in 2015 (European Commission 2015a). Through the strategy, sustainability became a crucial objective in the EU’s trade policy in its new value-based trade agenda. A part of this approach was to include Trade and Sustainable Development (TSD) chapters as a standard in its Free Trade Agreements (FTAs).

According to the EU, sustainable development includes economic, social and environmental dimensions that all should be tackled together. In regards to development, it should meet the needs of the present generation without compromising future generations’ ability to meet their own needs. The essence of sustainable development is ‘a life of dignity for all within the planet’s limits and reconciling economic efficiency, social inclusion and environmental responsibility’ (European Commission 2017a). Other definitions of sustainable development exists, however a distinction has been made to use the EU’s definition of it, since it is their view on the value that is mainly researched in this paper.

One of the EU’s policies is to promote region-to-region agreements, in which it through an FTA encourages regional integration in the partner region. Woolcock (2007) suggests that the

EU prefers regional integration because it is a way to promote the European experience in regards to economic and political stability. The EU and the Association of Southeast Asian Nations (ASEAN) has had contact since 1977, but it was not until 2007 that negotiations of an FTA started. However, two years later the talks were paused, and it has been suggested that one of the reasons to why these negotiations were paused was because that the EU wanted a more comprehensive agreement that, among other things, included a TSD chapter. Sustainable development was not seen as ‘Asian values,’ and the TSD chapter was seen as an intrusion of the EU into the domestic policies of the sovereign states in ASEAN (Hoang 2017: 536).

Shortly after, the EU initiated negotiations with the members of ASEAN bilaterally instead, and the only two countries that the EU has concluded negotiations with of those are Singapore (in 2014) and Vietnam (in 2016). In the FTAs with Singapore and Vietnam, a TSD chapter was included, and a question that arises is why the chapter could be included in the bilateral FTAs and not in the multilateral FTA. In a bilateral negotiation, the EU being a region clearly has a comparative advantage towards the third parties, and could, therefore, use that advantage in pushing its own agenda forward. With Trump’s withdrawal of the Trans-Pacific Partnership (TPP) it creates new opportunities for the EU in the ASEAN-region. Will these opportunities be built upon the promotion of norms (such as sustainable development) or rather; a promotion of the EU’s interests, but it wants to be seen as ‘doing good? Cecilia Malmström has criticized Trump for putting America First, but is she and the EU doing the same by putting the EU First?

## **1.2 Research Aim and Research Questions**

This dissertation aims at getting a deeper understanding of why the EU promotes sustainable development as a value in its FTAs. More specifically, this dissertation seeks to study the TSD chapter and why it was included in the FTAs with Singapore and Vietnam. This study also explores what kind of an actor the EU is in international relations; is it a normative actor or a self-interested actor? The EU is insisting on spreading sustainable development as norm in its FTAs, but it does so on a bilateral level, and not a multilateral level, which could be interpreted as the EU is using its advantage in trade negotiations to countries, where it can grant market access in exchange for including a TSD chapter, among other demands. This could make the EU a self-interested actor, rather than the normative actor it likes to be portrayed as.

This is a puzzle because before the conclusion of the FTAs with Singapore and Vietnam, the ASEAN (in which the two countries are a member of) multilateral agreement failed. One of the suggestions to why the negotiations failed was because of the EU's insistence to include the TSD chapter. The EU can be seen as a normative power, not only because it insists on spreading norms, such as sustainable development, but also because it is negotiating trade agreements on a multilateral level and not primarily on a bilateral level.

Scholars that study what kind of an actor the EU has not focused on the area of how the EU behaves in trade, and especially not in trade negotiations. This is surprising since the EU's trade policies are suitable to analyse because trade negotiations are one of the most important parts of the EU as an international actor. The current academic literature has also neglected research on the social policies of the EU in trade, however this paper is studying that. Seeing how the EU translates its principles into policies, allows for an analyse on what kind of an actor it is. When conducting trade agreements, there are negotiations between different policy objectives and seeing which of these are attached to the trade agreements can give an indication of which norms competed with the EU's economic interests. The TSD chapter has officially been part of the EU's trade strategy for three years, and yet few scholars have studied the implication and use of it in regards to what it says about the EU as an actor, and the results are very different. This study is relevant since it researches a new dimension in the EU's norm diffusion, and how it is trying to do pursue it (bilateral vs. multilateral approach), which indicates if the EU is a normative or self-interested actor.

Is the EU a normative actor because it keeps insisting on including TSD chapters in its FTAs, and by that spreading sustainable development as a norm and as a standard value in international relations, even though it is doing so on a bilateral level? Or, is the EU a self-interested actor since it is so insistent on spreading sustainable development as a norm that it does not take into consideration to the power asymmetry that arises in the bilateral talks and because it realises that bilateral negotiations give an advantage in which it can pursue its agenda easier? Multilateralism is an important principle for the EU, as well as sustainable development and when these two principles clash with each other, to see which one the EU is prioritising and why can give an insight in what kind of an actor it is in international relations.

The overarching research question for this study, based on the research aim is, therefore:

- *Why does the EU include the value of sustainable development in its Free Trade Agreements?*

To help answering the overarching research question, sub-questions have been developed to get a clearer picture of what this research aims at answering:

- *How does the EU pursue its norm diffusion of sustainable development in its Free Trade Agreements?*
- *Why was the TSD chapter included in the bilateral agreements with Singapore and Vietnam, but could not be included in the negotiations with ASEAN?*
- *What kind of an actor is the EU when it insists on spreading sustainable development as a norm, but it does so on a bilateral level and not a multilateral?*

### **1.3 Disposition**

The structure of this paper is the following; in the next chapter, a background of the TSD chapter in the EU's FTAs is accounted for. In chapter 3, a literature review is presented, as well as the theoretical base of this thesis, where the two theories; normative actor theory and self-interested actor theory is accounted for. The chapter also includes hypotheses that derive from the section, as well as an operationalization of the theories, which is used in the results. The methodology of the paper is presented in Chapter 4 in which the design, case selection, and data processing is discussed. Chapter 5 contains the empirical results, which is divided into four sections: one section for each of the research questions of this thesis. Finally, chapter 6 consists of the conclusions that are drawn from the empirical study, and a concluding discussion in which suggestions for future research is made.



## **2. Background**

### **2.1 The EU and the TSD chapter**

The EU has always connected non-trade objectives to its trade agreements, and recently this main objective has been sustainable development. Since the Uruguay Round, the EU has been the most aggressive and persistent advocate of a broader international trade agenda (Peterson and Young 2013).

The principle of sustainable development became an important component of the EU external action since *Towards a Global Partnership for Sustainable Development*, which was adopted in 2002 (European Commission 2002). In the 2008 Lisbon Reform Treaty, developmental objectives were incorporated in the trade articles guiding trade deals with other partners. It implies that the EU has to take into account both the trade liberalization agenda and other foreign policy principles such as human rights, fundamental freedoms, and sustainable development, in formulating its commercial policy (Hoang 2017). This position was reaffirmed in the 2006 *Global Europe* Strategy which underlined the EU's commitment regarding the promotion abroad of norms in FTAs. 'In considering new FTAs, we will need to work to strengthen sustainable development through our bilateral trade relations. This should include incorporating new co-operative provisions in areas relating to labour standards and environmental protection' (European Commission, 2006). Recently, the EU aimed for recognition of sustainable development as a general objective (Hoang 2017). In 2015, the European Union adopted the *Trade for All* strategy, in which sustainable development became a crucial objective in its new value-based trade agenda (European Commission 2015a). The FTA with Korea was the first agreement to include commitments to sustainable development in the preamble and a specific chapter on environment and labour-related issues; this agreement is seen as a model for future FTAs between EU and a trading partner (Hoang 2017).

The formulation of the TSD chapter in FTAs differs from agreement to agreement, but the chapter includes effective implementation of the International Labour Organisation (ILO) conventions and Multinational Environmental Agreements (MEA) on environmental protection and climate change (European Commission 2017b). Below a description of the ILO conventions and MEAs will be accounted for.

**ILO Core Labour Standards:** When complying with this, four principles are being taken into consideration: (1) freedom of association and active acknowledgement of the right to collective bargaining, (2) elimination of mandatory labour, (3) abolishment of child labour and (4) elimination of discrimination in regards of occupation and employment (ILO 1998).

**Multinational Environmental Agreements:** The following international conventions are agreed upon:

- *Basel Convention on the Control of Trans-boundary Movements of Hazardous Wastes and Their Disposal:* seeks to reduce hazardous waste generation.
- *Stockholm Convention on Persistent Organic Pollutants:* seeks to protect the environmental and human health from persistent organic pollutants.
- *Conventions on International Trade in Endangered Species of Wild Fauna and Flora:* aims to ensure that more than 35000 animal and plant species are not endangered in international trade.
- *Convention on Biological Diversity:* seeks to guarantee the preservation and sustainable use of all ecosystems, species and genetic resources.
- *Cartagena Protocol on Biosafety:* aims to ensure a balance between the use of modern biotechnology and economic interest.
- *Montreal Protocol on Substances that Deplete the Ozone Layer:* points out the need to phase out the consumption and production of ozone-depleting substances.
- *United Nations (UN) Framework Convention on Climate Change:* aims to stabilise greenhouse gas concentrations.
- *Kyoto Protocol to the UN Framework Convention on Climate Change:* aims to fight global warming by reducing greenhouse gas emissions (European Commission, 2016&2017b).

As previously mentioned, the content of the TSD chapter varies from agreement to agreement, but the TSD chapter contains the following parts, which are usually always included in the chapter:

1. Confirmation of the parties' commitments to respect and apply multinational agreements within protection for workers rights and environment.

2. Parties' rights to regulate national protection levels in regards to workers right and environment.
3. Commitments not to use the sustainable development commitments for protectionist use or use low levels of protection as a competitive advantage.
4. Specific measures within sustainable development that are relevant for the parties.
5. Measurements to promote trade and investments that contribute to sustainable development.
6. Appliance measurements to ensure the implementation of the commitments in the TSD chapter (Zurek 2018).

Important to note is that in the TSD chapter in FTAs there is no standard dispute settlement process for dealing with critique, so it is tough for one party in the agreement to be sanctioned. Instead, a panel of experts are responsible for handling the critique, and they should report their findings in various ways. Therefore, the content in the TSD chapter can be seen as more of a soft law approach, rather than hard law (Campling et al. 2014). Soft law refers to a legal instrument that does not have any legally binding force, whereas hard law relates to a legal instrument that is binding.

### **3. Literature Review and Theoretical Framework**

#### **3.1 Norms vs. Interests**

The self-interested actor theory and the normative power actor theory differ in their view on the intended motivations the EU has as an international actor. The former theory argues that the EU is acting out of its interests strategically, whereas the latter one claims that the EU acts accordingly to its norms in an ‘appropriate’ way. If an actor motives are self-interested, the behaviour is seen as rational and strategic. With that means that the actor makes necessary calculations regarding the effect of its behaviours, and acts according to its benefits, assuming that the other actors do the same (March and Olsen 1989: 23). An economic or materialist motive mainly drives the interests. This suggests that the EU is acting on spreading sustainable development because it believes it is to its advantage.

In contrast, a normative actor behaves according to norms, which are the most appropriate in a given situation (Finnemore and Sikkink 1998: 891). By acting appropriate, the actor acts from norms that are assigned as acting ‘right’ or acting ‘normal’ in international relations. The norms are considered to be universally accepted and are not promoted from a materialistic or strategic point of view. The values that the EU promotes in its external policies come from the values that are being promoted internally within the Union, such as democracy and the rule of law and sustainable development. However, it is possible for an actor to have ‘normative interests’, as Manners (2002) argue that the EU has.

One way of distinguishing normative interests from strategic interests is that ‘normative interests refer to wider milieu goals instead of more selfish possession goals’ (Forsberg 2013: 1192). This means that the actor’s interests are concerned with the wider international environment, which could lead to possession or materialistic goals. However, the difference between the possession goals that a self-interested actor might have and the normative goals a normative actor has is that ‘milieu goals are persuaded consistently over time, and not only at the time when they also represent immediate possession goals’ (Tocci 2008: 4). In the case of the EU’s sustainable development promotion, it could be considered to be normative if the EU aims on doing this to avoid a race-to-the-bottom and to benefit the international community as a whole. However, if the EU is doing this in the end to ultimately benefit itself for example protectionist reasons, it should be regarded as a strategic interest.

### **3.2 The EU as a Global Trade Actor**

The academic debate regarding what kind of an actor the EU is extensive, but few scholars have considered the trade area when describing the EU as an actor. Instead, areas such as security, development, and human rights promotion have been the focus in the literature. As previously mentioned, the EU as a trade actor is suitable to analyse because trade is one of the most important parts of the EU being a global actor and it is an excellent example in seeing what objectives are attached to trade agreements. This could indicate which norms are competing with the EU's economic interests, and the form of the agreement can also indicate if the EU prioritised commercial interests or multilateralism.

The EU states that it wants to include sustainable development in its FTAs to 'shape globalisation' and avoid a race-to-the-bottom when it comes to social policies (European Commission, 2015). However, some trading partners to the EU fear that the EU is using the TSD chapter as a hidden cloak for protectionist uses (Sicurelli 2015). The question that arises is then if the EU includes the TSD chapter to promote its norms or interests? If the EU does it to promote norms, it fits more with the normative power theory, whereas if it does it to promote economic interests, it fits more with the self-interested actor theory. It is also possible that the EU promotes both, in which there is no clear answer to which actor theory the EU corresponds to the most.

Before Manners (2002) introduced the concept of a Normative Power Europe (NPE), the debate regarding the EU as a power mostly discussed the EU as a civilian power or military power. A military power uses military means and uses coercion to influence other actors in the international arena. A civilian power, on the other hand, uses non-military means, such as cultural, diplomatic and economic policy instrument, and uses cooperation to influence other actors (Smith 2005). The means of influence of a civilian power can also be described as 'soft' power. Nye (2004: 256), who introduced the concept, describes it as 'the ability to get what you want through attraction rather than coercion or payments'. In trade negotiations, the EU is using civilian, or soft power, instead of military power.

The size of the internal market of the European Union and since it has over 40-years experience of negotiating trade agreements has made the EU's trading block the most powerful in the world (Meunier and Nicolaïdis 2006: 907). When negotiating FTAs, it is the European Commission (EC), represented by the Trade Commissioner and the Directorate

General Trade (DG Trade) that has the mandate to initiate trade agreements. If the agreement is integrating many areas, the Commissioners of those areas might be represented as well in the negotiations to assist the Trade Commissioner. It is the Council of Ministers (who represents the Member States) role to decide the mandate for the Commission during negotiations, and they also have the last saying regarding the ratification of the agreement (Dür and Zimmerman 2007: 773). The European Parliament (EP), in which the Member States are also represented, does not have much formal influence on the EU trade policy decisions. They have the largest influence in bilateral and interregional negotiation when the agreements concern issues on which the Parliament has formal powers on (Zimmerman and Dür 2007: 774).

Scholars have questioned if the EU manages to speak with one single voice in negotiations since it represents 28 Member States. Not being perceived as a unitary actor could affect the effectiveness of the EU in trade negotiations. Meunier and Nicolaïdis (2006: 907) introduced a new concept to describe the EU as; a Conflicted Trade Power, and one of the reasons to why it is conflicted is because it is influenced a lot by the different governments of its Member States. Traditionally, it has been viewed in the European Parliament (EP) that there is a North-South divide between the Members States, where the north is seen to pursue more trade liberalization policies, whereas the South is assumed to favour more protectionist policies. However, this divide is not always accurate, and Dür and Zimmerman (2007) argue that this should not affect the EU being perceived as a unitary actor. This is because the national parliaments and the EP have limited power and influence in international trade negotiations. The availability for the EU to act as a negotiator in trade negotiations is therefore assumed to be good, as long as the EC does not violate the essential interests of the Members States and manage to have them on its side.

The EU has also been described as an economic power, and the difference between a civilian power and economic power is that the size of the economy of an actor is of much more importance in the latter one. In the case of the EU, the size of its global economy matters in its power relations. The EU can externalise several of its internal policies, through its large single market (Vogel 1995). The size of the market is of importance for an economic power, and all other actors feel the economic power, but it might not have as much of an effect on the other large economic powers in the international system (Damro 2012: 686). The EU can use its market size through economic coercion/persuasion, since it can threaten with a complete or

partial closure of its market, in order to force or persuade other actors to change their behaviour (Drezner 2007: 32).

This is similar thoughts as Damro (2012: 697), who launched another concept; 'Market Power Europe'. He argues that the EU is fundamentally an internal market and is, therefore, more likely to influence the behaviour of third parties through its market-policies than its core norms. However, Meunier and Nicolaïdis (2006: 910) mean that the EU is using its trade power to accomplish non-trade objectives (such as sustainability). A trade power uses 'carrot and sticks' to diffuse norms, rather than through cooperation and consensus, as the civilian power theory suggests (Meunier and Nicolaïdis 2006: 920).

### **3.3 Normative Power Theory**

The normative power theory was presented by Ian Manners (2002) as an alternative to the academic debate, which categorized the EU as either a civilian or military power. Carr (1962), Duchêne (1973), Galtung (1973) and Rosecrance (1998) previously introduced the idea of a Normative Power Europe in the literature. Carr (1962: 108) made the distinction between economic power, military power and power over opinion. Duchêne (1973: 2) described the European Community as an *idée force*, whereas Galtung (1973: 33) talked about 'ideological power is the power of ideas' and that it is powerful because the sender of the ideas affects and shape the will of the recipient of ideas through culture. Rosecrance (1998: 22) proposes that 'Europe's attainment is normative rather than empirical'. However, it was through Manners that the idea was developed, conceptualized and theorized, which the current academic literature mainly builds upon.

By introducing NPE, Manners (2002) argues that the need to analyse the EU as a normative power is motivated by how the traditional views (seeing the EU as a civilian/military power) is not taking the EU's unique structures and processes into consideration and that one of their main problems 'is their unhealthy concentration on how much like a state the EU looks' (Manners 2002: 239). The EU is therefore neither a civilian nor a military power; instead, it is a normative power that can use civilian or military instruments to shape conceptions of 'normal' in international relations.

The combination of the EU's historical context, hybrid polity, and the legal constitution is part of the EU's uniqueness, which places universal norms and principles at the centre of its

relationship with its Member States and the rest of the world. In other words, the EU is constructed on a normative basis, which predisposes it ‘to act in a normative way in world politics’ (Manners 2002: 252). The foreign policy of the EU is therefore understood as a product of its basic norms and values, which constructed the Union in the first place and is still the core of its existence. This is something that has been constantly overlooked according to Manners, ‘the most important factor shaping the international role of the EU is not what it does or what it says, but what it is’ (IBID).

The basic norms of the European Union have according to Manners (2002: 242) been developed through conditions, criteria, declarations, policies, and treaties the past 50 years (at the time of Manners writing the article). Through these, it is possible to identify five ‘core’ norms and four ‘minor’ norms within the constitution and practices of the EU. These values are seen as universal. The five core norms are *peace, liberty, democracy, the rule of law and human rights*. The four minor norms include *social solidarity, anti-discrimination, sustainable development and good governance*.

To understand how the EU makes its policy-making process, Manners (2008) provided a tripartite analytical framework. This involves three different steps:

- 1) Examining the core principles of the EU and how these principles become promoted as aims and objectives in world politics.
- 2) Looking at how the EU promotes its core principles as actions and policies in world politics.
- 3) Considering the impact and outcomes of the activities the EU takes in promoting its core principles in world politics.

Manners (2002: 244-245) suggest six factors, which explains the diffusion of norms and where the EU’s normative power stems from. These six factors are *contagion, informal diffusion, procedural diffusion, transference, overt diffusion and cultural filter*. *Contagion* is the unintentional diffusion of norms/ideas from the EU to other political actors; an example of this is when the EU acts as a good example. *Informal diffusion* occurs as a result of strategic communications by the EU, for example, new policy initiatives from the EU. *Procedural diffusion* takes place in the institutionalization of a relationship between the EU and a third party; this could be done through an interregional cooperation agreement. *Transference*



happens when the EU exchanges aid, foods, technical assistance or trade with third parties through mostly substantive or financial means, e.g., exporting community norms and standards. *Overt diffusions* are the result of the physical presence of the EU in third-party states and international organizations; this could be for example the role of embassies of Member States. *Cultural filter* regards the impact of international norms in third-party countries and international organizations, which leads to the learning, adaptation or rejection of norms; an example is the human rights diffusion in Turkey. Regarding the cultural filter, Chaban et al. (2015) mean that a lot of more emphasis should be put on that mechanism because understanding the EU's norm diffusion needs to take the receivers' of the norms cultural filters into consideration as well. For norms to be adopted by a third party, it needs first to be recognized and then viewed as successful. Just because a norm is exported, does not necessarily mean it gets imported (Björkdahl and Elgström 2015).

To summarise, the main argument of the normative power theory is that the unique structure and constitution of the EU make it predisposed to act in a normative way and the diffusion of its norms is central in its international relations. These norms are universal and by EU spreading these norms, it tries to shape the conceptions of what is normal in the international environment.

### **3.4 Self-Interested Actor Theory**

A self-interested actor behaves according to interests in a logical way where the consequences of the actions are taken into consideration. The EU is therefore assumed to make calculative decisions and acts according to its benefits (March and Olsen 1989). The alternative viewpoint in international relations of seeing the EU as a normative power or a 'force for good' is seeing it as a 'collective hegemon' (Bendiek and Kramer 2010: 470). A collective hegemon is guided by its interests and in the case of the EU; its exports of values are seen as an expression of its hegemonial identity. The foreign policy of the Union is seen as a strategy to pursue 'milieu shaping', where the goal is to establish a stable and cooperative environment, in which the EU can follow its economic and political interests in an optimal way. As mentioned in section 4.1 an actor can have normative interests, which refers to broader milieu goals, but the difference from that and having the strategic interests is that a self-interested or strategic actor have wider milieu goals to shape the environment, so its

interests can easily be followed. That is not the objective for an actor with normative interests, who wants to shape the international environment but not for possessing goals.

Hyde-Price (2006) also sees the EU as a collective hegemon that tries to shape its external surroundings to a form that is of advantage for its interests. The EU is doing so by using a combination of soft power and hard power. However, the EU can be seen as more of 'benevolent hegemon' than a 'coercive hegemon' since the emphasis of its politics is towards compromise. According to Hyde-Price (2008: 32), the EU acts for a collective pursuit of the common or shared interests between the Member States. These 'European' interests are different from the interests that Manners suggests that the EU strives for, and Hyde-Price argue that they include: 'the territorial integrity, political and strategic security, and prosperity and economic well-being for its member states'. It is these interests that have led the EU to be a global economic actor.

For Hyde-Price, the problem with this is that the EU is ultimately pursuing its interests, but claim to be 'doing good'; what is good for Europe, is not automatically good for the world. Therefore these values cannot be seen as universal. Tocci (2008: 5) raises the point that if a normative foreign policy is associated with being 'good', caution should be made with what values we put in a 'good' foreign policy, since it sometimes can be imperialistic values, and then the values can't be seen as objective or universalistic. However, just because a strategic actor is more calculating and acts in a way that benefits it the most, does not mean that it automatically dismisses notions of human rights, international law, and injustice (Hyde-Price 2008: 37). However, even though these values might be 'European', Aggestam (2008: 7) argues that caution should be made when talking about and projecting European values in foreign policy, since it insinuates a view that others are in need of a change: 'it communicates a message of Europe as morally superior and an image of others as ruled by the "law of the jungle"'.

A self-interested actor could also act in a soft imperialist way, just as Hettne and Söderbaum (2005) suggest. The authors argue that it is possible for a soft imperialist actor to impose norms and have norms, but the difference from a normative actor is that these are used in a strategic way, or for self-interested reasons. In an interregional context, Hettne and Söderbaum (2005: 551-552) suggest that even though most of the EU's interregional relations are conducted officially under civilian norms and a liberal agenda, the actual implementation

of this agenda depends on the relative power positions of the EU and its counterparts. With weaker partners, the EU controls much more of the conditions for the cooperation, which could lead to more imperial relations. This could help explain the difference in the EU's relations between the relatively strong East Asian region as opposed to the relatively weak South Asia region (because the EU also differentiates within regions).

To summarise, the central argument of the self-interested actor theory is that the EU is a collective hegemon in the sense that it spreads its norms to shape the international environment in a way that benefits its interests. These norms are not universal since they represent what is good for the EU and not automatically what is good for the rest of the world.

The current literature regarding the EU as a trade power, argues that it uses its market size in trade negotiations to pursue its interests, this corresponds to the self-interested actor theory. The scholars who ascribe the EU as a normative power, has primarily not looked at the EU in trade negotiations. It is, therefore, a gap in the current literature on what kind of an actor the EU is in trade negotiations. This study aims to shed light on this gap, by doing an ideal type analysis between the normative power theory and the self-interested actor theory, to see which one the EU corresponds to.

### **3.5 Hypotheses and Operationalization**

Both the normative power theory and the self-interested actor theory argue that the EU is an actor that best can be described to their theories. Therefore, the two hypotheses that emerge from the previous section is:

**H1:** The EU is a normative power actor because it seeks to diffuse norms in the international system that is universal and it behaves accordingly to appropriateness.

**H2:** The EU is a self-interested actor because it is exporting values and shaping the international system, ultimately to benefit its interests.

To test the hypotheses on the empirical data, two ideal types are created. For the ideal types to be operationalized they need to contain elements, which is comparable to reality; the ideal type cannot miss relevance for the reality where it shall be applied (Esaïsson et al. 2012: 139). When doing a polarised ideal type analysis, the categories within the ideal types need to be parallel: a characteristic within one of the polarized ideal type needs to correspond to a

feature by the other polarized ideal type (IBID). When creating an ideal type it is essential to bring forward the main characters of the theory. The variables from the theory will, later on, be compared to the empirical material. By doing so, it is possible to see if the unit of analysis has similar values as the ideal types suggest it should have. In this case, analysing how the EU is promoting sustainable development in its negotiation of FTAs with Singapore and Vietnam, makes it possible to see which characteristics of the ideal types the EU possess, and which ideal type it corresponds to the most. Two ideal types are created *Normative Power Actor* and *Self-Interested Actor*.

The variables that will be compared in the ideal type analysis are *Interests*, *Behaviour*, *Means of Power* and *Desired Outcome*. These categories are created to compare the two ideal types to each other. The categories are parallel to each other and are chosen because they capture the essence of the two theories. These categories are built upon previous research, and mostly upon an ideal type analysis that Forsberg (2011) did. However, Forsberg only created this ideal type for the normative power. Therefore caution has been made so it will be able to fit to create an ideal type for the self-interested actor theory as well. These categories will be the base for doing the actor analysis in the results part, and by applying the case of the EU's promotion of sustainable development as a value, they will be sufficient to determine what kind of an actor the EU is. According to Forsberg, it is not clear how many of these categories need to be fulfilled in order for an actor to be classified as the ideal type. However, it is clear that none of these categories can stand-alone. Therefore, if the actor fulfils more than one of these categories, it should fit into that ideal type.

Important to note though, it is not possible for an actor to fit into both of these ideal types. This is because the two theories represent two extreme points on what kind of an actor the EU is; they are the opposite of each other. If an actor is self-interested, it is by definition not a normative actor and the similarly, if an actor is normative, it cannot be self-interested. However, elements of both of the theories could fit into what kind of an actor the EU is, but it should not be more than one category that the two theories are similar on. This is because if the EU would fit into more than two categories of both of the theories, it is not clear which ideal type that the EU symbolises. If the EU would correspond to interests for example on both theories, that is not a problem, but the two theories should not be similar on more than one of the categories. If that would be the case, then the categories would need to be revised. To ensure this will not happen, the thought of categories are tested on the empirics before the

analysis is created. This also concerns the validity of the thesis, which is further explained in section 4.1.

This thesis is testing what kind of an actor the EU is in the case of their sustainable development promotion in the FTAs with Singapore and Vietnam, it is possible that the outcome of what kind of an actor the EU is would be different if another setting or policy area is researched. This result is not necessarily applicable to all cases in all times. However, a discussion of this will follow in the conclusion where the generalizability of the study will be discussed.

**Table 1. Operationalization of variables**

	<b>Normative Power Actor</b>	<b>Self-Interested Actor</b>
<b>Interests</b>	Normative Interests	Strategic Interests
<b>Behaviour</b>	Behaves According to Norms	Behaves According to Self-Interests
<b>Means of Power</b>	Mostly Normative Power	Civilian/Economic Power
<b>Desired Outcome</b>	Achieve Normative Ends	Achieve Self-Interested Ends

**3.5.1 Ideal Type: Normative Power Actor**

As previously mentioned, the criteria for the EU as a normative power that will be used in an ideal type analysis is the following:

1. Normative Interests
2. Behaves According to Norms
3. Uses Normative Means of Power
4. Achieve Normative Ends

The first criterion is that a normative power has normative interests. It is generally assumed that a normative power has different interests from a traditional power, which is expected to have strategic- or self-interests (Forsberg 2011: 1192). Manners (2009) argue that the EU has

normative interests when including the social dimension in its trade policies. As previously mentioned, normative interests refer to wider 'milieu goals' rather than self-interested goals, and the EU wants to shape the international environment for the 'common good' and not because it would ultimately benefit itself.

A normative power behaves in a normative way is the second criterion. This could be defined as the actor follows norms such as international law or multilateralism. With this argument, a normative power could use military power, if it does so multilaterally and with respect for international law (Forsberg 2011: 1193), in the end, it is about acting 'appropriate'. A normative power, therefore, behaves according to international norms.

The third criterion regards that a normative power refers to the means of influence. This suggests that the EU uses normative power rather than military or economic power. However, it is not suggested that the EU would exclusively rely on normative power since it has a lot of economic power, which is often used (Forsberg 2011: 1194). The EU has a cooperative approach through persuasion when using its power rather than using its power in a coercive way, and it acts according to the general rules and practices.

Finally, the fourth and last criterion is that a normative power achieves normative ends. It is about the EU is successful in diffusing its norms in the international system. Being successful in this case is about making the receiver of the norms internalize them, but also about shaping what is 'normal' in international environment.

### **3.5.2 Ideal Type: Self-Interested Actor**

Even though no scholar has summed up the criteria for being a self-interested actor in the same way that has been done for a normative power actor, the same categories will be used to define the self-interested criteria in the ideal type analysis. These categories are:

1. Strategic Interests
2. Behaves According to Self Interests
3. Uses Different Means of Power
4. Achieve Self-Interested Ends

Having strategic interests is at the core of being a self-interested actor, and it is assumed that the interests that the actor have are interests that benefit itself, rather than benefiting 'the

common good'. Hyde-Price (2006: 217) argues that the EU is ultimately expressing the views of its Member States, and the opinions of those are often strategic and self-interested. Smith (2003) agrees to this notion and claims that the EU Member States attitude to promote norms and values internationally are based on calculations regarding the benefits of the political scale, and they take economic interests and national security into consideration.

When a normative power behaves in a normative way, it is suggested that the actor follows norms such as international law or multilateralism. A strategic actor does not necessarily need to do this since it is calculating what benefits itself the most, however, it can do this, and some strategic actors are doing this.

Regarding the third criterion and the means of power, a self-interested actor can use both soft and hard power tools, which is something the EU does according to Hyde-Price (2008: 31-32). Hettne and Söderbaum (2005: 539) suggest that the EU is using soft power in a hard way (soft imperialism) and depending on how powerful, its counterpart is, the EU is either using civilian power or soft imperialism. The normative power ideal type does not exclude the fact that the EU cannot use other power than normative power, but the difference between these two ideal types is that a normative power relies mostly on normative power, whereas a strategic actor does not have a predisposed way to act.

The final criterion suggests that a self-interest actor achieves a self-interested end. Laïdi (2008) argues that to advance its strategic interests; the EU aims at getting the support of the international system. This notion is something that Bendiek and Kramier (2010: 469) agree with since they argue that the EU can be seen as a collective hegemon in which the goal is to establish a stable and cooperative environment within the international system, so the EU's political and economic interests can be pursued.

## **4. Methods and Data**

### **4.1 Approach and Design**

This thesis takes its position in the fact that the EU is described as a normative power, but not many scholars have examined if the EU acts like one when it comes to trade negotiations. I argue, that looking at how the EU translates its normative objectives into external policies in its trade negotiations, will add on to the existing literature in trying to describe what kind of an actor the EU is. The thesis, therefore, has a descriptive approach, in explaining what kind of actor the EU is when making a comparison between the normative power theory and self-interested actor theory. However, the thesis also explores how and why the EU includes the value of sustainable development in its FTAs. It also researches the reasons for why the negotiations with ASEAN were paused and why the TSD chapter was included in the bilateral agreements with Singapore and Vietnam, but could not be included in the FTA negotiations with ASEAN. The most appropriate design for a descriptive and exploratory thesis is a qualitative approach. Qualitative description is suitable for answering questions of the character of who, what and where, and it is also useful when the aim is to get a straight description of a phenomenon. An ideal type analysis is conducted to determine what kind of actor the EU is, a case study is done to compare the differences and similarities between Singapore and Vietnam. Qualitative text analysis and content analysis is the base for the explorative part of the thesis (Hesse-Biber and Leavy 2011).

By doing an ideal type analysis the goal is to understand which ideal type a phenomenon is part or not part of (Esaiasson et al. 2012: 140). In this case, the EU as a normative power and the EU as a self-interested actor are the ideal types, which will be analysed by examining the EU's sustainable development promotion in the negotiation of trade agreements with Singapore and Vietnam. The question asked when conducting an ideal type analysis is to what extent the phenomena resemble the ideal type (IBID). Since ideal types are not an accurate form of reality, the empirics cannot throw it away.

The most critical argument against an ideal type is not that it lacks empirical evidence, instead of, that it is unfruitful for empirical analysis (Esaiasson et al. 2012: 143). This puts a lot of demand on the analytical tool that is created for the ideal types. By comparing the real-life phenomena with a pure ideal type, characteristic features of the real-life aspects are captured. The most practical is to compare two polar ideal types, which is done in this case; the EU as a



normative power actor and the EU as a self-interested actor. In this kind of analysis, the two ideal types are thought of as extreme points on a line. The question that is, therefore, being asked is where on this line, the real-life phenomenon is placed (Esaiasson et al. 2012: 141). If the ideal type does not measure what it says it should measure, validation problems can occur (Bergström and Boréus 2014: 167).

In order to overcome validation problems, it is essential to test the ideal types in the empirical analysis and see if the classification that was made in the ideal types are working to capture the phenomenon that is being researched, but also making sure that the categories are relevant to real life (Esaiasson et al. 2012: 141). Since the ideal types are based on previous research/theories and have been tested on the empirical material, to ensure that the essence of the theories is being captured, the validity should be good. Reliability concerns if someone else can repeat the study and get similar results to ensure good reliability, accidental or careless mistakes should be avoided (Esaiasson 2012: 62).

Since this study is looking at contemporary events and wants to understand why the TSD chapter was included in the FTA with Singapore and Vietnam, a case study is made. Since the study is regarding a set time of period (the years of negotiation and concluding of the agreements), and since the paper is looking at the policy area of the TSD chapter and not the whole FTA, it fulfils the criteria of having clear boundaries in regards to geographical, temporal and topical policies to be studied (Yin 2009: 32). Studying the TSD chapter fits the motivation for a representative or typical case study, since the TSD chapter in FTA is one example of EU trade policy among several others and could be seen as an example on how the EU's trade policy is formulated and why the EU promotes the value of sustainable development (Yin 2009: 47-49).

A general critique to use case studies as a method is that it is often unable to make generalizations of a limited number of cases (Geddes 2003). However, it is possible to make a statement, draw a conclusion or end up with findings that are relevant beyond the cases, if they apply to the life of the case beyond the research situation (Flick 2007). It is about the possibility to generalize outside of the particular study. By comparing the FTA negotiations and the TSD chapter in Vietnam and Singapore, these two cases could help to see patterns in the EU's foreign trade policy. Is the EU now starting to do more of bilateral negotiations because it is easier for it to get its will through (such as including TSD chapters)? This could

say something about what kind of actor the EU is in foreign trade, but also what kind of actor the EU is in international relations in general. Is the EU a normative power or a self-interested actor?

## **4.2 Data and Case Selection**

The empirical material in this study is based on literature and documents. The data collection for this thesis is mainly based on secondary sources in forms of academic articles, which in turn have done empirical research. An example of this is Hoang's paper from 2016, which describes the perceptions of the Vietnamese on the EU as a norm promoter, where he interviewed people from the government ministries in Vietnam. A disadvantage in my research has been the difficulty in finding official statements from Vietnam or Singapore in English to understand how they perceived the EU in the negotiations. However, English articles made by scholars understanding the language have made those views possible to understand, and therefore has been used in this paper. When it comes to understanding the EU's view, official documents have been used.

It should be noted that when analysing why the EU includes the value of sustainable values, speeches from Cecilia Malmström is used, however, she was not the Trade Commissioner during the time of the negotiations with Singapore and Vietnam. It is therefore not certain that the reasons for including the TSD chapter are the same now, as it was during the negotiations. However, speeches or statements from the previous Trade Commissioners are insufficient for explaining the motives for the EU. However, even though Cecilia Malmström launched the Trade for All strategy, the ideas behind it have been in the Union for a longer period than 2015. Therefore, the speeches of Malmström have been used and they are assumed to represent the views of the Union during the negotiations with ASEAN, Vietnam, and Singapore.

Another important thing to take into consideration with the data that I have used is that it is based on the material that is available. All of the documents regarding trade negotiations are not official and it is hard to know what exactly has been said during different internal or external meetings without attending them. The secrecy of these negotiations is therefore limiting in this study since it is only possible to judge and value the EU's actions based on the material that is available.

When choosing the cases for this study, it was based on a strategic case selection. The reason for selecting Singapore and Vietnam is that they are the only two countries that have concluded FTAs with the EU in ASEAN, although they have not been ratified yet, they have been concluded. Since it is the content of the FTAs that are important in this study, it is essential to know the scope of the FTAs when making a comparison. The study is interested in investigating why the TSD chapter could be included in bilateral agreements with countries in ASEAN, but not in the ASEAN region agreement, and therefore it is important to compare this with countries that have the TSD chapter included in the FTA.

After the regional negotiations with ASEAN paused in 2009, the EU's Member States agreed that the European Commission should pursue bilateral FTA instead. In 2010, the EU launched negotiations with Singapore and Malaysia. However, after seven rounds of talks with Malaysia, the negotiations were paused in April 2012, by Malaysia's request. In June 2012, the EU launched negotiations with Vietnam and with Thailand in March 2013. Four rounds of talks took place with Thailand, but since the takeover by the military in Thailand in May 2014, no further negotiation talks have been scheduled. In 2016, the EU launched negotiations with Philippines and Indonesia, two rounds of talks have taken place with the Philippines (the last one in February 2017), but no date has been scheduled for the next round of negotiations. Indonesia has also had two rounds of talks with the EU (the last one very recently, in February 2018) and the next round of the negotiations talks is yet to be confirmed. When it comes to Myanmar, the EU has not launched FTA negotiations with the country; instead it started negotiations for an investment protection agreement, four rounds of talks have taken place, and one technical discussion (in April 2017) but no date has been scheduled for the next round of negotiations (European Commission 2018a).

As previously mentioned, the EU launched negotiations with Singapore in 2010 and with Vietnam in 2012. Most of the negotiations with Singapore, such as the scope of the agreement, were concluded in October 2014, but before it enters into force, it needs to be formally accepted by the European Commission, agreed upon by the Council of Ministers and then ratified by the European Parliament. The preliminary text of the FTA with Vietnam was completed in February 2016, now the legal review is almost finished and when that is done the FTA will be translated into all official languages of the EU and Vietnamese before it is presented to the Council and Parliament. It is expected that the FTAs enter into force by the end of 2018 (IBID).

The chosen method within the comparative case study is Most Different Systems Design (MDS). Using MSDS means that cases are chosen because they are similar to the variable of interest but are different on the other variables (Otner 2012: 2). In this study, the variable of interest is the inclusion of the TSD chapter in the FTA with the EU. The variables in which the countries differ and is accounted for is *Population, GDP (PPP), Export to the EU, Import from the EU, Total trade with the EU, Number of FTA's* in place and *Status of Economy*. All relevant control variables are not accounted for or checked since it could be an endless number of variables in that case (Otner 2012), but these are variables that could have an impact between the countries negotiations with the EU. It is assumed here that a stronger and more developed economy is more equal towards the EU during negotiations (even though the EU is a region and more significant than any of the economies of Singapore and Vietnam) and therefore can set against easier if the EU proposes a self-interested agenda. If the country also has more experience in negotiation with FTAs that is assumed here to be an asset as well.

**Table 2. Case country background**

	<b>Singapore</b>	<b>Vietnam</b>
Population (2017)	5.88 million	96.16 million
GDP (PPP) (2017)	\$ 513.7 billion	\$ 643.8 billion
Export to the EU (2016)	€ 19.466 million	€ 33.087 million
Import from the EU (2016)	€ 31.475 million	€ 9.486 million
Total trade with EU	€ 50.941 million	€ 42.574 million
Number of FTAs in place	21	14
Status of economy	Highly Developed Economy	Developing Economy

Sources: CIA World Factbook (2018a-b); European Commission (a-b); Enterprise Singapore (2018); Heritage (a-b); WTO Center (2018).

### **4.3 Processing the Data**

Two methods are used for processing the data for this study: qualitative text analysis and directed content analysis. By doing a qualitative text analysis, the essential parts of a text are

brought forward by carefully reading all the elements of the texts, as well as understanding the context within. Qualitative text analysis is preferred over quantitative content analysis because it is the wholeness of the text that is central, and not the details of it (Esaiasson 2012: 210). When reading, there are specific questions to ask the text. In this study the questions that are asked are:

- What is the point of the text?
- Is the position supported by what the text says?

This study is doing a systematic qualitative text analysis since the main point is to clarify the thoughts and arguments by the actors that are important in the debate regarding the studied phenomenon. The first step is to define what should be researched in the texts. The text analysis is partly applied to the ideal type analysis, and the themes that are being studied are mainly the normative actor theory and self-interested actor theory. The text analysis is used for processing the data in the empirical material when discussing what kind of an actor the EU is. The text analysis is also used for answering the questions regarding how the EU pursues its value of sustainable development in its FTAs, and the EU's negotiation with ASEAN and Singapore/Vietnam. The themes that are being studied then are *the EU and sustainable development*, *the EU as an actor*, *the EU's negotiation with ASEAN*, and *the FTA between the EU and Singapore/Vietnam*. The actors in the analysis are *the EU*, *ASEAN*, *Singapore*, and *Vietnam*. Since the actors are important in this study, it is essential to keep track of who says what.

The directed content analysis is applied when analysing speeches from the EU's current Trade Commissioner, Cecilia Malmström. Since the thesis is following a deductive approach, in which existing theories is tested, directed content analysis is applied. The content of the speeches and statements are used to guide and code the findings in the data (Hsieh & Shannon 2005). For this study, Malmström's speeches are used to understand why the EU includes sustainable development as a value in its FTAs. The content analysis is executed by looking for speeches, which talks about the EU and sustainable development promotion. A directed content analysis aims at 'validate or extend conceptually a theoretical framework or theory' (Hsieh & Shannon 2005: 1281), which is in line with this thesis, since this could bring clarity in understanding the interests of the EU, which ultimately has an impact in deciding what kind of an actor the EU is.

#### **4.4 Source Criticism**

Since the empirical material is based on literature and documents, it is crucial to be critical to the sources. When going through the sources, it is important to be aware of the authenticity, relevance, and impartiality (Esiasson 2012: 279). The empirical material for this study is mostly based on official documents, which could be regarded as primary sources, and scientific articles, which could be regarded as secondary sources. The official sources are widely used and updated frequently. They are also reviewed regularly, which increases the authenticity and relevance of the material. The official documents usually represent the views of the organisations; therefore they cannot be described as impartial, but they are used in a way to understand the EU's views on different things. Consequently it is assumed that they are partial, but it should not be a problem. Some articles from think tanks, and organisations are used in this paper, but they have been weighted against each other, to present an accurate picture of the situation and not just present views from the organisations.

## 5. Analysis and Results

### 5.1 Why the EU Includes Sustainable Development as a Norm in FTAs?

In 2015, the EU presented its new trade strategy *Trade for All*, where sustainable development became a crucial objective in the new value-based trade agenda (European Commission, 2015). Cecilia Malmström, the current trade commissioner for the EU, was the person who introduced and implemented this strategy. Therefore, an analysis of her statements and speeches will be used foremost to understand why the EU includes sustainable development as a norm in its FTAs, combined with qualitative text analysis. It should be noted that the EU included the TSD chapter in the South Korea FTA in 2011. However, it was considered to be a norm after being included in the trade strategy. The EU's promotion of the MEAs corresponds to its norm of sustainable development, but the promotion of the ILO's Core Labour Standards compares not only to the norm of sustainable development but also to the EU's norms of social solidarity, non discrimination and even more importantly, the core norm of human rights (Orbie 2011: 163).

The EU states in the strategy that it use trade policy in order promote sustainable development and 'this is done in a positive, incentive-based way, without any hidden protectionist agenda' (European Commission 2015a: 23). However, the fear of some countries that negotiate FTAs with the EU is that the TSD chapter is used for self-interested reasons, rather than being included for 'doing good'. So, even though the EU claims that the TSD chapter is included for a positive reason, it might not always be perceived like that. According to the EU, the aim of including the TSD chapter is 'to maximize the potential of increased trade and investment to decent work and environmental protection, including the fight against climate change and engage with partner countries in cooperative process fostering transparency and civil society involvement' (IBID).

According to Zurek (2018: 123), early references of clauses in regards to sustainable development in the EU's FTAs go back to the beginning of the 1990s, even though the phenomenon is relatively new. At the beginning of the 1990s, the EU started to include clauses of human rights in its FTAs, but the inclusion of material provisions was not included in the agreements until much later. By adding a TSD chapter in the FTAs, the contracting parties can use the FTA as a control measure to strengthen the commitments to sustainable development and at the same time promote dialogue and cooperation. The inclusion of a TSD

chapter sends the signal that issues of sustainable development are to regard it as equal to economic issues (Zurek 2018: 124). However, economic matters and sustainable issues are not treated similar in an FTA, since no standard dispute settlement mechanism is included in the TSD chapter, which means that no party can be sanctioned for not following the chapter. However, the content in the TSD chapters is built upon provisions to already existing rights and obligations, mostly from the ILO conventions and MEAs, which the trade partners (usually) already have committed themselves to. Therefore, the TSD chapters are not creating any no obligations or commitments for the trade partners, instead it is about promoting cooperation between the parties in implementing their already existing commitments (Zurek 2018: 125).

Cecilia Malmström says in a speech from the 2<sup>nd</sup> of May 2016 that the European and universal core values drive the *Trade for All* strategy, and that it makes clear that the EU's trade policy goes beyond economic interests (Malmström 2016: 3). This goes hand in hand with the notion that Alvstam and Lindberg (2018: 99) brings up that since supply and value chains have been more and more integrated into our globalised society, it is essential to see the social policies as part of the trade policies. Trade politics should not be seen as isolated phenomena; instead, it should be an integrated component in the effects of globalisation. In a speech from the 24<sup>th</sup> of January 2017, Malmström argues that 'we can shape globalisation rather than merely submitting to it, or letting others shape it for us' (Malmström 2017: 4). Promoting the EU's standards abroad can do this, and trade policy can, therefore, be seen as a vehicle for the European values. Another point that was brought up in the speech was that since the EU is the largest market in the world, it has a lot to offer to its trade partners, but it also expects things in return from its partners in negotiations. The partners are therefore expected to comply with the TSD chapter and agree to it; otherwise, a trade deal cannot be done with the EU.

In a speech from March 2018, Malmström states 'trade has never been just about goods – it is about values too' (Malmström 2018: 1). It, therefore, seems like including sustainable development, as a value in FTAs, is a 'natural thing' for the EU to do. Values are passed on through commerce, among other things; therefore the EU includes values within its trade policy. In this speech, Malmström once again points out that it uses trade to shape globalisation and the world (Malmström 2018: 8). Malmström also claims that all of the EU's recent agreements uphold EU standards and multilateral efforts. It, therefore, seems like the



EU includes the value of sustainable development as a norm in its FTAs because it wants to shape globalisation, instead of letting trade be a race-to-the-bottom regarding social policies, and because it sees trade and sustainable development go hand in hand.

A reason for why the TSD chapter can be seen as being part of the EU's norm diffusion is because it is based on soft law and voluntary processes. However, the Union has started to question the effectiveness of the TSD chapter (European Commission 2017). In July 2017, the Commission presented a non-paper regarding the TSD chapters in EU FTAs, regarding a discussion/evaluation of the current outline of the TSD chapter. The question that arises is if the TSD chapter is implemented effectively enough and if changes should be made. A suggestion that was made in the paper was if the EU should sanction its trade partners if they do not fulfil the chapter. However, the conclusion was that such an approach does not fit into the EU model. The US uses such a model, for example, however the scope of the TSD chapter is then much broader. The EU states that 'negotiating partner would not accept a broad scope combined with trade sanctions' (European Commission 2018b). Instead, it will make use of the already existing mechanism and strengthen to ensure compliance with the TSD chapter, as well as encouraging early ratification of the core international agreements within the chapter to partner countries.

It seems to be that the EU includes the value of sustainable development because it wants to shape globalisation and ensure that social policies are an integrated part of trade agreements. The norm seems to be a part of the EU's identity and strategy in international relations, which makes it look like the EU has a shared commitment for this value. Since the TSD chapter is built upon incentives rather than sanctions, it makes it possible for norm diffusion to occur on a cooperative basis rather than a coercive basis. However, the nature of trade negotiations matter and the next section will outline how the EU diffuses sustainable development in its FTAs.

## **5.2 How the EU Pursues its Norm Diffusion of Sustainable Development in FTAs**

The EU pursues its norm diffusion of sustainable development in its FTAs, mainly by including the TSD chapter. This chapter has so far only been included in bilateral trade agreements. Therefore, trade liberalization and sustainable development promotion go hand in hand for the EU. However, it was not until 2006 and the *Global Europe* strategy that the European Commission started to see bilateral trade agreements as an option to trade

liberalization. Before, its stated premise was that it would have a multilateral approach within the framework of World Trade Organization (WTO) as the only strategy to trade liberalisation (Langhorst 2007: 2). However, the EC sees this bilateral approach as complementary to multilateralism. Multilateral agreements are concluded between three or more nations, and these typically follow the rules of the WTO (Britannica 2018a). Bilateral agreements are conducted between two parties, and the parties themselves agree to the rules of the negotiation (Britannica 2018b).

The reason to why the EU opened up for bilateral agreements is that they will give better access to current and new markets for the European producers, investors and service providers, which will increase the competitiveness of the European market (Wróbel 2013: 16). The bilateral agreements can also be seen as a promotion of multilateralism according to the EC since it is possible to tackle issues that go beyond the WTO agenda, such as sustainable development (Langhorst 2007: 5). The *Global Europe* strategy meant a shift in the bilateral strategy so it would pursue the economic interests of the EU; previously these were sought in multilateral agreements (Peterson and Young 2014: 186). There is no clear answer in the literature if the bilateral agreements that the EU negotiates are a complement or a substitute for multilateralism, it could also be a way for the EU to have more negotiation power (Garcia-Duran 2016: 29).

The literature suggests that if negotiations are taken place outside the framework of the WTO, it can weaken the basic set of rules in trade. If bilateral trade agreements undermine the multilateral system, countries can become more reluctant to enter into multilateral negotiations. This would make less economically powerful nations disadvantaged, in the way that powerful economies might only conclude agreements with their most important trading partners. The EU pursues its norm diffusion through bilateralism, and not multilateralism, which can affect what kind of an actor it is. The next section will explain why the TSD was not included in the ASEAN negotiations and why they failed, but why it was successfully integrated into the bilateral agreements with Singapore and Vietnam

## **5.3 Failed Negotiations with ASEAN and Successful Negotiations with Singapore/Vietnam**

### **5.3.1 Failed Negotiations with ASEAN**

The establishment of ASEAN occurred in 1967 by Singapore, Malaysia, Indonesia, the Philippines, and Thailand. Since then, five additional states have joined the regional organisation: Brunei Darassalam (1984), Vietnam (1995), Myanmar (1997), Laos (1997) and the newest member that was admitted in 1999 was Cambodia (ASEAN 2018). ASEAN is the largest coherent regional trading block in Asia and has around 640 million inhabitants (Alvstam and Lindberg 2018: 108). The ASEAN block is of importance for EU since it is ranked third among the major trading partners of the EU outside of Europe (Hoang 2017: 532). The EU is ASEAN's second largest trading partner, after China and is the largest investor in the region (European External Action Service 2018). However, the trade and economic relations between the two regions are asymmetrical; the EU is much more of an important trading partner for ASEAN than what ASEAN is for the EU (Doan 2012).

A reason for why the EU started to negotiate with ASEAN as a region first, and not with the bilateral is that the EU has a desire to promote regional integration in other parts of the world. It is one of the EU's policies to promote region-to-region agreement, in which it links an FTA to encourage regional integration in partner regions. According to Woolcock (2007), the EU prefers regional integration because it sees it as a means of promoting economic and political stability that follows the European experience.

In line with the *Global Europe* strategy that the EU presented, negotiations with an interregional trade agreement with ASEAN started the year 2007. The negotiations were paused in 2009, and one of the reasons to it was because of different levels of ambition for the FTA between the two regions. It has been suggested by Alvstam and Lindberg (2018) that even though it as a noble ambition of the EU to include a TSD chapter in FTAs, it makes it harder to conclude an agreement since more areas need to be negotiated and sometimes partner countries lacks experience or off-sets the idea to negotiation a TSD chapter. Including a TSD chapter in the talks with ASEAN was in sharp contrast to the Chinese FTA approach (Hoang 2017: 535). ASEAN has 98 enforced FTAs in place, where only 6 of those contain labour as an area of negotiation in the agreement text (Basu Das et al. 2017: 12).

For ASEAN, its view is to stand by firmly against protectionist policies and resist new non-tariff barriers to enhance growth and investment in the region. In other words, a TSD chapter is not part of its primary reference (Hoang 2017: 536). Most of the governments in ASEAN seem to believe that too much emphasis on social issues will threaten their economic growth, which is their goal. The attitude in ASEAN seems to be ‘grow now, clean up later’ (Hoang 2017: 536). However, since the economy of some ASEAN countries has experienced rapid growth, the concerns for the environmental policies have increased. This suggests that more developed economies in ASEAN have it easier to agree to a TSD chapter, rather than countries with low economic development such as Cambodia, Laos, Myanmar, and Vietnam (Hoang 2017: 537).

The opposition within ASEAN to link trade and labour policies stems from the view that no labour regulations will bring more trade and investment flows within ASEAN. Instead, the comparative advantage within ASEAN can be enhanced because of lower wage production but also increase the attractiveness of ASEAN as a destination for foreign investment in large-scale, in turn this will strengthen the ability to promote economic development, which will benefit the population at large and the labour force (Hoang 2017: 538).

The reason for ASEAN to reject the TSD chapter seems to be economic related since the standards in the TSD chapter can be seen as too high for some member countries to fulfil in the way that it does not have enough know-how and modern facilities to comply and adapt to the standards. It could also be seen that the TSD chapter is seen as a barrier for exports for the ASEAN countries since they cannot export if they do not fulfil the environmental and labour standards. This could give the EU an advantage since it fulfils these standards. The EU, on the other hand, sees this more as prevention for anti-dumping, in the way that countries that produce cheaper commodities should not get an advantage by not fulfilling the labour and environmental standards (Hang et al. 2014).

Two other key reasons to for the negotiations between the EU and ASEAN to be paused is political and economic related. In regards to the political reason, ASEAN wanted a region-to-region agreement, which included all of its ten members. However, the EU wanted to exclude Cambodia, Laos, and Myanmar since their levels of economic development did not justify their participation. Concerning the economic-related reason, there existed diversities in ASEAN countries that made a single deal extremely difficult. For ASEAN as a region, it was

not possible to go beyond a purely goods-FTA, while the EU wanted a broader agreement, which included issues such as climate change, labour standards, and intellectual property (Doan 2012). The difference in governing the two regions is seen as one of the reasons to why the negotiations failed between the two parties, with ASEAN lacking common negotiation machinery (Hoang 2017: 533).

### **5.3.2 Successful Negotiations with Singapore**

After the failed talks with ASEAN, the EU initiated talks with the countries of ASEAN, an overview of these is found in section 5.2 under case selection. In the EU's trade strategy from 2015, it states that it should have the ambition to enter comprehensive bilateral trade agreements with important economic nations outside of the near geographical area (Cramér 2018: 67). However, the negotiations with Singapore and Vietnam were initiated before this strategy was agreed upon, but the agreements can still be considered to be comprehensive.

Singapore is the only country in ASEAN that has substantial experience in regards to integrating labour rights and environmental standards into trade agreements, and it is also the country that has made the most ambitious commitments concerning core labour standards at global level (Hoang 2017: 538). Singapore is also the country in ASEAN that has the largest number of FTAs (Khandekar 2014). Singapore has ratified six out of the eight fundamental ILO conventions, whereas Vietnam has ratified five (Hoang 2017: 537). Vietnam has also ratified or agreed upon to 11 MEAs, and in 2013 it gained a seat as an Asian represent to the United Nations Human Rights Council, even though the decision was heavily criticized among Non-Governmental Organizations (NGOs), due to the Vietnamese human rights record (Sicurelli 2015: 28).

Singapore's economy is very innovative and is built upon high skilled people; it is also a regional (and strives to be a global) hub for activities within trade and finance. In regards to labour provisions, the country has relatively high standards, so in regards to agreeing to the TSD chapter, the nation should not have many objections. However, Singapore had internal debates regarding the TSD chapter, and there was a systematic objection of Singapore to the inclusion of a TSD chapter since it was seen as interfering with domestic policies in these matters (Garcia and Masselot 2015). It was more discussions if the TSD chapter was supposed to be a subject within the FTA rather than the content in it. As previously mentioned, Singapore has made ambitious commitments to labour provisions at a global

level, so the inclusion of a TSD chapter might not make that much of a difference concerning the implementation and ratification of the ILO conventions. However, the European Commission highlighted the importance of including the TSD chapter is not only important for Singapore, but it is crucial to serve as an example for future bilateral FTAs (Pollet-Fort 2011: 30). The EUSFTA is seen as the EU's first "green" FTA since it contains specific terms on liberalisation of environmental services (Cuyvers et al. 2013: 14).

### **5.3.3 Successful Negotiations with Vietnam**

The FTA between the EU and Vietnam also contains a TSD chapter, and according to Khandekar (2014), the EU has been essential in promoting sustainable development in Vietnam. As previously mentioned, the EU seeks in its strategy to negotiate with important economic nations, and Vietnam does not traditionally belong to these nations. In the press release that the European Commission issued when the agreement had been reached with Vietnam, Cecilia Malmström said: 'this agreement is the first of its kind that the EU has concluded with a developing country. As such, the ambitious and symmetrical liberalisation agreed upon – with a transition period to allow Vietnam to adapt – breaks new ground compared to other EU agreements with developing country's' (European Commission 2015b). The FTA with Vietnam is therefore unique of its kind. Symmetrical in Malmström's speech is regarding the trade liberalization and not the dialogue, which will be discussed in section 6.4.

The size of the EU's market and the attractiveness of it provide the EU with an important bargaining chip to promote its norms and values in trade negotiations. For Vietnam, the EU is the most important export market for Vietnamese products and the second largest trade partner after China. The negotiation of a bilateral FTA with the EU was therefore of great importance for Vietnam (Sicurelli 2015: 24). Since Vietnam is a developing economy, it has been suggested that it has a harder time accepting a TSD chapter since it might not have the economic muscles to ratify the core agreements within. However, it could also be seen as accepting these conditions easier, because it is so dependent on trade with the EU.

Vietnam has not included labour provisions in an FTA before; however, the TPP would have contained such policies, but in much narrower scope (Hang et al. 2014:4). Vietnam is dependent on the type of agreements that their competitors sign because it needs to maintain its competitiveness against them. Since the EU started its trade negotiations with Singapore,

Malaysia, and Thailand, it was important for Vietnam to join the negotiations as well to gain market access (Hang et al. 2014: 5). There were also geopolitical reasons for Vietnam to conduct an FTA with the EU since it wanted to maintain its trade liberalisation and domestic reforms, to strengthen its bargaining power in international trade (IBID). For Vietnam, economic interests have priority over social interests, such as labour and environmental issues (Hang et al. 2014: 8). It has been suggested in the literature that if Vietnam's trade partners do not request to include labour issues in the agreements, Vietnam does not bring it up on its own (Hang et al. 2014: 10). An example of this is that none of the Preferential Trade Agreements (PTAs) that the ASEAN is a part of contains any labour provisions.

According to Sicurelli (2015: 25) the TSD chapter and the promotion of sustainable development as a norm, gained support from the Vietnamese elites because it was seen as functional to integrate Vietnam into the global market and international organizations. However, just as with Singapore, the Vietnamese elites criticized the EU for interfering in domestic policies. The EU was also criticized for engaging in politically sensitive issues in the country, such as human rights. The private actors in Vietnam saw the environmental regulations in the FTA with the EU as positive, which could make its productions and exports more competitive. The government and NGOs were more sceptical however and were afraid of green protectionism in the sense that the EU would want to intrude the Vietnamese constitutional laws in regards of environmental and labour protection (Hoang 2016). Strong opposition was raised in regard to the EU's position on the ILO core labour standard of freedom of association for workers (Sicurelli 2015: 33). Vietnam also feared to lose competitiveness because of the TSD chapter, since it base its competitiveness on cheap, low-skilled labour and short-term, labour commitments can raise compliance cost, which could reduce the country's competitiveness of domestic workers, compared with foreign workers. However, it recognized that long-term benefits might be created if its labour force is highly skilled and the country would have a higher position in the global labour divisions and value chains (Hang et al. 2014: 10).

Despite these concerns, the TSD chapter was still included in the FTA with Vietnam. This must mean that the economic interests trumped its objections, and since Vietnam does not seem to prioritize sustainable development over economic interest, it cannot be seen that sustainable development is part of the country values. Sustainable development cannot be seen as part of values of Singapore either, but the TSD chapter was not such a controversy in

the country, it was mostly regarding the fact if the EU should be allowed to decide over domestic policies or not. The fact that the TSD chapter was not part of a dispute settlement mechanism made it easier for the countries to agree to it since they do not want to be sanctioned for not complying. It was easier for the EU to include this chapter bilaterally than multilaterally, a part of this is because its bargaining tools are much more prominent in bilateral trade negotiations.

#### **5.3.4 Future Negotiations with ASEAN?**

According to the EU, the long-term ambition is to re-start the negotiations with ASEAN. Small steps have been taken for it to happen. In Manila, August 2017 an action plan between the Union and ASEAN for 2018 to 2022 was agreed upon, but no trade negotiations have been initiated again, however to two parties have started to think about the requirements that are necessary for the talks to resume (Cameron 2017). Sustainable development is a part of the action plan and points on how to strengthen it (European External Action Service 2017).

Since many of ASEAN countries are still developing, it is likely that it will prioritize economic growth over social objectives in the trade policies, however, if the EU will not conclude an agreement with ASEAN unless a TSD chapter is included, it will most likely come down to how much ASEAN is dependent on an FTA with the EU, if it agrees to it or not. With Trump becoming a president of the United States and changing the strategy to “America First”, the US paused negotiations with TPP. The Trump administration foreign policy stance is a clear priority of negotiating trade deals bilaterally rather than multilaterally, and even before regionalism (Cramér 2018: 69). This will make it likely that ASEAN wants to pursue its talks with the EU, and it will allow for the EU to dictate the trade terms with ASEAN. However, if the TSD chapter then gets included, an important question arises: does the EU diffuse its norm or does it give its trading partners no other choice than accepting it?

#### **5.4 Actor Analysis of the EU**

The actor analysis will be carried out using the four different categories that were created in 4.4. These categories are *Interests*, *Behaviour*, *Means of Power* and *Desired Outcome*. The EU is analysed as an actor in the setting of its promotion of sustainable development in its FTAs with Singapore and Vietnam.



### 5.4.1 Interests

A normative actor has normative interests according to the normative power actor theory, and an example of this is the inclusion of social dimensions in its trade policies, whereas the self-interested actor theory suggests that the actor have interests that benefit itself, rather than the 'common good'. The first and second criteria for actorness is regarding having a set of overarching shared values and principles and the ability to identify coherent policies, and these policies and values stem from the EU's interests.

The EU has a normative commitment to sustainable development, but as Burchell and Lightfoot (2005: 91) points out, it also has 'a strategic interest in ensuring that the model of sustainable development adopted is one that does not damage the Union's economic competitiveness'. Orbie (2011) claim that the fact that the EU promotes labour standards is in line with the normative power theory, however, if the EU would use it arbitrarily and selectively, it would jeopardize the quality of the EU as a normative power. 'It is unclear how it would deal with the tension between market-making policies (economic freedom) and interventionist or redistributive policies (aiming at social solidarity, equality, and sustainable development)' (Orbie 2011: 164-165). Usually, the market-making policies have a priority over the interventionist or redistributive policies (IBID).

Looking at the ASEAN negotiations, the fact that the EU did not agree with ASEAN since it was not possible to include a TSD chapter could be seen as it prioritised its social policies over market-making policies. However, that would be an exaggeration, since the ASEAN agreement did not fail solely because of the TSD chapter, but the chapter represented the different ambition levels of the two regions, which made it difficult to agree. It is therefore not clear if the EU prioritised one interest over another, but it is clear that the TSD chapter is a new standard in the EU's trade agreements, which could represent that it has normative interests. However, the TSD chapter is not treated in the same way as other trade policies, since they are non-binding and neither Singapore nor Vietnam can be sanctioned for not following the chapter. Although, the fact that the TSD chapter is designed on dialogue and positive conditionality makes it fit with the NPE theory (Orbie 2011: 176). As previously stated, some countries fear that the EU is using the TSD chapter as a hidden cloak for protectionist use, but since the EU cannot sanction nations for not following the chapter, it does not seem likely that the EU use it for that reason.

An interesting point that Smith and Youngs (2018) raises is that in the EU's trade strategy, it wants to be seen as conducting 'fair' and balanced trade, but at the same time it is defending the European commercial interests. Sicurelli (2015: 25) findings from how the elites in Vietnam perceives the EU, shows that even though the EU has the ambition to be perceived as an international leader and 'an actor whose milieu goals are shared by others, the EU is often viewed as a mere economic leader'.

It is important to keep in mind that sustainable development is not the only norm that the EU is committed too; multilateralism is another one of its norms. Therefore, it could be seen as a tension between the EU's two norms when it promotes sustainable development, but it does so bilaterally and not multilaterally. Smith and Youngs (2018: 46) state that one reason of the clash is 'the Union's commitment to multilateral rules and order, on the one hand, and its own needs as an economic and political system, on the other hand'.

In a speech by Cecilia Malmström (2016), she says that 'for us, multilateralism is not just a way of cooperating with many partners. For the EU, multilateralism is about using the rule of law to limit the strong and protect the smaller actors'. This statement seems to be rather contradictive, because in what way is the EU limiting itself as a strong actor and protecting smaller actors when it is conducting bilateral agreements with nations like Singapore and Vietnam? Malmström emphasises in the same speech that in the *Trade for All* strategy, the multilateral trading system remains at the core in the EU's trade strategy and that multilateral solutions are the first best option and if it does not work, then other solutions can be looked at. The EU did start negotiating with ASEAN, and it was not until the pause of the negotiations that it began to negotiate bilaterally with the members of ASEAN. This could be seen as the EU still considered the value of multilateralism. Another point that speaks for the EU still taking multilateralism into consideration even though it conducts FTAs bilaterally is that the TSD chapter have a multilateral approach in the sense that the parties have to agree to international recognised conventions and agreements (Vogler 2005: 838).

Manners (2002) claim that the norms that the EU wants to diffuse can be seen as universal, whereas Aggestam (2008: 6) suggest that the norms/values that are proposed as universal are 'in some parts of the world seen as little more than an imposition of western values'. It could, therefore, be seen, as these 'universal' values that the EU wants to spread, could be values that the EU seeks to spread for its own agenda. Some would even argue that the norms that

the EU promotes are neoliberal (Orbie 2011; Bailey and Bossuyt 2013). However, Diez (2005) points out that the problem is not that a normative power has strategic interests, the problem is that strategic interests cannot be distinguished easily. Khorana and Orbie (2015: 261) argue that in the case of the core labour standards of the ILO that are being promoted, they can be seen as universal norms. Even though some might see it as the social clauses are used for protectionist interests. Manners (2002) explain that the EU does not seek to diffuse its norms for a self-interested reason since it is more costly than profitably to spread norms (Manners 2002: 33).

It seems like the EU wants to ensure a 'level playing field' in the international community regarding labour and environmental standards to avoid a 'race to the bottom', which could speak for normative interests. Since the base the TSD chapter on a cooperative and soft-law approach, it speaks for the notion that its sustainable development is part of its normative interests and that is how it was outlined in the agreements with Singapore and Vietnam, but that does not mean that it behaves as a normative actor.

#### **5.4.2 Behaviour**

The normative power theory suggests that a normative power behaves in a normative way, which means that it acts appropriately and behaving to international norms. A self-interested actor does not necessarily need to do this since it acts in the way that benefits it the most. In regards to the actorness criteria, the behaviour of the EU corresponds to its ability to negotiate with other actors in the international system effectively.

In a trade negotiation, the EU could be seen as spreading norms when acting as a role model, and this usually happens in bilateral or regional multilateral talks. Some norms are required elements in the EU's trade agreements, and therefore third (often weaker) parties have to accept these norms; otherwise, there will be no agreement. However, for other negotiations, the process of the talk is usually where the EU seeks to promote its norms. Therefore, the nature of the negotiation process matters to determine the success of norm diffusion. In a trade negotiation with open communication, where actors meet frequently and listen to each other, the chance for norm transfer is quite high, but it could go both ways. In situations with tough bargaining, where the norm sender uses threats or manipulation, the acceptance of the norms from the receiver may increase, but the chance of norm internalization becomes doubtful. In asymmetrical trade negotiations, the norm sender could use coercive means to

push the process forward and ensuring the compliance (Björkdahl and Elgström 2015: 137-138).

In the negotiations with Singapore and Vietnam, it can be discussed if the EU spreads the norm of sustainable development by acting as a role model or not. However, it is clear that both Singapore and Vietnam had to accept the norm of sustainable development in the TSD chapter for the agreement to be conducted. The appropriateness of this is questionable since the weaker third parties cannot set against the inclusion of these norms in the agreement. Hettne and Söderbaum (2005: 539) argue that the EU follows international standards, and it is using soft power rather than hard power, but it uses soft power in a hard way. This is because it is using an asymmetric form of dialogue and it imposes a strategic use of norms, rather than creating a genuine dialogue.

The norms that the EU spreads do not need to be strategic norms; it is possible that the EU has normative interests. However, these interests do not correspond with the norms of Singapore and Vietnam, especially not the latter country. Even though the dialogue was built upon cooperation, it was still built upon an asymmetric form. Although, the talks will mostly be asymmetric when the EU is conducting bilateral trade agreements. A normative power should consider multilateralism, while some claim that the EU still does that, it is evident that the EU started bilateral negotiations for its commercial interests. If the EU is determined to promote sustainable development and will not conclude an agreement if the TSD chapter is not included, how much of genuine dialogue is then created between the EU and its partner country if sustainable development is not part of the values of the states? The EU acts according to international standards, but its behaviour seems to relate more to a self-interested actor rather than a normative actor.

#### **5.4.4 Means of Power**

According to the NPE theory, the EU would use normative power rather than military or economic power. However, it does not rule out any other use of power, instead of that the EU should have a cooperative approach foremost and act according to the general rules and practices. A self-interested actor can use both soft and hard power tools, and Hettne and Söderbaum (2005: 539) suggest that the EU is using soft power but in a hard way.

Tocci (2008: 5) means that normative foreign policy is associated with the ideas of civilian power, which means that the foreign policy uses instruments such as economic, social, diplomatic and cultural instead of military ones. In regards to the sustainable development promotion, the EU has not used military power; instead, instruments such as diplomatic and economic have been used in the negotiations. A self-interested actor uses these instruments as well, but it does it more strategically. How is it then possible to distinguish what kind of an actor the EU is based on its policy instruments?

According to Hoang and Sicurelli (2017: 374) the coercive economic instruments that the EU has at its disposal to promote norms through trade negotiations are: 'threats or use of sanctions, embargos, increasing tariff and quotas and the inclusion of legally enforceable obligations in trade agreements'. However, this is not true in the case of promoting sustainable development. Although, the appropriateness could be questioned, which is important for a normative power when negotiating bilaterally since there are asymmetrical power relations, which could be seen as hard instruments (Hoang and Sicurelli 2017).

Since both of the theories can use the same means of power, perhaps it is not which instruments that are used that is interesting, instead of how they are used (Tocci 2008: 5). As mentioned in the previous section, when the EU is negotiating with Singapore and Vietnam it is creating an asymmetric form of dialogue rather than a genuine dialogue. It could, therefore, be seen as the EU is using 'carrot and sticks' in order to diffuse its norms, since it will not conclude an agreement if the TSD chapter is not included. This makes it plausible to believe that the EU is using soft power in a hard way, which makes it more of a strategic actor than a normative actor.

#### **5.4.5 Desired Outcome**

The desired outcome for a normative power is to diffuse norms in the international system. Being successful in doing that is to make the norms 'normal' and to make the receiver of the norms internalize them. For a self-interested actor, the desired outcome is to pursue its strategic interests; this can be done by establishing a stable and cooperative environment.

For an actor to have an effective normative foreign policy, it needs to not only pursue normative goals through normative means, but it also needs to achieve evident normative impacts, and the effect must be intended (Tocci 2008: 7). Orbie (2011: 180) argues that for

the EU to be seen as a normative power, it would have to manage to present the TSD chapter in the FTAs as something ‘normal’ in international relations, ‘without provoking fears of hidden protectionism’. As seen with Singapore and Vietnam, there are still suspicions if the TSD chapter is a cloak for a hidden agenda; however, the fact that it is based on soft-law and not hard-law makes it easier for the countries to comply with the chapter. Since the EU has the TSD chapter as a new standard in its FTAs, it makes it plausible to think that it is persistent in making the sustainable development promotion as something ‘normal’ in the international community.

However, norm promotion is not just about negotiation parties accepting the norms; it is about making the countries internalize them as well. If the nations would ratify and implement the agreements, the EU might be seen as succeeding in its norm promotion. In regards to that, it is questionable how much a TSD chapter can do to affect countries behaviour. Since there are no consequences for not following the chapter, there are no real incentives to comply with the chapter. Singapore has ratified the most important conventions and agreements within the chapter, whereas Vietnam has a long way to go. Would Vietnam start to change its domestic policies just because it signed an agreement with the EU saying that it should, and if it does not, nothing will happen?

The effectiveness of the TSD chapter has been questioned as previously mentioned, and a reason for that is because the enforcement mechanisms are lacking in the current design of the TSD chapter. The Union will, however, strengthen the existing mechanisms, but they are still based on cooperation and dialogue rather than sanctions. It, therefore, seems to be a bit of a limbo for the EU; if it wants to be the normative power it has to outline the chapter in a soft way, however, that might make the norm diffusion harder for the countries to internalize them. That might make the EU normative, but it will not make it a power actor. However, if the chapter would be based on the US approach where the scope of the chapter is narrower and the parties are able to sanction each other, it does not necessarily mean that the countries would internalise the norms either. It would be hard to point out what domestic reforms a nation has done that is specifically traceable back to the compliance to the TSD chapter, even though it might have had an effect.

It is hard to decide if Singapore and Vietnam have internalised the norms because of the TSD chapter, and the effects cannot be seen yet since the agreements have not been implemented in

the countries. Perhaps, what the EU can do to make sustainable development 'normal' in international relations is to be persistent in including the TSD chapter in its trade agreements. However, just because the EU does this, does not make sustainable development 'normal', it needs to have followers as well. Currently, the countries that are promoting sustainable development are mostly Western countries such the EU, the U.S., Canada, New Zealand, etc. and for sustainable development to be truly 'normal' in international relations, it needs to be a standard for non-Western countries as well. Otherwise, it is might be that the EU is trying to transfer its Western values into other countries, which does not fit into their own values.

Perhaps, some evidence can be seen in the future of Vietnam, the FTA with the EU is the first agreement, which contains labour provisions. If Vietnam would continue to include this, on its own request, then maybe it could be seen as the EU are truly spreading norms instead of pushing for its own interests. A future agreement with the ASEAN is most likely going to contain a TSD chapter, and since the ASEAN usually does not include labour provisions in its agreements, it could also be a sign of the EU spreading its norms if ASEAN would start to add these in other agreements. Just because a TSD chapter is included in an FTA does not say that the EU has succeeded in spreading its norms, it might just mean that the EU has succeeded in spreading its own interests. This speaks for the notion that the EU is more of a self-interested actor than a normative actor.

## 6. Conclusions

To conclude, it is possible that the EU includes the value of sustainable development because it wants to make it normal in international relations and trying to 'shape' globalisation to avoid a race-to-the-bottom in regards to social policies. Since trade is integrating into many more areas these days, it seems reasonable to link these areas into FTAs. However, making the trade agreements deeper and more comprehensive also makes them harder to conclude. That was the case of the negotiations between EU and ASEAN that paused because of the two regions had different ambitions level with the agreement. For the EU to still enter the ASEAN market and protecting its commercial interests, it started to negotiate with the members of ASEAN bilaterally instead, and it has concluded negotiations with Singapore and Vietnam. The FTAs between the EU and Singapore/Vietnam were comprehensive, and a TSD chapter was included in both of the agreements, despite the fact that sustainable development is not part of their values. Singapore had it easier to accept the TSD chapter than Vietnam, since it has the most experience of the ASEAN countries in integrating labour provisions in trade agreements, and has also ratified the most ILO conventions. Singapore also has a strong economy, whereas Vietnam being less developed in the economy and not experienced in integrating labour provisions in FTAs, faced more difficulties to accept the chapter. Vietnam feared that the EU used the TSD chapter as a hidden cloak for protectionist use, but since it was based on soft law it made it easier to comply with it. It also feared that the labour provisions would lead to a disadvantage in its competitiveness, however, gaining market access to the EU convinced Vietnam to comply.

It remains to be seen if the TSD chapter will make any impact in the two countries, but the FTAs should be seen as a model for future FTAs with ASEAN members, and in the end perhaps a model for a future agreement between the EU and ASEAN. The TSD chapter is designed in a way, which fits to the normative power theory, however it might also make it less efficient in order for compliance. The fact that the EU negotiates bilaterally creates an asymmetrical dialogue, which implies that it is using soft power in a hard way. It can, therefore, be concluded that the EU is more of a self-interested actor than a normative actor in the case of its promotion of sustainable development in the FTAs with Singapore and Vietnam.



## 6.1 Returning to the Questions

Going back to the questions, the results show that the EU is a self-interested actor, since its behaviour is what is important, rather than its interests. It is hard to distinguish normative interests from strategic interests, but since the EU is not promoting sustainable development in its FTAs for a protectionist reason or an economical reason, it speaks for the notion that it could be a normative interest. However, the fact that the EU promotes it bilaterally makes it neglect its norm of multilateralism. This speaks for a prioritisation of the EU's commercial interests, which points to the EU having strategic interests as well. The EU might have normative interests when promoting sustainable development in its FTAs, but since they do it bilaterally, it makes it prioritise commercial interests over its norm of multilateralism. It is therefore not clear if the EU only has normative interests or only strategic interests, this thesis therefore concludes that it is possible that the EU has both.

The fact that the EU negotiated with Singapore and Vietnam bilaterally, instead of multilaterally seems to be an important factor to why the TSD chapter could be included in those agreements. In the regional negotiations with ASEAN, the TSD chapter represented a more comprehensive agreement than what ASEAN wanted. ASEAN rejected the TSD chapter for economic reasons, but also because it was not compatible with the nations' sovereignty. Singapore and Vietnam also felt like the TSD chapter was an intrusion over the domestic policies, but since they are only representing themselves in the negotiations, they could still make the decision to agree to the chapter. In the negotiations, an asymmetric dialogue was formed, since the EU is much more powerful than the two nations. It was easier for Singapore to agree to the TSD chapter since it has the most experience of ratifying the content of the TSD chapter. For Vietnam, market access to the EU and being competitive were two important reasons to why they agreed to the TSD chapter since the EU would not conclude the agreement if the chapter was not included.

In regards to what kind of an actor the EU it is possible to see qualities of it in both of the two ideal types. Table 3 marks in *italics*, which of the categories that are a conceptualization of the two theories, that is most accurate of each variable, when applied to the results. The results are in favour for the self-interested conceptualization of the EU as an actor. The EU might have normative interests in regards to its sustainable development promotion, and it acts according to international standards, which speaks for it as a normative actor. However,

since the Union negotiates bilateral, asymmetric dialogues arise, which could be seen as using soft power in a hard way. This corresponds to the self-interested theory, since the EU is prioritising its commercial interests by negotiating bilateral, ultimately it benefits itself, rather than the ‘common good’. As can be seen from the table, at least two of the categories from the self-interested actor theory are fulfilled in the ideal type analysis. Therefore, the second hypothesis is confirmed in that the EU is a self-interested actor because it is exporting values and shaping the international system, ultimately to benefit its own interests. This relates to the general conceptions in the literature, and maybe should the normative power theory be seen as an ideal type of what the EU could be, instead of what it is.

**Table 3. Applying the variables to the results**

	<b>Normative Power Actor</b>	<b>Self-Interested Actor</b>
<b>Interests</b>	<i>Normative Interests</i>	<i>Strategic interests</i>
<b>Behaviour</b>	Behaves According to Norms	<i>Behaves According to Self Interests</i>
<b>Means of Power</b>	Mostly Normative Power	<i>Civilian/Economic/Military Power</i>
<b>Desired Outcome</b>	Achieve Normative Ends	<i>Achieve Self-Interested Ends</i>

**6.2 Concluding Discussion**

This thesis supports the view that has been previously presented by scholars that the EU is a self-interested actor rather than a normative actor. The EU’s promotion of sustainable development might be based on normative interests, but it clashes with its promotion of multilateralism. As previously mentioned, the EU’s trade policies are suitable to analyse since it might show what interests were attached to the agreement and can give an indication if the EU prioritises its normative interests over its economic interests. While this can be true, this is not the case in the EU’s agreement with Singapore and Vietnam since it is the form of the negotiation that matters. The TSD chapter is included, which could indicate that the EU prioritizes its normative interests in regards to sustainable development. However, the fact

that the EU negotiates bilaterally is more telling that the EU prioritises its commercial interests. The EU has made it clear that the TSD chapter is part of its standards in its new FTAs and it does not seem likely that the EU would not include this chapter in the future. This supports the notion that the EU is more of a trade power or is using soft imperialism when negotiating trade agreements.

The results of this paper have contributed to the current (extensive) debate regarding what kind of an actor the EU is in international relations. It proves that the trade area is a good area to study the actorness of the EU in since it can indicate what interests that the EU prioritises. The results can be generalizable, if similar cases are being studied. With that means if the EU negotiates bilaterally with countries that are less economically developed than itself, it can be assumed that the EU is a self-interested actor rather than a normative actor. However, if the EU negotiates on a regional or multilateral level, the results can differ. Mainly since the EU most likely will act accordingly to appropriateness then, but also consider its value of multilateralism. If another policy area of the EU is being researched, it is not certain that the EU is a self-interested actor. However, the fact that the EU is being considered as a self-interested actor goes in line with the findings of existing literature. When Manners introduced the concept of NPE, he showed in the case of the EU's human rights promotion, the EU could be considered a normative actor. Since then, scholars have researched different areas to see what kind of an actor the EU is. This paper contributes to that literature and shows that in the case of the EU's sustainable development promotion in the bilateral agreements, it should be seen as a self-interested actor.

The policy implications that the EU can draw from this is to reconsider their bilateral approach if it wants to be considered a normative actor. The EU views itself as a normative actor, but clearly this is not true in all cases. If the EU continues with bilateral agreements, it should consider a way to make the dialogue with the partner countries symmetrical.

Future research should focus on the outcomes of the negotiations with Singapore and Vietnam. Since the agreements have not been implemented yet, it remains unclear if the EU has diffused sustainable development as a norm; however, it is trying to make it normal in international relations but the success of that also remains to be seen. Since the EU has questioned the effectiveness of the TSD chapter, it would also be suitable to study the effects of it, to contribute to the debate if chapters containing environmental and labour provision

should be based on hard or soft law. A TSD chapter based on hard law does not fit into the normative power theory; however, it would most likely make it more effective. This could lead to the question if the EU cares more about its image than its results.

The EU claims to care about the multilateral society, and it tries to oppose itself from the Trump-administration by saying that it stands for something different, but the fact that the EU puts its commercial interests before its multilateral, might not make it so different after all. Its sustainable development promotion might make the EU look normative, but conducting the agreements bilaterally shows something different. The US has also included TSD chapter in their FTAs, and it remains to be seen if Trump will continue doing this or not in the future FTAs. If the US will do this out of normative interests or strategic interests is also unclear and is up to future researchers to decide. However, when it comes to the EU, it is possible that it is putting 'EU First', which might not make it so different compared to other international actors. This does not mean that the EU should be considered to be the same actor as the US; instead it shows that the EU might not be as different of an actor as it portrays itself to be.

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