



The EU – a normative power on human rights?

An assessment of the EU's pursuit of human rights in Myanmar between 1996-2011 in the light of normative power theory

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Abstract

Relating to the debate of *what kind of power* the EU is this paper examines to what extent the EU pursued its human rights agenda in Myanmar between the years 1996-2011 through normative power. Despite a deliberate debate on the concept itself little empirical research on whether the EU acts through normative power exists. Hence, deriving an operationalisation along the dimensions of principles, process and impact, this paper gives an account on how to measure the concept and provides empirical findings for the case of Myanmar. To do this, a content analysis of 61 EU- and UN-documents is conducted. The program *ATLAS.ti*, by coding data, is used to assess the groundedness of categories, to conceptualize findings and to visualize relationships. The findings prove normative power theory to be a valuable account to explain - at least - parts of EU policies on Myanmar. As a part of this the construction of a European human rights identity by means of a 'self-other' distinction is observed. The case of Myanmar, however, does not adhere to the ideal type of normative power. Other forms of power – especially economic – co-exist. In addition to that, whereas, power in the classical sense is not observable, the concept of normative power may rather refer to 'power' as the constant use of rhetorical and symbolic means to pursue legitimized norms. Finally, it can be concluded that the EU actively pursues norms in the case of Myanmar. Moreover, acknowledging the co-existence of different forms of power and reflecting on the meaning of 'power' the concept proves to be a useful tool to explain EU action.

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1. Introduction

Since years the issue of what kind of power the EU is and should be in its relations with third states is contested. Thereby, throughout the literature and across theoretical accounts two similar features have been recognized: First, that the EU has developed its own distinct foreign policy and, second, that the EU has become an actor in international relations (Börzel & Risse, 2007; 2001). For a long time social scientists have focused on the distinction between military- and civil power as introduced by Duchêne (1972, 1973). Yet, in the light of post-cold-war-Europe, Manners (2002) suggested to go beyond the “unhealthy concentration on how much like a state the EU looks” (p. 239). His theory of a normative power Europe, hence, moves away from the traditional accounts of power, namely military means and economic assets. Instead, the focus lies on the EU’s ideological power – its ability to spread its norms and values across its borders and the means employed to create a European identity. The core norms pursued in the realm of EU normative power are those listed in the preamble and Art. 21 of the Treaty on European Union (TEU): peace, liberty, democracy, rule of law and the respect for Human Rights.

Yet, the concept has proven not to be uncontested. Critiques have created the image of an “EUtopia” (Nicolaidis & Howse, 2002). This notion implies the construction of and the attempt to project an ideal type of the EU on third countries. It, thereby, criticizes the lack of consistency between internal and external spheres. In line with this argument Diez (2005) disapproves of the lack of reflexivity in EU action and regards internal inconsistency as an obstacle towards a sound identity of the EU as a normative power. Sjørnsen (2006) points to the fact that one should be aware that Manner’s theory comes close to the image the EU wants to create of itself as an actor in international relations (p. 235).

Within the literature much attention has been paid to debate the delineation of normative- from civilian- and military power and the EU’s distinctness from traditional ‘great powers’ (a.o. Diez, 2005; Manners, 2006a; Scheipers & Sicurelli, 2007). In the light of the EU’s increasing capacities for military intervention, however, this distinctness has been questioned. It has been acknowledged that military- and normative power - just like normative and strategic interests - might well go together and are not mutually exclusive (Manners, 2006b; Youngs, 2004). More recent articles recognized the importance of ‘*Zeitgeist*’ on the concept of the EU as a normative power. The idea is that in a globalizing and changing world the EU, its role, ideals and mechanisms employed will change, too (Gerrits, 2009; Toje, 2009). It has been shown to what extent the EU made use of norm based arguments in the context of international law and the implementation of enforcement mechanisms – examples include the abolishment of the death penalty and the creation of the International Criminal Court (ICC) (Manners, 2002; Scheipers & Sicurelli, 2007).

Yet, up to now, literature on normative power Europe has mainly concentrated on the concept of normative power as such and the EU’s normative impact on the creation of an international legal system. Surprisingly, most existing research has taken the existence of normative power for granted. The above mentioned disputed nature of the concept, however, raises the fundamental questions of whether power can at all be normative and how such power would be exercised in practice. There is, consequently, an inherent need to analyze EU action in the field – an aspect that has been largely neglected in the scientific debate so far. Hence, there is still much uncertainty about how to operationalise and measure normative power (Sjørnsen, 2006, p. 236). Recently some empirical studies have been conducted, yet, mainly focusing on the EU Neighbourhood Policy (ENP) (e.g. Niemann & de Wekker, 2010).

By applying the theory to one particular case – the EU’s pursuit of its human rights agenda in Myanmar between the years 1996 - 2011 – this paper gives an account on how to operationalise the concept of EU normative power and simultaneously contributes to the understanding of the theory and EU action respectively.

Myanmar¹ proves to be an urgent case for many reasons. Since decades the country has been locked in a vicious interplay between poverty and violence. Up until today the country is listed by the UN as one of the least developed countries (United Nations Conference on Trade and Development, 2009). In addition to the existing level of poverty, the military regime is known for the widespread violation of human rights and the suppression of minorities. Already since years abuses of civilians, extrajudicial killings, recruitment of child soldiers and non-compliance with International Humanitarian Law - to name only a few of the breaches - have been reported (Human Rights Watch, 2011, p. 288f). As early as 1996 - shortly after Scandinavian diplomat James Leander Nichols was captured and tortured to death - the EU was among the first to impose sanctions against the country (Council of the European Union, 1996). However, 15 years later not much appears to have changed. Only recently, in 2010, Freedom House has judged Myanmar to be among “The Worst of the Worst” - the nine countries having the worst conditions concerning Human Rights worldwide (Freedom House, 2010). Owing to this fact, immediately questions about the nature, impact of and limits to EU action arise - indeed, these issues are recurrent themes in this research.

Evidently the fundamental questions of whether power can be normative and how such power is exercised are of particular importance. The debate on whether normative power is ‘good’ and the question why the EU is acting through normative power will be left aside. Instead, the central questions are how EU action fits the concept of a normative power, how it exercises its power and what impact it has on Myanmar. In this context, it is also theorized what obstacles and limits the EU has to face. The main research question, thus, is:

“To what extent did the EU pursue its human rights agenda through normative power in the case of Myanmar between the years 1996 - 2011?”

In order to answer the question in a satisfactory and comprehensive way three sub-questions are employed. The focus is laid on the issues of underlying principles, nature of the process as well as the EU’s impact (cf. similarly Manners, 2009; Niemann & de Wekker, 2010). The first question in this context is *“How does the EU’s implementation of its human rights agenda in Myanmar relate to the concept of normative power?”* The issue to be assessed here is to what extent the EU’s action for the promotion of human rights matches the concept of normative power. It will be seen, as mentioned above, that in practice the borderline between accounts of power appears to be blurred and issues tend to be intertwined.

Next, there is a need to understand *how* normative power is used. This is assessed by posing the question, *“In which ways does the EU exercise normative power in the case of Myanmar?”* Special attention is paid to the creation of a European human rights identity which is taken as a showcase. Moreover, EU action on the international level and on Myanmar in particular is taken into account.

In order to assess the – as Niemann and de Wekker (2010) coined it – ‘power side’ of EU intervention the third question to be answered is *“To what extent did the EU successfully implement*

¹ The country is also known as Burma. This paper uses the name ‘Myanmar’, which is the name used by a.o. the military regime of the country, the EU and the UN.

its human rights agenda in Myanmar through normative power?” This implies an evaluation of the applicability of the EU’s policy towards Myanmar.

To end this chapter a brief outlook on the upcoming sections of this research is given. To start with, the following chapter theorizes on the concept of normative power. It relates the EU as an international actor to the concept, compares it to the traditional ‘great-powers’ U.S. and China and derives expectations for the case of EU human rights pursuit in Myanmar. A qualitative approach is taken in order to answer the research questions. By means of a content analysis of officially published EU- and UN documents evidence along three independent variables derived from the theory – procedural compliance with the concept of normative power (IV₁), the construction of a human rights identity (IV₂) and the impact of normative power (IV₃) - is collected. The empirical findings are then used to explain the dependent variable, namely the conformity of EU human rights action with the concept of normative power. It is seen that a clear pursuit of norms by the EU is observable. Yet, for the applicability of the theory some acknowledgements and modifications are required.

2. Normative Power and the EU

It has been widely acknowledged that the success of the European integration project led to the advent of the EU as a power in international relations. Yet, the EU has shown to be distinct from other powers (Whitman, 1998). Thus, in line with the questions presented above, the intention of this paper is to create an empirical account on the extent and exercise of EU normative power. As a first step, normative power is distinguished from military- and civilian power. Thereby, particular attention is paid to the main differences. Moreover, EU action is examined in light of normative power theory and differentiated from the U.S. and China. Second, relating to the question of how such power is exercised, it is theorized about the formation of a European human rights identity and how such identity might be constructed. Third, the impact of EU normative power is discussed. As exemplary cases the influence of China and ASEAN as factors possibly limiting EU power are considered.

To start theorizing about EU power in international relations three concepts of power are considered. Having its origins in the debate on civilian- and military power normative power theory needs to be distinguished from these two. The difference from military power proves to be quite vital, but straightforward. Military power is of a rather punitive character and involves the use of military instruments, whereas normative power focuses on the EU’s use of non-physical power (Manners, 2002). The distinctness from the concept of civilian power is rather marginal and its nature more contested. Civilian power is defined as a power “exercising influence by commerce and diplomacy” (Twitchett, 1976, p. 2) and relying on economic power instead of armed forces (Whitman, 1998, p. 12). The probably most essential difference is the non-material nature of normative power.

For this paper, based on the accounts by Manners (2009) as well as Niemann and de Wekker (2010), a conceptualization to clarify the concept of normative power is developed. Three constitutive elements – principles, process and impact - are considered. First, as similarly suggested by Manners (2009), the principles – to be understood as the norms pursued by an actor - should be legitimized. Second, concerning the actions taken, the exercise of normative power refers to the active pursuit of norms. This can either be done through raising content or the implementation of

concrete instruments. Next to this, procedural requirements concerning the process itself, such as instruments to ensure reflexivity, possibilities for inclusion of local actors and overall coherence are looked at. Reflexivity is understood to be the “learning and changing of behaviour when being faced with better arguments”(Niemann & de Wekker, 2010, p. 9). Similarly, inclusiveness, i.e. possibilities for participation or the authorisation of external actors should be observable. As a last requirement the policy process should reveal coherence over time. Third, it is looked at the impact what could be regarded as “the ‘power’ side” of normative power Europe (Ibid.).

Relating EU action to the concept of normative power, the EU has created an image of itself putting much emphasis on the norms it was founded upon, multilateralism and the promotion of international law (Sjursen, 2006, p. 245). Consequently, the EU increasingly puts its norms at the centre of its external relations and focuses on its “ability to shape conceptions of the normal” on the international scene (Manners, 2002, p. 240). The EU’s pursuit of human rights appears to be a good example for this – already fixed as a rationale in the preamble of the TEU and recently strengthened by the inclusion of the Fundamental Rights Charter into the treaty framework, the EU has more and more developed its own human rights agenda. This holds for the EU’s external relations where a whole set of instruments to promote human rights – conditionality, sanctions and guidelines to name only a few – has been developed. The question arising in this context is how the EU’s pursuit of norms actually differentiates it from other international actors.

To start with, it is a fact that the pursuit of norms is not to be exclusively attributed to the EU (Diez, 2005, p. 614). In many instances the U.S. is portrayed as a counterpart. Yet, despite equally criticizing breaches of international norms, the U.S. appear to primarily rely on the use of physical power and refuse to bind itself through law (p. 622). Thus, although being to some extent driven by norms, the pursuit of norms does not constitute the U.S.’s main goal and source of power. Indeed, the U.S. is frequently portrayed as a military power. Its military budget, being two-and-a-half times as high as the one of 26 EU member states² and accounting for an estimated 43% of worldwide military spending, supports this argument of norms ranking behind military- and security considerations (European Defence Agency, 2010; Perlo-Freeman, Ismail, Kelly, & Solmirano, 2010). It should be recognized that there is hence a need to distinguish between being merely norm-driven and actually pursuing norms and normative power.

As a matter of fact, in the recent years an increasing capacity and willingness to interfere can be observed on side of the EU as well (Toje, 2009, p. 37): examples include the launch of military operations under the ESDP framework in e.g. Bosnia and Herzegovina or Chad. In this context the *Zeitgeist* argument mentioned in the beginning is of relevance. Although initial accounts on normative power theory dispute the use of military force more recent ones acknowledge that – although military means should be kept to a minimum – the two are not mutually exclusive (a.o. Gerrits, 2009, p. 5; Manners, 2006b). Thus, the central question is what powers prevail.

China, being one of the emerging markets and a rising power in world politics constitutes another interesting point of reference. EU-China relations lately have been coined by a deepening of cooperation despite major political differences. Governed by the Communist Party of China (CPC) the countries type of regime - officially proclaiming to be communist - is at the very least questionable. Indeed, the list of breaches of human rights put forward by international human rights agencies, such as Human Rights Watch and Amnesty International is seemingly endless. Remarkably similar to the

² This includes all EU-27 member states except for Denmark which is not a member of the European Defence Agency (EDA)

case of Myanmar, it includes amongst others the ongoing suppression of opposition movements, violent crackdowns on protestors, censorship of the media and arbitrary detentions (Amnesty International, 2011; Human Rights Watch, 2011). Human Rights Watch consequently classifies the regime as an “authoritarian political system” (ibid, p. 303). In line with this, Freedom House rates China as ‘not free’ (Freedom House, 2011). In fact, since it fears the empowerment of the individual citizen, the existence of an authoritarian regime is to be understood as being deeply intertwined with the persisting situation on human rights in China (Donnelly, 1999).

Acknowledging this, thereby coming back to China’s relations with the EU, there is a deep going normative conflict about the importance and extent of human rights in China’s domestic and foreign policies. Despite all criticism and allegations, the EU continues deepening its – primarily economic - cooperation with China by e.g. introducing a customs agreement (European Commission, 2011). It appears that China has proven to be an unavoidable and important trading partner for the EU. What is striking in context of the accusations is that most EU-policy papers even appraise China’s role in the eradication of poverty (Kinzelbach, 2010, pp. 198-201, 215). It is hence to conclude that China’s economic power appears to crowd over normative resentments on side of the EU. Thus, acknowledging a given subordination of political- and ethical aspects and primarily focussing on economics, there is a need to highlight China’s economic power. Yet, at the same time, having the world’s biggest army as well as nuclear bombs at its disposal, one cannot leave China’s capability to act as a military power unrecognized.

Setting this in context of the perception of the EU as a normative power one should recall that the EU was created to escape exactly this ‘great power mentality’ displayed by the U.S. and China. Moreover, up to today most of the military- and economic instruments rest with the Member States what significantly limits the EU’s scope of action. According to Galtung as quoted by Whitman (1998), the EU’s ‘comparative advantage’ lies in the use of structural power, which – due to its focus on underlying norms and pursuit thereof - indeed resembles ideological power as aimed for within the concept of normative power. In line with this, it is argued that the more an actor diverges from mere normative power, the more it jeopardises its ‘comparative advantage’ (Manners, 2006b; Orbie, 2006).

To conclude, the first argument developed is the following: First, the EU’s dedication to human rights as one of its foundational norms predisposes it to promote human rights in its external relations. Second, despite recent approximations of ‘great power’ the EU is expected to exercise normative power in the first place. The fact that the EU’s ‘comparative advantage’ still lies in the pursuit of norms supports this argument. Earlier studies have shown that the EU relied on norm-based arguments within the construction of an international legal system. Thus, it is hypothesized that the same applies to the EU invoking structural change in its relations with non-EU states:

H1: In order to pursue its human rights agenda in Myanmar between the years of 1996 – 2011 the EU acted as a normative power.

Having established that the EU is expected to exercise normative power, next there is a need to theorize about how such power is exercised. The construction of a European human rights identity is a topic often mentioned and discussed in context of normative power Europe and is taken as a showcase within this study. To start with, Whitman (1998) regards those actions of the EU that are explicitly directed outwards as constituting an international identity of the EU (p.234f). In line with this it is argued that the EU has created images of itself as being the “sponsor and defender of

International Law” (Scheipers & Sicurelli, 2007, p. 441) and as the “vanguard in advocating human rights on a global scale” (p.457). Similarly, others point to the fact that the exercise of EU normative power and the formation of a human rights identity are deeply intertwined processes (Manners, 2002; Scheipers & Sicurelli, 2007).

Indeed, norms should be seen as constitutive of the EU’s human rights identity (Manners & Whitman, 2003, p. 389). Identities then serve the important social function to “tell you and others who you are and [...] tell you who others are” (Taifel as referred to in Hopf, 1998, p. 175). Consequently, they are primarily relational and can be defined as “relatively stable, role-specific understandings and expectations about the self”. Important to note is that the relational aspect of identity formation implies that one might well have more than one identity depending on the situation one is faced with (Wendt, 1992, p. 397f). This is similarly applicable to states, which acquire identities by interacting with other states and receive their status only through social recognition (Rumelili, 2004). To conclude, identity formation is about getting to know the self as well as communicating a self-image and hence deeply intertwined with the exercise of normative power.

The assumption made in the realm of this paper is that these expectations apply equally to the EU and its pursuit of human rights in Myanmar – but how then is such an EU human rights identity constructed? The literature suggests focusing on the delineation of the self from the other (Diez, 2005; Rumelili, 2004). This paper, therefore, examines the self-other distinction made within EU policies on Myanmar. Independent from the case of EU-Myanmar relations, different means and rhetoric might be employed to differentiate the self from the other. Diez (2005) suggests four different forms of ‘othering’: The first, the creation of the other as a threat to self’s existence, is primarily concerned with security issues and might result in employing military measures. Second, the other might be perceived as inferior in a more general sense. As a third mode, the other might be presented as violating universal principles. The key point in this scenario is the universal validity of standards that, hence, also legitimizes action taken by the self. The fourth mode is free of judgement and represents the other simply as different, thereby, abstracting the element legitimizing action taken by the self (p.628). Similarly, the EU is expected to convey an image of the self, which is in contrast to the other.

To sum up, it has been argued that the exercise of normative power is linked to the formation of a European human rights identity. It has been discussed that ‘self-other distinctions’ conveyed in public statements depict a mean to construct an identity. A set of different modes to differentiate the self from the other has been suggested and – based on the assumption that this is similarly applicable to relations between states – has been applied to the case of EU-Myanmar relations. It is consequently hypothesized that:

H2: In pursuit of a human rights identity in Myanmar between the years of 1996 – 2011, the EU is expected to imply a clear ‘self-other’ distinction in its public statements.

Having derived two hypotheses on the nature of the EU and its action there is a need to turn towards the third conceptual element, the impact of EU normative power. Turning towards the ‘power side’ of the concept, the central issue to be theorized and examined later on is whether ‘power’ in the traditional sense can at all be normative. This step is hence of particular relevance to understand the concept and exercise of normative power.

In international relations literature ‘power’ is frequently defined as the influence of “A causing B to do something that B otherwise would not have done” (Baldwin, 2002, p. 177). Applying

this definition to the case at hand the question is whether the EU can change Myanmar's behaviour by persuasive tactics and basically without employing coercive means.

In order to derive a hypothesis from this, it is, as a first step, acknowledged that any kind of intervention in international relations may prove to be unsuccessful. In the context of normative power Europe, especially the denial of coercive means and the mere reliance on normative power may impose additional and ultimately insurmountable challenges. As Kinzelbach (2010) points out "in the absence of economic or military constraints, [...] states do not respect any restrictions on their decision-making" (p. 206). This applies especially to cases where the regime can be expected to be rather uncooperative as in the case of Myanmar's authoritarian regime.

Moreover, it should be recognized that the EU's denial of coercive means does not preclude other actors on the international scene from employing coercive or incentive raising mechanisms thereby undermining EU power. Similarly, earlier research concerning limiting factors on EU external relations suggested that, in presence of a competing actor relying on military- or economic power, the EU's normative power appears to be limited (Scheipers & Sicurelli, 2008). Moreover, relating to the use of sanctions, it has been argued that the lack of international support – especially of neighbouring countries – decreases the likelihood of the sanctions' efficiency (Portela, 2010). Due to the fact that the totality of factors cannot be considered, exemplary cases are theorized in the following. The attitudes of China as an emerging economic power and a country bordering to Myanmar, and of the Association of Southeast Asian Nations³ (ASEAN) to which Myanmar acceded in 1997 are discussed.

A comparison of the foreign policy models of the EU and China made by Sicurelli (2010) points to the central differences between the approaches taken by the two. As a first point, China's policy is guided by the principle of non-intervention and is interested in clearly separating business from politics (p.5). This does not immediately contradict the normative approach taken by the EU. Yet, this results in two differences that might prove to be crucial impediments for the exercise of normative power: First, compared to the EU's focus on multilateral action, China prefers reciprocity over unilateral- or multilateral action. Second, and most important to note, China precludes the use of sanctions and embargoes even in cases of repression or blunt violations of human rights (Sicurelli, 2010, p. 7). In addition to these essential differences in foreign policy, China, frequently presented to be one of the BRIC-countries, has gained momentum in the sphere of international politics and economics (s.a.). Concerning China's impact on EU normative power Uzbekistan proves to be an interesting case: here, due to the country's foreign policies shifting towards the east – China in particular – the EU had to lower its demands on human rights (Kinzelbach & Kozma, 2009). Without doubt similar outcomes are thinkable for other countries, e.g. Myanmar.

The situation with ASEAN - its main purpose being the fostering of regional economic- and political cooperation - proves to be similar. As with China, there is no mentioning of human rights in the organisations fundamental principles as laid down in the Treaty of Amity and Cooperation in Southeast Asia (TAC) as of 1976. Contrarily, it includes the mutual respect of sovereignty and the principle of non-interference into internal matters, which as a matter of fact preclude support for EU action (ASEAN secretariat, 2011).

Hence, despite the EU's attempts and requests to invoke an isolation of Myanmar's regime ASEAN and China proceed to deepen cooperation with Myanmar (Smith, 2006, p. 164f). Indeed, a

³ all ASEAN members in alphabetical order: Brunei Darussalam, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand, Vietnam

comparison of Myanmar's trade statistics with the EU and China as well as ASEAN respectively proves this trend (cf. Figures 1&2). It can consequently be assumed that - as long as the neighbouring countries do not approve an isolation of the regime - there is little at stake for Myanmar's regime when considering EU action, i.e. the sanctions.

Due to the EU focusing on non-coercive instruments and China's as well as ASEAN's policies relying on the principle of non-intervention and the preclusion of sanctions against Myanmar the impact of EU action is expected to be limited.

Due to their cultural and geographical proximity to Myanmar as well as their good economic relations with the country it is not farfetched to present the countries' policies as real alternatives to those of the EU, thereby, undermining the EU's exercise of normative power. Accordingly, in line with the argumentation presented above, it is hypothesized that:

H3: Improvements on the situation of human rights in Myanmar between the years 1996-2011, and consequently the direct impact of EU normative 'power' are limited.

By deriving three preliminary expectations from the scientific literature a theoretical framework to conduct an in-depth case study has been constructed. It was learned that the EU behaves different from traditional- and only partly norm-driven 'great powers' and can be expected to exercise normative power. Moreover, as an example for *how* such power is exercised, the construction of a European human rights identity was theorized. It was shown that the EU is likely to employ rhetoric means to distinguish between the 'self' and the 'other'. Whereas these first two hypotheses deal with the nature and exercise of EU power, the last focuses on 'power' and possible limits of it. Power in this context was understood as one actor impacting on another – thus, for the realm of this study the EU impacting on Myanmar. Next to general presuppositions for this power relationship the non-isolating policies of China and ASEAN were theorized as possibly undermining EU power. Within the next chapter the measurement of normative power is presented. Therefore, next to short elaborations on the reasons to choose doing a case-study on Myanmar, the steps to collect and analyze the data are laid out in detail.

3. Measurement of Normative Power

Having introduced normative power and the case of Myanmar and having theorized on both of them the pending question is *how* to answer the research questions. In order to achieve greatest possible degree of transparency of methods this chapter discusses the research process step by step. First, in

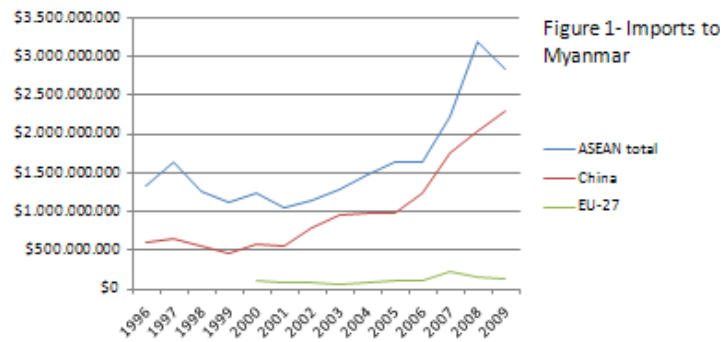


Figure 1- Imports to Myanmar

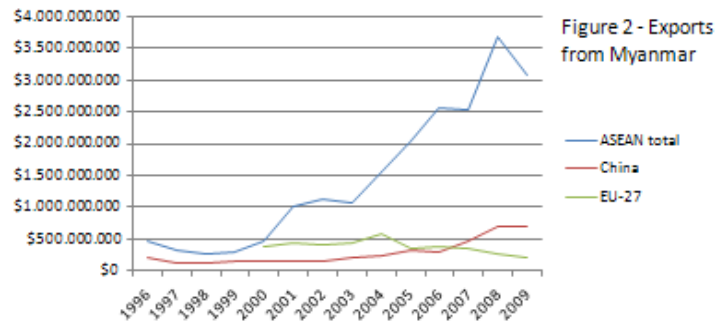


Figure 2 - Exports from Myanmar

Source: (UN comtrade (DESA/UNSD), 2011)

order to justify the methodological choices the strengths and weaknesses of a case study as the research design are discussed. Moreover, the criteria for the selection of Myanmar as a case are presented. Next, one independent variable is derived from each hypothesis. After introducing the variables the operationalisation explains how they are measured. In the last and most relevant part special attention is paid to the collection of the data from the documents and the technique employed to analyse these. To make the process traceable it is explained what documents are chosen, how coding is used to collect data from these, and what steps are taken to derive conclusions.

3.1 Research Design

A single case study on the EU's pursuit of its human rights agenda in Myanmar is employed to answer the research questions. The main advantages of conducting a case study for this research lie in the ability to gain in-depth understanding of underlying mechanisms and to uncover complex issues. Moreover, due to the accredited high internal validity of most case studies, it proves to be a useful tool for theory-testing and -generation (a.o. George & Bennett, 2005; Gerring, 2001; Yin, 1994).

As noted earlier a particular difficulty lies in the fact that little empirical research has been conducted prior to this study. Thus, unlike for most of the studies which aim to apply and test a theoretical framework, there is a need to come up with an account on how to operationalise normative power. The proposed study hence shows elements of what Berg (2007) defines as an instrumental case study, the aim being not only to elaborate the case as such, but similarly to contribute to the understanding and measurement of the theoretical framework (p. 291).

In line with the distinction made by Gerring (2001) the method employed hence comes closest to the *extreme-case-method* which proves to be particularly valuable in cases of concepts that are challenging to operationalise. The method - at least for more heterogeneous broader populations - entails a trade-off of representativeness for in-depth understanding. The impossibility to determine a precise degree of normative power leads to the need to understand how such power is exercised. Hence, a case where human rights are at odds and where there is an inherent need to strengthen the pursuit of norms is quite valuable for the study of the phenomenon. Moreover, the method suggests a focus on the study of within-case variation. Yet, due to across-case characteristics that are implied in the conceptualization - e.g. in the distinction of normative power from other accounts of power - there is an inherent need to consider these when going beyond the formal analysis of the case of Myanmar (George & Bennett, 2005, p. 30f; Gerring, 2001, pp. 215-218).

3.2 Case Selection

As outlined above the case study has an instrumental element to it and it should be recalled that analyzing the case is not the single purpose and much attention is paid to the application and operationalisation of normative power theory as such. Evidently, the chosen case should fulfil certain criteria in order to suit this interest in normative power and the EU's human rights agenda. Case selection is, thus, done by purposive sampling whereby three selection criteria are taken into account.

To start with, there should be a need to improve the situation on human rights in the selected country. Freedom House annually publishes a list of 'the Worst of the Worst', the countries having the worst conditions of human rights worldwide. For this study the report published in 2010 -

listing eight countries⁴ - is taken as a first point of reference (Freedom House, 2010). Second, in order to be able to analyse the pursuit of the EU's human rights agenda the EU should have recognized the need to intervene in the selected country. Consequently, particular attention is paid to those countries against which the EU imposed sanctions that explicitly refer to human rights deficits. As a matter of fact this leaves only two out of the eight cases: Myanmar and Libya. The third criterion derives from the interest in normative power. Evidently, the case of Libya due to its proximity and the countries inclusion in the ENP is biased by security concerns mainly on side of the EU and economic interests on both sides. In the realm of this study this is expected to hamper the application of normative power theory. Consequently, Myanmar is chosen as the case to be studied within this project. To sum up, a country with a bad human rights record, that is sanctioned by the EU due to this and which is not included in the ENP is selected.

One should note that, parallel to the benefits presented above, the case of Myanmar imposes some non-negligible challenges to the concept of normative power. Thus, while choosing a case with maximum need for the pursuit of norms, the extreme grievances at the same time render fundamental changes less likely. Indeed, influences such as unwillingness and internal resistance on side of Myanmar's regime might hamper the effects of normative power. Nonetheless, since the focus lies on understanding how normative power is exercised and how it is different from other powers the case of Myanmar is a well-founded choice.

3.3 Operationalisation of Normative Power

Having discussed design and case selection the following section comes up with the operationalisation of the study's main variables. One should note that the hypotheses as theorized on in the previous chapter are used to derive the independent variables. Consequently, three independent variables – namely, the *procedural compliance with the concept of normative power* (cf. Hyp 1), the *construction of a European human rights identity* (cf. Hyp 2) and the *impact of EU normative power* (cf. Hyp 3) are employed in order to explain the dependent variable. The dependent variable is *the conformity with the concept of normative power*.

Concerning the first independent variable, the procedural compliance with the concept of normative power, two steps are taken into account. First, the legitimacy of the pursued principles is considered. As suggested by Manners (2009) principles should be similarly acknowledged within the UN system in order to be legitimized. Second, the EU's pursuit of norms is monitored. According to the literature, the ideal-type of normative power revokes military- and economic means. As outlined above, this paper, however, acknowledges that the different powers might co-exist and be intertwined. Hence, as a first step the general disposition of powers is analysed. Within the analysis this is illustrated by means of a network (cf. figure 5). This step allows uncovering (1) what kind of powers are employed, and - further itemising this finding - (2) based on frequency of being coded as well as range of different instruments applied and issues raised whether their importance is rather marginal or substantial. As a second step, in order to account for the above mentioned impact of *Zeitgeist* and possible changes over time, a time-ordered EU-'power-matrix' is constructed (Miles & Huberman, 1994, pp. 110-122). Since the policy documents are not necessarily published on an annual basis – the range is from one to five years – the time frame is divided into three parts of five (or six) years.

⁴ "The Worst of the Worst" in alphabetical order: Guinea, Libya, Myanmar, North Korea, Somalia, Sudan, Turkmenistan and Uzbekistan

Based on this, content of EU documents is classified along the concepts of military-, civilian- and normative power (cf. Figure 3).

In line with the conceptualization, normative power is understood as e.g. being the stressing and raising of normative issues, hinting at failures of compliance with

norms, and referring to issues of reflexivity as well as possibilities of inclusiveness. Due to overlaps between the three concepts, for the purpose of this study the concepts of military- and civilian power are simplified to the characteristics constituting their main distinction from normative power. In other words since focus is on normative power it is merely looked at elements that clearly contradict the concept. The use of 'military' power, hence, refers to the explicit notion of or employment of any kind of military means. 'Economic' power aims at the employment of financial instruments or content. A more detailed overview over categories and codes used is given in the following section and Appendix 2 respectively.

In order to examine the second hypothesis, it is assessed to what extent a 'self-other distinction' is conveyed in public statements in order to construct a European human rights identity. First, it is looked at how Myanmar is depicted as the 'other' throughout EU documents. Again a categorization – this time along the categories suggested by Diez (2005), namely the other as (1) constituting a threat to the identity of the self, (2) being inferior, (3) violating universal principles or (4) simply as being different – is done. Moreover, the image created of the 'self' is examined. Here conceptual categories are deduced from the documents.

Concerning the third independent variable, the impact of EU action, it is assessed (1) to what extent there has been an improvement in the human rights situation in Myanmar since 1996 and (2) whether possible changes can be traced back to EU action.

3.4 Methods of Data Collection & Analysis

This study's approach orients itself on accounts of interpretative social research, the ultimate purpose of which is to understand (*Verstehen*). Aiming to grasp the totality of a phenomenon this method requires not only extensive knowledge of the studied phenomenon, but also a sceptic attitude of the researcher and careful consideration of context. *Verstehen*, in the light of this paradigm, is based on the work with exemplary cases and results from interpreting social artefacts (Soeffner & Hitzler, 1994, pp. 30-44). Consequently, qualitative methods are used.

Within this study the focus lies on the analysis of written documents by EU or UN bodies (cf. Appendix 3). On side of the EU all documents are retrieved via the archive on the website of the Council of the European Union. As a general rule documents published between the years 1996 – 2011 and made publicly available are considered and collected. Two different types of documents are selected: the first are policy documents which are needed to analyse the policy process. Sources include the *common positions* being legislative acts issued by the Council and European Parliament on initiative of the Commission and *strategy papers*. The second, in order to assess the 'self-other' image conveyed by the EU, are public statements made in form of official *press releases* and *Council*

Figure 3 – time-ordered EU- 'power matrix'

		1996-2000	2001-2005	2006-2011
content	military			
	economic			
	normative			
instruments	military			
	economic			
	normative			

conclusions issued to present results of Council meetings. On side of the UN all reports directly concerned with Myanmar published by the *UN Secretary General* or the *UN Special Rapporteur on human rights in Myanmar* are taken into account.

As with the selection of the case, the selection of documents is done purposively. In the case of policy documents it is focused on what measures have been adopted and why. Evidently, legislation passed by the EU is of central concern in this context. The strategy papers are considered to contribute to the understanding of reasons behind EU policy making. Concerning the selection of public statements, since the press releases are issued frequently and intend to convey the EU's point of view on an issue, the most regular and representative source was chosen. It would have been thinkable to e.g. select speeches or statements by high EU officials. Yet, due to them being uttered at random points in time and being published in different places this would have implied significant difficulties to create a representative sample. Moreover, reasonable limitation of the sample and the detection and elimination of personal opinion within the public statements would have implied additional challenges.

To analyze the collected documents, content analysis - its major purpose being to identify patterns in a text - is employed (Trochim, 2006). Content analysis is to be classified as what Soeffner and Hitzler (1994) define as a 'non-standardized methodology' (p. 41). In order to increase accountability, there is, thus, an inherent need to code data. The measurement level of the attributes, thereby, is nominal for all variables. According to Babbie (2007), in case of testing or applying a theory usually categories and indicators should be suggested by the literature (p.326). Yet, as discussed above this is only partly the case for this research. In line with what Berg (2007) suggests there is, hence, a need to combine inductive and deductive measures to come up with an operational framework (p.314). For this study, this means that parts of the overarching categories as presented above are chosen on basis of existing literature – i.e. the power distinctions as discussed by Manners (2002) and *othering* techniques elaborated on by Diez (2005) - whereas further categories (e.g. the 'self' image) and all specific codes are deduced from the conceptualisation as well as the collected documents themselves. Consequently, a mixture of simple categorization grounded on the incidents coded in the analysis as well as open coding of the collected data is used.

Concerning the process of data collection, the selected documents are the units of observation. To collect data from the documents single sentences are coded. To assist the researcher in coding and analyzing the data the program *ATLAS.ti* is used. The program serves as a help to organize categories, codes and quotes selected from the documents. Whereas, the main purpose of the program is to see whether categories are grounded in or whether further categories need to be derived from the data it, furthermore, allows to display networks and relations of codes and categories thereby simplifying analysis and interpretation of data.

Coding is done in two 'cycles': '*First cycle coding*' is the generation of codes. This implies coming up with codes from the conceptualizations or, where no categories are suggested, deriving conceptual codes from the documents respectively. '*Second cycle coding*' refers to applying the list of codes to the data sources and thereby validating the list of codes (cf. Saldana, 2009). One should note that despite the above presented 'cycles' the process of coding requires going back and forth: in order to guarantee a comprehensive and high-quality outcome the list of codes might be adapted and refined at any time. This requires repeated coding of all documents. The next few subparagraphs explain the analytical process of this research for each independent variable in detail. Similarly, Appendix 2 offers an overview over the variables and codes developed to measure these.

Since procedural compliance with the concept of normative power is mainly a question of applied policies, the focus for the first variable lies on EU policy documents – i.e. sanctions and strategy papers are analyzed in detail. Attention, thereby, lies on two issues: First, on what content is conveyed and which instruments are employed. Second, on how these relate to the concept of normative power. Coding the sequences is done based on the operationalisation of powers as presented in the previous section. This allows determining which powers are employed and - based on their frequency and coherence - to assess whether their importance is significant or marginal. To visualize the findings, based on the coded instances and frequencies a power disposition network is constructed. In addition to that, the 'time-ordered matrix' allows tracing the developments and crucial events over time. This additional step allows controlling for the fact whether policies are event-oriented, the influence of *Zeitgeist* and general coherence.

Second, in line with the second hypothesis and independent variable, the construction of a European human rights identity is assessed. The focus on the 'self-other distinction' and the interactive nature of identity formation suggest concentrating on public statements - press releases and country analyses in particular. First, based on the coded data a categorization along the 'othering' techniques put forward by Diez (2005) is done. To do this based on the content of the public statements indicators for each category are come up with and searched for in all documents (cf. Appendix 2). Second, concerning the 'self-image' created by the EU open coding is done. Given the fact that no categories for the self-image are presupposed open coding allows for an unbiased collection of incidents. To be more explicit it refers to, first, identifying aspects within the documents that convey (parts of) a self-image of the EU, second, coding these sequences and, in a third step, deducing conceptual categories based on these instances.

The third variable – the impact of EU action - constitutes a special case since a combination of EU-, UN- and Freedom House documents and ratings is considered. The Freedom House ratings and UN documents make a valuable contribution since they are independent from EU efforts and the perception of EU actorness. The development of Freedom House's scores between the years 1996 – 2011 is taken as a starting point. In addition to that, evaluations of the UN General Assembly and the UN Special Rapporteur on human rights in Myanmar as well as evaluation in EU policy documents are considered to uncover impact as such, but also reasons and development. For both UN- and EU documents it is looked at what issues are raised, what they praise or regret and what they conclude about the situation and developments in the situation on human rights in Myanmar. Again to allow for analysis of collected data instances are coded and ordered into categories.

Considering limits of the qualitative methods employed, it is acknowledged that conducting a content analysis limits one to recorded data. This implies that non-published and in-official documents cannot be considered. Yet, for the purpose of answering the research question and operationalising the theory, the amount and quality of data collected from the 61 documents is considered to be sufficient to attain justifiable results. Moreover, one might argue that published EU documents are biased and can be expected to create a positive image of the EU. Yet, one should consider that this paper is primarily concerned with how such power is exercised. There is, hence, a need to critically reflect on the documents as well as to go beyond the mere content and to look at pursuit of norms in EU actions respectively. In addition to that, it is a challenge to rule out subjectivity while coding and collecting the data. In this context the program *ATLAS.ti* is quite valuable since it allows the reader to reconstruct the processes of data collection and -analysis respectively.

3.5 Concluding remarks on the Measurement of Normative Power

To sum up, this chapter has been mainly about accountability for and justification of the approach taken. It was argued that lacking a consistent operationalisation of normative power a case study enabling in-depth analysis of mechanisms is of great value. Next, the interest in normative power and the EU's human rights agenda were depicted as the central factors in the selection of Myanmar as the case to be studied. Special attention has been paid to the operationalisation of the variables, clarifying that each hypotheses was transformed into one independent variable. Last, the benefits of conducting a content analysis to collect data were discussed. In total 61 documents are analyzed what allows for both (1) monitoring the groundedness of categories in order to test the applicability of existing categorizations and (2) deducing new conceptual categories based on the coded instances. Moreover, the program *ATLAS.ti* has been introduced as a tool to assist in coding the documents and visualizing findings.

Consequently, there are two steps left to do. First, content needs to be coded. This is done (a) along the categories suggested above and (b) by open coding. Second, the findings need to be interpreted. In this context the following questions are of particular interest: What codes and categories are grounded in the data? To what extent can correspondence with normative power be observed? Which findings are in line with the expectations and which are outstanding? As a last step the findings need to be used to explain the variables and research questions.

4. The EU as a Normative Power on Human Rights

To derive empirical findings from the data, in a first step, EU action and principles are related to the concept of normative power. To analyze the data each hypothesis has been translated into an independent variable. The structure of the argument developed follows the three constitutive elements of normative power – the principles, the process and the impact. It is assessed what types of power the EU employs in its pursuit of human rights in Myanmar and how policies have developed since 1996. Paying special attention to implied 'self-other' distinctions', in a next step, the construction of a European human rights identity is examined. Treated separate from general policies this topic serves as a showcase to get an in-depth insight on a way in which normative power can be exercised. Last, what is understood to constitute the power element within the concept of normative power, impact of EU action is assessed.

4.1 EU principles and action in the light of Normative Power theory

In line with the first sub-question referring to the implementation of the EU's human rights agenda, this paragraph relates to the legitimacy of principles pursued by the EU and the analysis of the policy process. To start with, the EU's policy agenda is briefly outlined. Due to the grievances in Myanmar three central issues can be pointed out: First, since the failure of the 1990 elections the EU aims for democratisation of and promotion of democratic principles in the country. Second, due to the long-lasting conflicts and prevailing cleavages between ethnic- and political groups national reconciliation is a top priority. Third, deeply intertwined with the first two and of most interest for this paper, the EU aims to increase the respect for human rights in order to put an end to practices of e.g. torture, suppression and arbitrary killings (Council of the European Union, 1996, para. 2).

Focussing on the EU's human rights agenda and relating it to the concept of normative power the legitimacy of principles pursued is the first issue to be assessed. As operationalised above, for the principles pursued by the EU to be legitimate they should be similarly acknowledged within the UN

system. Although not legally binding the Universal Declaration of Human Rights (UDHR) is the first point of reference since it has been adopted by all UN member states. Comparing the UDHR to the European Convention on Human Rights (ECHR) it is to note that the ECHR's preamble does not only explicitly refer to the rights laid down in the UDHR, but also replicates the fundamental rights therein. Thus, rights such as the right to life, the prohibition of torture and slavery, the equality before the law and the freedoms of thought, assembly and (since the adoption of additional protocol

Figure 4 – Overview over ratifications of UN human rights treaty bodies

Treaty body	Ratified by Myanmar
Universal Declaration of Human Rights (UDHR) NB: not legally binding	(✓)
International Covenant on Civil- and Political Rights (ICCPR)	X
International Covenant on Economic-, Social- and Cultural Rights (ICESCR)	X
International Convention on the Elimination of All Forms of Racial Discrimination (CERD)	X
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)	✓
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment (CAT)	X
Child Rights Convention (CRC)	✓
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW)	X
International Convention on the Rights of Persons with Disabilities (CRPD)	X
International Convention for the Protection of All Persons from Enforced Disappearance (CED)	X

Source: (2001; Fauchauld & Tuseth, 2010)

No.4 to the ECHR) movement are equally to be found in the UDHR and the ECHR (Fauchauld & Tuseth, 2010, pp. 264-267,367-377).

A closer look at the system of UN human rights treaty bodies, however, reveals a striking fact and probably one of the severest problems EU intervention is faced with. Out of the nine human rights treaty bodies creating legal obligations under the UN system Myanmar has ratified merely two (cf. figure 4). This clearly expresses the limited willingness of the regime to strengthen and promote human rights. Moreover, as a direct consequence and even more problematic this implies the impossibility to hold the regime accountable for the human

rights grievances in the country.

As a preliminary conclusion, due to the fact that the principles pursued by the EU resemble those laid down in the UN framework, the EU's human rights agenda is to be considered legitimate. After all, as a consequence of acknowledging the universal validity of principles recognized within the UN system, this holds despite the fact that Myanmar has not yet ratified a considerable number of binding UN human rights treaties.

Next there is a need to analyse the nature of EU policies in more detail. Special attention is paid to the disposition and interaction of powers (cf. network view) and the evolution of this relationship since 1996 (cf. time-ordered matrix). To do this it is looked at common positions and strategy papers issued between 1996 and 2011. It is paid attention to the specific measures employed, which kind of power they approximate and whether there are specific reasons why they were introduced. As a last step of the analysis of policy documents further procedural requirements of normative power – namely coherence, reflexivity and inclusiveness - are considered.

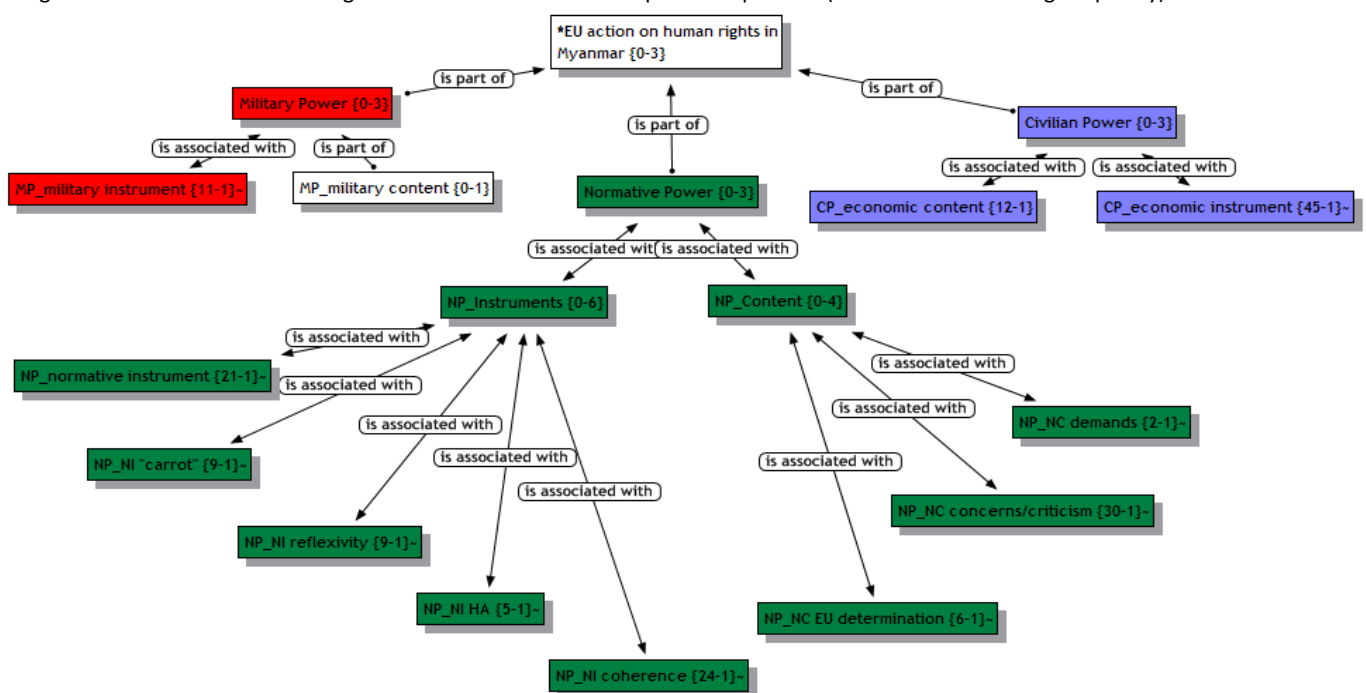
Starting with a general overview of disposition of power a first relevant finding is that for the case of EU action on Myanmar - as similarly anticipated in more recent literature on normative power - the different accounts of power cannot easily be separated. The relationship appears not to be a question of either/or, but rather a deeply intertwined one. Indeed, remarkably, the powers co-exist. The network view presented in figure 5 offers an overview over categories, codes and their frequencies grounded in the analysed policy documents. The analysis reveals that normative power and economic instruments dominate the picture. Contrastingly, throughout the policy documents,

only three measures can be classified as military instruments. These are the expulsion of all military personnel, the prohibition to provide technical training or -assistance in any kind related to the employment of military instruments and the embargo on repressive equipment (Council of the European Union, 2003, Art. 1, Art. 2.2, Art.6). What is outstanding is that no (!) instance of military content was coded. One can, thus, conclude that the expectation that the EU does not constitute a military power holds for the case of Myanmar.

Concerning, economic power it can be observed that concrete instruments are significantly more important than mere content. Economic content is primarily concerned with an assessment of drawbacks of Myanmar's economy as well as financial shortcomings of the government. Examples include emphasizing the mismanagement of the household, the resulting fiscal deficit and corruption as being driving forces behind the continuing depletion of the society (European Union External Action Service, 2006, pp. 7-8). Evidently, more weight is attached to economic instruments. Indeed, by 2011 the number of economic instruments against Myanmar is impressive. It includes an embargo on arms, the cancellation of non-humanitarian aid programmes, the freezing of funds, the prohibition of financial support for military activities, the ban of acquisitions, the prevention of granting loans and most recently even trade restrictions on specific industries (Council of the European Union, 2011). Hence, by the year 2011, economic instruments constitute a core element of the EU's sanctioning mechanism against Myanmar.

Turning towards normative power elements in EU action, both, normative content and -instruments are prevalent in the policies on Myanmar. The analysis shows that in terms of instruments one might well distinguish between negative and positive instruments. The two main negative mechanisms, namely the ban on entry visas and the suspension of high-level governmental visits as introduced in 96/635/CFSP, basically aim at impeding external action of Myanmar's regime (Council of the European Union, 1996, para. 5 (b) (i)-(iii)). Moreover, they imply a clear request of the EU to isolate

Figure 5 – Network view for Categories and Codes used to code power disposition (first number indicating frequency)



Source: Output – ATLAS.ti

and hold accountable those that are responsible for the violation of fundamental rights. Simultaneously a number of incentive raising measures has been introduced. Examples include temporary suspensions of the sanctions, which will not be re-imposed in case of “substantive progress” (Council of the European Union, 2003, para. 5). Similarly, the recently published Council Decision suggests a temporary easing of the sanctions for members of the new government in order to encourage progress (Council of the European Union, 2011, para. 4-5). To conclude, the negative instruments are to be seen as clear power politics aiming to limit the regime’s capacity to work. Simultaneously they imply a mode of ‘shaming’ on the international scene. Contrastingly, the positive measures aim to raise incentives for implementation of the EU’s agenda.

The record for content to be classified as normative is dominated by concerns or criticism expressed. Evidently, this includes a significant number of references to specific issues, for instance the detention of opposition leader Daw Aung San Suu Kyi, but also to more general issues such as the government’s “opaque decision making procedures” (European Union External Action Service, 2006, p. 3) and most importantly the lack of improvement on the situation of human rights (Council of the European Union, 2006, para. 3). Clearly, due to its non-instrumental nature, most of the statements being classified as normative content are raised in the strategy paper, the preambles of the common positions and public statements (cf. next section). The EU’s determination to the adherence of human rights and international law as such is another issue emphasised in the preambles. In this context the EU points towards its own determination, as well as the need for multilateralism (Council of the European Union, 1996, para. 2&4). Moreover, it explicitly refers to the preclusion of targeting children below 18 years (Council of the European Union, 2005, para. 6). These EU-related issues, however, are raised less frequent and, consequently, can be understood to be less central to EU policies.

Beyond the instruments applied and content raised, the concept of normative power requires considering further procedural requirements – namely reflexivity, inclusiveness and coherence. It is to note that within the EU policy documents reflexivity is referred to only by monitoring of the implementation of policies and constant review thereof (e.g. Council of the European Union, 1996, para. 6; 2006, Art. 9). Although, this resembles an empty and standardized formulation one should at least acknowledge that – at least over the last decade the sanctions have been revised and adjusted rather frequently. Thereby, even if major changes were left aside, special attention was paid to keep the list of persons affected by the measures up to date. The matter of inclusiveness is more problematic. While attention to cooperate with local actors is paid concerning the provision of humanitarian aid (e.g. most recently after Cyclone Giri), silence predominates regarding inclusiveness in political affairs. Merely the strategic paper stresses the need to “build the capacity of local stakeholders, local communities and organisations” (European Union External Action Service, 2006, p. 3). More straightforward, the coherence of policies is given due to the constant renewal of existing measures (cf. Council of the European Union, 2001, 2005, 2009) or broadening of the sanctions (cf. Council of the European Union, 2003, 2004a, 2006, 2010a).

Having analyzed the disposition between the different concepts of power, the next step is to assess the process over time. By means of the *time-ordered EU ‘power-matrix’* the development is traced. Particular attention is paid to the evolvement of policies, specific changes of policies and external factors that might explain content as well as timing of adjustments. To start with, as mentioned in context of coherence, the scope of the sanctions has broadened significantly over time. One of the key findings is that, whereas the negative normative instruments were already introduced in

96/635/CFSP especially the scope of economic instruments has expanded considerably. Starting only with an embargo on weapons, in up to 2011 the freezing of funds (2003/297/CFSP, Art.5), the prohibition of financing military activity (2004/423/CFSP, Art.3), the preclusion to grant loans or acquisition of Burmese companies (2006/318/CFSP, Art.5) and the extension of trade restrictions to specific industries (2010/232/CFSP) followed. The most relevant findings for this paper are that there is an observable increase in normative content and economic instruments respectively, whereas most other fields have remained constant (cf. figure 6).

It is striking that major changes concerning the sanctions took place at merely three points in time – namely, the years 1996, 2003 and 2010. What – considering the fact that sanctions form a reaction to extreme grievances – appears logical is that one can observe the broadening of the sanctions on Myanmar being related to certain events. In 1996, only shortly after Scandinavian diplomat James Leander Nichols was killed, the first restrictive measures were issued. Seven years later, in 2003, the repeated imprisonment of Daw Aung San Suu Kyi concerned politicians throughout Europe. What followed was the first considerable strengthening of sanctions. Similarly, the announcement for elections in 2010, in combination with a political environment continually depriving people of their fundamental rights can be interpreted as sparking the most recent extension. Yet, what is interesting to note, in retrospect of the elections the EU for the first time offered an easing of the sanctions.

Concluding, with respect to the first sub-question, the analysis has shown that despite significant concurrence with the concept of normative power, EU policies do not live up to its ideal type. It has been shown that EU principles are legitimate what holds despite Myanmar's demonstrative unwillingness to acknowledge UN human rights treaties. Moreover, displaying the disposition of power it has been seen that different types of power co-exist. It is, thus, to refer back to the first hypothesis, not mere normative power as initially proclaimed by Manners (2002), but a combination of normative power and economic instruments that characterises EU policy documents on Myanmar.

Figure 6 - time-ordered EU 'power matrix' for Myanmar

		1996-2000	2001-2005	2006-2011
content	military	-	-	-
	economic	-	-	Mismanagement of Myanmar's economy (e.g. household & resulting fiscal deficit)
	normative	Unwillingness of regime to respond to concerns, continuing violations, absence of progress	<u>New items:</u> Failure to allow genuine National Convention, detention of Daw Aung San Suu Kyi, harassment of opposition, restrictions on work of international organizations	<u>New items:</u> Absence of rule of law, death penalty remaining in force, limited freedom of expression (control over media), military dictatorship, high level of corruption
instruments	military	Expulsion of military personnel	<u>Add. Instruments:</u> Prohibition to supply repressive material & to provide technical assistance	No change
	economic	Suspension of non-humanitarian aid; arms embargo	<u>Add. Instruments:</u> Freezing of funds of members of the regime; prohibition of financial assistance	<u>Add. Instruments:</u> Prohibition of acquisitions and granting of loans; embargo on certain industries; trade restrictions
	normative	Visa bans; suspension of high-level governmental visits		NB: temporary easing of sanctions (2011)

Sources: (Council of the European Union, 1996, 2001, 2003, 2004a, 2005, 2006, 2009, 2010a, 2011; European Union External Action Service, 2006)

It is indeed reasonable to conclude that the economic instruments within the sanctions, severely restricting trade between the EU – being the world’s biggest trader⁵ - and Myanmar, constitute an exercise of economic power. Another key finding is that military power is almost absent. In line with this, examining power dispositions over time, especially normative content and economic instruments have been strengthened. Coming back to the first sub-question, it is to be said that the overall findings concur with the trend observable in the scientific debate on normative power. In this context, it should, however, be remembered that this trend more and more departs from the ideal type of normative power.

4.2 The construction of a European human rights identity

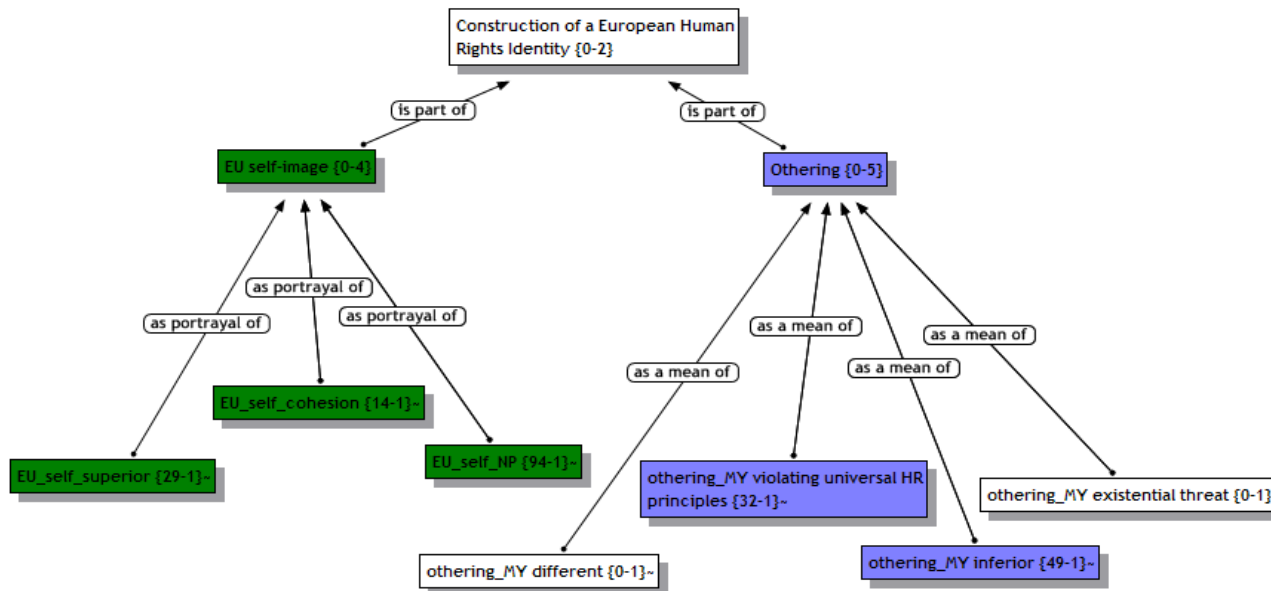
After assessing EU principles and the development of EU policies on Myanmar in light of the concept of normative power the interest lies on discussing in which ways the EU did exercise normative power and - in particular - *how* it did this. As laid out in the theory the focus is on the construction of a ‘European human rights identity’. The topic is frequently discussed within the debate on normative power, ‘self-other’ distinctions being understood as the constitutive elements in the process of identity formation. Therefore, as a first step, it is seen to what extent the EU’s depiction of Myanmar is in line with the ‘othering’ techniques suggested by Diez (2005). In a second step, the self image created by the EU in its public statements is analysed. To conceptualise the findings, categories are deduced which allow to summarize the analysed data (cf. figure 7).

Starting with ‘othering’ of Myanmar in public EU statements it can be observed that the content conveys a clear judgment of the human rights situation in Myanmar. Norms pursued by the EU play a central role throughout time. It is, thus, no coincidence that no incidents were coded for the depiction of Myanmar as simply different or as an existential threat to the EU. Indeed, these two categories depict the extreme cases among the ‘othering’ techniques suggested by Diez (2005) and are not to be found for the case of the EU’s human rights pursuit in Myanmar for a number of reasons. On the one hand, for the first, the reason lies in the lack of judgment implied in the category. As mentioned before, since EU intervention is about diminishing the persisting wrongs in Myanmar the EU’s intention goes beyond describing the country as simply different. On the other hand, the depiction as an existential threat requires the implication of a more direct risk. Myanmar, with, first, its lack of military power and, second, its ongoing conflict to be classified as a non-international armed conflict (Rule of Law in Armed Conflicts Project, 2011), is basically too distant and inoffensive to be perceived as an existential threat from a European point of view.

Instead, coding EU statements one can conclude that Myanmar is depicted as violating universal principles and as being inferior to the EU. Due to the continuing human rights grievances the EU hinds at non-compliance with international law in several instances. As an immediate reaction to the repeated detention of Daw Aung San Suu Kyi, for instance, the EU criticized the “unacceptable violation of her right to move freely” and expressed its concern about the violation of fundamental freedoms in general (Council of the European Union, 2000). Similarly, the EU repeatedly coined the arrests of protesters as e.g. “completely unjustified” due to them merely exercising their basic freedoms of expression and assembly (a.o. Council of the European Union, 2002a, 2007a). Equally, the EU refers to the non-recognition of the election outcomes of 1990 and the shortcomings in the process of the recent elections of 2010 as “not compatible with internationally accepted standards” on many grounds (Council of the European Union, 2010b). It is evident that - as a typical

⁵ The EU accounts for 20% of global imports and exports (European Union, 2011)

Figure 7 – Network view for Categories and Codes used to code ‘self-other’ distinctions (first number indicating frequency)



Source: Output – ATLAS.ti

characteristic of its public statements - the EU pays a lot attention to the exercise and implementation of rights. In this context the UN human rights system – serving also as a benchmark for the EU’s own principles and being assumed to be universally valid (s.a.) – is the main point of reference.

It is due to Myanmar not complying with the international standards and, consequently, violating universal principles that a number of instances implying inferiority of Myanmar can be observed. Due to Myanmar suffering from dictatorship, the lack of a constitution, parliament and rule of law respectively, its regime still executing the death penalty and having one of the worst human rights records worldwide, the country cannot live up to the standards accomplished and regarded as desirable and universally valid by the EU. As a further indicator of inferiority, the country’s backwardness and grinding poverty affecting large parts of the population make the country depend on foreign development aid (European Union External Action Service, 2006, pp. 5-11).

Indeed, by ‘othering’ Myanmar the EU simultaneously attempts to frame and strengthen its own self-image. Resulting from the analysis in total three categories of self-depiction – namely, the EU as superior and a normative power as well as coherence between European states - are deduced as key features of EU statements from the analysed statements. The first one - the EU being superior – can be seen as the matching part of Myanmar being depicted as inferior and the strongest indicator of the ‘disempowering-empowering’ relationship as suggested by Scheipers & Sicurelli (2007, p. 610). Owing to its self-perceived superiority – in terms of compliance with universal principles, as well as functioning of the economy and political system in general - the EU regards itself as meant to support Myanmar on its way out of backwardness. This is expressed in e.g. the EU’s determination to monitor and “respond proportionately” to the situation of the people (Council of the European Union, 2002b). This implies on the one hand penalising those responsible for the wrongs and not hesitating while strengthening the sanctions in case of continuing violations. On the other hand this allows acting as a mediator and issuing incentives for compliance, such as the easing of sanctions (a.o. Council of the European Union, 2004b, 2007b).

Coherence between not only the EU member states, but even beyond, is another persistent element within the analysed documents which matches the concept of normative power. By repeatedly stressing and welcoming the alignment of associate-, EFTA- and candidate countries the cohesion between European states is emphasised (e.g. Council of the European Union, 2007a). In this reoccurring paragraph the most evident 'European component' within the construction of a European human rights identity is to be found.

Beyond the image of a superior Europe a normative power component is observable in the public statements, too. By emphasising the EU's commitment to international law, the needs of the people and its human rights agenda in general, it is referred to direct normative action of the EU. The EU's dedication to facilitate political dialogue as a mean "to promote positively and constructively the aims of the EU's policy" is another example of this attitude (Council of the European Union, 2000). In the realm of this study these findings are quite striking since they reveal how normative arguments are employed within the construction of a human rights identity.

To conclude, another key finding of this study and a characteristic feature of EU-Myanmar relations is that normative power is exercised by rhetoric means. This applies equally to EU policies in general where normative content constitutes an important building block (s.a.), as well as to the construction of a European human rights identity in particular. Relating to the second sub-question, within EU public statements on Myanmar a clear pattern of 'self-other' distinction is observable. The 'self', thereby, is depicted as being superior - the mediator and knight in shining armour – and, what is interesting, is similarly portrayed as a normative power. Moreover, concordance between European states (going beyond the EU-27) is emphasized. Contrastingly, 'othering' is done by conveying a clear judgment of Myanmar's regime and the situation on human rights in the country. Thus, Myanmar is shown as breaching international law, and due to its backwardness as being mediocre and needy. To conclude, in line with the concept of normative power the exercise of it relies merely on persuasion, drawing attention to grievances and the hope for international responses.

4.3 The impact of EU Normative Power

After having addressed the issues of legitimacy of principles and nature of process as well as having discussed the construction of the human rights identity as an example of how normative power is exercised the remaining criterion to be considered for the application of normative power is impact. Within the realm of this paper three analytical steps are taken into account in order to assess the - as referred to it earlier - 'power-side' of EU normative power. The rating of Freedom House and the statements by the UN General Assembly, being independent from the EU policies are taken as a starting point. Freedom House's data⁶ are primarily used as a framework to see whether large fluctuations or rather a constant situation can be expected. The UN documents on the contrary provide an independent judgment and evaluation allowing for in-depth insights. In a last step, the depiction of the situation by the EU itself is shortly elaborated on and compared to the other two accounts.

Starting with the *Freedom in the World Country Ratings* published annually by the organisation Freedom House⁷ allows to deduce some brief but significant preliminary expectations for the

⁶ Freedom House annually rates all countries worldwide. This implies comparability between countries and provides a general impression of the situation and its development in a country.

⁷ NB: the rating published in a year always refers to the situation the year before (e.g. the rating published in 1997 refers to the year 1996, the most recent rating of 2011 refers to the events in 2010 etc.)

assessment of impact. As a matter of fact, Myanmar was permanently rated with a '7' for both categories, namely civil liberties and political rights. On a scale from '1' to '7' these ratings equal the worst attainable scores in Freedom House's methodology. In line with this, Myanmar's political status was rated as 'not free' what mirrors the oppressing rule of the military regime throughout the considered time period. Consequently, from the analysis of these data one can expect many human rights grievances, but only minor change and improvement.

Continuing with the analysis of data from the second source - the UN General Assembly - does not alter the picture substantively. Sequences being coded as negative evaluations of the situation on human rights clearly outnumber those being coded as positive. In line with Freedom House's ratings, the most coded sequences are those indicating human rights grievances or the lack of improvement. Thereby the "grave concerns" about ongoing violations of human rights, the blockade of the National Convention, the non-recognition of the 1990 elections and the regime's unwillingness to cooperate or to implement changes are the reoccurring themes in the statements and reports (e.g. Lallah, 1996, para. 147-152). It is striking that in several instances the situation is described as not having improved at all. Thus, for instance, Rajsoomer Lallah in his function as *Special Rapporteur of the Commission on Human Rights on the situation of Human Rights in Myanmar*, being the UN's source of information on the ground, stated in 1997 that no progress can be observed (Lallah, 1997, para. 13). Two years later, in 1999, he even concludes that "if anything, the situation is worsening" (Lallah, 1999, para. 52). This statement is to be seen in light of the UN's concern about the deepening of cleavages within Myanmar's population. As a matter of fact, it is similarly referred to the worrying societal divide about a decade later (Secretary General, 2008, p. 3). The most disenchanted and harsh conclusion, however, stems from Lallah's successor, Special Rapporteur Sérgio Pinheiro, who stated in 2006 that "the human rights concerns enumerated in the present report are largely the same as those highlighted by successive Special Rapporteurs since 1992" (Pinheiro, 2006, para. 66). This quote serves as a showcase for two key features of the analysed UN reports on Myanmar: First, in line with the rating by Freedom House, there is a total absence of major improvements on human rights in Myanmar. The problems which led to the initiation of international intervention are largely the same as today's concerns. Second, the undertone of the evaluations - due to the military regime's continuing unwillingness to cooperate - reveals a certain frustration and despair on side of the international community.

Nonetheless, despite the lack of major improvements, some concrete improvements or at least positive developments can be observed. Examples include the release of detainees and the reopening of dialogue between the political parties (e.g. Secretary General, 2008). Mainly concerning the mere resumption of efforts and cooperation or benefitting a limited number of people these are, however, of minor magnitude. Moreover, in a number of instances small positive developments are overshadowed by more serious drawbacks (e.g. Secretary General, 2007). Up to today, the 2010 elections depict the greatest achievement on the road towards reconciliation, democratisation and respect for human rights. Yet, as current Special Rapporteur Tomás Ojea Quintana puts it, the deliberate confinements of fundamental rights render the possibility of "a free, fair participatory and transparent election process" at least questionable (Quintana, 2010). Due to the recentness of the elections an actual evaluation, however, is not yet possible. Whether the elections depicted the genuine improvement the international community hopes for, consequently depends on the developments in the near future.

Interestingly, the general tone of the evaluations improves at two points in time. Subsequent to the years 2001 and 2008 respectively, the reports issued by the Special Rapporteurs convey more

hope that change might be possible. Yet, this is not to be linked to positive developments within the country, but can rather be explained by the change in person occupying the office of the *Special Rapporteur on the situation on human rights in Myanmar*. The fact that the tone worsens towards the end of the term supports this argument.

Evaluations uttered in the analyzed EU documents are to a large extent in line with the assessments issued by Freedom House and the UN. The strongest indicator for the lack of improvement with regard to the EU's human rights agenda lies in the coherence of measures applied. The preambles of the common positions mainly refer to the continuing grievances and absence of substantive implementation of suggested changes. As similarly specified within the analysis of UN documents, the positive developments noticed in Myanmar – if any – are without effect due to the simultaneous continuation of major violations of human rights (cf. e.g. Council of the European Union, 2009, para. 2). A statement taken from the first strategy paper on Myanmar, serves quite well to summarize the EU's assessment of the situation in Myanmar over time. As stated there the sanctions have been "strengthened and extended several times in view of the military regime's failure to make significant progress in areas of EU concern" (European Union External Action Service, 2006, p. 3). Another interesting observation is the recognition of factors limiting EU normative power. Thus, it is acknowledged that - as theorized above – Myanmar's neighbouring countries equip the country with a certain "comfort zone" (Ibid, p.6). As a direct consequence, the country is interpreted to be less dependent on and also less reactive to EU policies resulting in a decrease of EU impact.

Concluding, assessing the last constitutive element of normative power, impact, one needs to acknowledge that - as a common feature of all analysed documents - major improvements in the situation on human rights that might be traced back to EU action are absent. Strikingly, notwithstanding some slight positive developments, by and large, the situation on human rights in Myanmar resembles the one in 1996. The problems, concerns and demands uttered by UN and EU to a large extent remained the same over the whole period of time considered for this study. In fact the analysis revealed that all three sources considered – Freedom House, the UN and the EU – agree on this. Coming back to the third sub-question it is to conclude that EU impact on the ground is clearly limited.

4.4 Concluding remarks on the Empirical Findings

Taking everything into account the data analysis has presented a mixed-record for the concept of normative power within the EU's pursuit of human rights in Myanmar. Ultimately, one should note that large parts of the expectations derived from theorizing on the topic – e.g. the exercise of normative power and the creation of a human rights identity - have in fact been observed. Yet, the central finding is that, although clear normative elements are observable, EU policies do not adhere to the ideal type of normative power. Interesting to note is that EU policy making, thereby, shows a clear trend away from the ideal type of normative power. Indeed, considering the most recent common position, it is a combination of normative- and economic power that best characterises EU policies. Importantly, there is a need to further itemise this finding: only few instances of normative power can be considered as direct power politics. Instead, normative power, for the case of EU policy documents on Myanmar, is mainly conveyed indirectly by rhetoric means and used to e.g. evoke isolation on the international scene or similarly to construct a European human rights identity. Contrastingly, it is preliminary economic power that constitutes the instrumental part of EU policies.

Based on the finding of limited impact and applying the traditional definition of 'power' in international relations literature these findings would question the existence of the 'power-side' of EU intervention in Myanmar. Indeed, since this definition assesses A's capacity of making B do what it would not have done otherwise - thus, making impact a necessary condition for power – power would not be observable in case of EU policies on Myanmar. Considering these findings, next to answering to what extent the EU acted as a normative power in its pursuit of human rights in Myanmar, there is a need to discuss the meaning of 'power' within the theory.

5. Does the EU pursue human rights through Normative Power in Myanmar?

This last chapter has three main purposes. First, it summarizes the main findings of this study. Based on the analytical findings and answers to the sub-questions as presented within the previous chapter it provides an answer to the main research question. In a second step it is reflected on the study, the implications for the EU and the concept of normative power as such. The questions of what has been learned and what needs to be further uncovered are of central importance in this context. Moreover, throughout this chapter it is paid attention to the critique of normative power.

By means of a content analysis of 61 official documents issued by the EU and UN respectively it has been assessed to what extent EU action on human rights in Myanmar can be explained by applying the concept of normative power. The concept was subdivided into three constitutive components, namely the legitimacy of principles, the nature of process and the impact of EU action. As pointed out in the previous chapter, empirical proof for almost all expectations uttered in the hypotheses for the case of Myanmar between the years 1996-2011 is found. Yet, the record for the concept of normative power is mixed and the ideal type as initially proclaimed by Manners (2002) is not applicable.

Referring to the key findings, the legitimacy of the EU's human rights principles, being similarly pursued within the UN system, was clearly established. The universal validity and coherence between internal- and external pursuit of these principles, thereby, remedies the objection of an 'EUtopia' – the projection of an ideal type of Europe on third countries (cf. Nicolaidis & Howse, 2002). A closer look at the UN human rights system disclosed a striking fact and probably one of the main problems of human rights enforcement in Myanmar. Up to today merely two out of nine binding human rights bodies have been ratified, making the enforcement of human rights in Myanmar extremely difficult. Thus, due to the regime's blatant unwillingness the international system is rather powerless. Yet, relating this to EU policy making, the need for pursuit of norms and international objection makes the exercise of normative power worthwhile in the case of Myanmar.

Due to different nature, target group and purpose of the documents it is necessary to distinguish policy papers from official statements. Concerning the policy documents – being preliminary concerned with policy making - two overarching features can be derived. First, the pursuit of norms indeed plays a central role in EU policies on Myanmar. Second, it is not mere normative power, but rather a combination of normative power and economic instruments that characterises EU policy on Myanmar. What is eye-catching and one of the most notable findings is that military power is almost absent. Due to only few marginal measures being coded as military instruments and no (!) single incident coded for military content it is to conclude that normative- and economic power appear to dominate EU policies on Myanmar. Interestingly, especially the number of economic instruments has

increased significantly over time. There is hence a trend away, not only from the ideal type, but similarly from normative power as such.

Within the press statements – being directed to the public and paying much attention to the perception of the EU in international relations – a clear pattern of distinguishing the ‘self’ from the ‘other’ in order to strengthen the European human rights identity can be observed. Interestingly, Europe is depicted as the superior mediator and pursuer of norms, whereas Myanmar is portrayed as violating universal principles and being inferior. This validates – at least for the case of Myanmar – that, as Scheipers and Sicurelli (2007) put it, ‘othering’ carries “a strong connotation of disempowering the other, while at the same time empowering the self” (p.610). One can, thus, conclude two things. First, in this light the construction of a European human rights identity can be understood as being deeply intertwined with the exercise of normative power. Rhetorical arguments are employed to hind at offences breaching the norms of the international community. Second, as sometimes revealed in criticisms of the concept, the EU’s self-image indeed resembles to a large extent a normative power (cf. Sijursen, 2006). This, however, contrary to what critics put forward, does not prove the concept of normative power wrong or inexistent. Indeed, based on the findings discussed in the next paragraph, it rather questions the EU’s self-portrayal as one-sided and incomplete.

Based on the finding of co-existence of powers, the EU’s reliance on a large set of economic instruments and the acknowledgement of other normative powers one might raise the question: how then, if anything, is the EU different from other actors? And, due to an increasing reliance on economic instruments, could the EU not similarly be depicted as a norm-based economic power? In this context, the EU’s focus on the pursuit of norms and its willingness to bind itself through international law is to be pointed out. Whereas, China and ASEAN, taken as cases of reference within this study, preclude the use of sanctions and the pursuit of norms and put economics first, the EU commits itself to the pursuit of normative content and instruments supported by economic measures. Moreover, one should note that most ‘great-powers’ – taking e.g. China’s attitude towards the protection and promotion of human rights as discussed above as an example – themselves remain reluctant to ratify, implement and comply with binding human rights treaties. Contrastingly, the EU by including many of the rights protected within the UN system in its own treaty framework and promoting its member states’ compliance with international law has set a clear course. It is hence to conclude that in case of the EU norms depict more than a mere driving factor.

Turning towards what was coined the ‘power-side’ of normative power leads to returning to the pressing question of whether power can at all be normative. Based on the findings it has been argued that sticking to the classical definition of power – requiring direct impact on the other – the existence of EU power on Myanmar is indeed questionable. Obvious reasons for this are to be found in the uncooperativeness of Myanmar’s regime, the perceived “comfort zone” due to neighbouring countries not isolating the regime and the EU’s – to the largest extent possible – renunciation of coercive means (European Union External Action Service, 2006, p. 3).

Consequently, in order to meet the ‘power-side’ within the concept of normative power it might be necessary to rethink the meaning of power and to go beyond the classical definition of power as A impacting on B. Based on the findings within this paper it is suggested to consider not direct impact on the ground, but rather indirect – preliminary rhetoric and symbolical – action on the international scene as the ‘power’ exercised by normative power Europe. Adopting this meaning, thus, would not preclude the exercise of power politics through normative power. Yet, since ‘power’

in this context would be grounded basically in the legitimacy and coherence of the process, a much more idealist interpretation of power would be applied here. Moreover, this type of indirect 'power' would be rather soft in that it necessitates evoking responses by the international community. Indeed, thereby again questioning EU 'power', one needs to acknowledge that coherence in international response is debatable. Although especially the Western nations are in agreement on penalising the regime, the above mentioned "comfort-zone" constitutes a severe handicap. Thus, taking the perspective of all sanctioning nations, gaining the support of Myanmar's neighbouring countries remains an obstacle to be surmounted in order to increase pressure on Myanmar's regime to comply with international standards.

Returning to the point of origin - the main research question - one can conclude that normative power certainly serves as a mean to pursue the EU's human rights agenda in Myanmar. An evident pursuit of norms legitimized through the UN system can be observed on side of the EU. It has, however, to be acknowledged that normative power exists alongside other powers. Moreover, the power component of the concept remains debatable and, finally depends on the definition of power one applies. Ultimately, the EU at the very least proves to focus on the pursuit of norms in Myanmar and acts to point towards human rights grievances on the international scene.

Finally, the concept of normative power – considering some acknowledgements (e.g. the co-existence of other powers) and modifications (e.g. the power debate) – has proven to be a useful tool to uncover, describe and explain elements of the EU policy process. Interestingly, the results presented in this study have led to challenging the central criticisms of the projection of an 'EUtopia' and the concept being too close to the EU's self-image. In addition to that the claim of vagueness of the concept has been countered by providing a clear-cut conceptualization and measurement of normative power. Saying this one should, however, keep in mind that the findings presented within this study merely describe EU human rights policies on Myanmar between the years 1996-2011. Thus, despite the relevant findings for the concept of normative power and its measurement it is not possible to derive results necessarily generalisable to other cases. Moreover, referring to the limited number of earlier empirical studies, only one possible account on how to measure normative power is offered here. There is consequently an inherent need to conduct more case studies in order to make results comparable, generalisable and to further develop the measurement of the concept of normative power.

6. Appendix

6.1 Appendix 1 - Overview over variables, operationalisation and data sources

Variables	Operationalisation	Data Sources
DV: conformity with the concept of normative power	Extent to which EU action fits the concept of normative power	
IV ₁ procedural compliance with the concept of normative power	1. Legitimacy of principles <ul style="list-style-type: none"> - Ratifications of UN treaties 2. The pursuit of norms <ul style="list-style-type: none"> - Ideal type: non-military & non-economic means ➔ Acknowledged that they might be intertwined, thus: - Matrix: instruments/contents along distinction NP/CP/MP ➔ NP = stressing and raising of normative issues, hinting at failure of compliance with norms (referring to issues of reflexivity and possibilities of inclusiveness) ➔ MP= use of military force ➔ CP = use of economic power 	EU policies
IV ₂ construction of a human rights identity	Analysis of depiction of the self & the other <ol style="list-style-type: none"> 1. Depiction of Myanmar -> classification into categories suggested by Diez (2005) <ol style="list-style-type: none"> a. Different b. Inferior c. Violating universal principles d. Existential threat to EU 2. Self-image conveyed by the EU 	EU public statements
IV ₃ Impact of EU normative power	<ol style="list-style-type: none"> 1. Extent to which there has been an improvement in the HR situation in Myanmar since 1996 2. Extent to which a possible improvement can be traced back to EU action 	<ol style="list-style-type: none"> 1. FH country rating 2. UN General Assembly evaluations 3. EU evaluations

6.2 Appendix 2 – Codebook

Variables	Categories	Codes	Indicators (words/phrases/issues)	Analyzed documents
procedural compliance with the concept of normative power	Normative power	Normative content	stressing the pursuit of norms, EU determination to HR, calls for/demands to introduce certain policies, criticism of status quo (e.g. failure, no/little commitment, restriction of access, weak institutional framework)	EU sanctions, Council regulations, Strategy paper (review) except parts on policy agenda and country analysis
		Normative instruments	Incentives (e.g. loosening sanctions), visa ban & suspension of high-level visits (and exemptions thereof), exemption of sanctions in case of a pure humanitarian nature	
		reflexivity	Monitoring, reporting	

		coherence	Renewal/ extension of sanctions, adoption of additional measures, alignment with other policies
	Military power	Military content	Addressing military issues not involving direct action
		Military instruments	Addressing direct action involving military personnel (e.g. withdrawal, training), direct use of force
	Economic power	Economic content	References to economic issues
		Economic interests	Economic sanctioning (e.g. embargoes, cancellation of aid programmes and exceptions thereof)

Construction of a human rights identity

Depiction of the self / EU	superior	<u>Ideological</u> : due to its dedication to HR able to support Myanmar, monitoring /review / assess, role as a mediator <u>Power</u> : able to react proportionately (e.g. strengthening/loosening of sanctions)	EU public statements -> press releases, Council conclusions
	NP on HR	Taking active effort to improve the situation on HR (e.g. call for pursuit of norms, peaceful settlement of conflict etc.); Indirect by stressing commitment to address HR-problematic and the need of international cooperation	
	European states' cohesion	Stressing / welcoming / ... of cohesion between European states	
Depiction of Myanmar	different	Without judgment / value-free description of the other	
	inferior	Looking down upon the other, hinting at malfunctioning of the system	
	Violating universal principles	Standard of the self = universally valid; violated if failure of compliance / to respect / to implement / ... universal standards	
	Existential threat to EU	Threat to security, implying need to guard oneself against it, jeopardising the self (and its standards respectively)	

Impact of EU action

Improvement of HR in Myanmar	Positive development	developments that might result in an improvement of HR but require further steps to be taken -> e.g. cooperation (between groups/with international actors), announcements	UN General Assembly assessments of the situation in Myanmar; EU policy documents (sanctions & strategy paper)
	Concrete improvement	Serious efforts taken + concrete improvement of HR for the people -> e.g. release of prisoners, cessation of hostilities, etc.	
	Traceable to EU action	Indicators that achieved changes result from EU action	
No improvement of HR in Myanmar	(continuing) HR grievances	(gravely) concerned, however, despite, refusal of access, no (concrete) progress, restriction on political parties or dialogue, slow pace, lack of inclusiveness, concrete referrals to violations of HR, problems similar to those listed in 1992/last year etc	
	UN/EU demands	Issues the UN/EU consider urgent and in need of improvement	

6.3 Appendix 3 – List of analysed documents

Type of document	Issued by	Official document number	Date issued
Sanctions (Common Position)	Council of the European Union	96/635/CFSP	28 October 1996
		2001/284/CFSP	09 April 2001
		2003/297/CFSP	28 April 2003
		2004/423/CFSP	26 April 2004
		2005/340/CFSP	25 April 2005
		2006/318/CFSP	27 April 2006
		2009/351/CFSP	27 April 2009
		2010/232/CFSP	26 April 2010
		2011/.../CFSP	06 April 2011
Strategy Paper	EU External Action Service	EC-Burma/Myanmar Strategy Paper (2007-2013) Midterm Review Strategy Paper & Multi-annual indicative Framework Myanmar (2011-2013)	
Press releases	Council of the European Union	8577/00 (Presse 162)	24 May 2000
		10911/00 (Presse 293)	02 September 2000
		5926/01 (Presse 45)	08 February 2001
		7522/02 (Presse 85)	27 March 2002
		12968/02 (Presse 319)	11 October 2002
		5493/04 (Presse 24)	20 January 2004
		16024/04 (Presse 358)	13 December 2004
		6358/05 (Presse 32)	16 February 2005
		10204/05 (Presse 153)	17 June 2005
		9834/06 (Presse 155)	26 May 2006
		13034/06 (Presse 276)	05 October 2006
		16207/06 (Presse 350)	05 December 2006
		12452/07 (Presse 192)	28 August 2007
		13248/07 (Presse 205)	25 September 2007
		13256/1/07 (Presse 206)	28 September 2007
		9312/08	13 May 2008
		9789/08 (Presse 138)	23 May 2008
		9948/08	27 May 2008
		9789/1/08 REV 1 (Presse 138)	28 May 2008
		10951/1/09 (Presse 175)	12 June 2009
		12660/09 (Presse 249)	13 August 2009
		15932/10 (Presse 293)	07 November 2010
		8938/11	12 April 2011
Council Conclusions	Council of the European Union	2824 th General Affairs and External Relations meeting	15-16 October 2007
		2938 th General Affairs Councilmeeting	27 April 2009
UN General Assembly report on human rights in Myanmar	UN Secretary General	A/RES/50/194	11 March 1996
		A/51/660	08 November 1996
		A/52/587	10 November 1997
		A/54/499	27 October 1999
		A/55/509	20 October 2000
		A/56/505	24 October 2001
		A/59/269	16 August 2004
		A/60/422	10 October 2005
		A/61/504	09 October 2006
		A/62/498	22 October 2007

	A/63/356	17 September 2008
	A/64/334	28 August 2009
UN Special Rapporteur	A/51/466	08 October 1996
	A/52/484	16 October 1997
	A/54/440	04 October 1999
	A/55/359	22 August 2000
	A/56/312	20 August 2001
	A/57/290	09 August 2002
	A/58/219	05 August 2003
	A/60/221	12 August 2005
	A/61/369	21 September 2006
	A/62/223	13 August 2007
	A/63/341	05 September 2008
	A/64/318	24 August 2009
	A/65/368	15 September 2010

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- Council of the European Union. (2004b). *Declaration by the Presidency on behalf of the European Union on the Updated EU Visa Ban and Assets Freeze List* (5493/04 (Presse 24)). Brussels: European Union.
- Council Common Position 2005/340/CFSP of 25 April 2005 extending restrictive measures against Burma/Myanmar and amending Common Position 2004/423/CFSP, 2005/340/CFSP C.F.R. (2005).
- Council Common Position 2006/318/CFSP of 27 April 2006 renewing restrictive measures against Burma/Myanmar, 2006/318/CFSP C.F.R. (2006).
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