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研究課題名(和文) Normative Power Europe?: norm localization, the death penalty and criminal justice in Southeast Asia

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研究成果の概要(和文)：本プロジェクトでは、東南アジアでの人権の促進に関するEUの取り組みを調査しました。プロジェクトでは、人権が重視されているヨーロッパでの理論を用いて、タイでの事例を評価しました。EUは異なる複数の手段によりタイの改革を行い、その人権記録と刑事司法制度を大幅に改善することに成功しています。特にタイの水産業における強制労働の事例がその良い例です。EUからの圧力を受けて、タイは複数の国際法文書に批准し、それらを国内法へと適用しただけでなく、これらの人権基準を満たす取り組みを実際に行っています。

研究成果の学術的意義や社会的意義

The research shows conclusively that the EU has demonstrated normative/norm diffusion power in the Thai case study. This finding goes against the assumptions of the EU norm diffusion literature, which suggests that the EU will not be able to exert normative power beyond the European neighbourhood.

研究成果の概要(英文)：This project investigated the European Union's attempts to promote human rights in Southeast Asia. In particular, the project used European theories of how human rights are promoted, to evaluate the case study of Thailand. Using several methods, including conditionality, capacity-building and persuasion, the European Union has been successful in making Thailand reform and significantly improve its human rights record, and its criminal justice system, in particular with regard to forced labour in the fisheries industry. As a result of EU pressure, Thailand ratified several international legal documents, including International Labour Organization conventions, translated them into domestic law, and is also implementing these human rights standards. The EU has also been highly successful in making Thailand eradicate IUU fishing (illegal, unreported and unregulated fishing). The European Union has therefore been a significant moral, or 'normative' power in Southeast Asia.

研究分野：European Union Studies

キーワード：Normative power Europe Norm diffusion European Union Conditionality Socialization Criminal justice Localization Forced labour

様式 C - 19、F - 19 - 1、Z - 19、CK - 19 (共通)

1 . 研究開始当初の背景

The original background context and motivation to apply for this research award is as follows. I had previously done lots of work on the death penalty in Japan, and had written a couple of well-received and influential policy papers. Although the EU has had some success in promoting human rights in Japan, the death penalty will not be abolished in the near future, so I thought that it was most important to focus on the death penalty as an aspect of criminal justice, because ultimately criminal justice is the most important issue. I also wanted to learn more about norm diffusion theory, so that I could produce academic articles and books, rather than just policy documents. I therefore wanted to write about another death penalty case in the region, and the challenges for criminal justice reform. My initial intention was to study the connection between criminal justice and the death penalty in Thailand. However, I soon discovered that there were other human rights issues in Thailand that were related to criminal justice, but not to the death penalty, such as forced labour and human trafficking. Experts and policymakers all claimed that these issues were more important than the death penalty in Thailand, and that the EU was enjoying success in addressing them, so I steered my research in that direction.

2 . 研究の目的

This project sought to connect and make original academic contributions to three related academic discourses. Firstly, the literature within European Studies on Normative Power Europe (hereafter NPE). Second, the theoretical discourse on norm diffusion. Lastly, the work produced by legal scholars and criminologists, investigating standards of criminal justice in the Asia-Pacific. The primary purpose of the research was to investigate the extent to which the EU exercises normative or transformative power in the Asia-Pacific. The original plan was to analyze concrete case studies of Indonesia and Thailand, and of the EU's attempts to promote human rights in these countries. At the start of the project, Bacon believed that the NPE literature overstated the capacity of the European Union to be seen as a normative actor which possesses the transformative power to influence states in the Asia-Pacific to change their human rights policies. As is briefly explained in 5 (3) below, this turned out not to be the case; in fact, the EU has been a significant normative actor in Thailand.

3 . 研究の方法

The research method was to develop a theory of norm diffusion, and then develop a questionnaire for local interviewees which operationalized the norm diffusion theory. This involved translating elements of the theory into questions which fitted with the case study and the local context. Bacon carried out a pilot interview program with 4 interviewees, and then modified the questionnaire as a result of the interview outcomes. More than 40 interviews were carried out with more than 20 interviewees with expert knowledge of Thailand, and the fisheries case study in particular. Most of the interviewees were Thai nationals, as a feature of the research methodology was talking to 'local' experts, to learn about their perspectives, and how their perspectives might be different from western theories and narratives about the case study. In several cases where the expert was important but could not speak English, local Thai experts were interviewed in Thai by my research assistant. These results were then written up, and analyzed, and used to conceptualize and evaluate EU norm diffusion. Technically, the methodology involved process tracing through the case study method with local expert interviewees, and then evaluating interview findings against a hybrid theory of norm diffusion which draws from the leading existing theories.

4 . 研究成果

(1) Research results. This project investigated the European Union's attempts to promote human rights and the Sustainable Development Goals in Southeast Asia. In particular, the project used European theories of how human rights are promoted, to evaluate the case study of Thailand. Using several methods, including conditionality, capacity-building and persuasion, the European Union has been successful in making Thailand reform and significantly improve its human rights record, and its criminal justice system, in particular with regard to forced labour in the fisheries industry. As a result of EU pressure, Thailand ratified several international legal documents, including International Labour Organization conventions, translated them into domestic law, and is also implementing these human rights standards. The EU has also been highly successful in making Thailand eradicate IUU fishing (illegal, unreported and unregulated fishing). The European Union has therefore been a significant moral, or 'normative' power in Southeast Asia. The research is significant and original in several ways: it develops the 'normative power Europe' concept, by focusing on actual case studies of possible norm diffusion; it creates a new hybrid model of norm diffusion; and (unusually) it focuses on the EU as an actor in the Asia-Pacific. The research shows conclusively that the EU has demonstrated normative/norm diffusion power in the Thai case study. This finding goes against the assumptions of the EU norm diffusion literature, which suggests that the EU will not be able to exert normative power beyond the European neighbourhood.

(2) Research and the future. As you can see in section 5, during the life span of the project, I have

produced 34 research items (3 journal article items, 25 presentations, and 6 book-related items) which are connected to the themes of this project research. This includes publications and presentations on norm diffusion, European theories of identity, and the case study. As a result of this research project, Bacon has prepared two 9,000 word draft articles to be submitted to leading EU Studies journals, based on the Thai norm diffusion case and the Japan norm diffusion case respectively. Bacon has also received an invitation to publish a single-authored research monograph with the leading GEM (Globalization, Europe, Multilateralism) book series. The provisional title of this book has been agreed with the Series Editor as 'The European Union, norm diffusion and norm contestation in the Asia-Pacific'. Bacon has already produced 60,000 of the 80,000 words required for this publication, most of which have resulted directly from work Bacon has carried out on this project. This project will therefore deliver a Routledge monograph. It is hoped that 2 or 3 articles drawing on the content of the book can also be published in leading EU Studies journals. Finally, the EU is engaged in fisheries-related human rights promotion in other Southeast Asian states such as Vietnam and Indonesia, and Bacon hopes to apply for further funding in the future, to apply his methodology to these other two important ongoing case studies.

(3) Results not originally expected. Originally, the project intended to focus on the connection between criminal justice and the death penalty in Thailand and one other Southeast Asian country. Several European reports had identified the death penalty as a priority issue in Thailand. However, when Bacon did the pilot interviews, he found that this was not the case, and that the death penalty was not a priority either for the local EU delegation, nor the leading Thai human rights defenders. Bacon learned that the major EU-related issue in Thailand was the fisheries 'yellow card' issued by the European Commission, and the way in which the local delegation leveraged this threat to address forced labour issues with workers in the Thai fisheries industry. This linkage led to an interesting process by which forced labour was successfully introduced as a legal concept and framed within the Thai criminal justice system. The initial focus of the project was on the EU as an actor, norm diffusion, human rights and the role of criminal justice. These remained core features of the project, but the death penalty was replaced by forced labour, human trafficking and fisheries management as the moral focus of the project. It also became clear that the fisheries issue and the forced labour issue were technically two separate case studies that the local delegation had linked together in a smart and original way, thereby showing significant norm entrepreneurship. There was so much material to cover looking at the linkages between the two cases that it was decided to identify Thailand as the sole country study. I have ended up discovering a two fascinating cases, an innovative EU-driven connection between them, and also an unanticipated example of clear EU success as a human rights promoter.

5 . 主な発表論文等

[雑誌論文](計 3 件)

Co-edited Journal Special Issues (1)

- 1. Natalia Chaban, Paul Bacon, Joe Burton and Vlad Vernygora (eds.) 'NATO Global Perceptions – Views from the Asia-Pacific Region', *Asian Security*, Volume 14, Issue 1, 2018, pp. 1-81. (DOI: 10.1080/14799855.2017.1361726) [Refereed]

Journal Articles (2)

- 2. Natalia Chaban, Paul Bacon, Joe Burton and Vlad Vernygora 'Introducing NATO Global Perceptions – Views from the Asia-Pacific Region', *Asian Security*, Volume 14, Issue 1, 2018, pp. 1-7. (DOI: 10.1080/14799855.2017.1361726) [Refereed]
- 3. Paul Bacon and Joe Burton, 'NATO-Japan relations: projecting strategic narratives of 'natural partnership' and cooperative security', *Asian Security*, Volume 14, Issue 1, 2018, pp.38-50. (DOI: 10.1080/14799855.2017.1361726) [Refereed]

[学会発表](計 25 件)

Academic Presentations (25)

- 1. Paul Bacon, 'A vast, neglected and potentially fruitful research programme? Analysing the EU's diffusion of human rights norms in the Asia-Pacific', The Concept of Normative Power Revisited: Actorness of the EU and Japan, Waseda University, April 9, 2019.
- 2. Paul Bacon and Hidetoshi Nakamura, 'Ordinary/civilian, not normative/post-modern:

- Lessons from the EU for Japanese security policy', The Concept of Normative Power Revisited: Actorness of the EU and Japan, Waseda University, April 9 2019.
- 3. Paul Bacon and Hidetoshi Nakamura, 'Natural partners and shared values? The EU's death penalty diplomacy and the politics of the EU-JAPAN SPA'. Nortia Network Conference EU-Japan, Waseda University, 27 March 2019.
 - 4. Paul Bacon, 'Promoting 'decent work' and marine resource conservation in achieving SDGs 8 and 14: the EU's fisheries 'Yellow Card' diplomacy in Thailand', Global Governance and the Sustainable Development Goals, EU-Japan Forum, Universite de Bruxelles, 12 March, 2019.
 - 5. Paul Bacon, Assessing the Impact of EU Human Rights Conditionality on Forced Labour and Human Trafficking in the Thai Fisheries Industry, Universite Libre de Bruxelles, Institute of European Studies Seminar Series, 30 November 2018.
 - 6. Paul Bacon, 'EU Human Rights Norm Diffusion Regarding Forced Labor in Thailand', Human Rights of Vulnerable People in Achieving the SDGs, Waseda University, November 22, 2018.
 - 7. Paul Bacon and Hidetoshi Nakamura, 'Shared values and like-minded partners? The successes and setbacks of the EU's 'death penalty diplomacy' in Japan', The European Union and Japan in a Fluid Global Liberal Order: Diffusion of Liberal Norms and Inter-Regional Studies, Waseda University, 30 October 2018.
 - 8. Paul Bacon, 'The EU, norm diffusion and human rights in Thailand', The European Union and Japan in a Fluid Global Liberal Order: Diffusion of Liberal Norms and Inter-Regional Studies, Waseda University, 30 October 2018.
 - 9. Paul Bacon, Roundtable Panelist 'Enhancing the Rule of Law', GEM: STONES Agora Forum, Steady as She Goes? The EU Navigating Today's Complex World, Universite Libre de Bruxelles, 8 June 2018.
 - 10. Paul Bacon, 'The unintended Consequences of Regionalism: the Negative Impact of African regional organizations on the Development of the R2P norm in the cases of Darfur and Libya', Unravelling Ties? The Unintended Consequences of Interregionalism, University of Hamburg, February 21 2018.
 - 11. Paul Bacon, 'Theorizing norm diffusion in the case of EU-Thailand relations', JSPS (Japan Society for the Promotion of Science) Workshop, Waseda University, 13 July 2017.
 - 12. Paul Bacon, 'Theorizing EU norm diffusion', JSPS (Japan Society for the Promotion of Science) Workshop, Waseda University, 12 July 2017.
 - 13. Paul Bacon, 'The EU, conditionality, and the fisheries/trafficking issue in Thailand' Aoyama Gakuin University, EUSAAP (European Union Studies Association, Asia-Pacific) Conference, 1 July 2017.
 - 14. Paul Bacon, 'Norm diffusion, human rights and EU-Thailand relations: a preliminary analysis of interview findings', JSPS (Japan Society for the Promotion of Science) Workshop, Waseda University, 17 March 2017.
 - 15. Paul Bacon, 'The EU, norm diffusion, and the death penalty in Japan, JSPS (Japan Society for the Promotion of Science) Workshop, Waseda University, 16 March 2017.
 - 16. Paul Bacon, 'Three approaches to the theorization of EU norm diffusion: a critical synthesis', JSPS (Japan Society for the Promotion of Science) Workshop, Waseda University,

- 14 March 2017.
- 17. Paul Bacon, 'Elite perceptions of NATO and its Global Partnerships: Japan', final project conference, NATO headquarters (Luns), Brussels, February 10, 2017.
 - 18. Paul Bacon 'EU-Japan relations in a post-Brexit world', presentation at the public roundtable discussion 'The EU in a post-Brexit world: the end of Normative Power Europe?', University of Canterbury, New Zealand, January 18, 2017.
 - 19. Paul Bacon, 'The limited use of the 'Normative Power Europe' framework for the theorization of norm diffusion in the Asia-Pacific', Jean Monnet Centre of Excellence Workshop on 'Normative Power Europe and the Asia-Pacific' University of Canterbury, New Zealand, January 19, 2017.
 - 20. Paul Bacon 'EU-Japan relations in a post-Brexit world', presentation at the public roundtable discussion 'The EU in a post-Brexit world: the end of Normative Power Europe?', University of Canterbury, New Zealand, January 18, 2017.
 - 21. Paul Bacon, 'Brexit, EU-Japan relations, and the liberal international order' presentation at the public roundtable discussion 'Brexit and the future of EU-Japan relations', European Institute for Asian Studies, Brussels, Belgium, October 26, 2016.
 - 22. Paul Bacon, 'Elite perceptions of NATO – the view from Japan', EU-Japan Forum, Egmont Palace, Belgian Ministry of Foreign Affairs, Brussels, 25 October 2016.
 - 23. Paul Bacon, 'Brexit and the normative power of the EU', invited guest lecture for the Jean Monnet Centre of Excellence project, 'Normative Power Europe and the Asia-Pacific', Chulalongkorn University, Thailand, February 22, 2017.
 - 24. Paul Bacon, 'The Dangers of Self-Identification as a Normative Power: EU-Japan relations, human rights and the death penalty', Japan Association of International Relations Annual Conference, Chiba, 16 October 2016.
 - 25. Paul Bacon and Hidetoshi Nakamura, 'The Dangers of Self-Identification as a Post-Modern/Normative Power: Lessons for Japanese Foreign Policy Formulation', Journal of Common Market Studies/EUIJ Waseda EU Workshop, Waseda University, Tokyo, 9 May 2016.

[図書] (計 6 件)

Co-edited Books (1)

- 1. Paul Bacon, Hartmut Mayer and Hidetoshi Nakamura (eds) *The European Union and Japan: A New Chapter in Civilian Power Cooperation?* Routledge, New York, 2016 pp. 1-298 (Paperback). (ISBN: 9781472457493) **[Refereed]**

Book chapters (5)

- 2. Bacon, P. and Nakamura, H., (2018) 'Ordinary/civilian, nor normative/post-modern: lessons from the EU for Japanese security policy', in Berkofsky, A. Hughes, C., Midford, P., and Soderberg M. (eds.) (2018) *The EU-Japan Partnership in the Shadow of China*, Routledge, New York, pp. 59-80. (ISBN: 97808153-9798-4) **[Refereed]**
- 3. Paul Bacon, Michael Reiterer and Dimitri Vanoverbeke, "Recent Developments on the Death Penalty in Japan: the Role the Japanese Public Plays through Public Opinion and the Lay Judge System", *European Yearbook on Human Rights*, 2017, pp.103-118. (ISBN: 978-3-7083-1166-1) **[Refereed]**

- 4. Paul Bacon ‘The European Union’s inter-regional human rights strategies in Northeast and Southeast Asia: learning lessons from localization’ in Louise Fawcett, Frederik Ponjaert and Mario Telo, *The European Union and Inter-regionalism: a Post-Revisionist Approach to Europe’s Place in a Changing World*, Routledge, New York, 2016, pp. 227-248). (ISBN: 9781472473264) **[Refereed]**
- 5. Paul Bacon, ‘EU-Japan Relations: Civilian Power and the Domestication / Localization of Human Rights’, in Paul Bacon, Hartmut Mayer and Hidetoshi Nakamura (eds) *The European Union and Japan: A New Chapter in Civilian Power Cooperation?* Routledge, New York, 2016, pp. 185-200. (ISBN: 9781472457493) **[Refereed]**
- 6. Paul Bacon and Martin Holland, ‘The EU through the Eyes of Japan: Perceptions of the European Union as a Civilian Power’, in Paul Bacon, Hartmut Mayer and Hidetoshi Nakamura (eds) *The European Union and Japan: A New Chapter in Civilian Power Cooperation?* Routledge, New York, 2016, pp. 51-64. (ISBN: 9781472457493) **[Refereed]**

6 . 研究組織

(1)研究分担者

研究分担者氏名：中村 英俊

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研究者番号（8桁）：80316166

My colleague Hidetoshi Nakamura has been fully engaged with the project, and is a co-author for two of the publications which have emerged for the project, and a co-author for several of the presentations. We are both members of several interlocking projects, and have used our various project funds to make sure that he has been able to attend and/or co-present at many of my research presentations

(2)研究協力者

Various other senior professors with relevant expertise have played an active role in this project, with the most meaningful contributions coming from the five colleagues and experts listed below:

研究協力者氏名(ローマ字)：Professor Anne Weyembergh, President, Institute for European Studies, Universite Libre de Bruxelles

研究協力者氏名(ローマ字)：Professor Martin Holland, Director of the national Centre for Research on Europe, University of Canterbury, New Zealand.

研究協力者氏名(ローマ字):Professor Richard Whitman, University of Kent

研究協力者氏名(ローマ字)：Dr. Hartmut Mayer, Director of the European Studies Centre, Oxford University

研究協力者氏名(ローマ字)：Nishkan Usayapant, former Project Manager, Human Rights and Development Foundation, Bangkok Thailand.

Professors Weyembergh and Holland visited Waseda to give expert advice and participate in workshops with funding from this JSPS project. Professors Whitman and Mayer have visited through other funding, given expert advice, and participated in workshops specifically designed to debate this project research.

Ms. Nishkan Usayapant is a leading Thai expert on human rights, and in particular forced labour. As a result of this project research, she has become my co-researcher, and co-author of one of the articles which will be submitted to academic journals. I also invited Ms. Usayapant to Waseda to participate in a workshop on human rights and the SDGs in Southeast Asia using funding from this project.