



LUND
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Human Rights in EU Free Trade Agreements with ASEAN States

Expectations and perspectives from Thailand

Division of Human Rights Studies

Department of History

Course Code: MRSM15

Semester: Spring 2023

Supervisor: Karin Zackari

Words: 19932



Abstract

With an increasing number of Free Trade Agreements (FTAs) between the European Union (EU) and the Association of Southeast Asian Nations (ASEAN) countries as well as a greater EU focus on human rights in supply chains, analysis of recent and emerging agreements is a valuable gauge. This analysis is based on existing EU agreements with Singapore and Vietnam, as well as ongoing negotiations with Thailand. For the former, a primary data corpus of treaty documents is subjected to a qualitative and quantitative content analysis, the Thai case is covered by semi-structured expert interviews with relevant stakeholders from ministries, CSOs, trade unions and academia. This thesis argues that different types of human rights are highlighted and prioritised in EU FTAs with the ASEAN countries of Singapore, Thailand, and Vietnam. Equally, the EU appears to be a credible human rights actor for Thai stakeholders, however its impact and the willingness to adapt highly depends on their respective roles. Thus, the paper contributes both to research on social and environmental perspectives in ASEAN states as well value-driven EU policies and norm implications in global trade structures.

Keywords: ASEAN, EU, free trade agreements, human rights, Singapore, Thailand, Vietnam

List of Abbreviations

ASEAN	Association of Southeast Asian Nations
CETA	Comprehensive Economic and Trade Agreement
CPTTP	Comprehensive and Progressive Agreement of Trans-Pacific Partnership
CPV	Communist Party of Vietnam
CSDD	Corporate Sustainability Due Diligence
CSOs	Civil Society Organisations
DG Trade	Directorate General for Trade of the European Commission
EBA	Everything but Arms
EC	European Commission
EEAS	European External Action Service
EU	European Union
EUSFTA	EU-Singapore Free Trade Agreement
EUVFTA	EU-Vietnam Free Trade Agreement
EP	European Parliament
FTAs	Free Trade Agreements
GSP	Generalised Scheme of Preferences
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILO	International Labour Organization
IOs	International Organisations
IPR	Intellectual property rights
IUU	Illegal, unreported and unregulated
MDSD	Most Different Systems Design
MSSD	Most Similar Systems Design
TRIPS	Agreement on Trade-Related Aspects of Intellectual Property Rights
TTIP	Transatlantic Trade and Investment Partnership

UN	United Nations
UDHR	Universal Declaration of Human Rights
UNGPs	United Nations Guiding Principles on Business and Human Rights
US	United States
WTO	World Trade Organization

Table of contents

- 1. Introduction..... 1
 - 1.1. ASEAN states in the focus of EU trade..... 2
 - 1.2. Statement of purpose and research questions..... 3
- 2. Context: Human rights in trade..... 3
 - 2.1. Prioritisation of human rights in business..... 4
 - 2.2. Intellectual property rights and health in FTAs..... 5
 - 2.3. The EU’s human rights approach in trade..... 6
 - 2.4. Human rights violations in ASEAN states..... 8
 - 2.4.1. Singapore..... 9
 - 2.4.2. Vietnam..... 10
 - 2.4.3. Thailand..... 10
 - 2.5. FTA ratification with Singapore and Vietnam..... 11
- 3. Literature Review..... 12
 - 3.1. Human rights governance in trade..... 13
 - 3.2. FTA impacts on health..... 14
 - 3.3. The EU’s human rights conditionality..... 15
 - 3.4. Value divergences with and
power imbalances in ASEAN states..... 16
 - 3.5. Human rights in EU-ASEAN trade relations..... 18
- 4. Theory..... 19
 - 4.1. Human rights within international trade..... 20
 - 4.2. The EU’s role as norm entrepreneur..... 21

4.3. Sen’s theory of justice.....	22
4.4. Derived ideas and working assumptions.....	24
5. Methodology.....	25
5.1. Methodological choices and related balances.....	26
5.2. Comparative approaches and case selection.....	26
5.3. Qualitative and quantitative content analysis.....	27
5.4. Semi-structured expert interviews.....	28
5.5. Interview structure.....	29
5.6. Ethical considerations.....	30
6. Findings.....	31
6.1. Content analysis on Singapore and Vietnam.....	32
6.2. Expert interviews with Thai stakeholders.....	33
7. Analysis – Singapore and Vietnam.....	37
7.1. Health provisions.....	37
7.2. Environmental provisions.....	39
7.3. Labour provisions.....	39
8. Analysis – Thailand.....	41
8.1. Health rights.....	41
8.2. Labour rights.....	44
8.2.1. Standards and certifications.....	44
8.2.2. Pay equity and collective bargaining.....	46
8.3. Environmental rights.....	48
8.4. Views on the EU and its normative power.....	50
8.4.1. Trust in EU standards and procedures.....	52
8.4.2. Questioning EU human rights narratives.....	53

8.5. Representation and political cleavages.....	55
8.6. Value understandings and their universality.....	57
9. Discussion.....	60
9.1. Implications from existing FTAs.....	61
9.2. Thai perspectives on health.....	62
9.3. Thai perspectives on labour.....	62
9.4. Thai perspectives on environment.....	63
9.5. Thai perspectives on values.....	64
10. Conclusion.....	65
11. References.....	67

1. Introduction

The importance of international supply chains has increased significantly in recent decades. Producing and exporting goods has become a central economic cornerstone for many countries in the Global South. However, the internationalisation of production also creates risks regarding externalising negative effects from importing to the producing countries. These include labour aspects, inadequate health security, and environmental degradation. The discussion on sustainable supply chains focuses on actors' responsibility for minimising human rights and ecological risks. Ongoing efforts in the international sphere are particularly concerned with the role of companies and their duties. The United Nations Guiding Principles on Business and Human Rights (UNGPs) for instance define the areas of responsibility for human rights of companies vis-à-vis governments.¹ However, these activities have resulted in limited implementation success, as binding international standards are difficult to enforce and hence often amount to non-binding regulations.

These risks also apply to free trade agreements (FTAs). Entailing far-reaching consequences, they equally involve fundamental values over and above economic and technical issues. An illustrative example is provided by the European Union (EU), where 'the link between the trade and investment policy [...] and human rights is becoming deeper'.² Due to ongoing debates on legal regulations within the EU on supply chain standards in the areas of sustainability and human rights, this discourse has become more relevant in recent years. This provides an occasion for examining the EU's value-based foreign trade policy in practice, namely in concrete FTAs and their human rights implications of the last decade. This thesis aims at a first overview of human rights commitments communicated as part of the EU's FTAs with the Association of Southeast Asian Nations (ASEAN) states of Singapore, Vietnam, and Thailand. The former two, the

¹ Office of the United Nations High Commissioner for Human Rights, *Guiding Principles on Business and Human Rights. Implementing the United Nations 'Protect, Respect and Remedy' Framework*, Geneva, OHCHR, 2011.

² A.Micara, 'Human rights protection in new generation's free trade agreements of the European Union', *The International Journal of Human Rights*, vol.23, no.9, 2019, p.1448.

only FTAs concluded to date between the EU and ASEAN states, form the analytical basis for the study. This is then expanded based on the currently negotiated EU-Thailand FTA and compared with the perspectives of relevant Thai stakeholders.

1.1. ASEAN states in the focus of EU trade

The described potential imbalance of rights formulation and enforcement leads the research focus of this thesis, which aims to identify different forms of human rights the EU highlights in trade relations to ASEAN states, their frequency and quality. In addition, the study aspires to contribute to human rights research which does neither neglect the importance of methodological appropriateness nor reliability. In opposition to the analysis of Andreassen, who argues that many human rights scholars are tending to avoid a critical assessment of normative assumptions and want to serve ‘promotional’³ purposes, this work sets its goal in delivering evidence regarding rhetoric in areas which are not inherent strongholds of rights discourses and therefore contributes to the rich critical human rights research. Shaping this field is a general understanding of values and to what extent these matter in political and economic processes, such as FTA negotiations. Some observers attest that human rights are often rather considered a bargaining chip primarily shaped by Western states rather than international law. The discussion often moves along the notions of universalism vs. relativism, e.g., that human rights are shaped by certain cultural, religious, or historical contexts.

With an increasing number of FTAs between the EU and ASEAN countries and a greater focus on human rights in supply chains by the EU, an analysis of recent and emerging agreements is a valuable gauge. This thesis analyses the existing agreements between the EU and Singapore and Vietnam, as well as ongoing negotiations with Thailand. For the former, a primary data corpus of treaty documents is subjected to a qualitative and quantitative content analysis, the Thai case is examined by semi-structured interviews with stakeholders such as Thai government officials negotiating the FTA, academics,

³ B.Andreassen et al., ‘Human rights research method’, in B.Andreassen, H.-O.Sano, and S.McInerney-Lankford (eds.), *Research methods in human rights: A handbook*, Cheltenham, Edward Elgar Publication. 2017, p.5.

trade unionists and actors from civil society organisations (CSOs). These different data and methods are combined to obtain a comprehensive picture of the research object.

1.2. Statement of purpose and research questions

The research hence contributes both to research on value-driven EU foreign policy and to an analysis of existing power relations and norm implications in global trade structures. This has become particularly relevant since the Indo-Pacific, described by Kliem as ‘geopolitical or strategic construct (...) integrating the Asia Pacific with the Indian Ocean region’,⁴ is considered a critical region for EU foreign policy, specifically since its strategic partnership with ASEAN.

Thereby, both overarching, political-theoretical considerations and case-specific characteristics of Singapore, Vietnam, and Thailand, find reference by using literature and data sets. Equally, political systems, human rights records and economic relations with the EU play a role. However, reference is also made to current challenges shaping the respective countries. These include, for instance, democracy contestation, a transition towards a sustainable economy and hereby related human rights challenges.

The thesis therefore asks: What are the human rights focus areas in EU–ASEAN FTAs? And what are the perceptions among Thai stakeholders on these focus areas and the EU as a human rights actor?

For accurate answers to the research questions, discourses emerging within the FTAs as well as in the interviews are analysed.

2. Context: Human rights in trade

For accurately answering the research questions, discourses emerging within the FTAs and the interviews are analysed. This chapter entails a brief overview on political, legal,

⁴ F.Kliem, *Great Power Competition and Order Building in the Indo-Pacific: Towards a New Indo-Pacific Equilibrium*, London, Routledge, 2022, p.28.

and cultural contexts for human rights linkages with trade. Firstly, essential policy documents on the subject, with special reference to health, are explained. Secondly, the EU's position on the matter is described. Thirdly, a brief review of ASEAN states, their human rights records and related divergences with the EU follows.

2.1. Prioritisation of human rights in business

Human rights considerations in economic ventures have increased steadily in recent years and international law provides certain rules on responsibilities by different actors. These have been clarified in the UNGPs.⁵ According to these principles, exporting states have the primary duty to respect, protect and ensure human rights nationally, which means that everyone within the territory must be protected from human rights violations by third parties, i.e., also by companies. Additionally, controversies exist on whether importing states have extraterritorial state obligations in addition to their own country, i.e., to prevent human rights violations abroad by companies based in their own country.⁶

There is a growing consensus, which has also been incorporated in the UNGPs, that governments should take regulatory measures to prevent abuse by domestic companies abroad. A large group of experts interprets international law as explicitly obliging all states to respect, protect and fulfil human rights, including economic, social, and cultural rights, both within and outside their territory.⁷ This obligation was also adopted in the so-called Maastricht Principles on extraterritorial state obligations.⁸ However, as neither the UN nor many countries and supranational institutions provide for sanctions or legal action

⁵ OHCHR, *Guiding Principles on Business and Human Rights*.

⁶ L.Sanchez, 'When It Comes to Free Trade Policy, Human Rights Should Be a Game Changer', *Harvard Journal on Legislation*, vol.52, no.2, 2015, p.353.

⁷ O.De Schutter et al., 'Commentary to the Maastricht Principles on Extraterritorial Obligations of States in the Area of Economic, Social and Cultural Rights', *Human Rights Quarterly*, vol.34, no.4, 2012, p.1097.

⁸ ETO Consortium, *Maastricht Principles on Extraterritorial Obligations of States in the area of Economic, Social and Cultural Rights*, Maastricht, ETO Consortium, 2012.

for extraterritorial human rights violations, implementation is currently mainly based on voluntary action and moral obligation.⁹

In this thesis, social and environmental standards are understood as operationalisations of certain human rights. For example, social standards often refer to minimum wages, whereas living wage rights are anchored in several International Labour Organization (ILO) Conventions.¹⁰ In recent years, the aspect of a clean and healthy environment as a human right has also increasingly gained international attention. Such considerations have culminated in widespread support for a UN General Assembly resolution on a safe, clean, healthy, and sustainable environment.¹¹ Hence, environmental aspects equally represent a recognised aspect of international human rights standards. Equally, health rights play an increasingly important role in global standard setting, originally enshrined in Article 25 of the Universal Declaration of Human Rights (UDHR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).¹²

2.2. Intellectual property rights and health in FTAs

Health rights in economic activities are particularly relevant in the context of Intellectual Property Rights (IPR) and access to medicines. The global IPR regime dates to the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) of the World Trade Organization (WTO) in 1995.¹³ However, the agreement triggered concerns in many countries of the Global South that internationally patented and hence more expensive medicines would no longer be affordable for large parts of their

⁹ I.Hadiprayitno and S.Bağatur, 'Trade Justice, Human Rights, and the Case of Palm Oil', in: E.V.Shabliy, M.J.Crawford and D.Kurochkin (eds.), *Energy Justice*, Cham, Palgrave Macmillan, 2022, p.158.

¹⁰ P.Vandergeest and M.Marschke, 'Modern Slavery and Freedom: Exploring Contradictions through Labour Scandals in the Thai Fisheries', *Antipode*, vol.52, 2020, p.299.

¹¹ United Nations, 'UN General Assembly declares access to clean and healthy environment a universal human right', *United Nations*, 2022, <https://news.un.org/en/story/2022/07/1123482>, (accessed 23 May 2023).

¹² Office of the United Nations High Commissioner for Human Rights and World Health Organization, *The Right to Health. Fact Sheet No.31*, Geneva, OHCHR, 2008.

¹³ B.Nillsuwan, 'Imbalance Between Public Health and Intellectual Property Rights Protection Goals: Battles on AIDS Medicines in Thailand', in Y. Nishikawa (ed.), *Globalisation and Local Conflicts in Africa and Asia. Evidence-Based Approaches to Peace and Conflict Studies*, Singapore, Springer, 2022, p.154.

population. Thailand, which struggles with high HIV/AIDS infection rates, is one example in this regard. Amid the starting point of the Thai HIV/AIDS epidemic during the 1990s, all available antiviral drugs were patented.¹⁴ As a result, people with few economic resources were unable to purchase much-needed medicines. The Thai government responded with mandatory licences for domestic manufacturers to lower prices. The use of compulsory licensing is permitted by domestic patent law and considered a drastic measure to improve access to medicines.¹⁵

Subsequently, against the backdrop of these emergency regulations and resistance from medicine patenting actors such as the EU or the US, the Doha Declaration was adopted in 2001.¹⁶ It reaffirmed states' rights to use compulsory licences or parallel importation for circumventing patent barriers and guaranteeing access to medicines. However, patenting actors increasingly try to use TRIPS-Plus provisions to realise more restrictive conditions in patent laws of trading partners, compared to the TRIPS Agreement.¹⁷ Thus, fears of weakening the Doha Declaration grow with every new potential FTA in affected countries.¹⁸ In this regard, the 2011 UN Guiding Principles on Human Rights Impact Assessments of Trade and Investment Agreements, which call on states to carry out impact assessments prior to entering into international trade agreements, are an important step for strengthening health safeguards in trade.¹⁹

2.3. The EU's human rights approach in trade

Considering global efforts to ensure human rights in trade relations and its own fundamental values, the EU is increasingly creating legal framework conditions. Primarily building on the French due diligence act and the German Supply Chain Due

¹⁴ B.Nillsuwan, 'Imbalance Between Public Health and Intellectual Property Rights Protection Goals', p.157.

¹⁵ *Ibid.*, p.153.

¹⁶ P.Cullet, 'Patents and medicines: the relationship between TRIPS and the human right to health', *International Affairs*, vol.79, no.1, 2003, p.147.

¹⁷ K.C.Shadlen, B.N.Sampat and A.Kapczynski, 'Patents, trade and medicines: past, present and future', *Review of International Political Economy*, vol.27, no.1, 2020, p.78.

¹⁸ B.Nillsuwan, 'Imbalance Between Public Health and Intellectual Property Rights Protection Goals', p.165.

¹⁹ G.MacNaughton and L.Forman, 'Human Rights and Health Impact Assessments of Trade-Related Intellectual Property Rights', p.141.

Diligence Act, draft due diligence laws are also being discussed at EU level. The legislative proposal process of the European Commission (EC) draft, named Corporate Sustainability Due Diligence (CSDD) Directive, is now ongoing, with decisions expected in 2023.²⁰

The fundamental founding values of the EU, anchored in the Treaty of Lisbon, include, among others, the ‘respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights’.²¹ Increasingly, these values have been linked to the EUs diplomatic and trade policy in line with the common approach set out in Article 16 of the Treaty. The European External Action Service (EEAS) and the Directorate General for Trade of the European Commission (DG Trade) take a leading role in carrying out these principles while negotiating trade purposes.²²

However, major general obstacles for EU policymakers on FTAs emerged. FTA negotiations with the US (Transatlantic Trade and Investment Partnership, TTIP) and Canada (Comprehensive Economic and Trade Agreement, CETA) stalled, largely due to massive public protests.²³ While in the case of TTIP and CETA primarily product standards were criticised, the focus also broadened to include grievances in potential partner countries. This led to EU negotiators shifting strategy, especially in the EC. Another major EC concern are rejections by the European Parliament (EP), which is often more critical than the EC on social issues.²⁴

Those obstacles gained importance since the EU’s focus shifted towards the Indo-Pacific, where it faces increased competition with trade rivals. China for instance has demonstrated experience as regional power, which is beneficial considering geopolitical

²⁰ European Commission, ‘Proposal for a Directive of the European Parliament and of the Council on Corporate Sustainability Due Diligence and amending Directive (EU) 2019/1937’, 2022, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52022PC0071>, (accessed 23 May 2023).

²¹ European Union, ‘Treaty of Lisbon. Amending the Treaty on European Union and the Treaty establishing the European Community, signed at Lisbon’, *Official Journal of the European Union*, vol.50, 2007.

²² L.McKenzie and K.L.Meissner, ‘EU–Singapore Negotiations: Overlapping Negotiations, Conflicting Interests?’, in J.Adriaensen and E.Postnikov (eds.), *A Geo-Economic Turn in Trade Policy? The European Union in International Affairs*, Cham, Palgrave Macmillan, 2022, p.286.

²³ M.Bauer, ‘Manufacturing discontent: The rise to power of anti-TTIP groups’, *ECIPE Occasional Paper*, vol.2, 2016.

²⁴ C.Nessel and E.Verhaeghe, ‘A Force for Good’, p.742.

trade tensions with the EU and the US.²⁵ Simultaneously, broader divisions emerge in the context of the Russian war against Ukraine. Alliances between Russia and China on the one hand, and Western industrialised nations on the other, have become clearer and stronger.²⁶

Hence, regional trade conditions are complicated for the EU, despite long-standing interest in economic cooperation with ASEAN since the 1990s.²⁷ At first, it proposed a region-to-region FTA, however it quickly appeared that ASEAN members were too diverse for an all-encompassing solution.²⁸ Consequently, the EU shifted its focus to bilateral agreements, while keeping the idea of merging these individual FTAs into a larger one.²⁹ Further complications arise from the fact that many ASEAN states regularly occupy the lowest places in global human rights rankings and are thus rarely in line with the EU's value understanding.³⁰

2.4. Human rights violations in ASEAN states

All states sampled in this thesis are governed by an authoritarian regime.³¹ According to the World Press Freedom Index, Vietnam ranks bottom third (with only China and North Korea exercising stronger repressions on journalists), Singapore is ranked 129 and

²⁵ C.Brown and H.Winter, 'The ASEAN Legal Framework for Free Trade and the Promotion and Protection of Foreign Investment', in M.Mohan and C.Brown (eds.), *The Asian Turn in Foreign Investment*, Cambridge, Cambridge University Press, 2021, p.198.

²⁶ A.L.Friedberg, 'A world of blocs', *The Marshall Papers*, 6 April 2023, <https://www.csis.org/analysis/world-blocs>, (accessed 23 May 2023).

²⁷ C.Nessel and E.Verhaeghe, 'A Force for Good: The Narrative Construction of Ethical EU–Vietnam Trade Relations', *Journal of Common Market Studies*, vol.60, no.3, 2022, p.741.

²⁸ A.Navasartian, 'EU-Vietnam Free Trade Agreement: Insights on the Substantial and Procedural Guarantees for Labour Protection in Vietnam', *European Papers*, vol. 5, no.1, 2020, p.562.

²⁹ P.Hsieh, 'Shaping new interregionalism: The EU-Singapore Free Trade Agreement and beyond', *Leiden Journal of International Law*, vol.35, no.1, 2022, p.133.

³⁰ D.Hutt 'Is the EU losing the fight for human rights in Asia?', *DW*, 24 January 2023, <https://www.dw.com/en/is-the-eu-losing-the-fight-for-human-rights-in-asia/a-64496916>, (accessed 23 May 2023).

³¹ A.Croissant and P.Lorenz, 'Government and political regimes in Southeast Asia: An introduction', in A.Croissant and P.Lorenz (eds.), *Comparative politics of Southeast Asia*, Cham, Springer, 2018, pp.1–14.

Thailand 106 out of 180 countries.³² The states further apply similar crackdown measures on protests in addition to several specific right violations examined in the following.³³

2.4.1. Singapore

In V-Dem's liberal democracy index, Singapore is ranked 95.³⁴ Its economy is corporatist, leading to oligarchic links between businesses and political elites. Singapore's press freedom similarly remains severely restricted. All domestic press outlets are owned by companies linked to the government; self-censorship is widespread. Criticism of the government can also be considered defamation and consequently result in lawsuits. There are strong restrictions on public meetings, CSOs with more than 10 members must register with the government. Trade unions are granted several rights but also face restrictions, for example on their members' right to vote on wage negotiations or to register strikes.³⁵

Many migrant workers in Singapore, especially in the domestic sector, experience discrimination, such as sexual abuse; their passports are often revoked.³⁶ Singapore further applies the death penalty and resumed it in 2022, after a two-year hiatus. It applies to many drug offences, although judges have some discretion to avoid the mandatory sentence. Fair trials of prisoners sentenced to death are rarely granted, and their lawyers are frequently harassed and charged punitive fees.³⁷

³² Reporters Without Borders, *2023 World Press Freedom Index* [website], <https://rsf.org/en/index>, (accessed 23 May 2023).

³³ HRW, *Singapore. Events of 2022* [website], <https://www.hrw.org/world-report/2023/country-chapters/singapore>, (accessed 23 May 2023).

³⁴ V-Dem Institute, *Democracy Report 2023. Defiance in the Face of Autocratization*, Gothenburg, V-Dem Institute, 2023, p.45.

³⁵ Freedom House, *Singapore* [website], <https://freedomhouse.org/country/singapore/freedom-world/2023>, (accessed 23 May 2023).

³⁶ HRW, *Singapore*.

³⁷ Ibid.

2.4.2. Vietnam

Vietnam is ranked 143rd in V-Dem's index, which brands it as closed autocracy.³⁸ The one-party state takes excessive measures against those who challenge its absolute truth monopoly. Legal reprisals are as much a part of the regime's toolkit as intimidation, harassment, and physical attacks, up to and including murder.³⁹ Freedom of expression is severely restricted in Vietnam, with authorities increasingly censoring dissent on social media and cracking down on opposition voices. Journalists and bloggers are restricted by numerous repressive laws, and expression critical of the government is banned. All print and broadcast media are controlled by the state. Vietnam's freedom of assembly is severely restricted, and unauthorised demonstrations are often violently dissolved by the police. Human rights organisations are banned.

Regarding labour rights, only one trade union confederation exists in Vietnam, controlled by the Communist Party (CPV). Independent unions face enormous obstacles if they want to register legally, including harassment, intimidation, and reprisals from state organs.⁴⁰ Human trafficking and ill-treatment of workers continue to be a major problem in Vietnam. Child labour and the lack of necessary labour protection measures are also not uncommon in Vietnam.⁴¹ Such developments are even more concerning, as Vietnam is a rising economic power. Over the last 30 years, it quadrupled its share of world GDP⁴² and plays a central role in global manufacturing supply chains.⁴³

2.4.3. Thailand

V-Dem places Thailand at rank 124, citing a 'surge in autocratization'⁴⁴ that has turned the country back into a closed autocracy. Restrictions exist in press freedom, for example

³⁸ V-Dem, *Democracy Report 2023*, p.45.

³⁹ Freedom House, *Freedom in the World 2023. Marking 50 Years in the Struggle for Democracy*, Washington, D.C., Freedom House. 2023, p.19.

⁴⁰ Human Rights Watch, *Vietnam. Events of 2022* [website], <https://www.hrw.org/world-report/2023/country-chapters/vietnam>, (accessed 23 May 2023).

⁴¹ Freedom House, *Vietnam* [website], <https://freedomhouse.org/country/vietnam/freedom-world/2023>, (accessed 23 May 2023).

⁴² V-Dem, *Democracy Report 2023*, p.33.

⁴³ *Ibid.*, p.35.

⁴⁴ *Ibid.*, p.11,21,45.

for media professionals reporting on anti-government protests. Physical attacks by police and security forces occur regularly.⁴⁵ In November 2020, the Prime Minister Prayut ordered authorities to use ‘all laws and all articles’⁴⁶ against protesters, thus resuming prosecutions for lese majesty after a three-year hiatus. This led to arrests during democracy protests or for comments on social media, also flanked by the Computer Crimes Act and the COVID-19 Emergency Laws. In addition, the Thai government admitted using Pegasus spy software against activists. Addressing grievances to national institutions is difficult, the National Human Rights Commission lacks political independence, as evidenced by its downgrade in the Global Alliance of National Human Rights Institutions.⁴⁷

Abuses are also evident in the business sector, where Freedom House reports insufficient enforcement of Thailand's anti-corruption laws, organised crime, and the military's influence, for example in court cases related to land and natural resources.⁴⁸ Despite the adoption of Thailand's National Action Plan for Business and Human Rights in 2019, the authorities failed to protect human rights defenders from reprisals. Trade union independence and the right to bargain collectively nominally exist, however many workers remain non-unionised. Employers use anti-union practices such as lockouts against members, while non-Thai nationals and migrant workers are prohibited from forming trade unions.⁴⁹ Reforms in the fishing industry following an EU complaint were made, but at the same time migrant workers continue to be affected by forced labour, debt bondage and late or insufficient wages.

2.5. FTA ratification with Singapore and Vietnam

Given these violations, ASEAN states are difficult EU partners to promote human rights in joint FTAs. Thus, the EC, during negotiations with Vietnam, primarily emphasised its

⁴⁵ Freedom House, *Thailand* [website], <https://freedomhouse.org/country/thailand/freedom-world/2023>, (accessed 23 May 2023).

⁴⁶ Human Rights Watch, *Thailand. Events of 2022* [website], <https://www.hrw.org/world-report/2023/country-chapters/thailand>, (accessed 23 May 2023).

⁴⁷ Ibid.

⁴⁸ FH, *Thailand*.

⁴⁹ Ibid.

status as a developing country which allows for certain shortcomings.⁵⁰ Violations were largely downplayed and contrasted with the pending ratification of the ILO Decent Work Agenda. The FTA received approval, despite continued resistance within the EP, that launched several resolutions.⁵¹ In fact, Vietnam subsequently introduced reforms in its labour laws that ensured the agenda implementation.⁵²

Another conflict surrounded the FTA's ratification, which coincided with the EU announcing a partial withdrawal of so-called Everything but Arms (EBA) trade preferences for Cambodia due to human rights abuses.⁵³ The decision was not only criticised in Cambodia, but also raised general questions about the EU's conditionality and its objectivity. Singapore, on the other hand, continues to enforce the death penalty⁵⁴ and relatively strict laws against LGBTIQ communities.⁵⁵ Such cases are accompanied by critique from the EU, which repeatedly calls for the abolishment of the death penalty.⁵⁶ However, social or trade sanctions are not under consideration.⁵⁷

3.Literature Review

This chapter provides a brief scholarship overview on general developments regarding human rights questions linked to trade, with special emphasis on health. Subsequently, it informs about previous research the EU's human rights conditionality in FTAs, its

⁵⁰ C.Nessel and E.Verhaeghe, 'A Force for Good', p.749.

⁵¹ J.Pearson, 'EU lawmakers condemn Vietnam over human rights crackdown', Reuters, 22 January 2021, <https://www.reuters.com/article/us-vietnam-politics-congress-eu-idUSKBN29R12S>, (accessed 23 May 2023).

⁵² International Labour Organization, *European Parliament discusses EU-Vietnam Free Trade Agreement* [website], https://www.ilo.org/brussels/information-resources/news/WCMS_732061/lang--en/index.htm, (accessed 23 May 2023).

⁵³ L.Harré, 'The risks and opportunities of free trade agreements for progressive labour law reform: the case of the TPP', *Labour and Industry*, vol.31, no.1, 2021, p.20.

⁵⁴ L.McKenzie and K.L.Meissner, 'EU-Singapore Negotiations', p.286.

⁵⁵ B. Hanckel, 'I want my story to be heard...: Examining the Production of Digital Stories by Queer Youth in East and South-East Asia', in C.J.Nash and A.Gorman-Murray (eds.) *The Geographies of Digital Sexuality*, Singapore, Palgrave Macmillan, 2019, p.204.

⁵⁶ EEAS, 'Singapore: Statement of the Spokesperson on carrying out yet another death penalty', 2022, https://www.eeas.europa.eu/eeas/singapore-statement-spokesperson-carrying-out-yet-another-death-penalty_en, (accessed 23 May 2023).

⁵⁷ J.Saltnes and M.Mos, 'Understanding the EU's Response to LGBTI Rights Violations: Inter-Institutional Differences and Social Sanctions', *Politics and Governance*, vol.10, no.1, 2022, p.79.

shifting attention to the Indo-Pacific region and academic discourse on entanglements with human rights records of ASEAN states.

3.1. Human rights governance in trade

In recent decades, globalisation has led to a massive increase in networks of producing countries, accompanied by a power shift from states to non-state economic actors.⁵⁸ These have increasingly taken on the role of regulators in value chains.⁵⁹ Private regulation, especially in relation to labour and environmental standards, has led to a new form of transnational governance beyond the state. Some scholars, such as Hachez and Wouters, consider this a reaction to short falling international agreements and the lack of legislation, regulation, and control of domestic companies by governments.⁶⁰ An abstinence of globally binding trade rules and protection standards causes rejection, particularly in the Global South, as Nessel and Orbie state.⁶¹

Others, amongst them Amengual, argue that private regulation complements state regulation through additional rules, although private regulation may undesirably highly influence state regulation.⁶² This influence, according to Creutz, stems from actors such as banks, but also international organisations (IOs).⁶³ Throughout the related literature, most concepts have been applied to a North-South perspective, even though markets in the Global South have long developed and leading companies are also located in the Global South, as evidenced by Horner and Nadvi.⁶⁴ The approach of polycentric governance underlines that global trade connects multiple centres with different

⁵⁸ G.LeBaron, J.Lister and P.Dauvergne, 'Governing Global Supply Chain Sustainability through the Ethical Audit Regime', *Globalizations*, vol.14, no.69, 2017, p.959.

⁵⁹ Ibid.

⁶⁰ N.Hachez and J.Wouters, 'A Glimpse at the Democratic Legitimacy of Private Standards. Democratic Legitimacy as Public Accountability: The Case of GLOBALG.A.P', *Working Paper*, no.61, 2011, p.24.

⁶¹ C.Nessel and J.Orbie, 'Sustainable Development in EU-Asia Trade Relations', in J.Adriaensen and E.Postnikov (eds.), *A Geo-Economic Turn in Trade Policy? The European Union in International Affairs*, Cham, Palgrave Macmillan, 2022, p.197.

⁶² M.Amengual, 'Complementary Labor Regulation: The Uncoordinated Combination of State and Private Regulators in the Dominican Republic', *World Development*, vol.38, no.3, 2010, p.406.

⁶³ K.Creutz, 'The Asian Infrastructure Investment Bank (AIIB) and rights protection: revisionist or just another kid on the block?', *The International Journal of Human Rights*, 2022, p.1.

⁶⁴ R.Horner and K.Nadvi, 'Global value chains and the rise of the Global South: unpacking twenty-first century polycentric trade', *Global Networks*, vol.18, no.2, 2018, p.222.

stakeholders and therefore imply different governance dynamics.⁶⁵ This coexistence of domestic, regional, and global value chains and different governance forms is one relevant assumption underlying this work.

The main criticism of such multi-stakeholder approaches is the inherent power imbalance between participants which weakens potential standards, as Hadiprayitno and Bağatur demonstrate citing the example of palm oil.⁶⁶ Garcia further identifies a reluctance on the side of policymakers to implement, for instance, labour rights in practice.⁶⁷ Adherence to standards can further be challenging as most end markets in the Global South, such as most of the states chosen for this analysis, focus on product standards rather than labour rights or environmental impacts.⁶⁸ Hence, the thesis attempts to increase knowledge on the various roles of FTA standards and their perceived effectiveness in target countries.

3.2. FTA impacts on health

One trade-relevant area combining these aspects are health rights, as expressed in the UDHR or the ICESCR. While these are universal, Muyskens in turn argues that cultural differences in relation to health must be considered when trying to avoid unjust impositions.⁶⁹ One primary linkage between trade and health rights stems from IPR regarding medical goods, which also finds increasing attention in the literature.⁷⁰ According to Nillsuwan, globalisation can lead to tensions within societies in the form of international trade rules to protect IPR.⁷¹ The field of public health is considered

⁶⁵ R.Horner and K.Nadvi, 'Global value chains and the rise of the Global South', p.229.

⁶⁶ I.Hadiprayitno and S.Bağatur, 'Trade Justice, Human Rights, and the Case of Palm Oil', p.167.

⁶⁷ M.Garcia, 'Sanctioning Capacity in Trade and Sustainability Chapters in EU Trade Agreements: The EU–Korea Case', *Politics and Governance*, vol.10, no.1, 2022, p.61.

⁶⁸ P.Knorringa and K.Nadvi, 'Rising Power Clusters and the Challenges of Local and Global Standards', *Journal of Business Ethics*, vol.133, 2016, p.66.

⁶⁹ K.Muyskens, 'Avoiding Cultural Imperialism in the Human Right to Health', *Asian Bioethics Review*, vol.14, 2022, p.88.

⁷⁰ G.MacNaughton and L.Forman, 'Human Rights and Health Impact Assessments of Trade-Related Intellectual Property Rights: A Comparative Study of Experiences in Thailand and Peru', *Journal of Human Rights*, vol.14, no.1, 2015, p.124.

⁷¹ B.Nillsuwan, 'Imbalance Between Public Health and Intellectual Property Rights Protection Goals', p.154.

particularly vulnerable, as disorderly market rules can massively jeopardise equal access to medicines, especially for poorer and vulnerable citizens, she reasons.⁷²

Muyskens holds that countering these dangers works best using the human right to health. He describes its enforcement as empowerment and therefore a 'weapon against the structural violence'⁷³ that vulnerable people experience through preventable disease. Noteworthy examples discussed are health impact assessments, such as those carried out in Peru in 2005 and in Thailand in 2006, both in the context of US trade negotiations.⁷⁴ These enabled public debates and the involvement of different stakeholders, at least to a certain extent. However, in relation to IPR regulation, Morin and Cartwright note that the Asia-Pacific region has not played a major role for the EU and US market powers just yet and there is little selection between the chosen trading partners on IPR regulations.⁷⁵ Hence, uncovering the health dimension in more detail takes centre stage for this thesis.

3.3. The EU's human rights conditionality

Given the described absence of wholesome global regulations, the issue is increasingly shifting to bilateral trade forums, with the EU and the US leading the way.⁷⁶ Adriaensen and Postnikov describe these different approaches as regulatory competition between major powers with the aim of setting global standards.⁷⁷ However, McKenzie identifies differences between these two actors, with the US demanding *ex-ante* concessions for FTAs, while the EU aims for *ex-post* solutions in multi-stakeholder forums.⁷⁸ Further, Cole detects a transformation from a regulatory approach to a conditional human rights

⁷² B.Nillsuwan, 'Imbalance Between Public Health and Intellectual Property Rights Protection Goals', p.168.

⁷³ K.Muyskens, 'Avoiding Cultural Imperialism in the Human Right to Health', p.99.

⁷⁴ G.MacNaughton and L.Forman, 'Human Rights and Health Impact Assessments of Trade-Related Intellectual Property Rights', p.125.

⁷⁵ J.F.Morin and M.Cartwright, 'Intellectual Property Rights. EU and US Initiatives in the Asia-Pacific: Competition, Coordination or Duplication?', in J. Adriaensen and E. Postnikov (eds.), *A Geo-Economic Turn in Trade Policy? The European Union in International Affairs*, Cham, Palgrave Macmillan, 2022, p.101.

⁷⁶ C.Nessel and J.Orbie, 'Sustainable Development in EU-Asia Trade Relations', p.198.

⁷⁷ J.Adriaensen and E.Postnikov, 'Geo-economic Motives and the Negotiation of Free Trade Agreements: Introduction', in J.Adriaensen and E.Postnikov (eds.), *A Geo-Economic Turn in Trade Policy? The European Union in International Affairs*, Cham, Palgrave Macmillan, 2022, p.4.

⁷⁸ L.McKenzie, 'Overcoming legacies of foreign policy (dis)interests in the negotiation of the European Union-Australia free trade agreement', p.264.

approach on the EU side, tying all economic activities to human rights improvements.⁷⁹ This conditionality extends across economic areas, e.g., development cooperation and aid⁸⁰, trade preferences for less developed countries within the Generalised Scheme of Preferences (GSP)⁸¹, or FTAs.⁸²

This strategy is particularly interesting since the Indo-Pacific region⁸³ emerged as focus of not only regional superpower China, but also Western industrialised nations, especially the US and the EU.⁸⁴ De Ville ties this process to the rise of China, as well as rapid growth figures, especially in the sub-region of Southeast Asia, represented by ASEAN.⁸⁵ The region is booming both economically, with many states experiencing enormous growth rates, and politically, with ASEAN officials being courted for cooperation and votes in international bodies.⁸⁶ However, Western normative credibility appears fragile, especially considering discriminatory structures within their own territorial borders, as Regilme notes.⁸⁷ The thesis aims to contribute more to this research canon of shifting EU geopolitics and to elucidate the effectiveness of its human rights conditionality.

3.4. Value divergences with and power imbalances in ASEAN states

Regarding these efforts, the EU faces an uneven playing field. Cole for instance demonstrates that, while China's morals circulate around national sovereignty and non-

⁷⁹ W.M.Cole, 'Aiding Human Rights? The Effect of U.S., European, and Chinese Development Assistance on Rights Practices in Recipient Countries, 2001 to 2017', *International Journal of Sociology*, vol.52, no.4, 2022, p.259.

⁸⁰ *Ibid.*, p.254.

⁸¹ M.Garcia, 'Sanctioning Capacity in Trade and Sustainability Chapters in EU Trade Agreements', p.59.

⁸² L.McKenzie, 'Overcoming legacies of foreign policy (dis)interests in the negotiation of the European Union-Australia free trade agreement', *Australian Journal of International Affairs*, vol.72, no.3, 2018, p.255.

⁸³ F.Kliem, *Great Power Competition and Order Building in the Indo-Pacific*, p.28.

⁸⁴ J.Adriaensen and E.Postnikov, 'Geo-economic Motives and the Negotiation of Free Trade Agreements', p.17.

⁸⁵ F.De Ville, 'Global Value Chains and EU–East Asia Trade: An Antidote for Geo-Economic Competition?', in J.Adriaensen and E.Postnikov (eds.), *A Geo-Economic Turn in Trade Policy? The European Union in International Affairs*, Cham, Palgrave Macmillan, 2022, p.87.

⁸⁶ S.Bhasin, S. and B.Kumar, B., 'ASEAN—The Geopolitical Factors and Its Impact on Growth of the Region', in V.Ratten, V. (ed.), *Cultural Entrepreneurship*, Singapore, Springer, 2022, p.67.

⁸⁷ S.S.F.Regilme, 'The decline of American power and Donald Trump: Reflections on human rights, neoliberalism, and the world order', *Geoforum*, vol.102, 2019, p.162.

interference, which intersect to large extends with ASEAN's working principles, human rights and environmental principles are less important.⁸⁸ For Western states, however, these values often shape their national democracies and consequently their foreign policy.⁸⁹ In this respect, the approaches to FTAs and bilateral agreements are fundamentally different and pose significantly higher challenges to the EU.

In her work on the universalism of human rights, Frick points towards strong counter-movements deploring a one-sided traditional Western emphasis on rights. Subsequently, these are countered with a list of duties, as for instance in the 'Asian Values' debate at the end of the 1990s.⁹⁰ According to Frick, this argumentation aims at a separate, specifically Asian approach to human rights, which is oriented less towards individual rights than towards orderly and majoritarian social relations.⁹¹ This fundamental difference is important in scholarship on ASEAN where rights violations occur regularly, including in Singapore, Vietnam and Thailand.

However, perspectives also depend on actors' societal positions. Esguerra's polycentric governance approach describes a global interconnection of officially independent power centres whose interests are close to each other.⁹² Due to networks, their institutionalisation and their own claim to knowledge, marginal narratives are often ignored in negotiations.⁹³ Applying the EU-Thailand example, Kunnamas argues that, in the aftermath of the military coup of 2014, the EU was quick to restore relations after a new draft constitution and elections assured by the junta, despite widespread protests by suppressed groups.⁹⁴

In Thailand, significant class cleavages persist, as Kongkirati holds.⁹⁵ For instance, the English-speaking, relatively wealthy, and academic urban classes of Thailand are not

⁸⁸ W.M.Cole, 'Aiding Human Rights?', p.275.

⁸⁹ L.McKenzie and K.L.Meissner, 'EU-Singapore Negotiations', p.276.

⁹⁰ M-L.Frick, *Human Rights and Relative Universalism*, Cham, Springer/Palgrave Macmillan, 2019, p.66.

⁹¹ M-L.Frick, *Human Rights and Relative Universalism*, p.67.

⁹² A.Esguerra, 'An Actor-Network Perspective on Polycentric Governing. The Politics of Socio-Material Knowledge Construction', in F.Gadinger (ed.), *Polycentrism: How Governing Works Today*, Oxford, Oxford University Press, 2022, p.13.

⁹³ A.Esguerra, 'An Actor-Network Perspective on Polycentric Governing', p.7.

⁹⁴ N.Kunnamas, 'Normative power Europe, ASEAN and Thailand', *International Economics and Economic Policy*, vol. 17, 2020, p.779.

⁹⁵ P.Kongkirati, 'From Illiberal Democracy to Military Authoritarianism: Intra-Elite Struggle and Mass-Based Conflict in Deeply Polarized Thailand', *The ANNALS of the American Academy of Political and Social Science*, vol.681, no.1, 2019, p.33.

representative for all groups concerned of negotiations.⁹⁶ Additionally, farmers enjoy ‘a special moral status in Thai society’⁹⁷ which assumably makes it impossible to go unchallenged over their interests. In consequence, addressing representation gaps, for instance regarding labour migrants from neighbouring countries falling out of ‘Thainess’⁹⁸ notions, is a crucial research contribution this thesis aims to generate.

3.5. Human rights in EU-ASEAN trade relations

ASEAN and the EU share a longstanding cooperation and many ASEAN officials consider the EU a blueprint for their own institutional development, as Chen and Yang detect.⁹⁹ FTAs between the regions can therefore be regarded as burning glass for value conflicts and trade-offs, as the regulation of international trade has ‘re-entered the realm of high politics’.¹⁰⁰ As concluded by Nolan and Bohoslavsky, the link between human rights and economics is strengthening.¹⁰¹ Nevertheless, there are divergent literature analyses considering the strength of norm enforcement.

Kadfak and Linke, for example, consider the EU's efforts to eliminate illegal, unreported and unregulated (IUU) fishing practices in Thailand a success of Normative Power Europe.¹⁰² This also entails sheer market power and consequent leverage to pressure supplier states, as Kunnamas assesses.¹⁰³ Thereby, actions find regional repercussions, as illustrated by Thailand's knowledge exchange with Vietnam regarding fishery regulations.¹⁰⁴ Beyond these observations, Dinh Tinh and Thu Ngan argue that it is not solely the EU's normative power driving sustainable trade standards, but also fundamental support for a rules-based international order by ASEAN states, such as

⁹⁶ K.Zackari, ‘Violence on the Periphery of the Thai State and Nationhood’, in B.Koch (ed.) *State Terror, State Violence. Staat – Souveränität – Nation*, Wiesbaden, Springer, 2016, p.80.

⁹⁷ Ibid., p.80.

⁹⁸ K.Zackari, ‘Violence on the Periphery of the Thai State and Nationhood’, p.88.

⁹⁹ X.Chen and Y.Yang, ‘Different Shades of Norms: Comparing the Approaches of the EU and ASEAN to Cyber Governance’, *The International Spectator*, vol.57, no.3, 2022, p.60.

¹⁰⁰ J.Adriaensen and E.Postnikov, ‘Geo-economic Motives and the Negotiation of Free Trade Agreements’, p.3.

¹⁰¹ A.Nolan and J.P.Bohoslavsky, ‘Human rights and economic policy reforms’, *The International Journal of Human Rights*, vol.24, no.9, 2020, p.1247.

¹⁰² A.Kadfak and S.Linke, ‘More than just a carding system’, p.1.

¹⁰³ N.Kunnamas, ‘Normative power Europe, ASEAN and Thailand’, p.768.

¹⁰⁴ A.Kadfak and S.Linke, ‘More than just a carding system’, p.7.

Vietnam. They hold that trade is of crucial eminence for developing ASEAN economies, hence their agreement to international standards is likely.¹⁰⁵

Other scholars, such as Navasartian, are more sceptical. She reasons that the EU-Vietnam FTA (EUVFTA) includes major weaknesses in terms of protection mechanisms that could have been overcome by an *ex-ante* approach.¹⁰⁶ For example, labour standards are considered highly important within the EU, but were widely neglected for Vietnamese workers in the EUVFTA.¹⁰⁷ McKenzie and Meissner similarly conclude for the EU-Singapore FTA (EUSFTA) that EU concessions were made regarding human rights conditionality, and even represent a turning point in EU foreign policy.¹⁰⁸

The authors attribute this turning point to tensions in the EU's external relations between hard commercial interests and its own fundamental norms, in which the former prevailed.¹⁰⁹ This rhetoric-action gap, which, according to the authors, does not only exist in the EUSFTA, is also due to the EU's reduced negotiating power in global competition with China, Japan, or the US, which offer potential trading partners uncomplicated alternatives.¹¹⁰ Orbie et al. point out that human rights violations primarily caused EU sanctions when the affected state was of little economic relevance.¹¹¹ Consequently, authors advocate for a political, power-realistic perspective when looking at the human rights implications of trade.¹¹² The thesis attempts to do this aspiration justice.

4. Theory

This chapter presents theoretical assumptions underlying this thesis and their effects on the analysis. Firstly, general human rights issues in trade relations are discussed.

¹⁰⁵ L.Dinh Tinh and V.T.Thu Ngan, 'The COVID-19 Pandemic and the Emergence of Vietnam as a Middle Power', *Journal of Current Southeast Asian Affairs*, vol.41, no.2, 2022, p.311.

¹⁰⁶ A.Navasartian, 'EU-Vietnam Free Trade Agreement', p.565.

¹⁰⁷ *Ibid.*, p.570.

¹⁰⁸ L.McKenzie and K.L.Meissner, 'EU-Singapore Negotiations', p.273.

¹⁰⁹ *Ibid.*, p.274.

¹¹⁰ *Ibid.*, p.278.

¹¹¹ J.Orbie, A.Alcazar III and T.Sioen, 'A Post-Development Perspective on the EU's Generalized Scheme of Preferences', *Politics and Governance*, vol.10, no.1, 2022, p.74.

¹¹² L.McKenzie and K.L.Meissner, 'EU-Singapore Negotiations', p.274.

Secondly, norm theory and the EU as normative actor are examined. Thirdly, Amartya Sen's theory of justice is introduced and linked to the case selection and the EU's policy options in relation to ASEAN. Finally, analysis assumptions emerging from the theoretical considerations are displayed.

4.1. Human rights within international trade

Theory is understood as applying a concept that ‘pertains to some actual phenomena’¹¹³ to provide an understanding of these as well as on possible actions. Within its abstractness, theory entails different ideas that are ‘hypothesised, abstracted, or inferred’,¹¹⁴ to enable observations. In this thesis, abstract ideas are human rights concepts and their enforcement, which are concretised by examining their formulation in documents as well as stakeholder perspectives on them. To localise human rights in concrete policy areas, processes of translation are crucial. Merry points to the process of ‘vernacularisation’,¹¹⁵ describing the formulation of human rights ideas with real life examples. Hereby, the local sphere and the transnational importance are both considered.

One of these ontological positions is an understanding of human rights as EU foreign policy objective. This is examined using trade, a primary area of EU foreign policy. Anderson describes this fundamental difference between economic and human rights-oriented approaches as division between consequentialist and deontological approaches.¹¹⁶ Since human rights ‘are neither simply law, nor morality, religion, social science, politics, or economics, but rather operate within all these spheres’,¹¹⁷ their all-encompassing character is also expressed in primarily economic matters. Potential economic gains from increased trade volumes are set against minimum human rights

¹¹³ J.Maxwell and K.Mittapalli, ‘Realism as a stance for mixed methods research’, in A.Tashakkori and C.Teddlie (eds.), *SAGE Handbook of Mixed Methods in Social & Behavioral Research*, 2nd edn., Thousand Oaks, SAGE Publications, 2010, p.2.

¹¹⁴ Ibid., p.2.

¹¹⁵ S.E.Merry, ‘The potential of ethnographic methods for human rights research’, in B.Andreassen, H.-O.Sano, and S.McInerney-Lankford (eds.), *Research methods in human rights: A handbook*, Cheltenham, Edward Elgar Publication, 2017, p.149.

¹¹⁶ E.Anderson, ‘Economics and human rights’, p.94.

¹¹⁷ P.Slotte and M.Halme-Tuomisaari, *Revisiting the Origins of Human Rights*, Cambridge, Cambridge University Press, 2015, p.22.

requirements, which the EU presupposes. However, many requirements within this diplomatic and economic sphere are not legally binding.

Furthermore, the research design also concerns relations between states and supranational organisations, whose actions are structurally determining. Social facts, such as human rights, thus depend on a collective understanding and the negotiation process underlying it. Hereby, decision makers are always influenced by their own historical background and surroundings.¹¹⁸ It is eminent to take this into account when analysing regions with very different concepts of human rights and values in general. Processes like growing inequality within and between nations or the increasingly international nature of national economies are both drivers and obstacles for human rights efforts.¹¹⁹ In this context, FTAs are also understood as a feature of globalisation, which, according to Moore, has not yet resulted in homogenisation of local cultures and living conditions.¹²⁰ The research design takes account of the entanglement of global trade structures with local life realities, by attempting to consider both dimensions.¹²¹

4.2. The EU's role as norm entrepreneur

Approaching this homogenisation, the EU is commonly perceived as a norm-building actor enforcing norms through issue linkages, such as FTAs. Wenjuan states that 'free trade norms have been coupled with the core characteristics of Western social identity'¹²² since the nineteenth century and, hence, diffusion occurs between social groups or states. Ascending to this, somewhat, elite circle of states, therefore requires compliance with international standards such as the ICESCR.¹²³

Nevertheless, Wenjuan differentiates between the US and the EU by arguing that the US is likely to rely on military means, while the EU prefers to work with ideas and opinions.

¹¹⁸ R. Padawangi, *Urban Development in Southeast Asia*, Cambridge, Cambridge University Press, 2022, p.9.

¹¹⁹ G. Moore, 'The Fair Trade movement: parameters, issues and future research', *Journal of business ethics*, vol.53, no.1, p.77.

¹²⁰ *Ibid.*, p.71.

¹²¹ *Ibid.*, p.72.

¹²² N. Wenjuan, 'Norm Noncompliance and Norm Diffusion: Free Trade Norms among the United States, European Union, and China', *Asian Perspective*, vol.45, no.4, 2021, p.846.

¹²³ *Ibid.*, p.846.

Holding normative power status, the EU acts ‘in a normative way in world politics even in the absence of obvious material gain’.¹²⁴ Manners has coined the concept of the ‘normative power Europe’,¹²⁵ which equips the EU with global norm diffusing power. Deriving from this assumption, the thesis attempts to analyse to what extent stakeholder perceptions in affected states correspond with this concept.¹²⁶

Additionally, negotiations take place against a fair and sustainable trade movement considering labour conditions and the environment, as exemplified by the Maastricht Principles. However, these understandings are often linked to dominant economic orders and their connection to human rights. While some regard economic (neo-)liberalism as a breeding ground for poor working conditions or harmful environmental pollution, others praise it for eliminating the same. Human rights, in this understanding, do not only intersect with but also serve to legitimise and reinforce what is referred to as ‘liberal imperialism’.¹²⁷ Therefore, the thesis consults a theoretical canon that illuminates the interests of free trade and human rights, highlights supposed contradictions between the two and attempts to resolve these contradictions argumentatively.

4.3. Sen’s theory of justice

In the context of the power structures described above, however, the concept of normative power EU is not sufficient to grasp the manifold human rights implications of FTAs. The thesis therefore relies on a second theorem that builds on Amartya Sen and his framework of justice. Therein, he traces and classifies historical events in the areas of human rights and trade. This suits the research corpus of this thesis, which takes social movements into account, such as Thai health advocates and labour unions.

Sen’s theory of justice is a response to Rawls’ theory of egalitarianism. Sen criticises it for narrowing equity to ‘general-purpose means, like income and wealth, rights, and

¹²⁴ N.Wenjuan, ‘Norm Noncompliance and Norm Diffusion’, p.851.

¹²⁵ I.Manners, ‘Normative Power Europe: A Contradiction in Terms?’, *Journal of Common Market Studies*, vol.40, 2002, p.236.

¹²⁶ N.Wenjuan, ‘Norm Noncompliance and Norm Diffusion’, p.851.

¹²⁷ J.Whyte, *The Morals Of The Market: Human Rights And The Rise Of Neoliberalism*, London, Verso, 2019, p.11.

liberties’, which are ‘useful to achieve a variety of ends that human beings may reasonably pursue’.¹²⁸ This seems insufficient for Sen when covering vast variations of people’s lives that allow for turning primary goods into good living, such as disabilities, epidemics, or regular diseases. Moreover, the means to enable a good life for all, in this case trade, according to Sen, are primarily based on power. However, owning these means already encourages reducing inequalities, even without considering a rhetoric of cooperative benefits. Sen focuses primarily on visible state action rather than on their indirect exercise through institutions.¹²⁹

Moreover, Sen embeds his work in the context of human development and the equalisation of global living conditions, rather than in a fundamentally philosophical context. Trade plays a primary role; Sen regards it as creator of strong institutions enabling human progress and justice. Therefore, the thesis aims to portray ideas of different actors on this development and differences in understanding. Further, Sen aims to overcome the ‘exclusionary neglect’¹³⁰ of the repressed by a universalist approach safeguarding elementary civil and political liberties and omitting constraints of citizenship and nationality. No ‘world government’¹³¹ is needed for achieving this transition, rather, obligations apply to all those recognising and being capable of enabling human rights.

Additionally, he responds to injustices by comparing existing societal answers and deriving suitable recommendations. In this regard, Sen’s work is compelling for this research since it argues against the widespread stereotype of ‘non-Western’ or ‘Asian’ values which would hardly entail human rights. Sen uncovers this assumption by citing strong Indian philosophical traditions focusing on rational arguments and values of tolerance.¹³² Further, in arguing against parochialism, Sen implies that an accurate assessment of justice entails ‘engagement with the ‘eyes of mankind’¹³³ or voices from abroad. By including mentioned actors, Sen reveals a global political dimension in stating that ‘the actions of one country can seriously influence lives elsewhere’,¹³⁴ not necessarily

¹²⁸ A.Sen, ‘The Idea of Justice’, *Journal of Human Development*, vol.9, no.3, 2008, p.334.

¹²⁹ A.Sen, ‘The Idea of Justice’, p.335.

¹³⁰ A.Sen, *The Idea of Justice*, p.144.

¹³¹ Ibid.

¹³² C.Brown, ‘On Amartya Sen and The Idea of Justice’, p.311.

¹³³ A.Sen, *The Idea of Justice*, p.130.

¹³⁴ A.Sen, *The Idea of Justice*, p.129.

through hard power, but also by trade means. Given this interconnectedness, he argues that the voices of affected people abroad, regardless of power positions, should be factored into determining justice within a given society at home – and the other way around.¹³⁵ By involving a wide range of Thai stakeholders and their views on potential trade impacts in their country, the thesis attempts justice using this diversity of voices.

4.4. Derived ideas and working assumptions

Norm discussions further harbour tensions between different freedoms and rights. While there are numerous policy proposals on sustainable supply chains and human rights-based trade, doubts remain about the value for rights holders. One aspect is the freedom to trade across borders on non-discriminatory terms, which some regard as a ‘necessary foundation of all freedoms and rights’.¹³⁶ Differences exist, as McKenzie and Meissner note, for instance in elementary EU requirements that were left out of the EUSFTA negotiations, such as addressing Singapore’s death penalty.¹³⁷ One of the most controversial EUVFTA aspects instead has been the reference to rights in general and social rights in particular.¹³⁸

In Thailand, the EU paused FTA negotiations after the military coup in 2014 and exerted pressure on various human rights issues.¹³⁹ The working hypothesis is therefore that quantitatively and qualitatively different human rights requirements exist in the EU’s FTAs with Singapore and Vietnam as well as in the negotiations with Thailand and that Thai stakeholder views on these differ, depending on their respective societal role. These differences are examined in the following analysis.

In addition, the second theory strain focuses on achieving justice through levelling global living conditions. One understanding thereof is a self-determined life not destroyed or weakened by external (trade) influences. Regarding economic versus political rights, Sen

¹³⁵ A.Sen, *The Idea of Justice*, p.130.

¹³⁶ J.Whyte, *The Morals Of The Market*, p.133.

¹³⁷ L.McKenzie and K.L.Meissner, ‘EU–Singapore Negotiations’, p.274.

¹³⁸ H.H.Hoang and M.Garcia, ‘The Vietnam-European Union Free Trade Agreement: Victim of Changing Times?’, in J.Adriaensen and E.Postnikov (eds.), *A Geo-Economic Turn in Trade Policy? The European Union in International Affairs*, Cham, Palgrave Macmillan, 2022, p.296.

¹³⁹ N.Kunnamas, ‘Normative power Europe, ASEAN and Thailand’, p.772.

leans towards classical distributional issues and contradicts views of the Chinese model, according to which political rights can only follow economic rights. Following Sen's equation, a disproportion in access to goods is not due to availability gaps, but, even in poor societies, due to insufficient rights ensuring equitable access to them.¹⁴⁰ Consequently, the present work assumes just trade relations against distributive equity and the enforcement of international right standards.

Justice in the eyes of Sen also considers underlying forms of contracts and rights. He presupposes a global understanding of these which follows joint involvement through trade, communication, culture, or science. Thus, Sen notes, an adequate consideration of diverse interests, expressed by rights, can hardly be 'plausibly confined to the citizenry of any given country, ignoring all others'.¹⁴¹ One of the primary responsibilities of international social arrangements, including FTAs, logically is a fair distribution of the benefits of global relations.¹⁴² This responsibility of an 'impartial spectator'¹⁴³ falls not least on rich industrialised states, which well situates the EU in relation to many ASEAN states. This binary understanding, however, is relatively narrow and does not apply to many countries equally marginalised or privileged but not understood as part of either the Global North or the Global South.¹⁴⁴ As a result, this thesis understands power structures in their various forms within and between FTA partner states and considers to what extent collective FTA gains are distributed fairly.

5. Methodology

The comparative methodology chosen for this thesis uses two different data sets focusing on different cases.

¹⁴⁰ A.Sen, 'The Idea of Justice', p.334.

¹⁴¹ A.Sen, *The Idea of Justice*, p.403.

¹⁴² Ibid., p.409.

¹⁴³ C Brown, 'On Amartya Sen and The Idea of Justice', *Ethics & International Affairs*, vol.24, no.3, 2010, p.317.

¹⁴⁴ N.Schneider, 'Between Promise and Skepticism: The Global South and Our Role as Engaged Intellectuals', *The Global South*, vol.11, no.2, 2017, p.25.

1. Firstly, a qualitative and quantitative content analysis of the existing EU FTAs with Singapore and Vietnam is conducted.
2. Secondly, semi-structured expert interviews with Thai stakeholders on EU-Thailand FTA negotiations are introduced.

5.1. Methodological choices and related balances

The two parts – the content analysis and the semi-structured interviews - are not equally weighted. Against the background of existing literature on EU FTAs with ASEAN countries, a clear priority is granted to the Thai case. This is due to the more complex data collection, but above all to the case's topicality and the resulting contribution to the literature. The results derived from the EUSFTA and EUVFTA analysis function as basis for implications arising from the Thai case, which is still being negotiated at the time of writing, and hence 'in the making'. The methodological considerations underlying this choice are discussed in the following sections, followed by the applied research design, ethical considerations, and possible limitations.

The planned methodological approach stems from both the research interest and the researchers' methodological experience.¹⁴⁵ Thus, the approach relies on both quantitative and qualitative research providing for deeper understandings of social reality.¹⁴⁶ Criticisms on exclusive quantitative means objectifying research objects and on exclusively qualitative means being ethically uncritical, are equally considered.¹⁴⁷

5.2. Comparative approaches and case selection

As demonstrated previously, the comparative approach is a key instrument to analyse variations between states synchronically for a particular time frame, which is marked by

¹⁴⁵ P. Leavy, 'Introduction', in P. Leavy (ed.), *The Oxford Handbook of Qualitative Research*, 2nd edn., Oxford, Oxford University Press, 2020, p.3.

¹⁴⁶ *Ibid.*, p.2.

¹⁴⁷ S. Brinkmann, 'Unstructured and Semistructured Interviewing', in P. Leavy (ed.) *The Oxford Handbook of Qualitative Research*, 2nd edn., Oxford, Oxford University Press, 2020, p.297.

FTA conclusions and their negotiations within a timeframe of five years.¹⁴⁸ Once the strengths of this method are in the foreground, it can be a highly useful instrument in scientific political inquiry.¹⁴⁹

The most important objective is choosing ‘comparable cases’¹⁵⁰ which share similarities in many variables.¹⁵¹ For this analysis, the Most Similar Systems Design (MSSD) suits best. Here, units of research which are as similar as possible were chosen regarding extraneous variables. In contrast to the Most Different Systems Design (MDSD), which chooses objects of research systems that are as different as possible, the MSSD circumvents shortcomings of large case numbers, complicating to keep possible explanatory factors constant.¹⁵² Hence, three Southeast Asian countries are analysed that have recently concluded FTAs with the EU or are currently negotiating one.

5.3. Qualitative and quantitative content analysis

For this purpose, a primary data corpus is sampled, including the EU FTAs with Singapore, consisting of 753 pages, and Vietnam, consisting of 1404 pages. The comparison consists of a content analysis including qualitative and quantitative elements which allows an equal consideration of both elements and puts them into dialogue.¹⁵³

Using Atlas.ti, a renowned literature management and evaluation programme, –, the qualitative elements – or the ‘study of inscription’¹⁵⁴ – contained in FTA passages as well as quantitative elements, such as a count of the evaluated categories, are evenly ensured. It simplifies collection, quantification, and graphical representation of text passages, enabling users to put these into an accurate relation.

¹⁴⁸ B.Andreassen, ‘Comparative analyses of human rights performance’, in B. Andreassen, H.-O. Sano, and S. McInerney-Lankford (eds.), *Research methods in human rights: A handbook*, Cheltenham, Edward Elgar Publication. 2017, p.223.

¹⁴⁹ A.Lijphart, ‘Comparative politics and the comparative method’, *The American Political Science Review*, vol.65, no.3, 1971, p.693.

¹⁵⁰ *Ibid.*, p.687.

¹⁵¹ *Ibid.*, p.687.

¹⁵² B.Andreassen, ‘Comparative analyses of human rights performance’, p.244.

¹⁵³ S.Brinkmann, ‘Unstructured and Semistructured Interviewing’, p.286.

¹⁵⁴ L.Prior, ‘Content Analysis’, in P. Leavy (ed.), *The Oxford Handbook of Qualitative Research*, 2nd edn., Oxford, Oxford University Press, 2020, p.360.

The text analysis relies on a systematic model, which was created in advance and adjusted to the concrete case basis. For the deductive process of category building, pre-assumptions should be held as open-ended as possible.¹⁵⁵ One important quality indicator for this study is reliability, i.e., the stability of the produced analysis results, which can be tested through repeated analysis application. For this thesis, the coding focuses on one complete paragraph. Terms corresponding to the categories are only coded once, even if they appear numerous in one paragraph throughout an entire document search. The codes, relating to different human rights areas, used are as follows:

Cultural, Environmental, General, Health, Labour, Political, Social

As a single researcher conducting this thesis, intra-coder reliability is applied, whereby a single coder codes a certain amount of text, leaves the result for several weeks, and then restarts the coding procedure.¹⁵⁶ In a final step, the two results are compared for drawing conclusions; in case of starkly varying results, the categories or coding agendas must be adjusted. For this thesis, only little deviations existed and allow for result usage.¹⁵⁷

5.4. Semi-structured expert interviews

The second part enriches the thesis with interviews regarding EU-Thailand FTA negotiations. Eight semi-structured expert interviews with relevant stakeholders from Thai ministries, trade unions, CSOs and academia were conducted, whose pseudonyms are displayed in figure 1. This is crucial since, to develop a multi-faceted picture of the research aim, the inclusion of actors in the process is necessary. Merry points out that ‘human rights reports rely on individual narratives’.¹⁵⁸

¹⁵⁵ P.Mayring, *Qualitative content analysis - theoretical foundation, basic procedures and software solution*, Klagenfurt. 2014, p.39.

¹⁵⁶ K.Krippendorff, *Content analysis: An introduction to its methodology*, 2nd edn., Thousand Oaks, SAGE, 2009, p.215.

¹⁵⁷ P.Mayring, *Qualitative content analysis*, p.111.

¹⁵⁸ S.E.Merry, ‘The potential of ethnographic methods for human rights research’, p.141.

Interview	Pseudonym	Date	Professional background
1	MOC Official	30.11.2022	Employee at the Thai Ministry of Commerce (MOC)
2	MFA Official	01.12.2022	Employee at the Thai Ministry of Foreign Affairs (MFA)
3	CSO Official 1	12.12.2022	Representative of a Thai civil society organisation focusing on FTAs
4	Academic 1	22.12.2022	Political Science Professor at Chulalongkorn University, Bangkok
5	Trade Unionist 1	19.01.2023	Representative of a Thai trade union representing workers in state-owned enterprises and private companies
6	Trade Unionist 2	30.01.2023	Representative of a trade union council representing workers in ASEAN states
7	CSO Official 2	08.03.2023	Representative of a Thai civil society organisation focusing on labour and employment
8	Academic 2	20.03.2023	Political Science Lecturer at Thammasat University, Bangkok

Table 1. List of interviewees

5.5. Interview structure

The interview questionnaire consists of three parts. First, the introductory part, which provides background information on the participant. The second part, with condition- and

outcome- oriented questions regarding human right types and their supposed inclusion in FTA negotiations target standardised answers, which allow for a general analysis.¹⁵⁹ Third, further individual information can be added by the interviewee in an open-ended question part.¹⁶⁰

5.6. Ethical considerations

Ensuring a logically consistent structure of questions is only one step securing accuracy of interview results. Leavy describes the necessity of fully disclosing both research structure and sample specifications.¹⁶¹ To guarantee informed consent of interview participants, the questionnaire was shared prior to each interview. Additionally, interviewees were informed of their right to stop the interview at any time or omit endangering questions; consent was asked immediately before the interviews started.¹⁶² Regarding data security, it was ensured that all recordings would only be used for the purpose of this research and once transcribed, deleted.¹⁶³ Another central aim of the research design is enabling stakeholders to speak as freely as possible. Freedom of speech, as well as the interviewees' safety in a country context with many restrictions on free speech, are ensured by anonymous pseudonyms reflecting the interviewees' roles.¹⁶⁴

Current research precursors have often derived from 'racially loaded fascinations that people of European descent have about those they (a) have had unproblematised access to and (b) view as most distinct from themselves, either physically, culturally, or both'.¹⁶⁵ It is important, especially when working with interview partners from colonially affected regions, to contextualise and deconstruct this tradition. Hence, the researcher is aware of his position as a white European in a country that has been under huge influence of colonial structures and ideas. The status description of Thailand in this mixed situation is

¹⁵⁹ S.Brinkmann, 'Unstructured and Semistructured Interviewing', p.285.

¹⁶⁰ Ibid., p.287.

¹⁶¹ P.Leavy, 'Introduction', p.5.

¹⁶² A.Traianou, 'The Centrality of Ethics in Qualitative Research' in P. Leavy (ed.) *The Oxford Handbook of Qualitative Research*, 2nd edn., Oxford, Oxford University Press, 2020, p.89.

¹⁶³ Ibid., p.90.

¹⁶⁴ Ibid., p.90.

¹⁶⁵ A.K.Harrison, 'Ethnography', in P.Leavy (ed.), *The Oxford Handbook of Qualitative Research*, 2nd edn., Oxford, Oxford University Press, 2020, p.224.

literarily disputed, however the colonial influence is not, and Thailand is frequently conceptualised as a ‘semi-colonial’ or ‘crypto-colonial’ nation.¹⁶⁶

The research thus aims to overcome the ‘invasive mix of privilege and inquisition that sprouted in the garden of Western modernity and spread throughout the colonial hinterland’¹⁶⁷ by incorporating question and answer sets aware of postcolonial power divisions and critical about the imbalance between postcolonial societies. Simultaneously, the design aims to represent the mix of global intentions¹⁶⁸ and indicators for global governance, such as human rights guidelines in trade relations, and their local implementation.¹⁶⁹ However, selected documents and interviewees determines the research design as power-centred, examining voices of those already receiving public attention, regardless of its limits. The study thus aims taking a perspective from below but falls short of the provision of real-life examples by those affected, for example factory workers and their needs.

6. Findings

The results stemming from the content analysis and the interviews are displayed in both quantitative and qualitative form, using graphical and textual means. Firstly, structures from the content analysis are presented. Secondly, these are complemented by the interview findings.

¹⁶⁶ M.Herzfeld, ‘The Absent Presence: Discourses of Crypto-Colonialism’, in S.Dube (ed.), *Enchantments of Modernity: Empire, Nation, Globalization*, India, Routledge, 2011, p.343.; D.Chakrabarty, ‘Foreword: The Names and Repetitions of Postcolonial History’, in R.V.Harrison and P.A.Jackson, (eds.), *The Ambiguous Allure of the West: Traces of the Colonial in Thailand*, Hong Kong, Hong Kong University Press, 2010, p.9.

¹⁶⁷ A.K.Harrison, ‘Ethnography’, p.224.

¹⁶⁸ S.E.Merry, ‘The potential of ethnographic methods for human rights research’, p.142.

¹⁶⁹ Ibid., p.155.

6.1. Content analysis on Singapore and Vietnam

The FTAs with Singapore and Vietnam share significant similarities, as demonstrated by the frequency figure 1. Here, all passages of the FTAs relevant to human rights were evaluated and assigned to thematic categories. Regarding human rights, three key areas could be identified in both quantity and quality that are of utmost relevance for the analysis of the documents, but also for the evaluation of the interviews conducted for Thailand. These are health, environmental and labour standards. Social, cultural rights and general human rights references (in this case related to the UDHR), on the other hand, are made to a negligible extent. In the weighting of the three key areas, Vietnam's number of mentions is higher than Singapore's, which may be due to its significantly higher number of pages (1404 to 753 pages).

Political rights such as freedom of expression or the death penalty are completely absent. Instead, for Singapore, a side-letter exists recognising Singaporean human rights practices.¹⁷⁰ The widespread similarities might stem from both the geographical proximity and similarities between the contexts in Singapore and Vietnam, but also from the EU's approach to negotiating as consistent as possible. The findings are in line with Art. 21 TEU, which calls for the promotion of standards relating to human rights, environmental health, and consumer protection in the EU's external trade policy.¹⁷¹ Despite these unsurprising results, a closer look reveals some significant differences between the FTAs with Singapore and Vietnam, that are outlined in the discussion.

¹⁷⁰ L.McKenzie and K.L.Meissner, 'EU–Singapore Negotiations', p.286.

¹⁷¹ EU, 'Treaty of Lisbon', p.326/29.

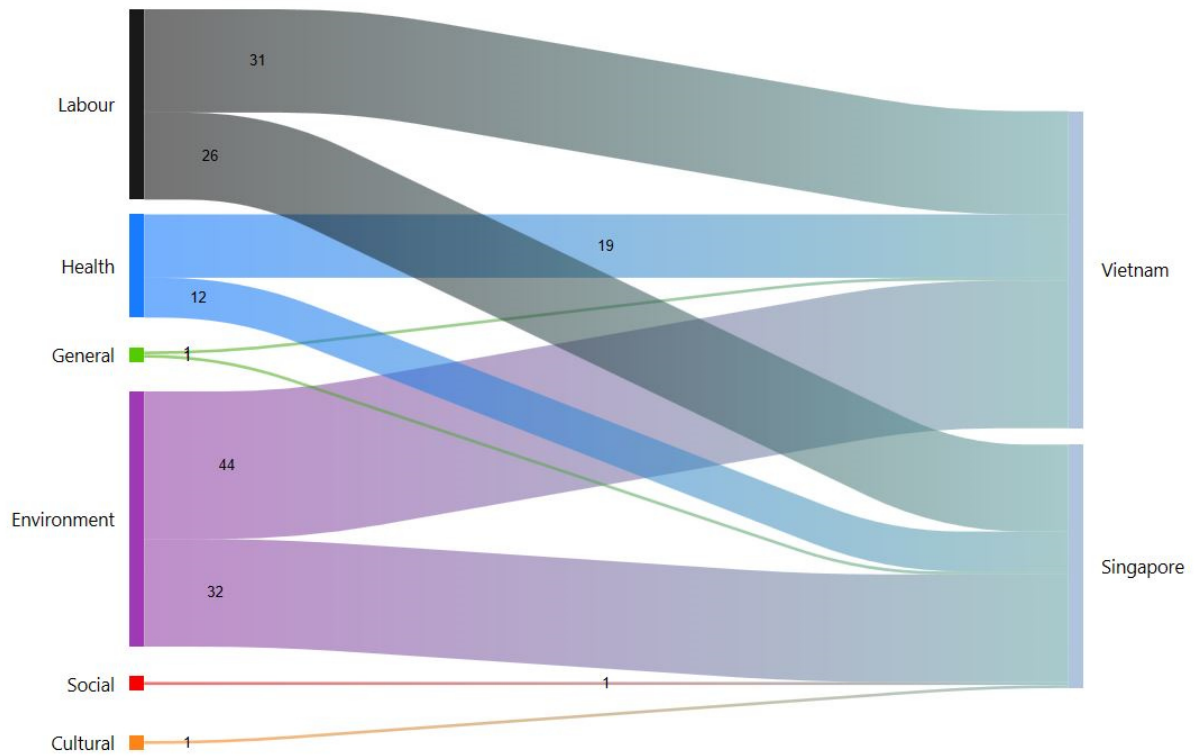


Figure 1. Number of human right areas mentioned in the EU FTAs with Singapore and Vietnam, created with Atlas.ti

6.2. Expert interviews with Thai stakeholders

As demonstrated in Figure 2 and 3, the stakeholders interviewed hold different priorities around issues for FTA negotiations. The three human rights areas that are most relevant to the stakeholders are mainly economic in nature (Fig. 3). This is followed by higher labour standards, higher foreign investment, and a stronger civil society. Aspects such as international exchange, global cooperation or environmental protection and product standards play only a marginal role.

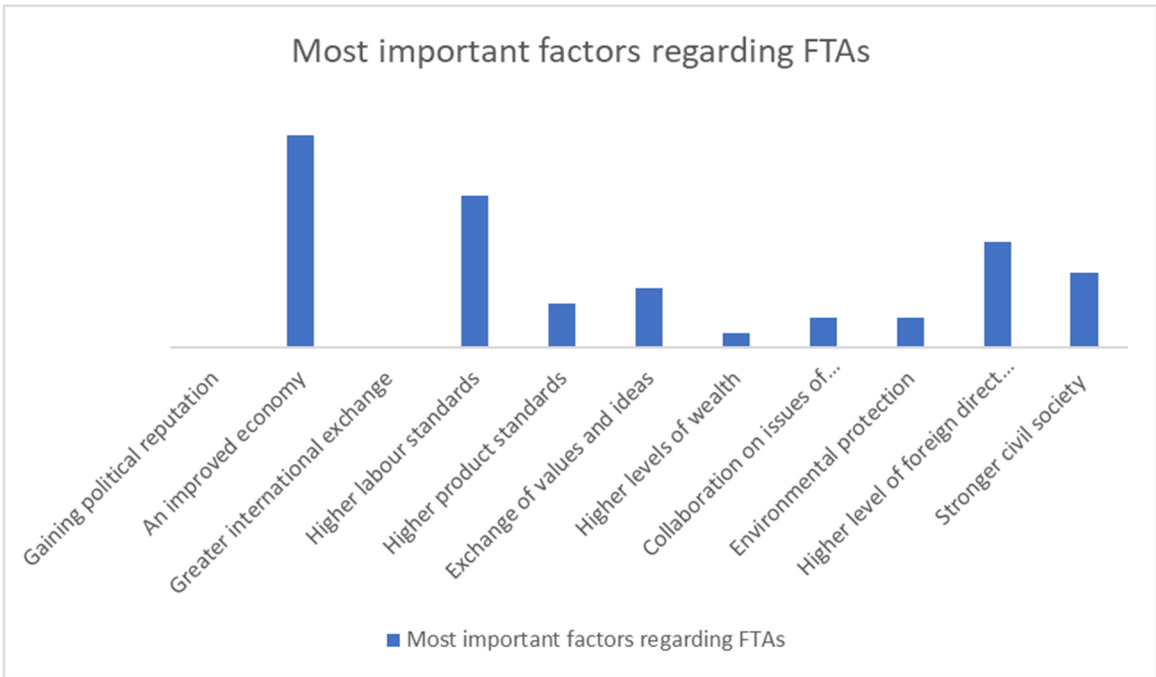


Figure 2. The most important factors interviewees identified related to FTAs



Figure 3. The most important human rights categories interviewees identified related to FTAs

When asked about three specific human rights categories they consider important for FTA negotiations, stakeholders responded with economic rights, such as the right to choose one's own work. Civil rights, such as the right to education, took the second rank, followed by the right to a clean environment. Subsequently, social rights, such as the right to housing, were placed. Less relevant are political rights and not relevant at all are cultural aspects. This is also consistent with qualitative passages from the interviews.

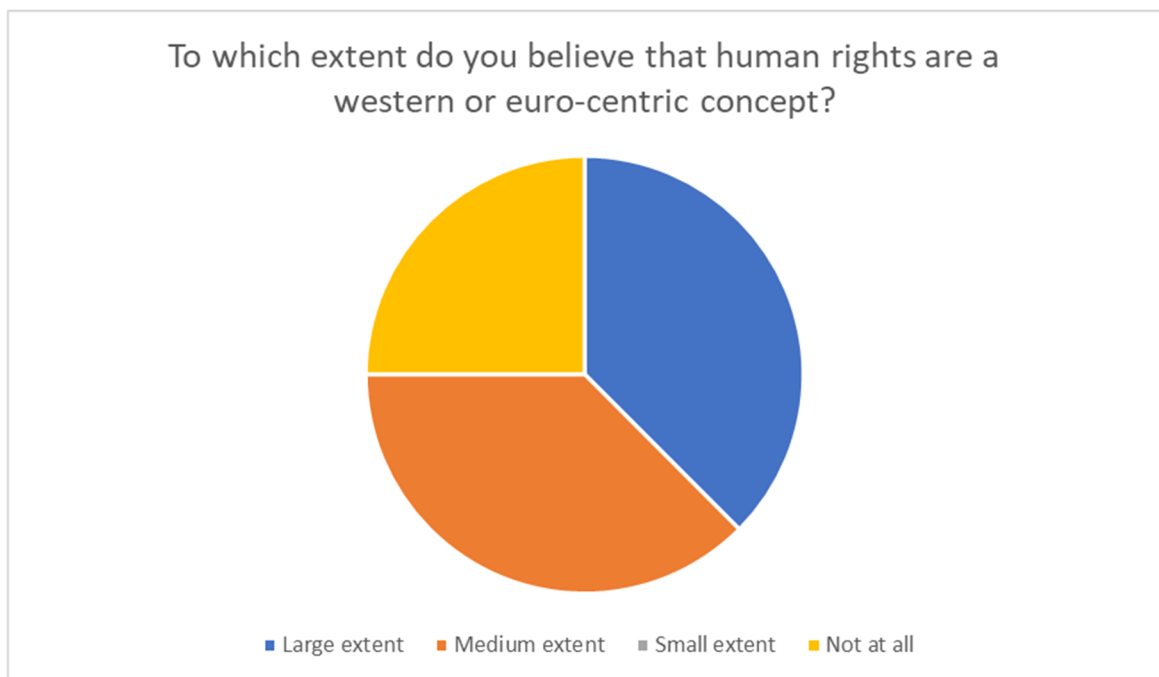


Figure 4. Interviewees' thoughts about human rights as a Western concept

Underlying previous points discussed is a general understanding of values and to what extent these matter in political and economic processes, such as FTA negotiations. Some observers attest that human rights are often rather considered a bargaining chip primarily shaped by Western states rather than international law. The discussion often moves along the notions of universalism vs. relativism, e.g., that human rights are shaped by certain cultural, religious, or historical contexts.

Therefore, the questionnaire aimed to examine how different Thai stakeholders think about these positions. Respondents, as displayed by Figure 4, had a rather balanced view of the issue, with a preponderance of those who consider human rights at least partly a Western concept. At the same time, some respondents strongly rejected this assumption

citing the universality of human rights. Although simultaneity of both positions is possible, it did not emerge.

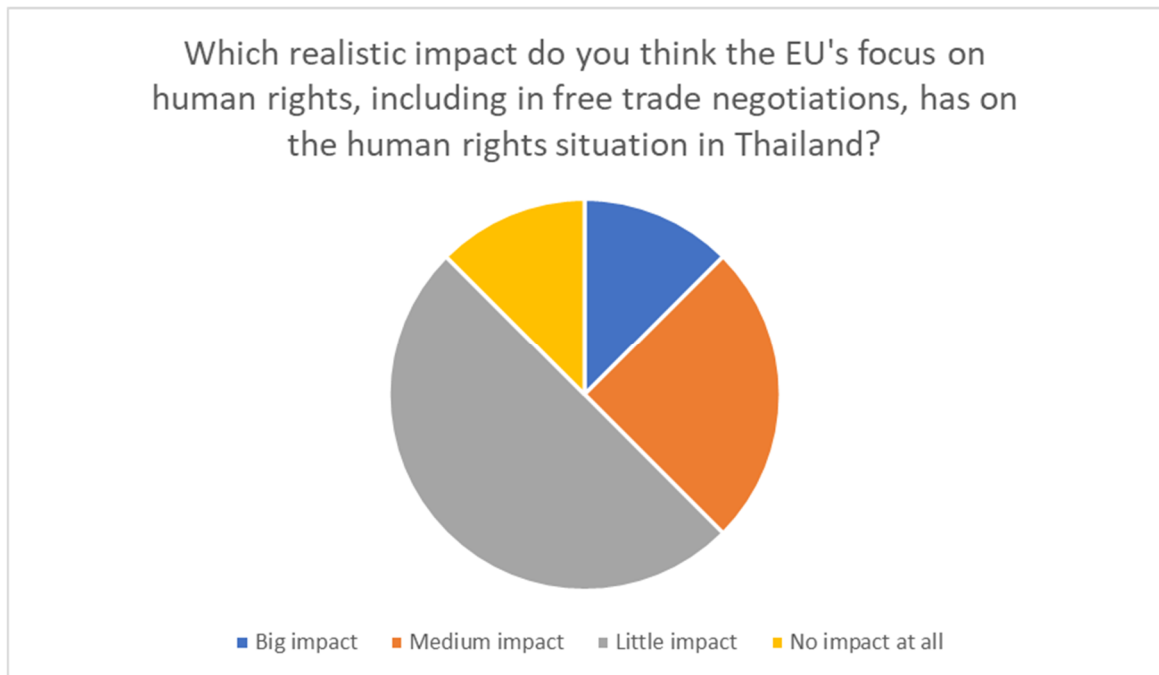


Figure 5. Respondents' estimated impacts by the EU's efforts on human rights in Thailand

A relatively broad agreement existed among interviewees that the EU's human rights efforts, no matter how these might be shaped, have little to no impact on the actual situation in Thailand, as Figure 5 suggests.

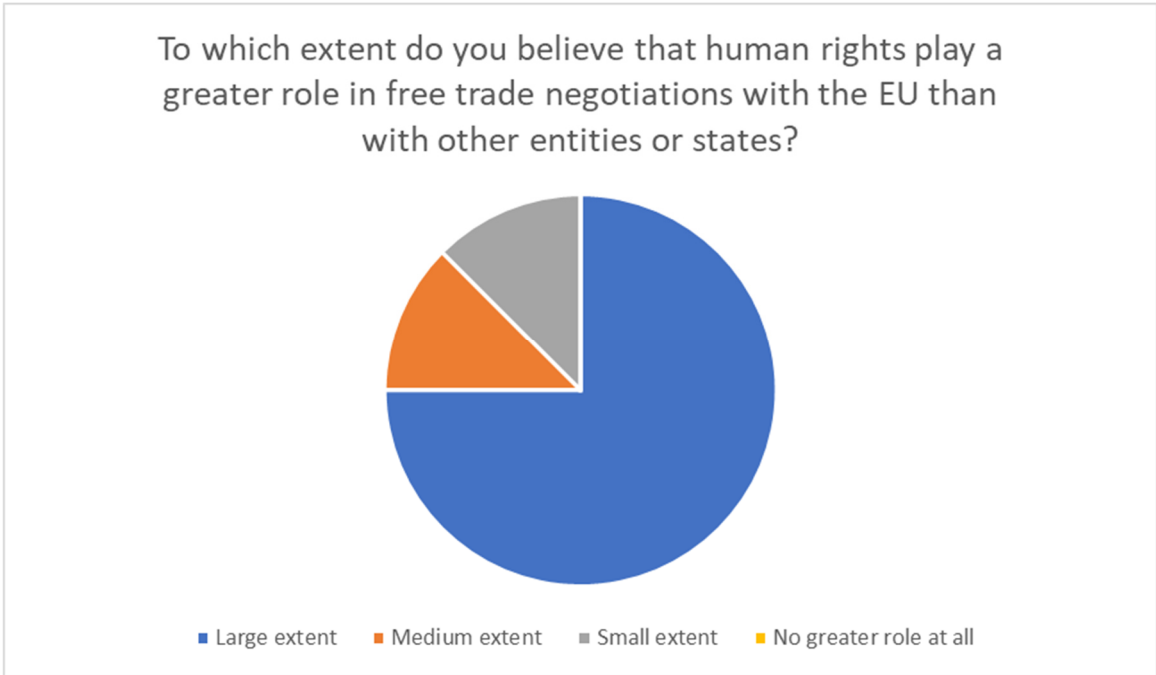


Figure 6. Respondent's perception on uniqueness of EU's focus on human rights

This comparative assessment of the EU compared to other actors is also reflected by other interviewees. Three quarters of respondents believe in large proportions that the EU puts more emphasis on human rights in FTA negotiations than other states or institutions, as Figure 6 demonstrates.

7. Analysis – Singapore and Vietnam

The analysis attempts to answer the research questions based on the presentation of findings above. Therein, references are made to both the content analysis and the interviews. As findings result and basic analysis framework, the three key themes of health, environment and labour emerge.

7.1. Health provisions

Regarding health, the EUSFTA is mainly concerned with customer aspects. Rights, such as to basic health care, are not mentioned. However, an important aspect in both FTAs

are the TRIPS agreements and the Doha Declaration.¹⁷² TRIPS-Plus IPR provisions are equally granted in the EU's agreements with Vietnam and Singapore.¹⁷³ The EU is pursuing a wide IPR regime through its FTA negotiations, initiated by its 2006 Global Europe Strategy.¹⁷⁴ However, since Singapore is home to the highest standard for IPR protection within Southeast Asia region, and the EU's most important trading partner in ASEAN, such references are less important.¹⁷⁵

For Vietnam, in turn, multilateral IPR protection is targeted in chapter 12 and demands an extension of these rules to all WTO members. The EUVFTA further emphasises the right of foreign investors to build own warehouses for legally imported pharmaceuticals.¹⁷⁶ Given Vietnam's significantly lower purchasing power, this might be more relevant compared to the EUSFTA. Pharmaceutical products make up a cornerstone of EU exports to Vietnam, being worth EUR 2.47 billion between January and October 2022, which accounts for 24% of all EU exports to Vietnam during that period.¹⁷⁷ Thus, the EU unsurprisingly puts a lot of emphasis on this trade section. Since the agreement was concluded, there have been irritations regarding discriminatory treatment towards these EU pharmaceutical exports to Vietnam, whose lift has been generously acknowledged.¹⁷⁸ Similar passages in FTAs with Thailand would certainly cause widespread impacts for medical supplies.

¹⁷² European Union, 'Free Trade Agreement between the European Union and the Republic of Singapore', *Official Journal of the European Union*, vol.294, no.3, 2019, p.85.; European Union, 'Free Trade Agreement between the European Union and the Socialist Republic of Viet Nam', *Official Journal of the European Union*, vol.186, no.1, 2020, p.121.

¹⁷³ J.F.Morin and M.Cartwright, 'Intellectual Property Rights', p.103.

¹⁷⁴ *Ibid.*, p.106.

¹⁷⁵ X.Chen, 'The future of free trade agreements: a Singapore perspective', *International Journal of Economic Policy Studies*, vol.13, 2019, p.267.

¹⁷⁶ EU, 'Free Trade Agreement between the European Union and the Socialist Republic of Viet Nam', p.12.

¹⁷⁷ European Commission, 'Vietnam eases access to EU pharmaceuticals', 2023, https://policy.trade.ec.europa.eu/news/vietnam-eases-access-eu-pharmaceuticals-2023-02-20_en, (accessed 23 May 2023).

¹⁷⁸ EC, 'Vietnam eases access to EU pharmaceuticals'.

7.2. Environmental provisions

Concerning environmentalism, both FTAs share several similarities, emphasising the encouragement of trade in green goods, green taxonomic standards, and common efforts to tackle climate change. However, severe enforcement restrictions exist in the Singaporean case. For example, one paragraph refers to the responsibility of both parties for sustainable development, but in 'accordance with their existing practices'.¹⁷⁹ There is a similar passage for Vietnam reading 'in accordance with their domestic laws or policies',¹⁸⁰ whose protections should not be watered down. This passage is found in both agreements. However, such reservations leave room for diluting international standards, which are often less pronounced in national laws compared to EU legislations.

Similarly, the EUSFTA expresses clear limits of provisions, citing that it is not the parties' intention to 'harmonise the labour or environment standards'.¹⁸¹ Further, trade and sustainable development are excluded from the FTA's general dispute settlement mechanism, instead government consultations and an expert panel are installed.¹⁸² Such exceptions and restrictions cast strong doubts on the seriousness of environmental standards and related compliance.

7.3. Labour provisions

For labour, little provisions can be found in the EUSFTA, which might stem from the city states' huge service but little manufacturing capacities. Hence, labour rights might be less important for EU trade. For Vietnam, controversies circled around its seriousness to comply with the EU's demands on ILO standards. In the FTA itself, requirements for Vietnam to ratify ILO Convention No. 87 on freedom of association have been loosened,

¹⁷⁹ EU, 'Free Trade Agreement between the European Union and the Republic of Singapore', p.103.

¹⁸⁰ EU, 'Free Trade Agreement between the European Union and the Socialist Republic of Viet Nam', p.136.

¹⁸¹ EU, 'Free Trade Agreement between the European Union and the Republic of Singapore', p.98.

¹⁸² P.Hsieh, 'Shaping new interregionalism', p.152.

the Vietnamese government promised ratification in 2023.¹⁸³ Following the EUVFTA conclusion, Vietnam joined ILO Conventions No. 98 and 105, thereby being party to seven out of eight fundamental labour right conventions, before the ILO amended these to ten in 2022.¹⁸⁴ Hence, formal success on labour standards can be accounted for the EU side, nevertheless, Vietnamese workers' rights in practice still often malfunction. This might also stem from the absence of an EU impact assessment prior to the FTA conclusion, which caused an outcry from European and Vietnamese civil society.¹⁸⁵ Another significant factor in this case are sanctions, of which there is no mention in either agreement, which potentially undermines the EU's credibility.

In consequence, the EUVFTA also refers to advisory input needs for the sustainability chapter from 'employers' and workers' organisations, business groups, and environmental organisations'.¹⁸⁶ However, many significant stakeholders who have been named in this process, since have been imprisoned or silenced.¹⁸⁷ On the Singaporean side, civil society consultations did not occur, instead, industry talks were conducted.¹⁸⁸ Given the rather weak state of political interests and civil society actors in both Singapore and Vietnam, scholars call for higher ownership and more EU support for civil society.¹⁸⁹ This would also be relevant for Thailand, which has a relatively vibrant civil society, but which is often left out of important decisions due to class divisions.

¹⁸³ J.Harrison et al., 'Governing Labour Standards through Free Trade Agreements: Limits of the European Union's Trade and Sustainable Development Chapters', *Journal of Common Market Studies*, vol.57, 2019, p. 263.

¹⁸⁴ International Labour Organization, *Ratifications for Viet Nam* [website], https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11200:0::NO::p11200_country_id:103004, (accessed 23 May 2023).

¹⁸⁵ H.H.Hoang and D.Sicurelli, 'The EU's preferential trade agreements with Singapore and Vietnam. Market vs. normative imperatives', *Contemporary Politics*, vol.23, no.4, 2017, p.382.

¹⁸⁶ EU, 'Free Trade Agreement between the European Union and the Socialist Republic of Viet Nam', p.138.

¹⁸⁷ The 88 Project, *Vietnam: Law Weaponized to Prosecute Climate Activists* [website], <https://the88project.org/vietnam-law-weaponized-to-prosecute-climate-activists/>, (accessed 23 May 2023).

¹⁸⁸ H.H.Hoang and D.Sicurelli, 'The EU's preferential trade agreements with Singapore and Vietnam', p.380.

¹⁸⁹ B.Troester et al., 'Combining trade and sustainability? The Free Trade Agreement between the EU and Vietnam', *ÖFSE Policy Note*, no.29, 2019, p.4.

8. Analysis – Thailand

8.1. Health rights

One aspect that does not gain much traction in the literature, but is very relevant for Thailand, is IPR, especially in relation to medicines. In the Thai case, the focus is on medicaments for HIV and AIDS patients, especially in the context of the Doha Declaration negotiated in the WTO. The general clash of interests consists of the need for low-priced generic drugs among the Thai population on the one hand and the business interests of European pharmaceutical companies and their IPR on the other.

The Doha Declaration provides for concessions and exceptions for patents on essential medicines by large drug manufacturers, most of which are based in the Global North. These are needed at affordable prices especially in countries of the Global South, particularly where there are high densities of infectious and viral diseases. Thailand, with its extensive sex work industry, is a hotspot for HIV and AIDS infections in the region, with an estimated 520,000 people living with HIV in 2021.¹⁹⁰

Consequently, preparations are needed at affordable prices, as the average purchasing power in Thailand is lower than in Western producing countries. At the same time, those affected, for example sex workers or marginalised communities, are often in financially vulnerable positions and therefore more dependent on low-cost treatments. The EU is promoting TRIPS-Plus provisions in its FTAs and thereby extending monopoly pricing, restricting the use of TRIPS flexibilities, and generally limiting market entry for generic medicines.¹⁹¹ In 2007 and 2008, the Thai government issued compulsory licenses for several diseases, such as HIV/AIDS, heart disease, and cancer drugs, which contravened

¹⁹⁰ UNAIDS, ‘Thailand hosts global HIV meeting this week, showcases AIDS response leadership. Press Release’, *UNAIDS*, 2022, https://www.unaids.org/en/resources/presscentre/pressreleaseandstatementarchive/2022/december/20221211_global-meeting#:~:text=The%20Thailand%20HIV%20response,living%20with%20HIV%20in%202021, (accessed 23 May 2023).

¹⁹¹ G.MacNaughton and L.Forman, ‘Human Rights and Health Impact Assessments of Trade-Related Intellectual Property Rights’, p.126.

TRIPS-Plus provisions and caused significant opposition from pharmaceutical companies and their host governments.¹⁹²

Those affected fear that potential FTAs between Thailand and producing countries could undermine such regulations through the back door. This would have dramatic consequences for the country's health sector. Thai CSOs therefore already lifted the issue during the first EU-Thailand FTA negotiations (before the military coup in 2014) out of the small domain of those affected to a broader audience. One of the interview participants for this thesis was also present at that time and is still actively campaigning for maintenance of what he calls the Thai status quo.

This status quo is the Thai government's enabling of local drug manufacturers, which allows state hospitals to circumvent expensive drug purchases from Western companies. In case of insufficient margins, a privilege can be granted to maintain national medicine security. Fears now exist that such special arrangements could be undermined. The interviewee cites the example of the Comprehensive and Progressive Agreement of Trans-Pacific Partnership (CTPP) negotiations in which such an erosion was attempted by arguing that foreign investors were unfairly disadvantaged. He fears that the EU could approach the negotiations with a similar objective:

‘At present we have, a universal health coverage scheme, a 100% from the government. And it allows the poor or even the middle class with assisted treatment at low cost. So it's very crucial as it's why every time 10 years ago people don't have to get them up when they go to hospital or even you know the poor can go to hospital and get the treatment for free. This never happened in the past’.¹⁹³

This fear is mainly fed by experience with other FTAs, but also the feeling that health concerns are not considered a relevant issue for the EU. The interviewee complains about a one-sided focus on core human rights issues of the EU, or what he refers to as ‘conservative human rights violations’.¹⁹⁴ Emerging issues of importance, such as the right to health, would not be adequately dealt with by the EU, and especially not in a legal

¹⁹² G.MacNaughton and L.Forman, ‘Human Rights and Health Impact Assessments of Trade-Related Intellectual Property Rights’, p.140.

¹⁹³ Interview 3, 2022.

¹⁹⁴ Ibid.

nature. According to the activist, the EU falls short of providing pathways to legally binding measures related to human rights and trade. As he summarises it:

‘We know that the European countries, they all have a concern, a lot in terms of human rights violations. But when you talk about human rights and trade, this is kind of a don't. They don't want to touch it’.¹⁹⁵

In this context, IPR concerns would not be treated with the relevance they have, especially in Thailand. Rather, he feels that IPR issues are perceived as a trade-off matter. Thus, he currently sees no evidence of any positive development or benefits for stakeholders by an EU-Thai FTA. Regarding mediated agency, which can cover the issue in the negotiations, civil society fears do not seem to focus on the Thai side, but rather the EU. This is confirmed by the MOC official, who considers the issue the most important for civil society:

‘In Thailand when you have stakeholder consultations, we have CSOs, but their focus is mainly on IPR, the drops accessions to medicine, or consumer protection (...)’.¹⁹⁶

Relations between the Thai state and civil society representation appear ambivalent. On the one hand, medical benefits are provided, due to civil society pressure. On the other hand, criticism often goes unnoticed or is suppressed, for example in the context of the sudden cannabis legalisation in 2022 or the COVID-19 pandemic.¹⁹⁷ Thai CSOs thus demand greater involvement from HIV/AIDS associations, sex workers or others affected by health issues from both sides, Thailand, and the EU, which receives further elaboration in the discussion. Such formats already existed, as in the context of the assessment report on IPR in the negotiations prior to 2014, which was welcomed by CSOs and used as an opportunity to demand more participation from negotiating parties.¹⁹⁸

¹⁹⁵ Interview 3, 2022..

¹⁹⁶ Interview 1, 2022.

¹⁹⁷ C.Campbell, ‘How Thailand’s Deputy Prime Minister Pushed Through Asia’s First Cannabis Legalization’, *Time*, 23 April 2023, <https://time.com/6273768/anutin-charnvirakul-interview-cannabis/>.

¹⁹⁸ G.MacNaughton and L.Forman, ‘Human Rights and Health Impact Assessments of Trade-Related Intellectual Property Rights’, p.139.

8.2. Labour rights

Labour issues are one of the most relevant factors for FTAs in ASEAN countries, not least because many of them harbour large production facilities exporting to EU markets. Thailand has significant export segments with human rights challenges. The topic accordingly triggers different perceptions, depending on the respective position of the interviewees.

8.2.1. Standards and certifications

Trade unionists and CSOs officials consider the issue mainly in light of possible standard and empowerment improvements facilitated by the EU. Their hopes are particularly to establish labour standard control mechanisms through the FTA, which could then also be linked to trade conditions. European buyers should focus on Thai suppliers who comply with core labour standards promoted by the EU (freedom of association, avoidance of forced or compulsory labour, child labour abolishment and ending discrimination in the workplace) and pay fair wages, as one trade unionist demands.¹⁹⁹

Labour protection should therefore be an elementary FTA component, as should the exclusion of practices violating minimum standards. Trade unionist 1 cites child labour, which was a persistent problem in Southeast Asia, especially in the textile sector. This has been tackled and largely defeated through targeted labelling and public pressure in purchasing countries.²⁰⁰ Nevertheless, related international standards may at times clash with what many perceive as Thai cultural practices. The MOC official equally cites child labour regarding potential ignorance of local circumstances:

‘But looking at other aspects like social structure, for example in Thailand or even in Asia, you have a culture of having a lot of children helping in the farms or planting plants. They don't get paid because this is a family business’.²⁰¹

¹⁹⁹ C.Nessel and J.Orbie, ‘Sustainable Development in EU–Asia Trade Relations’, p.199.

²⁰⁰ Interview 5, 2023.

²⁰¹ Interview 1, 2022.

A divide between different views on Thailand and hence accurate measures for rights protections between the stakeholders becomes apparent. Further, trade unionist 1 refers to IUU fishing practices in Thailand and the introduction of control mechanisms:

‘It would be good if international buyers from the FTA would prioritise these certified suppliers for purchases over regular suppliers’.²⁰²

One of the CSO officials, whose work primarily focuses on female home workers, reasons similarly. She hopes that EU certification would have a trickle-down effect on secondary and tertiary labour sectors that otherwise remain marginalised. These include homeworkers who work for factories through subcontracts, but also migrant workers. She is certain that EU support for labour rights would support her work enormously and, at best, prioritised them through certifications in purchasing or by excluding companies that do not comply.²⁰³ For her, traditional Thai labour structures can be combined with EU standards:

‘In our cultures, especially for women, they are flexible and convenient to work at home, because they have to take care of their family. So, they want to work. But treat them in a better way and consider about labour rights standards’.²⁰⁴

Home-based workers traditionally work for factories, mostly in the garment sector. This leaves them vulnerable to labour rights violations, as there is little publicity, and collective organising bargaining virtually impossible. Furthermore, the work exemplifies gender aspects persistent in traditional Thai family images, in which females take care of the household. Against this background, she regards EU due diligence as crucial to provide marginalised workers with agency and contribute to the EU’s feminist policies. The interviewee favours a principled EU by excluding companies that do not fully grant trade union rights, including for homeworkers, from economic activities.²⁰⁵

²⁰² Interview 5, 2023.

²⁰³ Interview 7, 2023.

²⁰⁴ Ibid.

²⁰⁵ Ibid.

8.2.2. Pay equity and collective bargaining

To strengthen and enforce described rights is particularly relevant for marginalised groups, but also applies to broader sections of the workforce. Consequently, trade union participation and the strengthening of collective labour rights are on the agenda of many interlocutors. However, many also emphasise that the fundamental purpose of FTAs is to deliver benefits, including for businesses, that then also trickle down to workers. The benefits should be linked to minimum standards and fairness, as trade unionist 1 subsumes:

‘The FTA should support the company to make money and support the worker to get protection. (...) Profits from free trade should be contributed among employers and employees, with social justice’.²⁰⁶

To ensure fundamental rights at work in Thailand, unions and their interests need to be represented from the very beginning of negotiations, as representative 2 explains. At the same time, he states that transparency is important for the public at large to get information on how their own rights might be affected. He criticises that neither has been the case thus far. More diversity in representation should therefore be one of the key priorities to strengthen collective bargaining and supervise their implementation. In case of violations, he favours suspension procedures:

‘There should be a mechanism for suspension or to verify implementation or compliance with human rights or labour standards (...). This could be a tool for the civil society or trade unions (...) so that these human rights and labour standards could be realised according to the principles or, if not, should be as close as possible to the principles they are referring to’.²⁰⁷

Voices from the literature advocate for ‘a firm and solid implementation of adequate working conditions’²⁰⁸ among global trade participants, first and foremost in developing countries such as Thailand. Remedy mechanisms, as expressed by the IUU case, have been established through EU pressure in Thailand. However, the focus primarily remains

²⁰⁶ Interview 5, 2023.

²⁰⁷ Interview 6, 2023.

²⁰⁸ G.Wongrak et al., ‘The Impact of the EU IUU Regulation on the Sustainability of the Thai Fishing Industry’, *Sustainability*, vol.13, no.12, 2021, p.1.

on a few economic sectors. Harrison et al. highlight the prioritisation of certain actors and issues of relevance by labour provisions.²⁰⁹ In the Thai case, the fishing sector has become one prominent example.

An important aspect for Thailand in this regard is the fact that many migrant workers are Burmese, Cambodian or Laotian. However, foreign nationals are not allowed to form trade unions in Thailand. They often work informally without papers and are exposed to slavery-like conditions. Partially, this also stems from economic inequalities between Thailand and these states and the exploitation by employers. This complicates uniform and region-wide solutions, as the MOC official describes:

‘If you talk about neighbouring countries in Thailand, they don't really have lots of alien labourers in their manufacturing sector. But in Thailand you have a lot of Cambodian, Laos, or Myanmar in our fishery industry, the factory industry. So that's why when you talk about human rights, most laws in the developed world (...) you wouldn't say anything about the nationalities of the labourer. But in Thailand, there will be some laws that still have some cap, like labour union for example, the one who establishes it in the company must be Thai’.²¹⁰

Simultaneously, the inequality of interests between business representatives and workers is often emphasised. Balancing interests is especially important in FTA negotiations where economic interests are represented vis-à-vis another party. The MOC official describes this supposed confrontation of interests:

‘If you are an entrepreneur and you have a lot of alien labourers working in your company, would you be happy to let them form associations? It's a basic human right but if you put on the hats of the private sector, they would be reluctant. Because they would be afraid of (...) meeting the timeline to deliver the goods’.²¹¹

Such statements demonstrate the power imbalances in interest representation inherent to at least some negotiators. This also points to the important dimension of public solidarity

²⁰⁹ J.Harrison et al., ‘Governing Labour Standards through Free Trade Agreements: Limits of the European Union's Trade and Sustainable Development Chapters’, p.265.

²¹⁰ Interview 1, 2022.

²¹¹ Ibid.

which, so far, is missing from Thai unions and other actors regarding migrant rights protection.

8.3. Environmental rights

The third relevant human rights issue is the environment, touching upon concerns about negative environmental impacts and a stronger environmental law enforcement. Concerns arise, for instance, from experiences of previous FTAs, such as a bilateral one with Japan, or ASEAN-wide ones with China. CSO official 1, for example, reports negative consequences from Thailand's FTA with Japan, stating that ‘they're dumping all this kind of waste’, because ‘Thailand doesn't have the proper mechanism or regulation to prevent’.²¹²

Concerning protection schemes, trade unionist 1 detects a different mindset on human and environmental rights in EU countries, which he hopes will be transferred to Thailand:

‘Free trade should take considerations of environmental problems more seriously; it should not destroy the environment more and more. But for the environment and human rights, the EU has much more of that than Thailand. (...) I think the Western countries more seriously take care about the environment (...). In Thailand people still destroy the environment’.²¹³

This perception, as well as the EU's strong focus on sustainable development and green transition are known by Thailand's negotiators. Increasingly, sustainable development has become a key cornerstone of EUs trade proposals, one for which the EC would also allow concessions on other value-related areas.²¹⁴ The MOC official states that the EU is known for demanding unique environment provisions, even compared to other Western countries:

²¹² Interview 3, 2022.

²¹³ Interview 5, 2023.

²¹⁴ F.De Ville, ‘Global Value Chains and EU–East Asia Trade’, p.90.

‘So many unique characters which fit in the EU model. Others have some, for example EFTA, but not as much as the EU’.²¹⁵

Given the strong EU advocacy on the issue and related needs in Thailand, interviewees assess more room for manoeuvre in negotiations on environmental provisions than, for example, political rights. Academic 2 states that the rhetoric of sovereignty, that often arises in Thai debates on human rights, is less pronounced when it comes to environmental issues. Rather, Thailand regards itself as a strong sustainability force and recognises the right to clean and healthy and sustainable environment.²¹⁶ Consequently, he argues in favour of framing overbroad targets environmentally for legal FTA obligations: ‘When it comes to the right of clean, healthy and sustainable environment, that's a very viable point of entry in negotiation’.²¹⁷

Consequently, parts of the interviews consisted of almost appeal-like calls for the EU to keep a clear course when it comes to human rights in Thailand, as expressed by CSO official 2:

‘I hope that the EU will stick to human rights and environmental issues when discussing with us’.²¹⁸

She is strongly convinced of the EU’s values and its ability to assert them. She notices both a thematic focus on issues relevant to her work but also a much more credible position compared to other major powers such as the US and China. A signifier for this clear position is, for example, the displeasure of Thai business representatives about regulations that are perceived as strict, which she in turn understands as backing:

‘I sometimes even hear from the business sector that they don't like the EU much because the EU forces on human rights issues (...) and I appreciate this. I believe in EU principles, in terms of human rights and climate change. (...) I talk to you based on this belief (...) The EU is better than China and the US’.²¹⁹

²¹⁵ Interview 1, 2022.

²¹⁶ Interview 8, 2023.

²¹⁷ Ibid.

²¹⁸ Interview 7, 2022.

²¹⁹ Ibid.

Similar to what academic 2 identifies as viable avenue for rights protection, EU experiences were made with Vietnam, where no strong divergences between the parties occurred on environmental provisions.²²⁰ As Kunnamas argues, the EU's environmental, human rights, and just and fair trade norms are 'highly perceptible'²²¹ in Southeast Asia. Corporate social responsibility can thereby function as a strategic tool to improve supply chain relationships as well as to integrate environmental policy. However, dissent about related provisions does not only exist in Thailand, but also within the EU itself and among its business community, environmental groups, and trade unions.²²² At the same time, different assessments for the viability of environmental versus for instance labour rights confirm views from the literature which highlight, that environmental and human rights protection are often perceived as contrasting economic efficiency.²²³

Besides economic exploitation, Tully further highlights the accelerating destruction of the environment and biodiversity as well as global warming and climate change as key dimensions of global injustices.²²⁴ The dialogue and coordination processes chosen by the EU for its endeavours require effective monitoring structures and consultation process that pay respect to local circumstances.²²⁵

8.4. Views on the EU and its normative power

Regarding the concrete inclusion of human rights in FTAs, views vary more according to the respective stakeholder roles. Thus, the MFA official regards human rights as one aspect of FTAs, but a rather marginal one:

'Human rights are important, don't get me wrong. At the moment, I have been involved in a lot of FTA negotiations and I think, at least at this point in time, human rights are not the most important part. And I know that the EU is trying to streamline human rights issues into FTA negotiations, and I understand that and

²²⁰ H.H.Hoang and M.Garcia, 'The Vietnam-European Union Free Trade Agreement', p.306.

²²¹ N.Kunnamas, 'Normative power Europe, ASEAN and Thailand', p.768.

²²² M.Garcia, 'Sanctioning Capacity in Trade and Sustainability Chapters in EU Trade Agreements', p.60.

²²³ K.Creutz, 'The Asian Infrastructure Investment Bank (AIIB) and rights protection', p.11.

²²⁴ J.Tully, 'Two ways of realizing justice and democracy', p.227.

²²⁵ B.Troester et al., 'Combining trade and sustainability?', p.4.

I'm not against. It's just that you can have a chapter or provisions on human rights in an FTA, but that should be secondary'.²²⁶

Principles underpinning EU bilateral agreements primarily concern the rule of law, shared values, human rights, and market access.²²⁷ In the MFA official's view, it is not so much about the concrete formulation of these, but rather about an additional ace up the EU's sleeve that it can pull in negotiations:

'The primary objective on FTAs for both sides is to make sure that we have a freer trade and investment regime or environment between one another and that there is no discrimination. And that could encompass issues of human rights. But I don't like that sometimes human rights are used as a kind of bargaining chip or as something that you have to give or you have to uphold and if you don't, some parties will not negotiate a FTA with you'.²²⁸

Contrastingly, trade unionist 1 rather holds the negotiators responsible for the recognition of human rights standards. In his view, EU member states represent their populations' values to a much greater extent compared to the Thai government:

'The European Governments respect their people, rather than the Thai government. I can say that because they have so many rules, so many regulations to protect their peoples' benefits'.²²⁹

In addition, a deep understanding of the EU and its working mechanisms continues to be evident in the perception of a European identity, that CSO official 1 refers to:

'Because we know by the structure of the EU, human rights is also at the core fundamentals of the establishment of the EU as well and (...) when you have to mobilise the EU populations you have to go back to the basic human rights because now it's not, not German, not French, but you would call yourself EU citizens'.²³⁰

²²⁶ Interview 2, 2022.

²²⁷ EU, 'Treaty of Lisbon', p.326/28.

²²⁸ Interview 2, 2022.

²²⁹ Interview 3, 2022.

²³⁰ Interview 1, 2022.

8.4.1. Trust in EU standards and procedures

The EU's approach of streamlining sustainability and human rights into its trade policy meets with a divided response from stakeholders. Particularly strong cleavages emerge regarding their own position on the issue, as well as on their views of the EU as norm entrepreneur. Trade unionist 2, for example, does not consider FTAs as means to primarily generate economic power, but above all to reduce discrimination and inequalities. Rather, he criticises that FTAs are not pursuing these goals more frequently:

‘Human rights are about equality, fairness, and basic freedoms. They are about freedom to make choices, to develop our potentials as human beings. And it lays down the foundation to live a life free from fear, harassment, or discrimination. So effectively, FTAs are a tool to promote and protect human rights. It's just unfortunate that the level of connection between trade and human rights in the region is not yet that deep’.²³¹

Academic 2 equally regards human rights as a compelling point for EU cooperation. This poses a difference to many other potential trade partners, such as China:

‘Based on the Lisbon treaty, based on the fact that human rights frame the EU external action, (...) I would think it's non-negotiable from the EU side. But at the same time, it creates a gap when the EU interacts with other countries like China and Thailand, of course’.²³²

With such different views of the EU, hopes associated with its commitment to human rights in FTAs naturally vary. While ministerial representatives would favour flexibility and a greater focus on their perceived essentials, CSOs expect a unique opportunity to exert pressure on Thailand's rights situation. The EU's clear stance does not only have short-term effects on negotiations, but also on perceptions in the global framework. Under a declining US human rights presence, the EU is living up to its literature role as norm entrepreneur, at least under a comparative lens:

²³¹ Interview 6, 2022.

²³² Interview 8, 2023.

‘Now the US is not really doing FTAs, apart from the one that they have with Canada and Mexico. So, the EU maybe takes a leading role in the FTA model, having obligations related to human rights’.²³³

Evenly, the MFA official, albeit being critical of putting human rights first in FTA negotiations, is convinced of the EU’s strong commitment:

‘I believe that the EU truly believes this. I do believe in the EU, so I wouldn’t say that it’s hypocrite’.²³⁴

Equally, this commitment backs civil society forces advocating on rights enforcement. The often-discussed role model character of the EU role for ASEAN’s institutionalisation finds practical application here, as trade unionist 2 explicitly states:

‘We see the EU as a model because ASEAN as a region cannot be underestimated at this time. And when we talk to ASEAN when it comes to human rights and labour standards, we particularly refer to the standards or what the EU has been doing. So, it has a direct influence on the way that we do our work’.²³⁵

The EU’s mechanisms to enforce sustainable development and human rights under FTAs and the related acceptance by trade partners can thus be understood as ‘the best indications of Brussels’ normative power’.²³⁶ Academic 2 argues similarly, highlighting the concept of the EU as norm entrepreneur:

‘When I teach my students in similar issues, I begin with normative power Europe and highlight that the EU is indeed a norm entrepreneur’.²³⁷

8.4.2. Questioning EU human rights narratives

However, partial doubts remain about the EU’s credibility regarding human rights. These particularly concern a (lack of) belief in assertiveness and double standards in exchange for economic power. Academic 1, in this regard, focuses on the legal enforcement of

²³³ Interview 1, 2022.

²³⁴ Interview 2, 2022.

²³⁵ Interview 6, 2023.

²³⁶ P.Hsieh, ‘Shaping new interregionalism’, p.152.

²³⁷ Interview 8, 2023.

potential provisions, while simultaneously praising the EU's stance on rights violations in China. She expresses that internal EU rules and its member states must always be considered, as their viewpoints often vary:

‘In practice, it's going to be in the appendix and not really enforced. But at least we can see some developments like the CAI with China. This was the first time the EU decide to suspend an agreement because of those labour slavery trade in Xinjiang, so this is a good sign in terms of protecting labour rights. However, it's quite hard at the Member State level. Nordic countries for instance wanted an embargo on China. But Germany and France didn't want to do for domestic reasons, they didn't want to harm China because they want to trade, and they want money’.²³⁸

Another example can be found in the widespread protests that accompanied the first FTA negotiations with Thailand. CSO official 1 recalls:

‘At that time, the EU has been awarded the Nobel Prize. We did a protest in front of their office with a big poster saying that the EU is a conducting hypocrite (...) because they negotiate for having the TRIPS-Plus provision in there’.²³⁹

Evenly, he remembers an EU spokesperson harshly dealing with CSO officials. His frustration therefore rests mainly on the EU's strong position on some human rights issues, but less commitment on others, such as health concerns:

‘The meeting was very confrontational because the representative of the EU said that TRIPS-Plus may be good. So then, we ended the discussion. (...) But I told him that they haven't given us any room because they totally said no to us about TRIPS-Plus provision’.²⁴⁰

At the same time, a country's diplomatic history with the EU matters, as well as its political system and its compatibility with that of the EU. Academic 1 provides a comparison between the EU's post-coup reactions to Thailand and Myanmar:

²³⁸ Interview 4, 2022.

²³⁹ Interview 3, 2022.

²⁴⁰ Interview 3, 2022.

‘Thailand used to witness a coup and Myanmar just recently had a coup. And the level of norm pressure on Myanmar was more than on Thailand. Thailand didn't face anything, it only received official travel bans from the EU, no asset freezing, seizure or whatever to the military. Because Thailand is a dynamic area economically for the EU while Myanmar is not’.²⁴¹

8.5. Representation and political cleavages

In the context of EU-Thailand FTA negotiations, many dividing lines within the Thai political economy become clear. Especially, reference was made to the political situation and the weighting of different rights. CSO official 1, for example, outlines a situation during protests he helped organise against FTA negotiations with the EU before the Thai military coup in 2014:

‘At that time, you had to be really careful because there were issues between the yellow shirts and red shirts and Chiang Mai is red shirt and to supports Thaksin [former prime minister], and his system would like to have a FTA with the EU. But we protested and made a very strong message to the civil society in Chiang Mai that we are not focusing on the Thaksin Shinawatra system or any particular political party, that we are focusing on the policy’.²⁴²

He further detects similar main drivers in FTA negotiations between the Thai and European contexts:

‘On both sides, the one who pushed very hard to have this kind of FTA soon is the business or the private sector rather than the general people. (...) And it's what the government wants to hear, so they prefer to gain from the business sector rather than the people in general. That's quite a similarity between Thailand and the EU countries’.²⁴³

²⁴¹ Interview 4, 2022.

²⁴² Interview 3, 2022.

²⁴³ Ibid.

CSO official 2 equally addresses a disproportion in representation of interests during negotiations. However, she limits this to Thailand and attributes it to unequal power relations in the Thai political economy:

‘When the Thai government negotiate, they negotiate in a business driven way, not a civil society driven way. So, comparing the business sector in Thailand and the business sector in the European countries, they are different. The values that they pay respect to are different’.²⁴⁴

Thus, Thai CSOs rely on EU negotiators to overcome shortcomings posed by Thai circumstances. Consequently, she pleads for the EU to stand up for rights and hopes for spill-over effects through the FTA:

‘In the agreement, they carefully have to take consideration (...) and even educate us. I don't think that the EU will take advantage of Thai people or Thai government, but they should consider that we should learn from each other and level up after level’.²⁴⁵

In this context, the negotiating individuals evenly matter. Academic 2 emphasises the role of the Thai bureaucracy, which has its own interests and priorities and powerful ways of enforcing them:

‘I also want to highlight the government and the bureaucracy because in in Thailand, the bureaucracy has been a huge stakeholder and owns very powerful tools’.²⁴⁶

Thus, while civil society consultations take place on paper, hierarchies in the Thai political apparatus prevail and put state officials up front while civil society remains in the back. Moreover, in addition to cultural priorities, class issues are a crucial factor emerging from the interviews. When assessing whose voice counts, it is important to bear in mind that Thailand remains a deeply hierarchical society, characterised by power factors such as the monarchy and the military. Such power distributions help explaining the relevance of and public attention for human rights issues.

²⁴⁴ Interview 7, 2023.

²⁴⁵ Interview 7, 2023.

²⁴⁶ Interview 8, 2023.

Another aspect regarding access to FTA negotiations is that of education. Illustratively, this work is based on the ability of interviewees to speak English. Similarly, many of those involved in FTA talks, negotiate in English. This creates massive imbalances in access to information about the status and content of such, as trade unionist 1 describes:

‘We think that it is only accessible by people who understand English or have graduated from university. But workers in Thailand mostly are professionals, they don't speak English and they don't think about free trade policy. This is very far away from them’.²⁴⁷

Evenly, it is an expression of how fragmented Thailand is in terms of educational backgrounds, regional accessibility, capital, and cultural participation. In a society whose political system is primarily divided into an old powerful establishment and working classes deprived of agency, social mobility to the negotiating table is not necessarily given.²⁴⁸

8.6. Value understandings and their universality

The views of the ministerial representatives largely coincide with previous statements made by the Thai government. The MFA official, for example, emphasises that there is no lack of understanding of values in Thailand but simply a different weighting, which must be accepted:

‘I would say that Thailand and the Thai Government and its civil servants have exposure to these Western values or western education. So, I don't think we are against these values and these principles. It's just to what extent we want to adopt these values and principles in the Thai context. Because the Thai society, the Thai community, is different from Europeans, right? And you cannot just transplant certain values and principles from one community into another without trying to make sure that proper adjustment is made’.²⁴⁹

²⁴⁷ Interview 5, 2023.

²⁴⁸ P.Kongkirati, ‘From Illiberal Democracy to Military Authoritarianism’, p.32.

²⁴⁹ Interview 2, 2022.

The MOC official shares this view and refers to freedom of expression. She emphasises the need to reconcile concepts such as human rights with local conditions, in the Thai case a certain articulation netiquette:

‘The human rights concept, it's not really 100% black and white. It's always back to the fundamentals of a values culture, in particular countries the context is different. (...) Everyone has the right to speak, but maybe not in our culture, to say things too straight forward and especially when you have more senior people. (...) You have the right to express your will, but you have to do it in a good manner in Thailand’.²⁵⁰

As ministerial representations of the Thai government, such statements are hardly surprising. Exuberant enthusiasm for human rights obligations would neither correspond to the lived human rights practice in Thailand, nor to the Thai representation in various human rights bodies. Both are areas that are largely determined by government action. Surprisingly, however, it also emerges from the interviews that civil society representatives share these views, at least partially.

CSO official 1 for instance, when asked whether human rights are a Western concept, not only answers that he strongly agrees, but also adds that this is ‘very obvious’.²⁵¹ Trade unionist 1, when asked, instead does not speak from his own perspective, but from those of ‘Thai people’:

‘Thai people, they would agree that they believe human right is Western. Because Thai people don't pay too much attention to human rights. And sometimes the government violates human rights and people feel OK about doing that. So yeah, many people believe that (...) it's not our culture, it's Western culture, a Western belief’.²⁵²

Contrastingly, academic 2 detects a division within Thai society on rights importance. Different human rights categories are discussed with different sensitivities in Thailand,

²⁵⁰ Interview 1, 2022.

²⁵¹ Interview 3, 2022.

²⁵² Interview 5, 2023.

political rights for instance are associated with issues of self-determination and sovereignty:

‘In Thailand and particular in local discourses, I don't think that each aspect receives equal weight. That has to do with the local interpretation of the very notion of human rights. If you look at political rights in Thailand, it is very sensitive, and a burning debate will happen’.²⁵³

Another example for this division is provided by CSO official 1, who focuses on freedom of expression in Thailand, compared to the EU:

‘In the EU, people have the right to express their opinion to the government directly, but in Thailand it's quite different, particularly during political turbulences it's not easy to do so, and the government will consider all protesters as problem makers’.²⁵⁴

This also mirrors a relatively resistant rejection from the Thai government regarding outside pressures. While quick action has been seen for violations in economic sectors, such as the fishing industry, there has been little substantive action from the international community concerning basic freedoms in Thailand. Consequently, the MOC official's assessment that pressure from the EU will have little impact on Thailand is not surprising:

‘But if looking at the EU human rights in general I don't think that really impacts on us’.²⁵⁵

Academic 2 shares these views and points out that the partnership between Thailand and the EU may well be based on human rights, but these must not have direct effects on the politically established caste itself:

‘Political rights are quite sensitive in Thailand because eventually it has to do with the polity itself. So that's something huge that goes beyond just establishing a new trade partnership’.²⁵⁶

²⁵³ Interview 8, 2023.

²⁵⁴ Interview 3, 2022.

²⁵⁵ Interview 1, 2022.

²⁵⁶ Interview 8, 2023.

Academic 1 confirms this by even normatively arguing for a separation between human rights and political rights in negotiations. She argues in light of both the status quo in Thailand but also previous EU negotiation goals:

‘Human rights are moderately important; labour rights are important. But the other rights, for example political rights should be separated. (...) The EU tends to combine it formally, but in terms of practice I really think they didn’t. Because in the case of the Singapore FTA, Singapore still has the death penalty. So first they said we negotiate (...) that you abolish this capital punishment, but it didn't happen. So, (...) in terms of practice, we will see’.²⁵⁷

Referring to sovereignty claims on these issues, the MFA official illustrates such narrow spaces by highlighting Thailand's independent path. Besides expressing needs for eye level in negotiations, he sets out fundamental differences between Thailand and the EU that supposedly will remain, regardless of a potential FTA’s design:

‘Overall, we probably want the same thing you want, better living standards for your people and for our people. We want equality, but in a Thai way if you like. (...) We can see that European people have higher standards and live better lives. We want that for our own people as well, so we can see the destination. But how to get there? We have to figure out the best way for our people, our government, our system to reach that destination. Maybe we are making a mistake, but I think it's necessary mistakes’.²⁵⁸

9. Discussion

The discussion examines the results of the analysis against the background of related literature, primarily using the theories of the EU as norm entrepreneur and social justice. Overlaps and contradictions are mapped, explained, and contextualised.

²⁵⁷ Interview 4, 2022.

²⁵⁸ Interview 2, 2022.

9.1. Implications from existing FTAs

Rights reservations emerging from the content analysis are little surprising considering freedom restraints that are present in both countries analysed. For Singapore, this primarily concerns freedom of expression, which is considered an obstacle for social harmony.²⁵⁹ For Vietnam, absolute state authority is paramount and challenges, regardless in which policy area, are considered a threat.²⁶⁰ Nevertheless, there are significant differences between Singapore and Vietnam in their respective FTA right provisions. One possible explanation cited in the literature links the more far-reaching provisions on the Vietnamese side to domestic policy priorities. Despite its emerging middle power status, it remains a developing country which is highly dependent on trade and foreign investment. Hence, national interests have often been defined along the lines of the multilateral trading system.²⁶¹

Singaporean interlocutors instead do not consider the EU a significant actor in the region and almost exclusively focused on commercial aspects.²⁶² As McKenzie and Meissner argue, the EU grants such concessions when negotiations are falling out of public eye. Hoang and Sicurelli attest for a ‘subordination of development goals to commercial objectives’ that the EU is committing in the ASEAN region. Hence, the analysis suits McKenzie and Meissner’s conclusion that geo-economic factors are crucial in determining human rights conditionality.²⁶³ This is also interesting for Thailand, the second biggest GDP economy in ASEAN, but with lower growth rates than Vietnam.²⁶⁴ Since the EU is pursuing new trade alliances under geoeconomic pressure, unlike at the time of the negotiations with Vietnam and Singapore, outcomes might be significantly different. Thailand’s government, as well as the participation and weighting of different stakeholders in negotiations, will be decisive in determining which analysed human rights provisions will find their way into the agreement.

²⁵⁹ M-L.Frick, *Human Rights and Relative Universalism*, p.255.

²⁶⁰ A.Navasartian, ‘EU-Vietnam Free Trade Agreement’, p.561.

²⁶¹ L.Dinh Tinh and V.T.Thu Ngan, ‘The COVID-19 Pandemic and the Emergence of Vietnam as a Middle Power’, p.311.

²⁶² L.McKenzie and K.L.Meissner, ‘EU–Singapore Negotiations’, p.282.

²⁶³ *Ibid.*, p.274.

²⁶⁴ International Monetary Fund, *Regional Economic Outlook. Asia and Pacific. Recovery Unabated amid Uncertainty. May 2023*, Washington D.C., International Monetary Fund, 2023.

9.2. Thai perspectives on health

Perhaps the most dominant factor for the Thai case are health rights. These seem to be especially important not only because of Thailand's comparatively high rates of HIV/AIDS infections, but also due to widespread ignorance of the topic on part of the EU. Stakeholders thus call for a thorough investigation of potential FTA effects on Thai medical provision and subsequent adjustments. These overarching effects are equally described by Sen, who emphasises global justice linkages including healthcare and its advantages and vulnerabilities linked to different health systems.²⁶⁵ However, such assessments and the link between global commodity flows and local health impacts still receive little attention. Aggravated 'difficulties that poorer and vulnerable citizens are facing'²⁶⁶, as identified by Nillsuwan, should be part of FTA conversations on a level equal to potential tax reductions and foreign direct investment. The distribution of 'benefits of global relations'²⁶⁷, including trade agreements, patent laws and global health initiatives, hence inevitably becomes subject of global discussions, including vocal criticism from stakeholders.

9.3. Thai perspectives on labour

Similar demands surround labour standards, with stakeholders targeting governance mechanisms prioritising sustainable consumer choices. Esguerra approaches certifications as 'policy instruments that are market-based, voluntary and distinct from those of the Weberian nation state, as they do not draw on government authority'.²⁶⁸ However, related practices also depend on the composition of a multi-stakeholder regime. In the context of palm oil, related certification bodies primarily include powerful

²⁶⁵ A.Sen, *The Idea of Justice*, p.172.

²⁶⁶ B.Nillsuwan, 'Imbalance Between Public Health and Intellectual Property Rights Protection Goals', p.168.

²⁶⁷ A.Sen, *The Idea of Justice*, p.409.

²⁶⁸ A.Esguerra, 'An Actor-Network Perspective on Polycentric Governing', p.6.

transnational corporations which control far-reaching global commodity chains.²⁶⁹

The best practice example often used for Thailand is the EU's approach on IUU. Leveraging its market power, environmentally sustainable and human rights oriented measures have been implemented in Thailand's fishing industry.²⁷⁰ In this context, increasingly, the EU synchronises its labour approach with ILO standards, progressing universalism and avoiding solely EU-tailored solutions.²⁷¹ Leveraging the ILO and other multilateral actors can facilitate coordinated efforts and provide eased conditions for future trade questions, not only with the EU but also other like-minded actors, such as the US.²⁷²

This approach has led to an increased relevance of ILO norms, facilitated by the EU, which resulted in the Thai government to accept ILO laws P029 and C188.²⁷³ Further resulting was Thailand's lead in the regionwide ASEAN IUU Network, a channel for law enforcement authorities and other relevant governmental agencies to combat IUU fishing and hence disseminating local lessons to a wider audience.²⁷⁴ In essence, the EU managed to 'use normative power to continue exerting influence on labour standards in Thailand'²⁷⁵, which met with approval from many stakeholders.

9.4. Thai perspectives on environment

Moreover, IUU practices portrayed the reinforcement of peril working conditions and environmental degradation. Another example are resource exploitation and energy sources, part of cooperation formats between Thailand and the EU.²⁷⁶ CSOs are striving

²⁶⁹ I.Hadiprayitno and S.Bagatur, 'Trade Justice, Human Rights, and the Case of Palm Oil', p.167.

²⁷⁰ A.Kadfak and S.Linke, 'More than just a carding system', p.3.

²⁷¹ Ibid., p.4.

²⁷² J.Adriaensen and E.Postnikov, 'Geo-economic Motives and the Negotiation of Free Trade Agreements', p.16.

²⁷³ A.Kadfak and S.Linke, 'More than just a carding system', p.7.

²⁷⁴ Ibid., p.7.

²⁷⁵ A.Kadfak and S.Linke, 'More than just a carding system', p.7.

²⁷⁶ EEAS, 'EU-Thailand Relations Partnership And Cooperation Agreement', 2022, <https://www.eeas.europa.eu/sites/default/files/documents/EU-Thailand%20factsheet.pdf>, (accessed 23 May 2023).

for legal frameworks and external support to create a protective mining industry.²⁷⁷ Environmental protections thus far focus on trade in forestry products and on sustainable trade in fisheries and aquaculture, for instance related to deforestation..²⁷⁸ However, Garcia showcases possibilities for wide-reaching environmental protection schemes by using and strengthening dispute settlement mechanisms.²⁷⁹ Southeast Asia emerges as global hotspot for industrial agriculture in palm oil and other resources, leading to potential land degradation and biodiversity losses.²⁸⁰ Hence, related provisions appear urgent, given the EU's role as future green economy. Equally, stakeholders call to balance environmental rights with economic interests, but always prioritising human rights.²⁸¹ Since these are often merged into all-encompassing categories of environmental and social rights protections, specifically tailored environmental protections are considered crucial.²⁸²

9.5. Thai perspectives on values

Finally, dominating all described areas are value beliefs and their inclusion in FTAs. The EU is considered a global norm pioneer in the literature, which has been confirmed by stakeholders. This also applies when compared with other major players, which is striking when considering that, across the literature, both the EU and the US are assessed to draft very similar international human rights provisions.²⁸³ These are often contrasted with so-called Asian values²⁸⁴, a debate mainly but not only raised by government representatives in the interviews, while the majority of CSO representatives insisted on rights universality. Beyond this debate, Regilme challenges the EU's rights supremacy, given

²⁷⁷ Interview 3, 2022.

²⁷⁸ L.McKenzie, 'Overcoming legacies of foreign policy (dis)interests in the negotiation of the European Union-Australia free trade agreement', p.265.

²⁷⁹ M.Garcia, 'Sanctioning Capacity in Trade and Sustainability Chapters in EU Trade Agreements', p.58.

²⁸⁰ I.Hadiprayitno and S.Bağatur, 'Trade Justice, Human Rights, and the Case of Palm Oil', p.158.

²⁸¹ Interview 7, 2023.

²⁸² K.Creutz, 'The Asian Infrastructure Investment Bank (AIIB) and rights protection', p.3.

²⁸³ C.Nessel and J.Orbie, 'Sustainable Development in EU-Asia Trade Relations', p.202.

²⁸⁴ M-L.Frick, *Human Rights and Relative Universalism*, p.66.

the rise of discriminatory practices against individuals within its own domain, a narrative partly shared by ministry officials.²⁸⁵

Further scepticism rests with the EU's norm persistency when facing strong economic markets. The Singaporean example is frequently cited in the literature as well as by CSO interviewees, criticising the EU's lack of assertiveness with economically important partners. Consequently, the combination of core interests from political and economic elites in Thailand and a certain room for manoeuvre in EU enforcement issues leaves a question mark on the extent to which political rights can be addressed, given the potential for significant bilateral tensions.²⁸⁶

10. Conclusion

In summary, this thesis reviewed the EU FTA negotiations with Thailand on human rights aspects, based on already concluded FTAs with Singapore and Vietnam. It was informed by a qualitative and quantitative content analysis for Singapore and Vietnam, as well as eight semi-structured expert interviews for Thailand. The results of this thesis demonstrate a limited amount of certain human rights that have been included in EU FTAs with Singapore and Vietnam. These primarily target economic content of FTAs rather than social or even political change and related human rights. Three key themes were identified, namely health, labour, and environment. Furthermore, views on the EU's role as norm entrepreneur as well as its perception and influence in Thailand were examined. Several findings were noted.

Firstly, contextual health factors in Thailand, such as the relatively high number of people in need of HIV/AIDS medication, vastly differ from those of Singapore and Vietnam. Civil society and affected communities have a strong say on the matter and need to be considered by policymakers for accurate human rights provisions in a potential FTA. It is therefore important to ensure a relaxation of TRIPS-Plus provisions, in dialogue with

²⁸⁵ S.S.F.Regilme, 'The decline of American power and Donald Trump', p.162.

²⁸⁶ N.Kunnamas, 'Normative power Europe, ASEAN and Thailand', p.765.

those affected. One-size-fits all approaches, as used for the Vietnamese and the Singaporean case, are widely rejected by Thai CSO representatives.

Secondly, previous EU labour rights efforts, especially in the Thai fisheries sector, are considered a human rights success. It is important to build on this success and focus on other vulnerable groups, such as migrant workers and women. These often work in informal conditions, such as home-based work, which are not covered by trade union standards and hence provide potential for right violations.

Thirdly, environmental rights and related legislation seem to be the most promising arena for cooperation between the EU and Thailand. Raising awareness and enforcing legal standards provides fruitful potential, as evidenced by most interviewed stakeholders. Issue-linking potential exists in several areas, for example in addressing health or labour aspects in environmentally destructive industries.

Fourthly, the stakeholders' perception of the EU is generally positive and characterised by large value credibility. However, willingness to adopt EU values and principles in Thailand highly depends on the respective stakeholder position. Their roles equally highlight internal Thai political conflicts, which also influence views on the EU and human rights in general.

Finally, the research field touched by this thesis offers potential for further comparisons with other ASEAN states negotiating with the EU, such as Indonesia, Malaysia, or the Philippines. Limitations of this research, such as the relatively small number of interviewees, could be overcome by applying larger case sets or more quantitatively oriented research designs. In addition, an examination of EU stakeholder interests for the Thai case would provide a valuable balance to the research corpus opened by this work, as would an assessment of perspectives from marginalised groups affected by FTAs, such as farmers, HIV/AIDS patients, or industrial workers.

11. References

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