

An Evolving Path of Regionalism: The Construction of Environmental *Acquis* in Comparative Perspective between the EEC and ASEAN

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Abstract

Environmental governance is in many instances one of purposes of a regional project among neighbouring countries. While the environmental protection appears to be a matter of low politics and its influence on the expansion of a regional project as a whole cannot be expected more than security or free trade, attention also needs to be paid to the fact that technocratic features of environmental issues sometimes prevent participating countries from encountering considerable political contestation, and therefore the setting-up of environmental programmes can be part of a reasonable evolving path of regionalism.

The paper compares the environmental governance of the EEC with of ASEAN before the breakthrough of fully-fledged regional projects: the EEC before the Single European Act of 1987 and ASEAN before the Hanoi Plan of Action of 1998. The main purpose of this comparison between two embryonic environmental governance is to find a theoretical viewpoint for examining the developmental processes, not outcomes, of collective actions in regionalism. For this end, the paper proposes an institutionalist reading of evolutionary processes of regional environmental governance. Referring to a perspective of new regionalism that emphasises regional complement to global governance, the paper draws on the concept of *acquis communautaire*, which has been considered in EU studies concerning enlargement, polity formation or constitutionalisation.

In the beginning, any regional project among neighbouring countries require their own big political decisions to establish an institutional architecture consisting of hard or soft instruments. However, after any regional institution-building, institutional logics that may produce path dependency and its unanticipated consequence may emerge. These institutional logics may lead to the situation in which participating countries lose their perfect control of institutional evolution of regional arrangements. It is an institutionalist approach, especially its historical version, that emphasises the evolving path of regionalism.

In EU studies, historical institutionalism has been strengthened by a constructivist way of thinking about *acquis communautaire*. While a regional project among sovereign states would still require intervening grand bargains for revolutionary development of institutional arrangements, their decisions may also be contextualised with the evolutionary institutional development through day-to-day practices in inter-periods from one big political decision to the next. According to historical institutionalism in EU studies inspired by a constructivist approach, it is *acquis communautaire* that brings about this constraint of big political decisions.

Drawing on this institutionalist assumption, we can consider *acquis* in the making that contextualises the control of institutional development by participating countries. In particular, the examination of evolving ASEAN environmental governance based on soft law formulation enables us to expect the emergence of *acquis politique*, which may lead to gradual legalisation, or which may become the entire body of soft commitments that serve as vehicles of discourses constituting core values of East Asian open regionalism.

One question that needs to be asked in this research perspective is resources of *acquis*. The paper suggests two resources. One is shared practices that are produced in the EU through day-to-day policy-making based on the Community method, and in ASEAN through routinised activities in intergovernmental conferences, senior officials meetings and working groups. The other is multilateral environmental arrangements outside a regional project. Evolutionary processes of environmental governance in the EU and ASEAN alike have been triggered through these outside arrangements. Here at least in environmental policy sectors, we can find the embeddedness of a regional project into international normative arrangements.