

# Conference on Networked Regionalism versus Institutional Regionalism: Managing Complexities in Regional Cooperation and Global Governance

6 - 8 December 2009  
Singapore

Jointly organised



Centre in Singapore



Partners



## EXECUTIVE SUMMARY

Regionalism is becoming an increasingly topical issue in contemporary global politics both for politicians and academics. In discussing region-building and regionalism, the European Union (EU) is often showcased as a successful model of institutional regionalism, where integration is more formal and legalistic and achieved through endowing specific institutions with certain decision-making powers to shape the behaviour of member states. In contrast, region-building in Asia seems to operate on a different logic, with an emphasis on open-ended networked regionalism where cooperation is achieved through informal networks and with less emphasis on institutionalisation. In order to explore and compare different regionalisms and to contextualise the idea of networked regionalism, the Conference, held on 7-8 December 2009, both comprised detailed discussions on region-building processes within Asia and Europe and at the same time analyzing the ways these regions deal with trade, environment and migration policies and processes in the context of increasing interdependence.

Region-building in Southeast Asia as epitomised by the founding and development of the Association of Southeast Asian Nations (ASEAN) has been discussed in three stages – confidence building, deepening and broadening of the cooperation (such as signing of the ASEAN Free Trade Area [AFTA] agreement in 1992) and the current stage of moving towards an institutional regionalism paradigm. The ASEAN Charter, which entered into force in 2009, is considered to be a major stepping stone in regional integration, fostering a culture of greater reliance on legally binding agreements and respect for its commitments. While some see ASEAN moving towards an EU model of integration, and the Charter serving as an important step towards a nascent form of institutional regionalism, the underlying view is that ASEAN would never become a “mirror image” of the EU due to the diversity of the region, and would evolve its own hybrid model. Still, the interesting questions remain how the legislative framework, the decision-making structure within ASEAN and the pattern of diplomacy and ASEAN’s role in the wider region-building efforts might evolve over the years.

Another regional integration model discussed was that of the Asia-Pacific Economic Cooperation (APEC), a diametrically opposite model to the one represented by the EU and also somewhat different from ASEAN. Based on open regionalism and the major roles that business representatives played in partnership with political leaders, the model has been successful in fostering a regime of free and open trade and investment in the Pacific and can thus be considered a good example of ‘networked regionalism’ according to keynote speaker Ambassador Professor Tommy Koh.

The EU has been traditionally considered the most successful regional organisation and an example of the ‘institutional regionalism’ model, based on its regulatory framework and institutions, as well as pragmatic approach, shared values and consensus among its member states. One of the key factors for the success has been decentralisation in the regulatory system which is often described as a form of “executive federalism” as the Member States still retain much power and their support is crucial for the full fledged functioning of the EU. However, it has been observed that the EU is slowly shifting towards more informality and bottom-up organisation of its regulatory processes, as demonstrated by its use of softer forms of regulation and also of networks and agencies for the supervision and/or enforcement of rules, which, consequently, raise discussions about a more suitable concept of regulatory regionalism instead of institutional regionalism.

During the conference there was a pertinent observation that while ASEAN is debating more institutionalisation, the EU itself is moving towards less formalisation (less “government”) and more informal mechanisms of decision-making, enforcement and implementation.

Apart from comparing the development of ASEAN, APEC and the EU, the conference participants also attempted to define the term “networked regionalism”. It transpired that the conventional definitions which mostly refer to networks as bottom-up processes that originate in civil society, may not be fully applicable in Asia, as region building in ASEAN and the wider region is rather a state-driven process. In addition, the notion that regions would naturally progress from a networked phase to an institutional phase, was

challenged. Over the course of the conference, a broad sense of agreement developed that there is no single model of regionalism that would suit all regions in the world. Different models can work for different regions, depending on the region's history, culture and circumstances.

The conference participants discussed various key policy issues – trade and economic cooperation, environmental management and migration challenges and compared how the two regions Europe and Asia, deal with these issues.

Trade has been one of the major reasons for fostering regional integration in Asia, and the region has witnessed the emergence of a network of bilateral and multilateral Free Trade Agreements (FTAs). This phenomenon has not been without criticism. Critics have noted that the proliferation of FTAs may become stumbling blocks towards free and open trade, as participating countries face an ever-increasing challenge to deal with the different rules of origin and different levels of development, liberalisation and preparedness for deeper cooperation within the region.

Despite these challenges, East Asia is clearly shifting more towards an institutionalised and binding approach in trade. Meanwhile, the management of trade issues within the European Union is on a different level compared to Asia. While Asia is working its way through the proliferation of bilateral and sub-regional FTAs to forming a region-wide FTA, the EU is already a single trading bloc where EU institutions have exclusive competence in trade and commercial policy. Therefore, comparison was made at the conference with regards to the way the EU would manage its trade negotiations with third countries. In comparing the different processes of trade negotiations in the EU and Asia, the central questions raised were how these processes and outcomes contribute to global standard setting, in particular issues that go beyond classical tariff negotiations and include matters of agriculture, services, government procurement etc.

Since environmental issues are impossible to solve without close regional and global cooperation, environmental policy making at regional level represents an important layer in the governance of complex challenges. While environmental policy has been one of the most active policies in the EU as a fully fledged community policy and has

effectively contributed to the deepening of regional integration and cohesion in Europe, ASEAN environmental cooperation presents a different approach from that of the EU as it has relied mostly on soft law, bottom up and network arrangements to create, implement and monitor regional environmental policies. Environmental policy and cooperation in ASEAN have continued to develop without rigid institutionalised structures or binding law. The conference discussions focused mainly on the effectiveness of ASEAN environmental cooperation. While not as advanced as environmental cooperation within Europe, the non-binding and more networked model has served ASEAN relatively well. ASEAN had in fact been relatively successful in encouraging member states to implement their obligations under the various multilateral environment regimes.

Migration has also been pinpointed as another sensitive and increasingly important issue concerning Asia – Europe relations, as there are not only flows within the two respective regions, but also growing inter-regional migration between Asia and Europe. While, both in EU and in Asia, immigration and integration policies remain essentially within national competence, a central question posed was whether in the case of international migration, nation states are creating new global class situations beyond the moral underpinnings of national law and international obligations. Some of the controversies revolved around human rights versus security issues, fears of the abuse of the welfare system, the competitiveness versus complementarities of migrants on labour markets, etc. Over all, migration issues remain highly sensitive. While there has been stronger regional cooperation in dealing with control of illegal migration and asylum seekers in Europe, policies to attract skilled workers and global talent stay mainly within national competence. International cooperation in migration management has also progressed very slowly. Regional and international cooperation on migration policies will likely remain piecemeal, and an area in which informal networks may have a bigger role in pushing for change.

The main conclusions drawn from the conference are threefold. First, there is no single model of regionalism that would suit all regions and the model that evolves would depend on the region's history, culture and circumstances. Second, there

is need to better define the term “networked regionalism” and the conceptual borderline between “institutional regionalism” and “networked regionalism” has to be revisited. Finally, the increasingly complexity of the problems and policy environment with what Asia and Europe are faced may point towards a more informal, inclusive and open networked forms of governance and regulatory cooperation.

## Report on the Conference on Networked Regionalism versus Institutional Regionalism: Managing Complexities in Regional Cooperation and Global Governance

### Introduction

Regionalism is becoming an important feature of the contemporary international system. While states remain the central actors in the international system, increasingly regions and regional actors are part of the global governance system in managing complexities and interdependence arising from globalization. Effects of regional integration on the global state system are becoming an interesting topic for not only researchers but also policy makers. Hence, studies of region-building and regionalism are not just intellectual pursuits but could form an integral part of building a multi-level governance structure to manage complexities in regional and international cooperation.

Of all region-building endeavours, the European Union (EU) has been seen as the most successful model of regional integration. When regional integration in Europe and Asia is compared, it is common to assume that the European experience of institutional regionalism is inevitable for deepening integration. However, to understand East Asian regionalism, it is perhaps necessary to consider a different logic – an open-ended networked regionalism rather than the more exclusive institutional regionalism that informed the European integration process thus far.

The Conference, held on 7-8 December 2009, explored the different conceptions of regionalism, looking in particular to contextualize the idea of networked regionalism and see how useful it is in explaining and sketching the trajectory and contours of region-building in Asia in contrast to institutional regionalism in Europe. It began by first looking specifically into the development of the Association of Southeast Asian Nations (ASEAN) and the region-building processes in Asia underpinned by ASEAN and then compared and contrasted these to regional integration in Europe as epitomized by the European Union (EU). The conference then looked into how Asia and the EU dealt with cooperation in three policy areas – trade, environment and migration – through the different processes and mechanisms that each region is accustomed to and assessed the effectiveness and efficacy of these in managing the complexities arising from cooperation.



*Ambassador Professor Tommy Koh (right) giving the keynote speech on “The EU, ASEAN and APEC: Different Models of Integration” with Dr Yeo Lay Hwee (left) as moderator.*

This Report gives a summary of the presentation and the key points that surfaced in the conference and includes some of the questions that were raised but not adequately dealt. This would hopefully provide the impetus for further research and discussion on how regionalism feeds into the broader framework of discussion on regional and global governance in an era of increasing interdependence and complexity. More importantly, with the growing complexity in policy environment, more research could be focused on how informal, inclusive and open networked forms of governance may contribute to transnational problem-solving.

## **Part 1 – Regionalism and Region building in Asia and Europe**

### **The Association of Southeast Asian Nation (ASEAN)**

Region-building in Asia began in the sub-region of Southeast Asia with the founding of the Association of Southeast Asian Nations (ASEAN) in 1967. Regionalism in ASEAN can be divided into three stages. In the first stage, it was necessary to build confidence among the ASEAN countries, which had little experience of cooperation between them, because they were previously ruled by different colonial powers. At this stage, there was still a relatively low level of cooperation, with the exception being coordination in foreign policy in response to the invasion of Cambodia (then Kampuchea) by Vietnam in 1978. ASEAN made its mark in the world and international fora by leading a decade-long diplomatic campaign against Vietnam for its invasion and occupation of Cambodia.

In the second stage, ASEAN began to both deepen and broaden its cooperation. An example of a concrete achievement in this stage is the conclusion of the ASEAN Free Trade Area Agreement (1992). ASEAN also launched several initiatives to promote peace and stability in both Southeast Asia and the wider Asia Pacific region, which resulted in the adoption of the Southeast Asian Nuclear-Weapon-Free Zone Treaty (1995) and the ASEAN-China Declaration on the Conduct of Parties in the South China Sea (2002). Another initiative in this stage was to hold annual Post Ministerial Conferences (PMCs) between the ASEAN Foreign Ministers and the 10 dialogue partners. ASEAN also proposed the idea of an ASEAN Regional Forum (ARF) in 1993 to promote dialogue on political and security issues and to contribute to confidence-building and preventive diplomacy in the Asia-Pacific region.

In this phase, ASEAN also started ASEAN plus One Summits (with China, Japan, Korea, Australia, and New Zealand). The 1997 Asian financial crisis stimulated a change in attitudes in favour of greater regionalism, and led to the creation of the ASEAN plus Three (Japan, South Korea and China) process. The next step was taken in 2005, when the first East Asia Summit (ASEAN plus China, Japan, Korea, India, Australia, New Zealand) was



*Associate Professor Tan See Seng (centre) on “Formal and Functional Faces of Asian Regionalism” with Professor Linda Senden (speaker) on his right and Dr Suthiphand Chirathivat (moderator) on his left.*

convened. As a result of all these successful diplomatic initiatives, ASEAN succeeded in entrenching its role as the convener and facilitator of region-building efforts in Asia. At this stage, ASEAN remained an essentially inter-governmental organisation, and its approach towards region-building was primarily and predominantly informal and networked-oriented.

Currently, ASEAN is in its third stage, where it is gradually moving closer to the institutional regionalism paradigm, especially since the adoption of the ASEAN Charter in December 2008. The Charter is expected to foster a culture of greater reliance on law and legally binding agreements and respect for its commitments. According to some conference participants, however, it is too early to say whether ASEAN will succeed in translating this vision into reality. Some felt that even if ASEAN regionalism were indeed gradually moving closer to the EU model, it would never become a “mirror image” of the EU due to its diversity. ASEAN would most probably evolve its own hybrid model that is more suitable to the history, culture and diversity of the region and would be a blend of institutional institutionalism and networked regionalism.

There were some participants who interpreted the ASEAN Charter differently. These participants opined that contrary to the expectations of institutional regionalism, the Charter amounted to a “legalisation” or “formal endorsement” of the ASEAN Way of informality, consensus and consultation. In other words, the informal became formalized. This raised the questions of what consequences ASEAN’s transition from networked to a nascent form of institutionalized regionalism would imply for Asian regionalism.



*Professor Linda Senden on "Institutional Regionalism in Europe: Underlying Principles and Current Developments"*

Concerns were expressed that this legalisation could be problematic in future, if it becomes intractable, akin to dogma, as the strength of ASEAN over the last three decades has really been its flexibility and informality. Its loosely networked structure allowed for "contraventions" such as enhanced interaction, preventive diplomacy and turning to the International Court of Justice in disputes. The legalisation of ASEAN norms "would essentially tie ASEAN down" to its "entrenched inter-governmental mode" and could really "stand in the way" of ASEAN member states pursuing more ambitious forms of community-building and regional integration.

ASEAN today is at a critical juncture where its centrality and de facto position in the wider Asian region are no longer guaranteed. Recently, there have been various proposals to enhance the cooperation in the region by establishing an "Asia-Pacific Community" (proposed by Australian Prime Minister Kevin Rudd) or "East Asia Community" (proposed by Japanese Prime Minister Yukio Hatoyama). Some felt that the fact that these competing proposals of regionalism are emerging is a reflection of concerns over ASEAN's lack of overarching coherence and doubts about its ability to drive the region-building agenda. The proliferation of ideas about Asia's institutional regional architecture could be seen as a reflection of dissatisfaction with existing the networked structure of institutions with ASEAN as its core, and an appeal for an alternative, umbrella-type architecture underwritten by the great powers.

On the one hand, some participants accepted the notion of variable geometry and acknowledged the different roles that could be played by the different regional institutions and processes within the region. On the other hand, there was

also a felt need for practical reforms streamlining these institutions in line with the concern for overall coherence.

Despite the longstanding role ASEAN has played as a "default driver" of Asian regionalism is increasingly coming under pressure and its centrality has been called to question. However, some participants maintained that ASEAN would still have a central role, because its unique traits in consensus building and lack of historical rivalries and tensions makes the grouping an acceptable "neutral" and "convenient" "convener and facilitator" for region building.

### **Asia-Pacific Economic Cooperation (APEC)**

APEC, established in 1989, is a forum of 21 economies that meet annually at the Summit level. The APEC model is based on open regionalism, on voluntary liberalisation and on peer pressure; hence it is diametrically opposite to the one represented by the EU, and is also different from ASEAN. The purpose of APEC, apart from uniting the two sides of the Pacific and preventing the recurrence of a Pacific war, is to promote a regime of free and open trade and investment in the Pacific and to achieve the goal by 2010 and 2020, for developed and developing economies respectively.

According to the keynote speaker, APEC has been relevant in promoting free trade and a successful model for the Asia-Pacific region. This is best exemplified by the achievements in international trade liberalisation. For instance, in 1989, the average tariff in APEC was 17%, whereas in 2009, it was only 5%. In 2009, intra-APEC trade is 67%, only 1% less than intra-EU trade. APEC represents 50% of world GDP and over 40% of world trade. One of APEC's unique features is the central role played by business representatives: the APEC Business Advisory Council meets with the APEC Leaders and submits an annual report, indicating the problems and impediments for business in the region. This close partnership between the political leaders and the dynamism of the private sector is the key to APEC's success. APEC is therefore a paradigm case of "networked regionalism".

## European Union (EU)

The EU is the most successful regional organisation in the world and it is a paradigm case of the “institutional regionalism” model. The main characteristics of the EU model are:

1. Reliance on laws and institutions;
2. Binding commitments;
3. Shared political values;
4. Pragmatic, step by step approach;
5. Progressive pooling of sovereignty;
6. Consensus among member countries and peoples that they are better off acting together rather than acting separately.

The success of the European integration process has been very often explained in terms of its high level of institutionalisation, and attributed to the role of institutions per se. However, it is more nuanced than this, and a broader perspective is needed. The legal system and principles underpinning the integration confer the legitimacy required for the integration process to be accepted by the member states. The European legal order, in which European law has begun to take precedence over national law since the early stages of integration in the 1960s, has played an important part in community-building in Europe.

The scope of EU powers has been progressively extended as a result of case law and Treaty amendments. However, for ensuring the effectiveness and daily application and enforcement of this system, European institutions are in many ways dependent on the Member States and national institutions. One of the key features of the EU is decentralisation in the regulatory system. This provides for greater national autonomy and the compliance and implementation by member states are necessary for integration to work.

The EU can be described as a form of “executive federalism”, because the Member States still have much power. For instance, the European Commission, Council and European Parliament all participate in legislation making. But the transposition, administration, implementation and enforcement of laws rely on national actors. ‘National’ here refers to the Council ministers or governments, but to civil society actors, working groups, state representatives, local courts and authorities. In fact, the EU is not based on a

“hierarchy”, but on “cooperative relationships”, and national bodies are “intertwined” in all aspects. Consequently, the success of European integration is not due to its institutions per se but the legal system that ensures power is exercised based on principles of subsidiarity, national co-authorship and union loyalty, and enables its acceptance by member states. While supranational institutions matter, they cannot function without national support.

Furthermore, there is a shift of the EU towards more informality and bottom-up organisation of its regulatory process, as demonstrated by its use of softer forms of regulation and also of networks and agencies for the supervision and/or enforcement of rules. There is an emphasis on “less government, more governance”, on participation and consultation of civil society, citizens, representative associations, and parties concerned. Therefore, regulatory regionalism might be a more appropriate qualification of the EU-model than institutional regionalism.

Conference participants observed that while ASEAN is debating more institutionalisation, the EU itself is moving towards less formalisation (less “government”) and more informal mechanisms of decision-making, enforcement and implementation. This trend is confirmed in the Treaty of Lisbon, aimed at reconciling governance and sovereignty concerns. It further extends EU decision-making but it also balances the powers of the European Commission by enhancing the remit of the Council and Parliament. It accords more “control and wider procedural applicability” to member states. For instance, it establishes a permanent presidency and ensures more Qualified Majority Voting in the Council, thus giving Member States a greater voice. The enhanced role of the European Parliament also gives citizens a larger and more direct say. The nuances of the Lisbon Treaty continue to accentuate the argument that the EU legal order ensures state and civil participation.

## Networked versus Institutional regionalism

In comparing and contrasting the trajectory of region-building in Asia and Europe, conference participants also discussed the need to better define the term “networked regionalism”. The conventional definition described by authors like

Peter J. Katzenstein, refers to networks as bottom-up processes that originate in civil society, and this is not necessarily the case in Asia. For example, region-building in ASEAN is very much state-driven. It relies on soft institutionalism, with strong emphasis on non-binding informal institutions, and decisions are generally arrived through consensus and based on unanimity as a principle. Region-building in Asia is “multi-layered” and there are several inter-related institutions from ASEAN, ASEAN plus Three to East Asia Summit (EAS) and APEC.

In discussing networked versus institutional regionalism, some participants also cautioned against teleological thinking and looking at region-building and institutionalism as a linear process. The notion that informal networks are an early or primitive phase of region-building, and that regions would naturally progress from a networked phase to an institutional phase has to be challenged. Networked regionalism may actually be a more effective way of tackling issues that are amorphous and complex and do not lend themselves to easy solutions. Small, flexible and diverse networks may have the advantages of being able to respond more quickly to threats and uncertainties. They can involve different partners and states depending on the problems encountered, and can facilitate knowledge exchange and sharing. It may also be sensible for regional actors to have more flexible mechanisms at the regional level if there are already binding rules at the national or multilateral level.

Networks can also have the advantages of being perceived as more open and inclusive and hence face less resistance. Political leaders encountering different forces at play may need to be flexible about the particular shape of the institutional design in order to encourage buy-in and shift to informal solutions. The conventional view that networked organisations are deficient and susceptible to defections and free-riding may not always be true. Networked regionalism can also have functional spillovers into other policy fields and the competition between different networks can actually be helpful in overcoming policy deficiencies. Indeed increasingly, as noted earlier, the EU with its expansion to 27 and increased heterogeneity is moving from institutional and formal mechanisms to a more flexible and loose form of mechanisms such as the open method of coordination. The presentations and discussions

in the different concurrent sessions on the management of the various policy issues within Europe and Asia reflected the much more nuanced picture on the different mechanisms that regions develop to cope with different policy issues and challenges.

Over the course of the conference, a broad sense of agreement developed that there is no single model of regionalism that would suit all regions in the world. Different models can work for different regions, depending on the region’s history, culture and circumstances.

## **Part 2 – Regional cooperation and management of key policy issues**

### **Trade and Economic Cooperation**

Trade has been one of the major factors underpinning economic cooperation and growth. In classical economic integration theories, the forming of a free trade area is the very first step towards greater economic integration. While the European Union has proceeded way beyond a free trade agreement, and has created a single market of 27 economies, Asia remains very much disparate in its efforts to create a region-wide free trade area.



*Session on Trade—from left, Ambassador Dorian Prince (speaker), Professor Park Sung-hoon (moderator), Dr Ganesh Wignaraja (speaker) and Ms Anne Pollet-Fort (rapporteur).*

Realising the importance of free trade as an impetus for economic growth and reform, and the need to improve international competitiveness through exploitation of economies of scale, Asia has been in the forefront of FTA activity in the world over the last few years. Integration engendered by market forces and the reality of economic regionalisation in Asia, particularly East

Asia, meant that policy makers have to respond with appropriate measures to better manage the processes.

The surge in bilateral and sub-regional FTAs in Asia, however, is not without its critics and challenges. One of these challenges is to tackle the spaghetti bowl effect with the different rules of origin. Many of the Asian FTAs have only sub-optimal level of liberalisation in agricultural products and even contradict the spirit of GATT Article XXIV. The utilisation rates of the FTAs are relatively low at the firms' level.

Despite the above challenges, there is a shift in East Asia's trade policy towards a more institutionalised and more binding approach. With 54 concluded agreements, FTAs are assuming more importance as a tool of commercial policy.

The management of trade issues within the European Union is on a different level compared to that in Asia. While Asia is working its way through the proliferation of bilateral and sub-regional FTAs to forming a region-wide FTA, the EU is already a single trading bloc where EU institutions have exclusive competence in trade and commercial policy. Therefore, comparison was made at the conference with regards to the way the EU would manage its trade negotiations with 3rd countries.

The EU negotiation process can be divided into six stages:

1. The exploratory talks between Commission and an external party;
2. The Commission's recommendation to the Council and the Parliament;
3. The authorisation to negotiate and the set of negotiating directives given by the Council to the Commission;
4. The formal negotiating process;
5. The initialling of the agreement between the Commission and the third country;
6. The adoption of the Commission's proposal by the Council and the Parliament.

The negotiation process reflects a combination of informal and formal elements. The exploratory talks between the Commission and the country concerned are in fact most important as they would determine if the Commission, which has the power of initiation, recommend to the Council

to start the FTA negotiations. More importantly, it is during this phase that the third country makes sure that its position is correctly understood and provides the right premise in which negotiating directives are formed. The negotiating directives that the Council gives to the Commission, though not legally binding on the Council or Commission, are extremely important as they contain the core elements of the future FTA. Once these negotiating directives are defined, the formal negotiating process is fairly straightforward. During this formal phase, the Commission negotiates on behalf of the Union and reports regularly back to the member states on the progress of the negotiations. With the Lisbon Treaty in force, the Parliament also needs to be regularly informed.

Once the negotiations are complete, the Commission and the third country will initial the agreement. Both parties politically agree on a text which the Commission will propose to the Council and Parliament for adoption. The whole negotiating process usually takes 1-2 years and the adoption process 3-4 months.

In discussing the different processes of trade negotiations within Asia and Europe, one of the central questions raised was how these processes and outcomes contribute to the setting of global standards. In particular, the EU is pursuing trade agreements that go beyond classical tariff negotiations and include issues such as agriculture, services, government procurement, cooperative agreement on health safety, etc. This is in contrast to the many FTAs concluded in Asia that do not cover the new comprehensive issues of services, investments and other non-tariff barriers. The nature of the proliferation of the different trade agreements in Europe and Asia, and how these agreements contribute to or complicate the governance of the global trading system need some further reflection.

### **Environmental Management**

Environmental challenges are mostly recognised as "unsolvable" without close regional and global cooperation. Hence, environmental policy making at the regional level represents an important layer in the governance of complex environmental challenges, and could come in many forms, ranging from loose cooperation to harmonisation

of standards to integration of policy making.



*Session on Environment—from right, Professor Koh Kheng Lian (moderator), Dr Silviu Jora (speaker), Dr Lorraine Elliott (speaker) and Mr Phir Paungmalit (rapporteur).*

Since the 1990s, environmental policy has become one of the most active policy areas of the European Union. The Single European Act (1987) gave the European Community the competence initially to regulate environmental issues only in areas that affect the completion of the internal market. While limited, the Single European Act was a turning point for environmental cooperation in Europe. This Act elevated environmental policy making from national to the regional level. By the time the Maastricht Treaty came into force in 1993, environmental policy had become a fully fledged community policy. The basic institutionalisation of the regional environmental regime in turn has a positive and effective role on regional integration. Indeed some would even argue that the EU environmental regime which comprises over 300 directives and regulations is the proto-type of the normative-regulatory model of regional environmental management and cooperation, and epitomises institutional regionalism.

The development of an institutionalised and normative environmental policy effectively contributed to the deepening of regional integration and cohesion in Europe.

ASEAN environmental cooperation has presented a different approach from that of the EU. Although ASEAN had some basic institutionalised structure for regional environmental policy making such as the Environment Ministers meeting and various working groups on environmental issues, it has relied mostly on soft law, bottom up and network arrangements to

create, implement and monitor regional environmental policies.

ASEAN's environmental cooperation can be divided into three phases. The first phase was the recognition of the importance of cooperation on environmental issues related to sustainable development and availability of natural resources. In the second phase, ASEAN started to address transnational environmental challenges and transnational responsibilities by recognising ASEAN as a single eco-system. One of the reasons was that ASEAN had started to face transboundary pollution threats such as haze and depletion of natural resources. Many of the political declarations and resolutions that emerged in ASEAN during this time made references to multilateral environmental agreements, signifying an attempt by ASEAN to act as middleman for international environmental regimes and ASEAN member states.

In the third phase, the environment was put in the context of community building and regional integration, and it was during this phase that the first binding agreement "The ASEAN Agreement on Transboundary Haze Pollution" was signed and entered into force in 2003. This "formalism" is now supplemented by emphasis on networks to coordinate the development and implementation of environmental policy and regulatory tasks.

Environmental governance in ASEAN had been developed under the shadow of the ASEAN way in which trans-state networks of various kinds have featured prominently. Environmental policy and cooperation have continued to develop without rigid institutionalised structures or binding law. New eco-challenges have compelled countries in this region to cooperate in creating new types of governance arrangement on environmental issues, whether through norms creation, implementation guidelines or compliance networks. The various compliance, knowledge and consultation networks have delivered flexibility, effectiveness and trust which have been strategic to the ASEAN way of operation, and have produced positive outcomes as an alternative form of governance.

Discussions that followed the two presentations focused mainly on the effectiveness of ASEAN environmental cooperation. While not as advanced as environmental cooperation within

Europe, the non-binding and more networked model has served ASEAN relatively well. ASEAN had in fact been relatively successful in encouraging member states to implement their obligations under the various multilateral environment regimes.

### Migration Challenges

International migration in some way represents the “human face of globalisation”. It is an important aspect of Asia-Europe relations as there are not only flows within the two respective regions, such as labour migrants from Southeast Asia to Northeast Asia, and from new EU member states to Western Europe, but growing inter-regional migration between Asia and Europe. Yet, it is also a highly sensitive and politicised issue.



*Migration session—from left, Professor Flemming Christiansen (speaker), Dr Francis Leo Collins (moderator), Dr Xiang Biao (speaker) and Mr Shen Wei (rapporteur).*

In Europe, the EU and its member states have responded to the challenges brought about by migration with a variety of policies but, in general, immigration and integration policies have remained essentially national. Although there has been some movement and progress towards regional migration governance in the EU, migration is often posed as a problem for European societies and hence presents difficult dilemmas in migration policy making. Some of the controversies have revolved around human rights versus security issues, fears of the abuse of the welfare system, the competitiveness versus complementarities of migrants on labour markets, etc.

The interface between migrants and their host society poses a great challenge due to the diversity of issues that exist. There are complex social processes at work in the relationship between migrants and host societies, involving not just state and policy makers but various societal subgroups and individual citizens. One central question posed during the conference was whether in the case of international migration, nation states are creating new global class situations beyond the moral underpinnings of national law and international obligations.

In Asia, every Asian country has its own policy with regards to migration, and cooperation and coordination of movement of people in the region are rather lacking. Yet there is also an element of *ad hoc* transnational regulatory configuration on migration management involving various stakeholders in the region through public-private partnerships of governments, recruitment agencies, employers and employees associations. The use particularly of recruitment agencies is one way that states whiten the grey zone of labour migration. Many of these agencies enact some sort of “rules-based system” to maintain control over migration flows. These transnational governing rules combined with local cultural resources and context may not have the legal substance for full enforcement, but create psychological pressure on migrant labour to conform to them.

Asia’s specific historical and political settings and its jealous guarding of national boundary and sovereignty suggests that it is unlikely that these countries develop binding regional or transnational governance policy on migration.

Over all, migration issues have remained highly sensitive. While there has been stronger regional cooperation in dealing with control of illegal migration and asylum seekers in Europe, policies to attract skilled workers and global talent stay mainly within national competence. International cooperation in migration management has also progressed very slowly. Regional and international cooperation on migration policies will likely remain piecemeal, and an area in which informal networks may have a bigger role in pushing for change.

## Conclusion

The main conclusions to be drawn from the conference are threefold:

First, there is no single model of regionalism that would suit all regions. Even if ASEAN is gradually moving closer to the institutional regionalism paradigm, it is very unlikely that it will ever become the same as the EU. ASEAN would most probably evolve its own hybrid model, a blend of institutional institutionalism and networked regionalism. APEC, on its part, is different both from the EU and ASEAN, and is based on open regionalism, on voluntary liberalization and on peer pressure.

Second, there is a need to better define the term “networked regionalism”, since the conventional definitions do not fully suit Asia's situation, where region-building efforts are very much state-driven, while still being network-oriented. Also, while referring to the EU as a paradigm case of the “institutional regionalism” model, conference participants emphasised the fact that the EU is moving towards more informal, network-like governance mechanisms. Therefore, the conceptual borderline between the two models of regionalism has to be revisited. By comparing the different regional experiences in the fields of trade and economic cooperation, environment management, and migration, the conference further illustrated that different approaches are needed to tackle diverse challenges in different regions. What suits best for the EU will not necessarily work in Southeast Asia and vice versa.

Third, the increasing complexity in the problems that Asia and Europe have to deal with, whether it is in the areas of trade and economic cooperation, environmental management and migration challenges, means that effective solutions to these problems need to be multifaceted. Rigid and legalistic institutional approaches may no longer be sufficient as the policy environment has changed. Instead, more informal, inclusive and open networked forms of governance may be the answer to regulatory cooperation on trans-national problems-solving.

## Rapporteurs:

Arturs Alksnis (Research Associate, EU Centre)

Phir Paungmalit (Research Associate, Singapore Institute of International Affairs)

Anne Pollet-Fort (Associate Fellow, EU Centre)

Shen Wei (Assistant Professor of International Affairs, Ecole Supérieure des Sciences Commerciales d'Angers)

## Edited by:

Dr Yeo Lay Hwee (Director, EU Centre)

Associate Professor Barnard Turner  
(Senior Fellow, EU Centre)

## PROGRAMME

### **6 December 2009, Sunday**

1900 – 2100 Welcome cocktail reception for all participants

### **7 December 2009, Monday**

0830 – 0900 Registration

0900 – 0910 Welcome remarks  
Dr Yeo Lay Hwee, Director, EU Centre in Singapore

0910 – 0950 Keynote Speech  
The EU, ASEAN and APEC: Different Models of Integration  
Ambassador Tommy Koh  
Ambassador-at-large, Ministry of Foreign Affairs, Singapore

0950 – 1010 Question and Answer Session

1010 – 1045 Morning Break

### **Plenary Session 1 – Regionalism: Asia and Europe Compared**

Chair: Dr Suthiphand Chirathivat (Chairman, Chula Global Network, Chulalongkorn University)

1045 – 1130 1st Presentation  
“Formal and Functional Faces of Asian Regionalism”  
Dr Tan See Seng (Associate Professor, S. Rajaratnam School of International Studies, Nanyang Technological University)

1130 – 1215 2nd Presentation  
Institutional Regionalism in Europe: Underlying Principles and Current Developments  
Prof Linda A J Senden (Professor of Law, Tilburg University)

1215 – 1315 Discussion

1315 – 1430 Buffet Lunch

### **Session on Trade and Economic Cooperation**

Chair: Prof Park Sung-hoon (EU Research Center, Korea University)

Rapporteur: Ms Anne Pollet-Fort (Associate, EU Centre in Singapore)

1430 – 1515 1st Presentation  
Trade Negotiations in the EU  
Ambassador Dorian Prince (EU Fellow, Lee Kuan Yew School of Public Policy, National University of Singapore)

1515 – 1545 Afternoon Break

1545 – 1630 2nd Presentation  
Asian FTAs: Trends, Prospects and Challenges  
Dr Ganesh Wignaraja (Principal Economist, Office for Regional Economic Integration, Asian Development Bank)

1630 – 1715 Discussion

### **Session on Environment**

Chair: Prof Koh Kheng Lian (Emeritus Professor, Faculty of Law, National University of Singapore)

Rapporteur: Mr Phir Paungmalit (Research Associate, Singapore Institute of International Affairs)

- 1430 – 1515      1st Presentation  
The EU Environmental Policy – the Epitome of Institutional Regionalism?  
Dr Silviu Jora (Associate Professor of International Relations and European Studies,  
Kobe University)
- 1515 – 1545      Afternoon Break
- 1545 – 1630      2nd Presentation  
ASEAN and regional environmental governance: institutions and networks  
Dr Lorraine Elliott (Visiting Fellow, NTS Centre, S. Rajaratnam School of International Studies,  
Nanyang Technological University)
- 1630 – 1715      Discussion

### **Session on Migration**

Chair: Dr Francis Leo Collins (Assistant Professor, Department of Geography, National University of Singapore)

Rapporteur: Mr Shen Wei (Assistant Professor, ESSCA & Research Fellow, Asia Centre, IFRI)

- 1430 – 1515      1st Presentation on Migration Policy in Europe  
Prof Flemming Christiansen (Visiting Professor, University of Duisburg-Essen)
- 1515 – 1545      Afternoon Break
- 1545 – 1630      2nd Presentation on Migration management in East Asia  
Dr Xiang Biao (RCUK Academic Fellow & COMPAS Research Officer, Oxford University)
- 1630 – 1715      Discussion
- 1830 – 2030      Conference Dinner  
Kazbar@Cuppge Terrace (33 Cuppage Terrace Singapore 229458)

### **8 December 2009, Tuesday**

- 0900 – 1030      Reports from Concurrent Sessions by the 3 Rapporteurs  
Chair: Prof Werner Pascha (Director, Institute for East Asian Studies,  
University of Duisburg-Essen)
- 1030 – 1100      Morning Break
- 1100 – 1300      Concluding Plenary Session  
Chair: Prof Werner Pascha
- 1300 – 1430      Buffet Lunch
- 1430 – 1630      Research Network meeting
- END OF CONFERENCE

## List of participants

1. Mr Syed Mohammed AD'HA ALJUNIED  
Research Analyst,  
S. Rajaratnam School of International Studies  
Nanyang Technological University
2. Mr Arturs ALKSNIS  
Research Associate  
EU Centre in Singapore
3. Ms Alessandra BROVELLI  
ESiA Researcher  
Asia-Europe Foundation
4. Dr David CAMROUX, D.Let  
Senior Lecturer - Senior Researcher, Sciences Po  
Centre for International Studies and Research
5. Prof CHEN Zhimin  
Professor, Jean Monnet Chair, Department of  
International Politics, School of International  
Relations and Public Affairs  
Fudan University
6. Assoc Prof Dr Suthiphand CHIRATHIVAT  
Chairman, Chula Global Network  
Chulalongkorn University
7. Assoc Prof Alan Chong  
Associate Professor  
S. Rajaratnam School of International Studies  
Nanyang Technological University
8. Prof Flemming CHRISTIANSEN  
Professor, Chinese Politics and Society  
University of Leeds
9. Ms Joy CHUA  
Deputy Director  
Nanyang Technological University
10. Dr Francis Leo COLLINS  
Assistant Professor, Department of Geography  
National University of Singapore
11. Dr Niamh Imelda CONNOLLY  
Associate Vice Provost  
Nanyang Technological University
12. Prof Dr Marek DABROWSKI  
President  
Centre for Social and Economic Research
13. Assoc Prof Teofilo DAQUILA  
Associate Professor of Southeast Asian  
Economics  
National University of Singapore
14. Ms Byung Sook DE VRIES  
PhD Researcher  
Tilburg University
15. Prof Giorgio DOMINESE  
Chair Global Economic, Financial and Policy  
Governance  
Rome Tor Vergata University; Transition Studies  
Network; Global Initiative and Policy
16. Dr Stefanie ELIES  
Director  
Friedrich-Ebert-Stiftung Office for Regional  
Cooperation in Asia
17. Assoc Prof Lorraine ELLIOTT  
Senior Fellow in International Relations  
The Australian National University
18. Assoc Prof Ralf EMMERS  
Associate Professor, S. Rajaratnam School of  
International Studies  
Nanyang Technological University
19. Dr Guy FAURE  
Director, Lyon Institute of East Asian Studies  
University of Lyon
20. Prof Henry GAO  
Associate Professor  
Singapore Management University
21. Dr Wilhelm HOFMEISTER  
Regional Representative  
Konrad Adenauer Foundation
22. Prof Rajendra K. JAIN  
Professor, Centre for European Studies.  
President, European Union Studies Association -  
Asia Pacific, School of International Studies  
Jawaharlal Nehru University
23. Dr Kristina JÖNSSON  
Researcher, Centre for East and South-East  
Asian Studies  
Lund University
24. Assoc Prof Silviu JORA  
Associate Professor of International Relations  
and European Studies  
EU Institute in Japan, Kansai
25. Ambassador Tommy KOH  
Ambassador-at-large  
Ministry of Foreign Affairs, Singapore

- |     |   |     |   |
|-----|---|-----|---|
| 26. | Prof KOH Kheng Lian<br>Emeritus Professor, Faculty of Law<br>National University of Singapore   | 40. | Ambassador Dorian PRINCE<br>EU Fellow, Lee Kuan Yew School of Public Policy<br>National University of Singapore   |
| 27. | Ms LE Thu Huong<br>Doctoral Candidate<br>National Chengchi University   | 41. | Assoc Prof Dr Nilanjan RAGHUNATH<br>Visiting Fellow, Department of Sociology<br>National University of Singapore  |
| 28. | Ms LIU Gehuan<br>Research Associate, Centre for International Law<br>National University of Singapore   | 42. | Dr Navin RAJAGOBAL<br>Deputy Director, Centre for International Law<br>National University of Singapore   |
| 29. | Mr Benjamin LOH<br>Research Associate<br>Institute of Southeast Asian Studies   | 43. | Prof Linda SENDEN<br>Professor of European law<br>Tilburg University  |
| 30. | Mr Deepak NAIR<br>Research Associate<br>Institute of Southeast Asian Studies  | 44. | Asst Prof SHEN Wei<br>Assistant Professor of International Affairs<br>French Institute of Intl Relations, École<br>supérieure des Sciences Commerciales<br>d'Angers                 |
| 31. | Ambassador NGUYEN Quoc Khanh<br>Dy Executive Director<br>Asia-Europe Foundation   | 45. | Associate Prof Megumi SUENAGA<br>Associate Professor<br>Osaka University  |
| 32. | Dr Daniel NOVOTNY<br>Research Fellow<br>Monash European and EU Centre,<br>Monash University   | 46. | Dr Ruanjai SUWANTARADON<br>Assistant Professor of Economics<br>Singapore Management University  |
| 33. | Mr Xavier NUTTIN<br>Head of the Asia Section, Policy Department,<br>Directorate General External Policies<br>European Parliament, Brussels, Belgium | 47. | Assoc Prof TAN See Seng<br>Associate Professor, Institute of Defence and<br>Strategic Studies,<br>S. Rajaratnam School of International Studies<br>Nanyang Technological University |
| 34. | Prof Zaneta OZOLINA<br>Professor, Department of Political Science,<br>University of Latvia  | 48. | Assoc Prof Walter THESEIRA<br>Assistant Professor of Economics<br>Nanyang Technological University  |
| 35. | Prof PARK Sung-Hoon<br>Professor of Economics and International Trade<br>Korea University   | 49. | Dr TRAN Dinh Lam<br>Director, Center for Vietnamese and Southeast<br>Asian Studies, University of Social Sciences and<br>Humanities<br>Vietnam National University, HCMC            |
| 36. | Prof Werner PASCHA<br>Director, Institute for East Asian Studies<br>Duisburg-Essen University   | 50. | Assoc Prof Barnard E TURNER<br>Senior Fellow<br>EU Centre in Singapore  |
| 37. | Mr Phir PAUNGMALIT<br>Research Associate<br>Singapore Institute of International Affairs  | 51. | Dr Ganeshan WIGNARAJA<br>Principal Economist, Office of Regional Economic<br>Integration<br>Asian Development Bank  |
| 38. | Ms Anne POLLET-FORT<br>Associate Fellow<br>EU Centre in Singapore   | 52. | Dr Reuben WONG<br>Assistant Professor, Department of Political<br>Science<br>National University of Singapore   |
| 39. | Dr Clara PORTELA<br>Assistant Professor of Political Science<br>Singapore Management University   |     |   |

53. Dr XIANG Biao  
RCUK Academic Fellow & COMPAS Research  
Officer  
University of Oxford
54. Dr YEO Lay Hwee  
Director  
EU Centre in Singapore
55. Ms Jessica YOM  
Director of Public Affairs  
Pacific Economic Cooperation Council
56. Mr Anis YUSOFF  
Principal Research Fellow, Institute of Ethnic  
Studies (KITA)  
Universiti Kebangsaan Malaysia



The EU Centre in Singapore aims to promote knowledge & understanding of the European Union, its institutions, policies, and impact on Singapore and the region. We work with different partners to raise the awareness of the EU, its relationship with Asia and its global role through various events, research and policy briefs. The activities of the EU Centre are funded by the European Commission and the two hosting universities– NUS and NTU.



# EU Centre in Singapore

EU Centre in Singapore  
11, Slim Barracks Rise  
(off North Buona Vista Road)  
#06-01 Executive Centre  
NTU@one-north campus  
Singapore 1388664

Tel: +65-65132007  
Fax: +65-67741445  
Web: [www.eucentre.sg](http://www.eucentre.sg)

EU Centre in Singapore is a partnership of

