

## Uneven Integration and Blocked Spillovers: Why Environmental Governance in Northeast Asia does not Converged to the EU Model?

### Niejednolita integracja i zablokowane skutki pośrednie: dlaczego zarządzanie środowiskiem w Azji Północno-Wschodniej nie jest zbieżne z modelem przyjętym w UE?

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#### **Abstract**

The EU environmental governance is recognized as an effective path to the management of regional environment. This model is based on rules, directives, top-bottom coordination and also in the characteristics of multi-level governance, which has become an example for various regions to imitate in the world. By contrast, environmental governance in Northeast Asia, equally with a strong demand in dynamic cooperation, failed to deal with the increasing environmental problems and it also doesn't converge to the EU environmental governance over the years. Instead, it established a non-binding cooperation in nature. The Northeast Asia model is a kind of cooperation lack of effectiveness, coordination between regional environmental regimes, without a stable financial arrangement for each cooperative initiative, mainly dominated by the governments, and also lacking of other actors involved in environmental issues. This model is caused by regional security tension which changes the cooperation preference overall, nations especially between China and Japan do not share political trust in high politics. This situation makes regional environmental governance to be a more independent area, with rarely high political interference and without spillover channels to other issues. Theoretically speaking, the Northeast Asia cooperation in environment is based on inter-governmental arrangements, thus, Neo-Functionalism's spillover effects were significantly inhibited. That means to enhance environmental governance in Northeast Asia will mainly rely on intergovernmental push in the future.

**Key words:** the EU, environmental governance, Northeast Asia, convergence, neo-functionalism

#### **Streszczenie**

Przyjęty w UE system zarządzania środowiskowego jest uznawany za efektywny sposób regionalnego zarządzania. Model ten oparty się na zasadach, dyrektywach i kompleksowej koordynacji, a także charakterystyce zarządzania wielopoziomowego, stał się wzorem dla różnych regionów świata. Jednak Azja Północno-Wschodnia, z silnym popytem charakterystycznym dla form dynamicznej współpracy, nie radzi sobie z coraz większymi problemami z zakresu ochrony środowiska i jest odległa od standardów UE. Funkcjonujące tu formy współpracy nie są wiążące. Model współpracy z Azji Północno-Wschodniej charakteryzuje się brakiem efektywności i kompatybilności pomiędzy poszczególnymi regionalnymi systemami ochrony środowiska, bez zapewnienia stabilnego finansowania dla podejmowanych inicjatyw, zdominowaniem przez rządy i brakiem innych podmiotów zaangażowanych w kwestie ochrony środowiska. Na ten model ma wpływ kryzys bezpieczeństwa, który objawia się w szczególnie sposób we wzroście napięcia pomiędzy Chinami a Japonią. Ludzie nie darzą tu zaufaniem świata wielkiej polityki. Ta sytuacja sprawia, że regionalny zarządzania środowiskiem może być bardziej niezależny, stykać

się z wielką polityką i bez skutków ubocznych odnoszących się do innych kwestii. Teoretycznie rzecz biorąc, współpraca Azji Północno-Wschodniej w zakresie ochrony środowiska opiera się na uzgodnieniach międzyrządowych, w ten sposób, neo-funkcjonalne skutki uboczne zostają znacząco ograniczone. Oznacza to, że także w przyszłości w celu poprawienia zarządzania środowiskowego w Azji Północno-Wschodniej Azji uzgodnienia międzyrządowe będą kluczowym czynnikiem.

**Słowa kluczowe:** UE, zarządzanie środowiskowe, Azja Północno-Wschodnia, zbieżność, neofunkcjonalizm

### Two Different Regional Environmental Governances

In 1991, the EC at the Maastricht summit adopted a treaty to establish a *European Economic and Monetary Union* and *European Political Union*, which is remembered as the famous *Maastricht Treaty* (Laursen, 2012). The following year, the treaty was signed, along with the establishment of the Council, the Commission, the Parliament, which is a gradual transformation from regional economic co-development to regional political and economic integration. After the *Maastricht Treaty* entered into force, the European Union was formally established, which marked the transition from an economic entity to an economic and political entity, while developing a common foreign and security policy, and also to strengthen the judicial and internal affairs. Member States have been given part of their national sovereignty to the organization, making the EU more and more like a federal state. The Union now has 28 Member States. Among them, Germany and France were recognized as the EU's core states, Germany is also regarded as the most powerful driving force in the EU's environmental policy integration (Zhang, 2008). By contrast, Northeast Asia (namely China, Japan, South Korea, Russia, Mongolia and North Korea) is located in the Pacific Northwest, where the location is connected within an ecosystem, and also in the same monsoon zone. Geographical environment in Northeast Asia makes that a country's pollution can easily spread to neighboring countries, causing trans-boundary environmental problems. Among them, China, Japan and South Korea are more active in the environment cooperation and are far more important actors (Komori, 2010). Since the end of the Cold War, the rapid economic development in Northeast Asia has made it one of the world's most active political and economic places in the world. In this process, the region is also facing increasingly serious environmental problems. Currently, the regional environmental problems in Northeast Asia are mainly air pollution, land degradation, dust storms, ocean pollution, biodiversity loss, waste pollution, chemical pollution and poor regional environmental governance etc., coupled with the background of disputes between states in the region in territory, historical issues etc.. Nowadays the environmental governance in the region has been quite worrying.

Admittedly, European environmental governance is significantly more effective than the governance in Northeast Asia. The EU realizes the importance of

environmental issues and also shapes the international environmental regimes through norms and standards as a world-leading role (Burns, Carter, 2012), thus makes this model worth attention and learning. The so-called European model, is the legalization of environmental governance, and emphasizes on the multi-level governance in its nature. Environmental cooperation in Europe leads to environmental standards, and these standards has become a strong driving force for environmental management in Europe, so the European experience in international environmental cooperation symbolizes the importance of this legalization trend. For example, if a Member State does not comply with a particular directive, the European Commission has the responsibility to enforce the law. European Court of Justice is the final arbiter, the EU countries often based on the political necessity considerations are usually subject to judgment (Bell, McGillivray, Pedersen, 2013).

Since 1992, the Rio Earth Summit, the Northeast Asian region (in addition to bilateral environmental cooperation) formed a number of major regional environmental cooperation regimes, including China, Japan and South Korea Environment Ministers Meeting (TEMM), North-East Asian Subregional Programme for Environmental Cooperation (NEASPEC), Northeast Asian Conference on Environmental Cooperation (NEAC). There are also specific mechanisms and frameworks for cooperation on specific issues, such as the Northwest Pacific Action Plan (NOWPAP), Acid Deposition Monitoring Network in East Asia (EANET), regional dust technical support plan (DSS-RETA), Yellow Sea Large marine Ecosystem Strategic Action project (YSLME) and remote air pollution in Northeast Asia joint research (LTP). These cooperation mechanisms are based on regular meetings of intergovernmental arrangements, publish reports and implement specific action plans to raise funds for the project, and also establish cooperation between the secretariat and other ways to promote the continuous development of environmental cooperation in Northeast Asia. Naturally, Northeast Asia environmental governance has become an important part of governance in Northeast Asia (Komori, 2010).

### Characteristics of environmental governance in Northeast Asia

Over the years, China, Japan and South Korea tripartite environment ministers meeting (TEMM), North-

East Asian Subregional Programme for Environmental Cooperation (NEASPEC), the northeast Asia environmental cooperation conference (NEAC) and the northwest Pacific action plan (NOWPAP), have set up the regular meeting forms, financing arrangements, and decision-making procedures of the mechanism achieved certain progress. But problems like the agendas crisscross and lack of contact between these mechanisms are all evident. In addition to overlapping contents, personnel allocation and use is also not well-organized. There is obvious competition relations between these mechanisms (Yoon, 2008). Such as China, Japan and South Korea tripartite environment ministers' meeting and the North-East Asian Subregional Programme for Environmental Cooperation was established under the advice and support of South Korea, and Japan is to support the acid deposition monitoring network in east Asia, and so both sides compete on the control of the northeast Asia environmental cooperation. Despite the coordination between mechanism have been discussed in different meetings and places, but rarely the actual effort are made or achieved (Takahashi). Judging from the historical process of environmental governance, striking difference between northeast Asia environmental governance and European environmental governance can be found: the first difference is the lack of binding arrangements in Northeast Asia. Northeast Asia environmental cooperation and management so far has not yet formed a binding agreement or protocol yet. The consensus approach is widely used in East Asia, nations have a natural resistance on international legislation. There is no doubt that this non-binding tradition is rational decision to choose, is also the result of countries interaction in the process of negotiation. This is based on the principle of non-interference in Northeast Asia cooperation, rather than the legal procedures agreed through consultation. The second is focus more on bilateral cooperation rather than multilateral cooperation. The northeast Asia environmental cooperation is occupied bilaterally. The northeast Asia environmental cooperation started in the bilateral rather than regional multilateral coordination. In terms of bilateral environmental cooperation, Japan has a unique position. Japan to regional countries such as China, Korea, Mongolia and Russia provides a large number of loans related to environment, including against acid rain, forest management, groundwater development and several issues, such as renewable energy plants. The Japanese government emphasized the environmental cooperation as an important part of economic cooperation (Xue, Zhang, 2013). Besides, Northeast Asia active bilateral cooperation is mainly driven by economic interests. Northeast Asia fast development of environmental industry market and the nature of the environmental technology complement each other. Environmental technology in Japan, is seeking to permeate the rapid growth

**Table 1.** The Comparison of major environmental cooperative mechanisms in Northeast Asia (Xu, 2006)

	TEMM	NEASPEC	NOWPAP
Member States	China, Japan, South Korea	China, Japan, Korea, Mongolia, Russia, DPRK	China, Japan, Korea, Russia
Mechanism Arrangements	Relative independent cooperative areas.	Relative Independent cooperative areas.	The United Nations environment programme (UNEP) regional sea plan.
Time of foundation	1999	1993	1994
Level of Cooperation	Environment Ministers Meeting.	The northeast Asia environmental higher-level official meeting.	Intergovernmental meeting.
Governing Organizations	No specialized agency for management, conference held once a year, the three countries held alternately.	Senior Officials on Environmental Cooperation in Northeast Asia is the decision-making bodies and it is the United Nations operational activities of the ESCAP secretariat.	Decisions, made by regional activity centers and executed by regional coordination Office.
Content of Cooperation	Environmental policy exchanges and strengthen transboundary movements of e-waste electronic waste prevention and conduct research, promote the establishment of mechanisms for the protection and benefit sharing of genetic resources and biodiversity, etc.	The main concerns are transboundary environmental issues, including cross-border nature conservation in Northeast Asia, Northeast Asia, transboundary air pollution, transboundary marine pollution.	Marine environment, including integrated coastal and watershed management, periodic assessment of the marine environment, prevent and reduce pollution, biodiversity conservation, and so on.
Financial Arrangements	Three nations co-financing.	Voluntary contributions from member states to establish NEASPEC core funds to get the project implementation by UNDP, the United Nations Secretariat of the Convention to Combat Desertification, the ADB and other funding agencies.	Establish the trust of northwest Pacific action plan, also source of funds for each member's voluntary contributions.

of the Asia-pacific market of environmental protection.

### Reasons for Non-convergence under Neofunctionalism

After 20 years of development after the Cold War, why Northeast Asia environmental governance was not able to follow of the EU development path, why still uses the loose, non-binding nature of mechanisms for cooperation? This article employs the neofunctionalism's perspective to analyze the regional economic, legal and political integration in Northeast Asia. International environmental politics has traditionally been regarded as low politics by realists, the neo-functionalism focus on low-level political attention and cooperation, like cooperation between countries in specific functional areas. In these specific functional areas, and share common interests and the means of access to the common interests of all countries rely on joint efforts. As in recent years, the tension of the security situation in Northeast Asia, governments gain increasing political distrust, and what this situation results is that spillovers of environmental governance is deliberately limited (Zhang, 2008). Nevertheless, the environmental cooperation in Northeast Asia has slowly developed into a field, which is able to avoid the security risks in this region (Vogler, 2005).

Neo-Functional theorist Philippe Schmitter stressed that the process of integration as an important spillover refers conducted to provide a basis for the integration process. In particular, the integration of the peace process beyond the nation-state, its evolution depends on the participation of all parties recognize common needs. Ernst Haas believe this process will turn a new center of the process, the organization that owns the center or require mastery of each nation state with jurisdiction. Karl W. Deutsch considered political integration process is that people get a sense of community, a sense of institutional and practical sense.

Similarly, Haas believes the policy interdependence does not necessarily lead to policy integration. Neofunctionalism emphasizes supranational mechanism advocated by the spillover mechanism enables integration gradually and expands from the technical department to political department, the eventual establishment of institutionalized regional supranational institutions. Neofunctionalism spillover and supranational theory has been clearly reflected in the European Community. In addition, Haas argues if elites can benefit from a national organization's activities in the country, they might have similar thoughts with foreign elite transnational cooperation. Haas considered most likely to achieve the integration of Western Europe in accordance with its spillover theory. The core of Joseph S. Nye, Jr.'s Neofunctionalism is the potential integration; he puts

forward four conditions of international cooperation (Dougherty, Pfaltzgraff, 2003):

- (1) fair trade, and the level of integration and economic development
- (2) elite beliefs, the higher the degree of complementarity between the elites, the greater the likelihood of the development of regional integration.
- (3) the existence of pluralism, the higher the degree of diversity among nations and promoting better conditions for the integration process through feedback mechanisms.
- (4) adaptability and responsiveness of nations, the more stable domestic capacity of the key political decision-makers, the more effectively member states can respond to issues.

Nye argues integration is a multidimensional phenomenon, and it needs to be categorized into economic, political, legal integration. And it can also be divided into specific measurable sub-types. Integration of EU environmental legislation led to the capacity building of EU environmental governance. Separation of the political and economic situation in Northeast Asia continued, therefore, the gap between the political and economic insurmountable. In this case, the integration of environmental laws across countries cannot have the prerequisite and power to achieve the subjectives (Dougherty, Pfaltzgraff, 2003).

Although affected by de Gaulle *empty chair* crisis in the 1960s and 1970s, the theory of integration marginalized from mainstream, Wayne Sandholtz and Alec Stone Sweet further add to improve neofunctionalism doctrine, they believe that the three constituent elements are a necessary precondition which exert influences:

- (1) actors with transnational goals and interests;
- (2) the ability of transnational institutions' autonomy (autonomous capacity);
- (3) have an impact on polity or system of rules.

Through empirical research, they think that the new functionalism still has important explanatory power in explaining international cooperation (Sandholtz, Sweet, 2012).

### Northeast Asian Factors that Hinder Environmental Spillovers

Integration of EU environmental legislation led to better capacity building. In Northeast Asia although there are common environmental interests existing which is essential to institutionalize cooperation (Sandholtz, Sweet, 2012), the separation of the political and economic aspects continue, therefore, the gap between the political and economic is insurmountable. In this case, the integration of environmental laws across countries cannot have the prerequisite and power to achieve its goal. Spillover effect was lowered and limited for obvious political rea-

sons. Therefore, maintaining as a relatively stable cooperation in Northeast Asia, the factors that hinder cross-border spillover factors include:

First, it's the high politics instability, especially the impact of the security situation in political sphere. China, Japan and South Korea has a complex three-way relationship between history and reality, because the Japanese militarists invaded China and South Korea's national consciousness, they also determine the policy orientation. Moreover, in recent years, China and Japan are facing conflicts on the Diaoyu Islands. Therefore, the perception of sovereignty, coupled with strong nationalist sentiments of mistrust so that the high cost of transferring sovereignty to form a binding supranational environmental cooperation mechanism in Northeast Asia, not reality. Diaoyu Islands issue between China and Japan continued to ferment. Territorial disputes are often intricately linked with the historical factors issues, domestic politics, and so-called transfer of power together, increasing the difficulty of solving the problem.

Secondly, the uneven levels of development among Northeast Asian countries. Joseph Nye Jr. argues that economic equality between countries, trade, integration and level of development are interrelated, uneven development is an important factor that hinders spillovers. This situation seriously hampers the development of regional integration and legal environment. Environmental issues in Northeast Asia are mostly cross-border environmental pollution, pollution emissions for each country is both a victim who is.

Third, the cooperation mechanism does not have the ability to self-autonomy, also with financial difficulties (Sandholtz, Sweet, 2012). Multinational organizations with the ability of self-autonomy, in order to better resolve disputes and set rules. However, environmental cooperation mechanism in Northeast Asia does not have these capabilities. Only from the aforementioned problem areas covered by the mechanism can be seen, some of the problems in the region, such as air pollution and loss of biodiversity has been too much attention, and some other problems such as the environment and energy issues as well as issues such as land degradation do not get the attention they deserve; at the operational level, each mechanism run independently, have different decision-making mechanisms; each cooperative mechanism has its own secretariat or department to perform the functions of the secretariat, thus making the action plan and projects inevitably overlap each other punch. For example, to solve trans-boundary air pollution problems in Northeast Asia's two bodies EANET and LTP, the two mechanisms in Northeast Asia simultaneously monitor data on emissions of air pollutants gathering activities, which leads to waste of resources.

Fourth, environmental cooperative mechanisms in Northeast Asia between are lack of coordination.

Neo-functionalism argues if transnational actors want to achieve success, they need to have common goals and interests. In Northeast Asia, the lack of environmental coordination mechanisms must make it difficult to reach this goal. Finally, the state acts as the main actors, along with inability of transnational elites. Non-state actors participate in a limited body of Northeast Asia. Actions of non-state actors are also on the role of regional environmental cooperation has very limited impact on the national environmental decision-making, which can be negligible. Therefore, the state-based environmental cooperation lack of participation of non-state actors and the Northeast Asia cooperation in environment rely entirely on the willingness and ability of governments and lower levels of governance.

Similarly, scientists from various countries have different conclusions on trans-boundary environmental issues, which are reflected in the results of a number of scientific and political factors. Epistemic Communities theory suggests that for cross-border environmental problems if scientists could not reach a consensus, they inevitably lack of influence in the policy (Davis Cross, 2013).

## Conclusions

After 20 years of development, environmental governance in Northeast Asia embarked on a so-called Northeast Asian model, is not convergent with the EU environmental governance due to lagging regional integration in this area. In this region, the effectiveness of regional environmental governance is inevitably inadequate. And the future for Northeast Asia environmental governance remains to be government-led. Therefore, governmental push is prominent and is still the way in environmental cooperation for Northeast Asia. In addition, other conditions for the integration should also be cultivated, especially the proliferation of transnational elite knowledge and advocacy, because the scientific consensus is a prerequisite for any environmental cooperation and governance. Northeast Asia should strengthen exchanges and the research of environmental science, and help achieve national interests and the needs of environmental cooperation among nation-state actors. Due to the very limited political and legal integration in Northeast Asia, so to deal with the integration of loose existing mechanisms and thus enhance the effectiveness of governance is extremely important. With the realization of the importance of environmental issues within countries, regional environmental governance has developed into an independent issue area, and become an important field of cooperation. Moreover, to some extent, the environmental cooperation seems more like a reservations ground for governmental dialogue during high political rupture. Therefore, Northeast Asian cooperation should take the overall situation into consideration, and reflect on the moral dimen-

sion of the environment, so as to gradually open up the spillover channels and seek to promote the environmental integration in the future.

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