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The History and Concept of Regionalism

Author: Louise Fawcett

The author

Professor Dr. Louise Fawcett, St Catherine's College, University of Oxford

Contact : [louise.fawcett \(@\) stcatz.ox.ac.uk](mailto:louise.fawcett (@) stcatz.ox.ac.uk)

United Nations University Institute on Comparative Regional Integration Studies
Potterierei 72, 8000 Brugge, BE-Belgium
Tel.: +32 50 47 11 00 / Fax.: +32 50 47 13 09
www.cris.unu.edu

Introduction¹

The growth of regionalism expressed as formal regional organisation has received a great deal of scholarly attention since the Second World War. From its early days regionalism has been much debated, and alternatively praised for its potential and critiqued for its ill-defined nature and limited capacity. However, by the start of the 21st century, if not before, regionalism was well established in the vocabulary of International Relations scholars and practitioners such that it would be hard to imagine a world without it. Moreover, regionalism has become an integral part of the multilateral architecture, a position set out in the UN Charter and more recently emphasised in the European Union's Security Strategy, adopted in 2003.

In a world of global threats, global markets and global media, our security and prosperity increasingly depend on an effective multilateral system. The development of a stronger international society, well- functioning international institutions and a rule-based international order is our objective.²

Though the European experience has been central to the story of regionalism, both history and contemporary practice show that this is not the only example to draw upon. South American states were early advocates of regionalism following their independence in the nineteenth century; by the latter part of the century South American regionalism was fused with a wider pan-Americanism; the twentieth century saw the emergence of the flagship regionalisms of the European Community, later the European Union and the North Atlantic Treaty Organisation – models which were widely imitated elsewhere. In the twenty first, African states under the umbrella of the African Union, foster ever more elaborate integrative schemes and have been path-breakers, for example, in their adoption of the principle '*Responsibility to Protect*' which was embodied in article 4(h) of Constitutive Act of the African Union (even before its final adoption in the United Nations World Summit Outcome Document of 2005)³. Most recently organisations in the Middle East, despite their sovereignty-loving charters, appear to have followed suit, embracing interventionist policies in response to the events of the so-called Arab Spring. Worldwide, leading states are active in the promotion of regionalism and most states in most parts of the world are members of multiple organisations.

Regional organisations are treaty and charter-based giving them formal status in international law. This status is enhanced – critically - through the recognition and status accorded to regional organisations by the United Nations and other multilateral organisations like the World Trade Organisation, and it will be a particular concern of this paper to track the evolution and complex features of this relationship. However, regional organisations also derive legitimacy through the articulation and implementation of distinctive regional norms and practices. The Arab League, for example, derives legitimacy through its very Arabness drawing on a rich common culture and history; the states of Southeast Asia are known for their articulation of what has been called the

¹ This paper was presented at the ESIL 2012 5th Biennial Conference, 'Regionalism and International Law', Valencia, Spain.

² 'A Secure Europe in a Better World', *European Security Strategy*, (Brussels 2003), 9.

³ *Constitutive Act of the African Union* (2000), <http://www.africa-union.org> See paragraphs 138-9.

ASEAN way, a consensus based approach based upon strict observance of sovereignty.⁴ Today the ASEAN Way has become the ‘Asian Way’ extending the idea to a broader and still developing concept of East Asian regionalism.⁵

Though the advent of ‘new regionalisms’, particularly since the end of the Cold War, has seen the expansion and revision of the early idea of regionalism, to include new organisations, actors and issue areas,⁶ the original concept of regionalism: that of the policies and practices of state-based permanent organisations with membership confined to a limited geographical area, retains extraordinary importance. This is demonstrated not only by the continuing development and complexity of existing organisations and their constitutional arrangements, but by its take up by new and emerging powers for whom regionalism is seen increasingly as an important policy tool, and a demonstration of their influence on both the regional, but also global stage. China’s approach to regionalism is illustrative in this respect (once a sceptic, but now an active player in a number of regional fora like the ASEAN Regional Forum (ARF) or Shanghai Cooperation Organisation (SCO), but consider also tiny Qatar’s recent roles in guiding regional responses to the Arab Spring uprisings that started late in 2010, through an institution like the Gulf Cooperation Council. Given its growing importance and multidimensionality, it is an appropriate moment to review the history and concept of regionalism in world politics and to assess its significance in regulating and framing contemporary debates about international order.

While investigating the nature and diverse uses of the concept, this paper takes a broad and comparative historical perspective of *regionalism in practice* arguing that such an overview is essential to understanding its present trajectory, and its wider implications and ramifications for International Relations and International Law. The first two sections of the paper deal accordingly with the concept and history of regionalism; the second section focuses on some contemporary examples of regionalism in the security field and considers their wider implications.

⁴ Amitav Acharya, *Constructing a Security Community in South East Asia. ASEAN and the Problem of Regional Order*, 2nd edn. (New York: Routledge, 2009)

⁵ R. Stubbs, ‘ASEAN Plus Three. Emerging East Asian Regionalism’ *Asian Survey* XLII/3, (2002) 453-4.

⁶ See generally, Bjorn Hettne, Andres Inotai and Oswaldo Sunkel (eds), *Studies in the New Regionalism*. Vols I-IV, (London: Macmillan, 1999-2001); Louise Fawcett and Andrew Hurrell, *Regionalism in World Politics. Regional Organisations and International Order* (Oxford, Oxford University Press 1995) 1-4

The Concept of Regionalism

The concept of regionalism has had a complex history because of its essentially contested and flexible nature⁷ and because of a divergence of views as to whether or not regionalism is an effective or desirable organizing mechanism in international politics.

In respect of the concept itself there has been considerable debate, (perhaps too much debate) about what constitutes a region, how a region is operationalised and consequently, what is regionalism. Theoretically the problem has been compounded by the variety of qualitative and quantitative approaches on offer which seek both to measure and understand the process.⁸ A related issue is the inherent flexibility and evolving nature of the concept: regions and regionalisms share common features but these are subject to adaptation and change. The United Nations Charter contributes to this flexibility, avoiding precise definitions of regional agency, to allow for the possibilities of multiple partnerships.⁹ Another good example of this conceptual flexibility lies in the very debate about old and new regionalism, with old regionalism characterised mainly by the state-based regional organisations of the post-WW2 era and new regionalism by both formal and informal interactions between state and non-state actors. Old regionalisms were focused (mainly) around examples provided by a European/North American core, new regionalisms have a more global reach and greater autonomy from the core, embracing emerging regions from the former 'South'. Regionalisation is a related term, which is sometimes used interchangeably with regionalism, but it refers rather to an increase of regional interaction and activity: regionalism refers to policies and projects, regionalisation refers to processes.

Given this flexibility and the expansion of regional level activity, particularly since the Cold War, it is important to employ a definition broad enough to accommodate change in direction and purpose, yet narrow enough to ensure that the concept retains cohesion and can be approached with analytical rigour. This discussion may be likened to that over new versus traditional security issues. At the end of the Cold War while some scholars called for the broadening of the concept to embrace a far wider understanding of security, others advocated retaining a more parsimonious concept without which a discussion of security became too elastic to be analytically useful.¹⁰ Arguably, debates about 'new regionalism' have also suffered from this ambiguity driven by the ballooning of definitions whereby any activity at any regional level, whether supra-state, sub-state or trans-state may be called regionalism. With some adaptation, Joseph Nye's older (and tighter) definition of a region as a limited number of states linked by geography and interdependence and of regionalism as the formation of and policies pursued by inter-state groups based around regions has stood the test of time.¹¹ This is not to ignore the effects of globalisation and non-state actors on the processes of regionalism, a point emphasised by Bjorn Hettne and others, but to highlight the fact that the state remains regionalism's 'gatekeeper' and as such the most vital and enduring reference point in the practice and

⁷ Luk van Langenhove, *Building Regions. The Regionalisation of World Order*, (London: Routledge, 2011) 1-2.

⁸ Fredrik Soderbaum and Timothy Shaw, *Theories of New Regionalism*. (Palgrave Macmillan 2003) 5-6.

⁹ Danesh Sarooshi, *The United Nations and the Development of Collective Security: The Delegation by the UN Security Council of its Chapter VII Powers*, (Oxford, 1999) 1-2. 142-146.

¹⁰ Mohammed Ayoub, 'The Security Problematic of the Third World', *World Politics* 43/2 (1991) 259.

¹¹ Joseph Nye (ed.) *International Regionalism*, (Boston: Little Brown and Co. 1968) vii

regulation of regionalism.¹² This is borne out not only by looking at state responses to global crises, but also by considering the regional policies of emerging global players, like Russia or China, which prioritise state based regionalisms and state regulation of regional processes. The state has not ‘retreated’, at least not in the manner predicted by Susan Strange and others.¹³ Regional integration – the union of previously disparate parts and the creation of supranational authority - is a narrower subset of activity that comes under the category of regionalism. Its progress, outside the European institutions, has hitherto been very limited.

In respect of the second point as to whether or not regionalism is effective or desirable, the first question to be posed is effective or desirable in relation to what? Regionalism has been judged in terms of its relationship with other multilateral institutions notably those relating to trade and finance (the Bretton Woods institutions) and security (the United Nations system). This debate dates back to the very foundations of modern regionalism. Early architects of the post-war institutions favoured a ‘universal’ over a particularist or regional approach to problem solving.¹⁴ This was the age of global ‘constitutions’.¹⁵ Regionalism, as understood in the 1930s, had acquired a bad name: marked by the aggressive and expansionist politics of powerful states like Germany or Japan with their pan-European and pan-Asian projects respectively. The belief, informed by utopian post-war thinking, upheld that only a universal or near-universal collective of states could offer the best guarantee of international order. However, there was also recognition that states would wish to conduct their economic, political and security affairs within defined regional and geographical contexts, as already evidenced in the Americas, in the Inter-American system, and indeed in Europe itself where a so-called ‘concert’ of powers had regulated 19th century regional relations. The UN’s own organisation clearly reflects this, for example in the establishment of regional economic commissions and voting procedures.¹⁶ As regards regions and their roles outside the UN system, it was only after considerable discussion at the San Francisco conference and elsewhere, and with pressure from parties with an interest in empowering regions, that the principle of regionalism was accommodated by the UN Charter (as it had been, though only minimally, by the League of Nations¹⁷) though within an institutional and legal hierarchy which clearly favoured universalism.

The provisions for regional agencies and their relationship with the UN are mostly clustered in Chapter VIII, Articles 51-54, but with important references elsewhere. Article 52, for example, offers regional arrangements a formal role in contributing to international peace and security in the post-war world. The tone, unequivocally, is UN-first with insistence on reference and

¹² Bruce Russett and John Oneal, *Triangulating Peace* (New York: WW Norton, 2001).

¹³ Susan Strange, *The Retreat of the State. The Diffusion of Power in the World Economy* (Cambridge, Cambridge University Press, 1996).

¹⁴ C. Schreuer, ‘Regionalism v. Universalism’, *European Journal of International Law* (1995) 1-23.

¹⁵ H. Koh, ‘Why do Nations Obey International Law?’ *Yale Law Journal*, 106/2599 (1997) 2614

¹⁶ Kennedy Graham, ‘The Regional Input for ‘Delivering as One’ in Philippe de Lombaerde et al, *The United Nations and the Regions* (London, Springer: 2012) 194-97.

¹⁷ In Article 22. See Ralph Zimmern, *The League of Nations and the Rule of Law* (London: Macmillan, 1945) 522.

deference to Security Council decision making. Hence Article 53 asserts that ‘the Security Council shall, where appropriate, utilise such regional arrangements or agencies for enforcement action under its authority’. This hierarchy is reinforced by Article 103 which emphasises the primacy of UN obligations over ‘any other international agreement’. Not all regional organisations are considered fully consistent with the purposes of Chapter VIII (NATO is one example). There are currently 14 Chapter VIII entities identified as attendees at regular high level meetings of the UN Secretary General: five in Africa, two each in the Middle East, Europe, Asia-Pacific and the Americas.¹⁸ Similarly in respect of the General Agreement on Tariffs and Trade (GATT) and later the WTO, whose agreements embodied the spirit of a multilateral trading system, there was a provision, in Article 24 and subsequent amendments, for regional trade arrangements provided these were ‘non-discriminatory’ in nature.

The debate about regionalism and universalism has been a very important one and has informed both the history and concept of regionalism. The relationships anticipated by the Charter failed to materialise in the Cold War, as discussed below, because of the emergence of bipolarity and defensive alliance systems, which were contrary to the spirit of the charter. Regional actors did not feature prominently in the UN’s new peacekeeping roles. However, a possible framework for such relationships – and their reinterpretation - was laid down at the end of the Cold War, which saw the growth and expansion of regional organisations. The potential of regionalism was clearly highlighted in Secretary General Boutros-Ghali’s *Agenda for Peace*,¹⁹ a post-Cold War milestone for the institution, in addressing simultaneously peace-keeping, peace-making and preventive diplomacy – tasks which regional institutions were invited to share. Later, in *An Agenda for Democratisation* he spoke of the new regionalism, not as ‘resurgent spheres of influence’ but as a ‘healthy complement’ to internationalism.²⁰ Under Boutros-Ghali a further precedent was set when he and his successor Kofi Annan convened the first of what would be seven meetings with the heads of 11 regional organisations to discuss ways to further enhance cooperation and consultation. Though the last of these meetings was held in 2007, both the UN Security Council and member states have demonstrated ‘growing interest in the process and it making it more concrete’.²¹ The present UN Secretary General, Ban Ki-Moon has continued the effort through choosing to focus instead on partnerships with the African Union highlighting the security situation of the African continent.

Though the relationship between the UN and regional institutions has clearly widened in interpretation and scope some of the early reticence and ambiguity remains.²² The relationship has been competitive as well as complementary, with organisations like the Economic Community of West African States (ECOWAS) in Liberia, and NATO in the former Yugoslavia operating outside the strict remit of the charter, though this itself has been the subject of different interpretations. The key issues are timely action in grave international crises and establishing the appropriate remit for regionally-based activity within a Charter-friendly framework which

¹⁸ Graham, ‘Regional Input for Delivering as One’, 197-8.

¹⁹ Boutros Boutros-Ghali, *An Agenda for Peace. Preventive Diplomacy, Peacemaking and Peacekeeping* (United Nations: New York, 1992).

²⁰ Boutros Boutros-Ghali, *An Agenda for Democratisation* (United Nations: New York, 1996) 33.

²¹ Van Langenhove et al, 2012, *UN and the Regions* 98

²² See Joseph Leggold, ‘Regionalism in the Post-Cold War Era’, in Paul F Diehl and J Leggold, *Regional Conflict Management*, (Oxford, Rowman and Littlefield, 2003) 12-14.

enhances cooperation and avoids duplication. Limited capacity and resources, partiality and over-dominance by strong states are problems frequently identified with regional organisation.²³ While so-called regional hegemonies may provide necessary leadership, an abuse of power may be seen to delegitimise regional agency. Despite efforts to resolve tensions in the relationship such issues have not been fully resolved and scholars and policy makers continue to work on models designed to achieve a more equitable and integrated system. One example of such efforts is reflected in the 2006 Report of the High Level Panel on UN System Wide Coherence which contains, inter alia, recommendations for the streamlining of UN relationships with regions and regional structures to create a 'coherent regional institutional landscape.'²⁴ Overall, there has been an important and unmistakable trend towards emphasising the importance of a supportive and complementary relationship between the UN and regional institutions one that has been recognised by the UN and other actors, even if the details of this relationship have not been worked out. This has been borne out, for example, by recent events in the Arab Spring where the legitimacy of international action in enforcing the no-fly zone over Libya, and the condemnation of incumbent regimes for human rights and other violations was greatly enhanced by the support by relevant regional institutions – the League of Arab States (LAS), the Gulf Cooperation Council (GCC) and the Organisation of the Islamic Conference (OIC). These are just the latest among numerous examples to demonstrate how the concept of regionalism has been firmly established in the new and expanded vocabulary of peace operations.

The History of Regionalism

A better understanding of the concept and its contemporary importance in International Relations and International Law can be arrived at by reviewing regionalism's history. As helpful as offering a snapshot of their current activities is observing the different stages and incremental growth of regional organisation and activity. In this respect it is useful, to borrow a recent term from democratisation studies, to take an 'historical turn' in analysing regionalism.²⁵ Doing so allows us to track the life cycles of different organisations but also to note the key processes, events and 'turning points' that have impacted on their development. Regionalism is far from being a linear or uniform process; rather it has emerged in stages, shaped by a variety of external and internal factors alike.

In what can only be a brief survey for the purposes of this paper consider regionalism across what we might call the 'long twentieth century' or from the late 19th to the early 21st century.²⁶ Though 1945 is often taken to be a starting point in the development of formal organisation, there are significant prior histories of regionalism which deserve mention since these informed early institution building and arguably continue to inform regional processes today. For example

²³ Louise Fawcett, 'The Evolving Architecture of Regionalisation', in M Pugh and WPS Sidhu, *The United Nations and Regional Security. Europe and Beyond*, Lynne Rienner, Boulder, CO, 2003) 21-23; R. Tavares, *Regional Security. The Capacity of Regional Organisation* (Routledge 2009).

²⁴ 'Delivering As One'. Report of the Secretary General's High Level Panel (United Nations: New York, 2006) 10; Graham, 'Regional Input', 190-93.

²⁵ Giovanni Capoccia and Daniel Ziblatt, 'The Historical Turn in Democratisation Studies. A New Agenda for Europe and Beyond', *Comparative Political Studies*, 43 (2010) 934.

²⁶ cf Eric Hobsbawm, *The Age of Extremes The Short Twentieth Century* 1994

Arabism, born of the late Ottoman and European colonial experiences, has closely informed the development of regional institutions, notably the League of Arab States, but also the GCC. Hence Arab Congresses predated formal organisation. Though constitutionally the League (and the GCC) was an organisation that placed state sovereignty first, the influence of Arabism in decision and alliance making was marked, particularly in respect of Arab-Israel relations and the question of Palestine.²⁷

The Americas, as already noted, had already developed their own unique perspective of regionalism with a distinctive 'regional idea' based on anti-colonialism and independent statehood.²⁸ Indeed South American states sought to embed their ideas of sovereignty, independence and equality into international law particularly in respect of non-intervention. The merging of different regional ideas around the concept of Pan-Americanism in the late 19th century was an important development marking US ascendancy, but it remained incomplete with different American states since 1945 advocating alternative routes to regionalism, of which the Southern Cone Common Market (MERCOSUR) and most recently the Union of South American Nations (UNASUR) and the Bolivarian Alternative for the Americas (ALBA) are examples. In these cases and in those of Asia and Africa where the influence of pan-Africanism on ideas about the region and statehood were significant it is not difficult to see how old and new regional concepts are merged in current institutional frameworks. Hence we can see how the 'pan' idea provides legitimacy in a variety of institutional settings.

Despite such antecedents, the post-1945 starting point for a study of contemporary regionalism remains compelling because of the novelty of *formal* international institutions, the expansion of the international arena through decolonisation, and the first attempt to set out the parameters for a regional-multilateral relationship in the United Nations and other bodies. Indeed, as argued, it is impossible to understand the evolution of regionalism without a consideration of this relationship. Regionalism is often described as proceeding in waves,²⁹ and the Cold War and its ending are often seen as providing a dividing line between regionalism's first and second waves. The reality is more complex with arguably more waves and less distinction than this simple division allows. However, it is the case that the post-Cold War expansion of regionalism, across different regions and issue arenas had a powerful impact on its status in International Relations and International Law. Again the influence of European institutions in this expansion process is striking, but ultimately Europe provided only one of a number of examples of 'new regionalism'.³⁰

Early post-war regionalisms were clustered around three main types: those focusing on security regionalism (like NATO, SEATO, CENTO), those concentrated on economics (EC, NAFTA,

²⁷ Michael Barnett, *Dialogues in Arab Politics*, (New York: Columbia University Press, 1998).

²⁸ Louise Fawcett, 'The Origins and Development of Regional Ideas in the Americas' in L Fawcett and M Serrano, *Regionalism and Governance in the Americas* (London: Palgrave, 2005) 30-35.

²⁹ E. Mansfield and H. Milner, 'The New Wave of Regionalism', *International Organisation* 53 (1999) 589-627.

³⁰ Mario Telo, 'Introduction: Globalisation, New Regionalism and the Role of the European Union', in ed. *European Union and New Regionalism* 2nd edn, (London: Ashgate, 2007) 1-18.

PAFTA) and more multipurpose organisations (OAS, OAU or LAS).³¹ The first two types, despite appearances, were not unconnected, economic regionalism – like that of the EC – had an evident security logic. Security regionalisms also reflected economic and other forms of interdependence. The record of early regionalism, outside the European experiments and the quasi-regionalism of NATO were not judged to be particularly successful. This was true if measured through economic criteria or security cooperation – indeed both CENTO and SEATO (associated with external powers but without internal legitimacy) failed to survive. In a Cold War environment, reflected in the composition of the Security Council, the envisaged relationship between the UN and regional organisations did not materialise. Nor did a new legal basis for regionalism emerge. However, in a wider sense, the concept and practice of regionalism were more firmly established. With the evident constraints on the United Nations system, peace, security and economic development were delivered regionally by the institutions on both sides of the East-West divide. And different regional actors, despite their relative weakness and dependence on the superpowers, were slowly empowered. The European Community is the most obvious example, but it is not alone. These, above all, were learning years for regional institutions, with lessons in economic integration, institutional development, power balancing, non-alignment and the development of security communities. Not only had a raft of new regional institutions emerged; they also learned to adapt, survive and develop in a changing regional and global environment and this was important in terms of facing future challenges.

The later Cold War period saw a further period of institution building at the regional level which again provided some new and important precedents for later activity. Though the influence of the Cold War was still apparent, the emergence of these newer organisations was a reflection of the changing security and economic priorities and the desire of regional actors to manage their local environment. Some examples are ASEAN, ECOWAS, SAARC and the GCC. The GCC, for example, was founded in a hostile and difficult security environment characterised by the Iranian Revolution (1978-9) and the Iran-Iraq War which started in 1980. All had a security as well as economic orientation, though their charters often emphasised more politically neutral economic agendas – the GCC is a case in point. Rather different in terms of geographical reach and orientation were the CSCE (later OSCE) and the OIC. Founded between 1967 and 1986 all these institutions marked a change in regionalism: a move away from the Europe-focused economic regionalisms and the NATO-type security alliances, though both these remained relevant. Despite their Cold War foundations and limited initial scope (ASEAN provides a good example), all remain relevant today and many have significantly expanded their remit and activities in the new post-Cold War security architecture.

Viewed in retrospect the Cold War had proved to be an arena for selective growth and consolidation of regionalism. Against this backdrop a second wave of regional expansion commenced around and soon after its ending. Displaying novel features in terms of its scope and multidimensionality, there were also elements of continuity. The EU, for example, had already

³¹ This section draws on Louise Fawcett, 'Exploring Regional Domains. A Comparative History of Regionalism' *International Affairs* 80/3 (2004) 432-434; Louise Fawcett, 'Regionalism and Global Governance', in Pierre de Senarclens and Ali Kazancigil, *Regulating Globalisation. Critical Approaches to Global Governance* (Tokyo: UNU Press 2007) 150-176.

entered a new phase of region-building, formalised in the Maastricht Treaty of 1992. International system change, as in the early Cold War, in particular the removal of ‘superpower overlay’ transformed the international security environment making regions more vulnerable and regionalism more attractive.³² Regions and their accompanying institutions accordingly grew in importance: there were a number of new organisations, including the Asia Pacific Economic Conference (APEC), the ASEAN Regional Forum (ARF), the Arab Maghreb Union (AMU), and the Commonwealth of Independent States (CIS), while older organisations expanded their memberships as well as taking on different tasks and activities. Yet initially, as after the two world wars, there was also a revival of hopes for universalism expressed in the reinvigoration of the United Nations system, which many considered – and some early evidence supported this – had the chance to operate as its founders and Charter intended. There were great expectations of a new era for the UN, supported by a string of early post-Cold War successes, which peaked around the time of the Gulf War of 1991. President George Bush Sr saw UN action at this time as being at the centre of his hopes for a ‘New World Order’.

Very quickly, however, a series of disappointments and failures, of which the cases of Rwanda and Somalia are two prominent examples, revealed the continuing limitations of UN action. Continuing and ever more complex global crises led to a significant re-evaluation of the possibilities of regionalism in theory and practice and with it an increasing recognition that regionalism, if not an alternative, could, indeed should, provide at least as an important supplement to multilateralism. Thomas Weiss noted how ‘the logic behind Chapter VII’ was brought back by the overextension of the UN.³³ This had already found expression in the statements and actions of SG Boutros Ghali noted above. In 2000, after a troubled peacekeeping decade, a UN Panel chaired by Lakhdar Brahimi conducted a comprehensive review of peacekeeping operations,³⁴ preparing the ground for the subsequent High Level Panel on Threats, Challenges and Change which highlighted more explicitly the importance of partnership. The Panel’s report: ‘A More Secure World. Our Shared Responsibility’ acknowledged that the Security Council had ‘failed to make the most of the potential advantages’ of working with regional institutions, and that the UN had much to learn from organisations that had taken the lead in setting normative standards to guide preventative efforts. Enhancing the role of regional institutions was identified as one of four pillars of any future security architecture, and a way of closing the North-South divide as regards security provision.³⁵

The combined result of the post-Cold War explosion of new regionalisms and the new legitimacy bestowed upon them by states, the UN and pre-existing multilateral institutions has certainly raised their profile as international actors. In terms of this ‘explosion’ a couple of points can be made in summary. In quantitative terms there has been major growth and expansion of regional arrangements, both in terms of new organisations and new memberships of existing

³² Barry Buzan and Ole Waever, *Regions and Powers. The Structure of International Security* (Cambridge, Cambridge University Press, 2003).

³³ Thomas Weiss, *Beyond UN Sub-contracting. Task Sharing with Regional Security Arrangements* (London 1998) xii

³⁴ Brahimi Report, *Report of the Panel on United Nations Peace Operations* (UN: New York 2000)

³⁵ UN Secretary General’s High Level Panel on Threats, Challenges and Change. *A More Secure World: Our Shared Responsibility* (UN: New York 2004)

organisations, and these are tracked in various data bases, including that of UNU-CRIS, a leading centre for regional integration studies founded in 2001, whose very presence reflects the importance attached to new regionalisms.³⁶ Qualitatively there have also been significant changes, characterised by an expansion of tasks and activities, and importantly for this forum, constitutional change. In this process, African organisations, under the umbrella of the reformed African Union (2001) with its novel institutions like the Pan-African Parliament and Court of Justice, stand out. Normative change whether the empowering of institutions in respect of peace operations and other security provisions, the promotion and protection of democratic practices or human and minority rights can also be seen in institutions in the Americas (OAS and MERCOSUR) and Europe (both the EU but also the OSCE). The ASEAN Charter (2008), may be seen as an important ‘constitutional moment’ providing the institution with a more formal, legal framework to achieve deeper economic and security cooperation.³⁷ Plans, with consequences as yet unclear, for the deeper consolidation and integration of the GCC were put forward at the end of 2011 by Saudi Arabia’s King Abdullah.

In short, since 1945 regionalism has both survived and adapted well to new international system challenges. In considering some aspects of the novelty and increasing scope of the ‘new’ regionalism we can further appreciate how this process has contributed to its further consolidation and reconsideration by the wider international community and global institutions like the UN. In a more multipolar international system in which emerging states seek to influence the norms of global governance, regionalism is enjoying an enhanced role. Cross-regional learning has taken place - and here the phenomenon of inter-regionalism or cooperation between regional groups (of which the Asia-Europe Meeting, ASEM, is one example) has a place.³⁸ Importantly also, recognition by the UN and other multilateral institutions has paved the way for a much more robust involvement of regional institutions. As explored further in the next section in respect of new security regionalism, the relationship remains a complex one and the idea of a more unified system has not materialised. But history and experience shows that regional institutions have established a new legitimacy in International Relations and the partnerships established between the EU and the UN³⁹, or the AU and the UN (cooperating since 2008 in a joint peacekeeping operation in Darfur for example) are exemplary in this respect.

³⁶ <http://www.cris.unu.edu>

³⁷ Simon Tay, ‘The ASEAN Charter. Between National Sovereignty and the Region’s Constitutional Moment’, *Singapore Year Book of International Law*, (2008) 152.

³⁸ H. Hanggi, Roloff and J. Ruland, *Interregionalism and International Relations*, (London, Routledge, 2006).

³⁹ The EU is the largest financial contributor to the UN and has special ‘participant’ status in a number of UN conferences. See further: www.eu-un.europa.eu

Contemporary regionalisms: Some considerations

This section reviews in more detail some of the areas where regional institutions have made an impact on the contemporary security arena⁴⁰ including peace operations and humanitarian intervention, anti-terror activities and non-proliferation (the last two in particular have assumed new salience on the agenda of regional organisations since 2001). All these have important implications for assessing the capacity and legitimacy of regionalism and its relationship to multilateral treaties and international law. They were central to the 2003 European Security Strategy and have addressed not only by European, but a wide range of regional institutions.

Peace operations

Peace operations, broadly conceived, are a good example of the regionalization of security provision, its motivation, impact and potential. Regional actors, both formal and more ad hoc informal regional institutions, have been increasingly active in a variety of solo and combined peace operations, many in conjunction with the UN.⁴¹ This provides a contrast to the Cold War where regional organisations and actors played relatively minor roles. In 2010, for example, as recorded by the Centre on International Cooperation, of a total of some 40 peacekeeping operations nearly half were conducted by regional organisations.⁴² And of some 50 political (civilian) missions, again just under half were carried out by regional organisations.⁴³ The range – and geographical reach - of these operations is wide: from enforcement missions, like those of NATO in Afghanistan, or more recently Libya, to election monitoring or institution building, like those of the EU or OSCE in Bosnia-Herzegovina.

The continuing high demand for peace operations and the multiple challenges facing the UN system have encouraged regional organisations to take on much more active roles in this area. Though such operations draw on a UN Chapter VIII model they display considerable variation. Early African operations (like those of ECOWAS in the Liberian conflict), for example, while influenced by the neglect of pressing humanitarian crises in the continent; were also criticised for failing to apply the UN standards in respect of humanitarian intervention. Other operations, like that of NATO in Kosovo, bypassed UN deliberations, and was initiated without obtaining prior

⁴⁰ D. Lake and P. Morgan, eds. *Regional Orders: Building Security in a New World*. (State College: Penn. State Univ. Press 1997).

⁴¹ T.J. Farer, 'The Role of Regional Collective Security Arrangements' in T.G. Weiss ed. *Collective Security in a Changing World* (Boulder and London Lynne Reinner, 1993) 153-186; Justine Morris and Hilaire McCoubrey, 'Regional Peacekeeping in the Post-Cold War Era', *International Peacekeeping* 6/2 (Summer 1999).

⁴² Centre on International Cooperation. *Global Review of Peace Operations* (2010) http://www.cic.nyu.edu/peacekeeping/docs/gpo_2011_map.pdf .

⁴³ Ibid. <http://www.cic.nyu.edu/politicalmissions/interactivemap.pdf>.

Security Council authorisation.⁴⁴ Despite such regional differences and practices, as the changing discourse of multilateralism illustrates, regional actors are regarded as increasingly significant players. In the words of former UN Secretary-General Kofi Annan, ‘multilateral institutions and regional security organisations have never been more important’.⁴⁵

There have been fluctuations in the numbers of regional peacekeepers and operations in the first decade or so of the twentieth first century. Overall however, there has been a pattern of sustained growth, demonstrated by the start-up of new missions in Africa and parts of Central Asia, and the expansion and reinforcement of NATO and EU operations in Afghanistan and the DR Congo respectively. Though there are significant gaps in regional security provision with some regions falling outside the direct remit of regionally-led activity (notably East Asia and the Middle East), the involvement of regional institutions in more, and ever more complex peace operations looks set to continue. This situation is partly the result of incremental growth, development and learning of institutions in the post-Cold War period. It also reflects the severity of regional security concerns and the absence of other security providers, generating a high demand for regional action. Core regional states, aware of the opportunities of shaping regional security policy, have been increasingly willing to provide leadership.

If this regionalisation of peace operations has taken place, what have been its wider effects on multilateralism? Here the conclusions, as suggested, remain mixed. First the results are patchy, not all regions conduct their own peace operations, though this could change. Second, continuing doubts are expressed inside the United Nations and in the wider policy-making community about issues of leadership and legitimacy in respect of regional actors.⁴⁶ Where regional organisations and actors have diverged from UN practice or conducted operations without prior authorisation of the UN Security Council, as in the ECOMOG and NATO cases, there are evident consequences for UN legitimacy and authority.

Third, and not unconnected with the above, questions have been asked about impartiality, or the tendency of strong regional powers to impose their own security agendas without sufficient regard to fellow members, making regional operations a vehicle for hegemony rather than participation. Examples cited are Russia in the CIS, Nigeria in ECOWAS, Australia’s role in the PIF or the East Timor intervention, and the US in NATO. Fourth, accepting the precedent of the regionalisation of peace operations could encourage the policy of excluding areas like Africa from UN-led peace operations.⁴⁷ All these are real concerns. Yet given the present, more multipolar international environment and the limited capacity of older multilateral frameworks like the UN, the search for regional solutions, greater ownership of regional problems and the tendency for regional institutions and actors to play more active roles in peace operations looks

⁴⁴ For a discussion see, Bruno Simma, ‘Nato the UN and the use of force. Legal Aspects’, *European Journal of International Law*, 10 (1999) 1-22.

⁴⁵ UN/SG/SM/8543: 9/12/2002.

⁴⁶ BL Job, ‘The UN, Regional Organisations, and Regional Conflict: Is there a Viable Role for the UN?’ In RM Price and MW Zacher, *The United Nations and Global Security*, (London Palgrave Macmillan, 2004) 227-243

⁴⁷ Richard Bellamy and Paul Williams ‘Whose Keeping the Peace? Regionalisation and Contemporary Peace Operations’, *International Security* 29/4 (2005) 157-95.

set to continue. The constitutional changes or new instruments designed to support these activities should also be noted.

The types peace operations described above represent one element of the new security agenda of regional institutions in the twenty-first century and are an indicator of their emerging roles as multilateral actors. Another measure of security regionalisation is the (re)securitisation of issues like terrorism or the spread of weapons of mass destruction (WMD) and their take up by regional institutions. Such security issues are not new: their novelty lies in the way that they have been classed as core security threats by dominant states and institutions– in particular the US and Europe - following the series of international terrorist attacks between 2001 and 2005 and the growing aspirations of states like Iran and North Korea to nuclear status. Terrorism and the WMD are today at the centre of contemporary security debates, and demand appropriate institutional responses. They have posed new challenges to security institutions, already in the process of readjustment after the Cold War.

Terrorism

‘Terrorism’, variously defined, has been adopted as a key security issue by many regional organisations. In contrast to peace operations however, the UN has been slower to provide an obvious model for regions to follow.⁴⁸ Long unable to agree a common definition or policy on terrorism, the UN’s Global Counter Terrorism Strategy, adopted in 2006, represented an important breakthrough. However, it depends heavily on member states for implementation and underspecifies the potential role of regional bodies.⁴⁹ This leaves open the possibility of a variety of regional interpretations and practices. While a number of groups have moved to endorse the UN’s initiative, regional responses differ significantly, reflecting the particular situation of each region, the robustness of its institutional and its relationship and exposure to different terrorist threats.

A number of well-established regional institutions – NATO, the OAS, Mercosur, the OAU and the EU for example – already had anti-terrorist provision in place to deal with longstanding local threats. Since the Cold War, but particularly since 9/11, these organisations have upgraded their provision. Regions are arguably well positioned to react to, monitor and deter terrorist activity, by sharing police and military intelligence for example, and most regional organisations have responded to terrorist attacks by incorporating new institutional mechanisms. The OAS and Mercosur have established the Inter-American Committee against Terrorism and Terrorism Working Group respectively.⁵⁰ The AU has adopted an additional protocol on the prevention and combating of terrorism. The founding document of the SCO singled out terrorism, separatism and extremism as ‘three evils’ to confront, reflecting concerns of members like

⁴⁸ Jane Boulden and Thomas Weiss (eds) *Terrorism and the UN: Before and After 9/11*, (Bloomington Indiana University Press, 2004)

⁴⁹ See The UN Global Counter-Terrorism Strategy and Regional and Sub-Regional Bodies: Strengthening a Critical Partnership (2008)

⁵⁰ Oelsner, Andrea (2009), ‘Consensus and Governance in Mercosur. The Evolution of the South American Security Agenda’, *Security Dialogue*, 40/2.

Russia and China. Through the establishment of a Regional Anti-Terrorist Structure (RATS), based in Tashkent, it has continued to develop its capacity in this area. NATO for its part has endorsed a new Concept for Defence against Terrorism; and the EU in 2005 adopted a broader Counter-Terrorism Strategy.

The potential for regional organisations to act in this area is highlighted by the longstanding difficulty faced by the UN in articulating a common position on terrorism. Despite the Common Strategy, which a number of institutions have signed up to, the results are mixed. Dealing with terrorism, even defining terrorism, is an issue that is particularly prone to agenda setting by core states and it remains to be seen to what extent states will wish to entrust such delicate ‘homeland security’ concerns to international institutions. This may reinforce a preference for more unilateral, bilateral, or informal small group action. The cases of NATO and the EU are both illustrative in this respect: individual states’ capabilities are not matched at the formal institutional level.⁵¹ Further some states’ interpretations of terrorism and the terrorist threat – that of the SCO for example – may not conform to the UN’s wider counter terrorism strategy.

The securitisation of terrorism is only partially regionalised, and is a reminder of the way in which core states can still dominate and constrain security options worldwide. Different states and regions also react differently to terrorism depending on their own perception and experience of terrorist threats and the local security culture. This can both enable and disable concerted regional action as the examples of Palestine and Colombia show. In both cases different regional (and extra regional) actors disagree on the definition and thus the policy that should be adopted in dealing with such threats. In this way a emerging, if still contested, multilateral norm is subject to considerable local interpretation, change and even dilution.

Weapons of Mass Destruction

The issues regarding WMD share some of the above characteristics, though this has long been the domain of multilateral action and treaties, the lynchpin being the Non-Proliferation Treaty of 1968, much less of regional agencies. Since the end of the Cold War both the UN and a range of regional actors have entered the field, with a new dimension to WMD provided by the terrorist threat above, as a particular concern of policy makers is the possible use of WMD by terrorist groups. Security regionalisation, such as it has occurred in this area, may be regarded as more of a top down process, driven by existing multilateral regimes and the desire of core states to restrain nuclear proliferation. Informal arrangements, like the Six-Party Talks and the Proliferation Security Initiative; or the EU-3, formed to curb the nuclear aspirations of North Korea and Iran respectively, have played important, though hitherto largely unsuccessful roles, in attempting to uphold the non-proliferation regime.

Many regional institutions today publicize commitments to non-proliferation and uphold the enforcement of existing multilateral treaty regimes. The EU, for example, since 2003 has had in place an anti-proliferation policy to strengthen and universalize the existing multilateral system, and sustain a viable non-proliferation regime, even though two EU states are themselves nuclear

⁵¹ See further Daniel Keohane, ‘The Absent Friend. EU Foreign Policy and Counter Terrorism’, *Journal of Common Market Studies* 46/1 2008, pp. 125-146.

powers⁵². ASEAN, South Pacific and Latin American states also support nuclear-free zones through long-standing treaties. Twenty-four Latin American countries in 1967 signed the Latin American Nuclear Free Zone Treaty at Tlatelolco establishing an ‘early commitment to prohibit and prevent the use, manufacture, production or acquisition of nuclear weapons in the region, turning Latin America into the sole continent free from nuclear war competition’.⁵³ ASEAN’s summit in 1995 saw the signature of the Bangkok Treaty or Treaty on Southeast Asian Nuclear Weapon-Free Zone (SEANWFZ) establishing a moratorium on the production of nuclear weapons between the ten member states. The Pelindaba Treaty establishing a nuclear weapons-free zone among African states came into effect in 2009. While there are rational balance of power arguments supporting such cooperation for the regions in question, one might also ask what role in enforcing these regimes has been played by powerful external actors (like the US or China for example), and whether or not regional regimes alone could ever be fully effective in restraining the ambitions of an aspiring nuclear state. However, a weak regional regime is certainly a hindrance to non-proliferation: in the regional security complex that is the Middle East, it has been impossible to restrain Israel’s (or Iran’s) nuclear ambitions, notwithstanding the longstanding call by Arab states for a nuclear free region.

Though the issue of WMD, like terrorism, could represent a new growth area with great possibilities for security cooperation and a good multilateral-regional mix of initiatives, evidence shows that in this high politics arena, proliferation issues are still more likely to be handled outside formal regional organisations – by the P-5, strong regional powers, ad hoc groupings and existing multilateral frameworks. While declaratory statements and confidence building measures of the sort described here have a role to play, non-proliferation in the current international environment is often deemed too dangerous to be left to weak regional organisations and it is precisely the case that the two current nuclear challengers operate outside the domain of regional or formal organisation. On the other hand, scholars have noted a trend towards legalisation even in the more informal environment of Southeast Asian regionalism as exemplified recently by the ASEAN Charter. For example, the NFZ treaty referred to above includes, in article 21, the right of referral of a dispute to the International Court of Justice.⁵⁴

This brief analysis of the performance of regional institutions in three core security areas by no means exhausts their range of security activities, but offers an illustration of their developing roles in a multilateral context. For any issue area chosen there will be a different regional response, depending on local security priorities and conditions, the level of regional consensus and existing multilateral provision. The above analysis shows how major and contentious security agendas, particularly in respect of terrorism and WMD are still set and partly managed by powerful states, often in an ad hoc or informal way or by utilising existing multilateral frameworks like the UN. Indeed in assessing the growth of regionalism in security affairs it is important to note how the UN still acts as lynchpin of any regional security system. However,

⁵² European Security Strategy, 2003.

⁵³ Diana Tussie, ‘Competing Motivations for Regional Projects’ *Review of International Studies* 35 (2009) 170.

⁵⁴ <http://www.aseansec.org/2082.htm>. E. Mansfield and E. Solingen, ‘Regionalism’ *Annual Review of Political Science*, 13 (2010) 146-163.

there is increasing, if still uneven involvement by regional actors in these and other areas, both in policy initiatives and agenda setting.

Conclusion

This paper has sought to show how the evolution of the concept as well as the historical record of regionalism deserves careful consideration to appreciate its contemporary importance in International Relations and International Law. Regionalism, against the views of early sceptics, has established itself as an integral part of the multilateral architecture and vocabulary of international relations. Though regionalism has presented itself in a diversity of forms and its position in respect of the UN and WTO has been contested and ambiguous at times, the importance of a robust and interdependent relationship is widely acknowledged. The importance of such a relationship has been demonstrated by a consideration of three core contemporary security issues.

Regionalism has come a long way since its limited empowerment in the League Covenant, and the constrained environment in which it operated (UN provision notwithstanding) in the Cold War: it now has global reach incorporating an increasingly important Southern dimension. But despite this take up by a growing number of actors and extension into new issue areas, it is not a substitute for states or global institutions. Rather it should be seen as part of a hybrid multilateral system. Thus, the world of regional councils envisaged by British Prime Minister, Winston Churchill in 1945, the regional coalitions for developing countries proposed by Rajni Kothari, or the 'Peace in Parts' idea explored by US scholar Joseph Nye while providing formulas for thinking about how regions might organise the world have not materialised.⁵⁵ Such ideas, like more contemporary understandings of world order based around 'a world of regions',⁵⁶ do not provide an alternative, but an important complement, to a world of states supported by global institutions, imperfect as these may be. It is indeed a hybrid system of global governance, still underpinned by universal institutions like the UN, but with regions playing an important role, that states aspire to.

⁵⁵ Rajni Kothari, *Footsteps into the Future*, (New Delhi, Longman, 1974); Joseph Nye, *Peace in Parts. Integration and Conflict in Regional Organisation* (Boston, Little Brown and Co, 1971)

⁵⁶ Peter Katzenstein, *A World of Regions, Asia and Europe in the American Imperium* (New York, Cornell University Press, 2005) 1.

