REGIONAL ARRANGEMENTS AND GOVERNANCE

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The growth and expansion of regional arrangements is a prominent feature in the international system today. As a response to globalisation and for the purposes of states and societies seeking ways of pursuing common interests and objectives, there has been a significant growth in the number of regional arrangements and a considerable expansion of their activities. A direct result of this trend is the considerable involvement of regional arrangements in the process of governance. This contribution looks at the positive and negative factors related to the expansion of regional arrangements in governance. If further examines how regional arrangements fit into broader issues of global governance and the tensions which exist between universal and regional approaches to governance.

Les relations internationales contemporaines font une place de plus en plus importante aux arrangements internationaux. Elles en sont

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même devenues une des composantes majeures. Elles forment aussi aujourd'hui une réponse à la mondialisation et permettent de concilier les intérêts particuliers des Etats et des différents groupes sociaux qui les composent. Il n'est donc guère surprenant que dans ce contexte, la gouvernance soit devenue l'objet de toutes les attentions. L'auteur sur la base du rapide bilan des facteurs positifs et négatifs liés à cette tendance, élargit son champ de réflexion en examinant la manière dont ces accords internationaux concilient l'instauration d'une gouvernance mondiale nécessairement unificatrice avec le respect des approches régionales spécifiques et multiples de ce concept.

I   INTRODUCTION

The growth and expansion of regional arrangements is a prominent feature in the international system today. The move to regional arrangements as a general trend in international organisation is the result of states and societies seeking ways of pursuing common interests and objectives, as well as addressing issues of common concern, all of which has an impact upon ideas, principles and practices related to governance. The increasing use of regional arrangements and the impact they have on governance is part of the broader trend of globalisation and has been influenced by the various institutional arrangements pursued for the purposes of international organisation since the early 20th century. Following the devastation of World War I the idea of a global international organisation, based on a universally applicable international legal system was put forth in the form of the League of Nations. Despite the League's failure the United Nations (UN) was created based on a similar belief of the necessity for universal international organisation based on international law. While these projects for global peace were pursued, states simultaneously pursued more limited cooperation efforts in order to address issues relevant to smaller collective groups. The result has been tension in both conceptual and practical

terms between universal and global approaches to international organisation, which continue today in discussions about the structures and practices of global governance.

This tension is not all that surprising as ideas and approaches to international organisation have tended to emphasise the need for a truly universal approach whereby all states in the international system are part of a single framework of institutions, laws, principles and norms. However, as the world is an extremely diverse place practical measures for universal global governance are unlikely to proceed except in a few limited areas. And even where we do have a clear universal framework, such as with the maintenance of international peace and security through the UN, regional arrangements are a necessary component for ensuring appropriate action is taken in some circumstances. The current process of globalisation shows beyond doubt that no one state or society can remain isolated from forces and influences beyond its borders. As a result states have created regional arrangements in order to address concern or purposely pursue objectives. These arrangements will vary in terms of activities and the extent of obligations states will enter into, but regardless of the level of cooperation there will be an impact upon governance. This impact will vary and can be viewed in a variety of negative and positive assessments. The position taken here is that regional arrangements are able to make an effective contribution to improving governance through a variety of ways. The most prominent means is through the articulation of core norms and principles of governance that are applicable throughout the region and understood as regional norms applicable to governance. They also contribute through the sharing of resources and mediating the space between the more particular desires and views of the state and the much larger, sometimes undifferentiated international system.

This contribution will set out the positive and negative issues related to regional arrangements and governance. It will then

examine the extent to which regional arrangements have, or have not, fit in with the universal approaches to governance as established by the UN system. It will then conclude with a discussion of developments regarding the recent use of regional arrangements in the Pacific and how this impacts governance in the region. Before proceeding it is necessary to fist set out the wider context of by clarifying key definitions that are at the centre of this paper.

II   GLOBALISATION, GOVERNANCE AND REGIONAL ARRANGEMENTS

The growth and prominence of regional arrangements in the international system is linked to the ongoing dynamics of globalisation.[1] And as "the globalization debate projects, into new context, the cardinal questions of political life concerning power and rule",[2] the connection of regional arrangements to any discussion of governance is clear. Globalisation is a term used in different ways by different people to describe many different things. No matter how it is used the term makes clear that what is being discussed is something that is wider and more expansive than individual states and societies and collective responses are necessary. Globalization through the 20th and into the 21st century has been characterised by "entrenched and enduring patterns of worldwide interconnectedness" and a "growing magnitude or intensity of global flows such that states and societies become increasingly enmeshed in worldwide

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1 Mario Telò "Globalization, New Regionalism and the Role of the European Union" in M Telò (ed) *European Union and New Regionalism: Regional Actors and Global Governance in a Post-Hegemonic Era* (2nd ed, Ashgate, Aldershot, 2007) at 5.

2 David Held and Anthony McGrew *Globalization/Anti-Globalization* (Polity Press, Cambridge, 2002) at 58.

systems and networks of interaction".[3] Such a process clearly will impact how governance is pursued. For the purposes here governance is understood as:[4]

> the sum of the many ways individuals and institutions, public and private, manage their common affairs. It is a continuing process through which conflicting or diverse interests may be accommodated and co-operative action may be taken. It includes formal institutions and regimes empowered to enforce compliance, as well as informal arrangements that people and institutions either have agreed to or perceive to be in their interest.

Understood in this way it is readily apparent how in the context of globalisation regional arrangements are interconnected with concerns about governance.

Regional arrangements play both formal and informal roles in governance, a point which may be demonstrated by reference to the regional arrangements in Europe. The European Union (EU) clearly has a formal role in how the member states are governed through the creation of a regional legal system that the members are required to adhere to and take measures to implement and one that has supranational enforcement mechanisms. The Council of Europe's (CoE) role is less direct as it influences how the member states are governed through various treaty arrangements that create obligations in general international law. The regional arrangement does have in place a number of monitoring bodies, some of which individuals can

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3   David Held and Anthony McGrew (eds) *The Global Transformations Reader: An Introduction to the Globalization Debate* (2nd ed, Polity Press, Cambridge, 2003) at 3.

4   *Commission on Global Governance Our Global Neighbourhood* (Oxford University Press, New York, 1995) at 2.

petition to, but there is a clear distinction between the domestic obligations and the international obligations created through the regional arrangement. And finally there is the Organisation for Security and Cooperation in Europe which was for many years was restricted to political agreements but also created a process whereby norms regarding governance were developed and have had an impact upon the region in a variety of ways, both legal and non-legal. In all three examples, the relevant arrangement has influenced and impacted how states are governed and has further provided the articulation of norms, principles and mechanisms directly related to governance which states in the region cannot ignore due to either legal commitments, political obligations or normative regimes.

The varying impact that regional arrangements have upon governance is an illustration of the diversity in form and structure of regional arrangements. The issue of providing a clear definition of a regional arrangement has been a concern for some, but is not entirely necessary. In particular contexts, such as enforcement action in the maintenance of international peace and security, there is a clear need to define in legal terms what bodies are able to engage with the UN in these efforts.[5] But from a general perspective a much looser descriptive definition of regional arrangements is possible. For the purposes here a regional arrangement is understood as – institutional arrangements formally created by three or more states, for the purposes of pursuing common objectives, through either legal or political agreements, based on some form of geographical space. The three regional arrangements in Europe mentioned above all have a different number of member states and all cover different geographical spaces, but all are considered to be 'European' regional

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5   See Kennedy Graham and Tânia Felício *Regional Security and Global Governance* (VUB Press, Brussels, 2006).

arrangements. This makes clear that the absence of an all encompassing definition is not that much of a problem and that it is not necessary to have one overarching regional arrangement covering the entire geographical region and then use the designation of sub-regional units to describe any arrangements that do not have complete geographical coverage.. Europe and the Western Hemisphere demonstrate how it is possible to have overlapping regional arrangements where there will be elements of common membership and even overlapping competences. There will never be a single Asian regional arrangement due to the obscurity of the geographical space (amongst other reasons). But an institutional agreement such as ASEAN is considered, for these purposes, a clear example of a regional arrangement. When there are multiple regional arrangements in a geographical space it is important to try and ensure there is some sort of formal cooperation arrangements between the institutional arrangements, something Europe has yet to do, but which the Council of Regional Organisations in the Pacific is a useful example.

III   REGIONAL ARRANGEMENTS AND GOVERNANCE: POSITIVE AND NEGATIVE CONSIDERATIONS

In arguing that regional arrangements have an important role in governance it is important to make clear both the positive and negative aspects of institutional efforts at the regional level.[6] There

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6   For further discussion see, Richard Burchill "Regional Organisations and the Promotion and Protection of Democracy as a Contribution to International Peace and Security" in R Burchill, ND White and J Morris (eds) *International Conflict and Security Law: Essays in Honour of Hilaire McCoubrey* (Cambridge University Press, Cambridge, 2005) ch 11; Michael Pugh and Waheguru Pal Singh Sidhu (eds) *The United*

are two factors guiding considerations here – one conceptual the other practical, which were well articulated by the Secretary General of the UN, Boutros-Ghali in a 1992 document titled An Agenda for Peace, where he explained:[7]

> What is clear, ... is that regional arrangements or agencies in many cases possess a potential that should be utilized in serving the functions covered in this report: preventive diplomacy, peace-keeping, peacemaking and post-conflict peace-building. ... regional action as a matter of decentralization, delegation and cooperation with United Nations efforts could not only lighten the burden of the Council but also contribute to a deeper sense of participation, consensus and democratization in international affairs.

The conceptual idea is based on the belief that regional arrangements articulate and represent the diversity of the globalising world. This is important in the context of governance as the exercise of power, no matter how it occurs, needs to have some connection to those over whom it is exercised. Ideas of legitimacy and acceptance of norms and structure demand that those impacted by governance arrangements are able to see something of themselves in the arrangements. The practical issue is that the world faces multiple and widespread challenges which places a high demand on limited resources, making the use of regional arrangements in a variety of areas inevitable. It is not a question of mutually exclusive choices between global and regional arrangements, but rather a question of

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Nations and Regional Security: Europe and Beyond (Lynne Reinner, London, 2003) Part 1.

7   Report of the Secretary General, An Agenda for Peace, Preventative Diplomacy, Peacemaking and Peace-keeping, UN Doc A/47/277 (17 June 1992) para 64.

making appropriate choices "amongst potential actors in order to secure the optimum balance between both modes of operation."[8]

Looking at the positive considerations behind regional arrangements it is clear that the existence of common history, traditions, culture and other social characteristics will facilitate levels of co-operation and interaction that are not always possible at the global level. This common experience and outlook will prove more conducive for achieving normative agreement leading to substantive action. This is reinforced by the limited geographical space whereby size, proximity and the shared beliefs and values will make higher degree of cohesion possible. Commonly, the relatively small geographical area involved with a regional arrangement also allows for a more efficient allocation of resources and delegating of tasks, but this is not always a prominent feature in regional arrangements as demonstrated by the Pacific. In general terms, states and societies are likely to follow accept the obligations involved with a regional arrangement since the supervisory bodies created will possess greater legitimacy, being seen as having a greater understanding of the more localised situation. This is a relative consideration and is asserted in relation to the actions of a universal arrangement which may be seen as an unwarranted or illegitimate interference due to a lack of understanding or appropriate consideration of the particulars on the ground. Regional arrangements increase the possible range of options available to address particular problems and may also provide alternative forms of participation in governance processes or in the existence of human rights mechanisms, oversight of governance processes that individuals and groups may rely upon.

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8   Hilaire McCoubrey and Justin Morris *Regional Peacekeeping in the post Cold War Era* (Kluwer Law International, The Hague, 2000) at 229.

And finally the presence of a regional arrangement helps to ensure a lasting commitment to the issues and problems facing the region allowing for root causes to be dealt with and addressed, rather than just reacting to crises as they arise.

Equally there a number of negative factors to consider in the contribution of regional arrangements to governance. The actual commitment of states to regional projects may not be wholly authentic as states may selectively use regional or universal arrangements and procedures depending upon self-interested needs. The homogeneity of states and societies, be it in social, cultural or economic terms is not a given within any region and this may actually create major obstacles to any level of cooperation. In some regions the differences in views and the geographical closeness has lead to deep seeded antagonisms and continued physical conflict between close neighbours. The solidarity and sense of common purpose in regional arrangements alluded to above may be non-existent either due to conflicting ideological views or the existence of regional powers that are able to manipulate the regional arrangement in the pursuit of their own self-interested goals. This often leads other states to turn to universal arrangements in order to ensure their voices are heard and avoid manipulation by regional powers. At the practical level regional arrangements may suffer from a lack of resources necessary that impedes collective action as well as shortcomings in human capacity which is critical to cooperation activities. This would require contribution from universal arrangements or even other regional arrangements to fill the gaps in knowledge and experience.

These positive and negative considerations will exist in varying degrees within all regional arrangements and no one factor in isolation is determinative of the effectiveness of regional arrangements in international organisation or governance. Too often the existence of regional arrangements is presented as a mutually

exclusive alternative to universal international organisation. Regional arrangements by definition appear to be contrary to universal approaches and also contribute to the idea of fragmentation as they are particular examples of cooperation that differ from each other due to the inherent characteristics of the various regions. It is necessary to see regional arrangements as not a threat or in competition with universal arrangements approaches but rather be viewed in the spirit of complementarity. However, this is something that the international system has fully come to grips with.

VI UNIVERSAL AND REGIONAL APPROACHES TO WORLD ORDER AND GOVERNANCE

The development of institutional arrangements for the purposes of international organisation became prominent in the early twentieth century and tensions, either real or perceived, between regional and universal approaches have been a consistent feature ever since. Woodrow Wilson's ideas for the League of Nations were formulated around distrust for regional cooperation arrangements as he felt the existence and activities of regional blocs was a major contribution to the outbreak of the war. Wilson's response was the creation of a single global international organisation based on a universal international law. The League project is the start of a tendency in international relations whereby when it appears the world is being negatively impacted by regional approaches there are calls for international organisation along universal lines, but in response to universal approaches, states favour a move to regional approaches.[9]

This was played out in the formation of the United Nations (UN) where despite the League's failure as a universal organisation,

9   Inis Claude *Swords into Ploughshares: The Problems and Progress of International Organization* (4th ed, Random House, New York, 1964) at 109.

regional approaches were viewed with disdain by some delegates at the San Francisco conference.[10] The drive for a universal approach through the UN was based on the desire of the major powers to ensure their primary role in the maintenance of international peace and security. At the same time, neither the USA nor the USSR wanted the universal organisation to intervene in their own regional spheres of influence. Added to this, states who were members of existing regional arrangements did want their goals, objectives and priorities being subsumed by the universal body. The final UN Charter clearly gives priority to the universal approach while at the same time attempts to accommodate regional approaches. It is important to note, however, that the UN Charter is first and foremost a mechanism for responding to threats and breaches of international peace and security. It is not a comprehensive framework for dealing with all matters of global governance, even though it does provide a foundation for such developments which have evolved over the years. When it comes to assessing modes of international organisation, the UN Charter does not require that the universal holds a hierarchical position over regional arrangements. This is a common understanding attributed to Article 103 of the UN Charter which states:

> In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.

This provision does attempt to ensure the objectives of the Charter are not undermined by other agreements but at the same time

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10 A member of the USA negotiating team described regional arrangements as "reprehensible 'spheres of influence'" quote from Leo Pasvolsky in Stephen Schlesinger *Act of Creation: The Founding of the United Nations* (Westview Press, Boulder, 2003) at 176.

any regional arrangement that is consistent with the purposes and principles of the UN system cannot be seen as deviation or fragmentation, even though it may not be identical to dominant concepts and practices.

The relation between the UN and regional arrangements in the context of international peace and security has been studied at length elsewhere.[11] For understanding the contribution regional arrangements are able to make to governance, developments related to the promotion and protection of democracy and human rights through international law are informative. Due to the ideological divide that immediately arose in the post World War II period, questions over the nature of government and governance was a sensitive issue and the UN adopted a broad requirement that all members must be peace loving, however understood. This easily accommodated a full range of governmental systems as is apparent from the original membership. At the same time there also existed a strong belief in the need to establish international systems for dealing with human rights and even though there was some reluctance about including this issue in the Charter framework the promotion and protection of human rights is a major feature of the UN. The Charter itself did not set out any clear obligations for states to adhere to human rights standards but it did provide the basis for future action which was demonstrated by the drafting and adoption of the Universal Declaration on Human Rights (UDHR) in the years immediately following the UN's creation. The UDHR is a non-binding instrument but at its adoption and subsequently, it has come to be seen a foundation or as "a common standard of achievement for all peoples and all nations" when it comes to how societies should be

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11 See McCoubrey and Morris, above n 8; Pugh Singh Sidhu, above n 6; Graham and Felício, above n 5.

governed. [12] Despite the importance of the UDHR the extent to which the UN could further its role in governance was limited by the ideological divide that quickly became the Cold War, demonstrating the difficulty of securing agreement on sensitive issues at the universal level. It would take almost twenty years after the UDHR for the member states to agree on the two International Covenants on human rights, and another ten years before these treaties entered into force. To date, the UN system for the promotion and protection of human rights has developed extensively but there still remain difficulties over compliance and enforcement as there are no judicial mechanisms in place and the system continues to respect any form of government regardless of the impact it may have on human rights protection.

At the regional level developments in the promotion and protection of human rights were able to proceed at a quicker pace as a direct result of the commonality of views amongst the member states which facilitated agreement. In Europe the Council of Europe adopted its Statute in 1950 which required that all member states adhere to the democratic principles of respect for the rule of law and ensure the enjoyment of human rights for all. The Statute further provided that when a member state did not adhere to these principles and practices sanctions may be taken through the suspension of rights under the Statute. Further elaboration of these principles came with the European Convention on Human Rights which entered into force in 1953 and brought about the creation of the European Court of Human Rights – a judicial body with the competence to pass judgments that directly relate to how governance is being carried out in the member states. The ECHR was the CoE's attempt to further the

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12 Preamble of the UDHR, UN Doc A/RES/217 A (III) 10 December 1948.

implementation of the UDHR while accounting for the common heritage of the member states. In the Western Hemisphere, the Organisation of American States had adopted the American Declaration on Human Rights several months before the UDHR was adopted by the UN in 1948. The OAS Charter, which entered into force in 1951, contained a human rights monitoring body in the Inter-American Commission on Human Rights which was empowered to uphold the American Declaration. The American Convention on Human Rights was adopted in 1969 and entered into force in 1978 brining about the creation of the Inter-American Court of Human Rights. In both regions the promotion and protection of human rights was viewed as integral to supporting the existence of democratic societies which clearly influenced how governance was pursued in the respective regions.

These developments are significant as they demonstrate not only the ability of regional arrangements to agree on normative principles concerning governance but also how it is possible to generate the political will necessary to establish legal obligations and monitoring/enforcement mechanisms. In terms of norm creation, the CoE's adoption of democracy as a requirement of membership was, it could be argued, contrary to general international law in the 1950s when the clear legal position was that states were free to determine their own political, social and economic systems without outside interference. But as the UN has come to adopt democracy as one of its purposes and principles as part of its expansion into governance, we can now view the CoE and OAS as leaders in the promotion and protection of democracy and human rights in international law.

In both of these cases there has rarely been any suggestion that the developments which were occurring in the region would somehow be damaging for general international law or deviating from the dominant trends in the international system. This is despite the fact that at the UN level any discussion of creating strong

enforcement/monitoring mechanisms for the international human rights treaties was reject on the basis that it contradicted the well established international legal principle of non-intervention into the domestic affairs of states. However, as other regions in the world have adopted instruments related to the promotion and protection of human rights or democracy, questions regarding deviation from the universal system have been raised. The African Union, formerly the Organisation of African Unity, adopted the African Charter on Human and Peoples Rights in 1981 and it was criticised for deviating from assumed international standards due to its strong emphasis on duties, the attention and form it gave to collective rights, the extensive restriction clauses on many of the rights and for the week supervisory/enforcement mechanisms. The African Charter has over time increased its effectiveness and while these initial fears may be major contributors to the shortcomings in human rights protection for the region, the adoption of a human rights instrument with a supervisory mechanism was a substantial development for Africa, even if it appeared to be on a model that differed from the dominant ideological view in the international system. It would have been wholly impractical to insist that the regional arrangement adopt an instrument that the member states were unwilling to participate in. Over time the more positive measures of the African Charter have prevailed and while the weaknesses remain, states are now engaging in the human rights discourse and are forced to justify their choices about governance based on the African Charter. Similar concerns exist with the League of Arab States adoption of the Arab Charter on Human Rights which entered into force in 2008. The Arab Charter does reaffirm the principles of the UN Charter, the UDHR and the International Covenants, but at the same time a number of its provisions appear to be incompatible with the international system as it has evolved through the UN. However, as the Arab Charter makes explicit reference to UN instruments and its overall purpose is to further the protection of human rights in the region, it is difficult to

see how the application of its provisions will result in the denial of human rights protection. Member states of the Arab League cannot invoke the regional instrument as a justification for acting contrary to obligations agreed to at the universal level. The key issue here is ensuring there is continual discussion between the regional and universal levels to ensure there is mutual understanding of what is at stake and not taking mutually exclusive positions with no chance of reconciling the two. The regional arrangement, if it represents the desires and views of the societies contained within it, will be an important expression of how governance is to be carried out.

This is not to be read as a defence of the questionable provisions in the Arab Charter, or any other regional provisions that appear to conflict with universal standards. Rather the point is that different societies will approach aspects of governance in different ways, which will be reflected in the activities of regional arrangements. This is not prima facie an issue of fragmentation but rather should be seen as an overall enhancement of global governance as it demonstrates the essential diversity which exists in the world today. Of course, if the activities or norms of a regional arrangement do appear to be contrary to agreed universal standards then problems will arise. However, in these circumstances the need is for discussion and debate in order to understand the position of the regional arrangement and its members rather than condemning it as deviating from the international system and somehow wrong.

With the end of the Cold War and the bi-polar system which characterised international organisation during that period, diversity in the world has been a major feature of international politics. We have already quoted from the 1992 report An Agenda for Peace where the SG explained that regional arrangements can make a practical contribution to the UN's activities as well as "contribute to a deeper sense of participation, consensus and democratization in international affairs." This prescient observation remains equally

valid today in discussions about global governance as regional arrangements provide practical mechanisms for groups of states and societies to pursue their own objectives while also ensuring diverse views and perspectives are voiced and accounted for at the global level. The SG also recognised that our understanding of regional arrangements had to change in order to fully grasp the positive contributions they provide and that this understanding needs to be viewed not in terms of conflict or tension regarding approaches to international organisation but rather in terms of "balance and harmony" between regional and universal approaches.[13]

V   RECENT DEVELOPMENTS IN REGIONAL GOVERNANCE FOR THE PACIFIC

To illustrate the above points regarding regional arrangements as a necessary element in the ongoing development of global governance some brief observations regarding the Pacific Islands Forum (PIF) will be made. There has in recent years been a resurgence of interest in development of regional institutional arrangements in the Pacific as well as in South-East Asia.[14] This is significant because the Pacific and Asia present a number of factors that suggest the effective use of regional arrangements is unlikely, these include:

- the large geographical space involved and the difficulties of bridging the distances in the region;

- problems in defining the "region";

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13 An Agenda for Peace, above n 7, para 16.

14 For developments in ASEAN see Richard Burchill "Regional Integration and the Promotion and Protection of Democracy in Asia: Lessons from ASEAN" (2008) 13 Asian YBIL 51-80.

- the presence of regional powers with links to colonialism in the region;

- the significant social and economic inequalities among the states in the region;

- a number of states are newly independent and do now wish to give up sovereignty;

- a general lack of political will from political leaders or other elites;

- the lack of public knowledge/debate about the regional arrangements.

The factors are not unique to any one region and often the actual impact of any one issue is overstated when discussing the potential for further regional cooperation. While these factors will hinder the development of regional arrangements they also point, in some aspects, to reasons for engaging in further regional cooperation.

The PIF took a major step towards enhanced regional cooperation with the Auckland Declaration of 2004 that stated:[15]

the Pacific region can, should and will be a region of peace, harmony, security and economic prosperity, so that all its people can lead free and worthwhile lives. We treasure the diversity of the Pacific and seek a future in which its cultures, traditions and religious beliefs are valued, honoured and developed. We seek a Pacific region that is respected for the quality of its governance, the sustainable management of its resources, the full observance of democratic values, and for its defence and promotion of human rights.

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15 The Auckland Declaration, Pacific Islands Forum Special Leaders' Retreat, 6 April 2004, document available at <www.forumsec.org.fj>.

This started a process whereby the PIF shifted from being primarily an annual meeting of state leaders to developing a more active role and presence for the regional arrangement in how governance in the Pacific Islands is structured and carried out. Following on from the declaration the PIF adopted in 2005 the document - A Pacific Plan for Strengthening Regional Cooperation and Integration[16] which was accepted as a blueprint for future cooperation and integration in the region. The Plan sets out four broad areas for regional action:

1. the enhancement and stimulation of economic growth;

2. the pursuit of sustainable development;

3. the achievement of good governance;

4. the pursuit of security.

The Pacific Plan did not contain any explicit legal obligations as it placed the various action points in three different categories for implementation – immediate, agreement in principle but in need of further discussion and areas that require further analysis and consideration before action is taken. But what has been shown is that even though the Pacific Plan is not a legal document it has required a great deal of legal action in order to forward regional cooperation. This has had a major impact on governance in the region already and will continue to do so as further progress within the Pacific Plan framework is going to require constitutional and deeper legislative changes in order to facilitate cooperation.[17] The Plan placed a strong

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16 Available at <www.forumsec.org.fj>.

17 Shennia Spillane "The Pacific Plan 2006-15: Legal Implications for Regionalism" in K Graham (ed) *Models of Regional Governance for the Pacific. Sovereignty and the Future Architecture of Regionalism* (University of Canterbury Press, Christchurch, 2008) at 77.

emphasis on developing structures and criteria for good governance with most aspects agreed for immediate implementation. The most significant of which has been the Seven Protocols on Promoting Good Governance, principles on good leadership and accountability[18] which covers not only ensuring the political process respects the principles of democracy and human rights, but also strives to ensure there is mutual respect amongst individuals and societies, that leaders work for the societies they represent and not for themselves and that cultural values are taken into consideration in the processes of governance. Measures such as this demonstrate how regional arrangements contribute to the exercise of governance through norm creation and by supporting domestic efforts. The Pacific Plan is still in the early stages and its success in creating an effective regional arrangement remains to be seen, but clearly "momentum has begun to build behind exploring enhanced regional integration that would lay important foundations for the future of Pacific regionalism."[19]

Of course there are also a number of concerns regarding the developments in the PIF and regional governance. Given that the Pacific Plan is a major document regarding how the region will be organised and how cooperation will be pursued it was adopted with minimal discussion[20] which may prove problematic over the long term. The Plan was drawn up through an Eminent Persons Group which allowed for a variety of views to be expressed in a way that ensured both strong and weak states felt their interests were

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18 Available at <www.forumsec.org.fj>.

19 Spillane above n 17, at 77.

20 Tony Angelo "Commentary on the Pacific Islands Forum 2004-2005" (2006) 3 NZYBIL 183 at 184.

considered.[21] But at the same time, research has shown that Pacific views towards further regional cooperation and integration are mixed with some in society now fully aware of developments alongside "an aversion by most Pacific Islanders to the idea of integration."[22] However, despite the various problems identified in regionalism in the Pacific "it is hard to see any alternative."[23] In many respects the Pacific Plan provides a strong framework for future regional cooperation that will enhance governance as it takes a strong stance on a human centred approach to governance and strives to ensure respect for diversity within the region. It is clearly an attempt by the states of the Pacific islands to assert their identity and respond to the demands of globalization. As tradition and culture play a significant role in many of the Pacific societies the principles and systems of governance in the region vary from dominant western modes. At the same time, the PIF demonstrates how this diversity can be supported as part of wider global developments.

VI   CONCLUSION

Ronald Yalem commented in the 1960s that "[t]he striking proliferation of regional organizations since 1945 is one of the most significant developments of contemporary international relations."[24] Philippe C Schmitter early in the 21st century observed that "One of

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21 Gerald McGhie "Conflict: Is Regionalism the Answer" in *Securing a Peaceful Pacific* (University of Canterbury Press, Christchurch, 2005) at 165.

22 Malakai Koloamatangi "Regionalism and Prevention: EU and Pacific Perspectives" in J Henderson and G Watson (eds) *Securing a Peaceful Pacific* (University of Canterbury Press, Christchurch, 2005) at 189.

23 Ibid.

24 Ronald Yalem *Regionalism and World Order* (Public Affairs Press, Washington, DC, 1965) at 1.

the most evident descriptive features, first, of the post-World War II era and, then with renewed vigour, after the end of the Cold War, has been the proliferation of [regional integration organizations]. Today, there is virtually not a region of the globe that does not have at least one of them and there are many countries that belong to several of them."[25] These descriptive observations demonstrate the importance of regional arrangements in any discussion of governance and the ever evolving nature of regional approaches. At the same time, despite the substantive presence of regional arrangements there remains the concern that our understanding of these institutions is not adequately developed.

In any debate about governance, the presence and impact of regional arrangements must be accounted for. It is clear that regional arrangements will have a varying impact upon governance depending upon their structure and how legal and political obligations are constructed. There is no one single model for regional arrangements as their construction represents the diversity that exists in the world. While this may have been a serious concern for international organisation in the early 20th century, the idea that regional arrangements will contribute to conflict and a more insecure international system seem outdated today. In fact it appears regional arrangements have become a critical part of the international system as states come together to assert their identity, desires and objectives through collective mechanisms. In the current context of globalization the absence of regional arrangements would likely be more damaging for governance as states would struggle to meet the

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25 Philippe Schmitter "Ancient Method, Novel Subject, Ambiguous Outcome" in A Ribeiro Hoffmann and A van der Vleuten (eds) *Closing or Widening the Gap? Legitimacy and Democracy in Regional Integration Organizations* (Ashgate, Aldershot, 2007) at xi.

needs of their societies and respond to external demands. Regional arrangements are proving to be central features to international organisation and will continue to develop as key elements in governance at all levels of human activity.