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Regional and Universal Organizations: Past and Present Interactions

1. **Regionalism v Universalism Pre-League of Nations**

- Whether there was room for regionality was first visited in the 19th century as a practical approach to international law. In the pre-League of Nations era, a theme that was apparent in international governance was the tension between regionality and universality. The debate stemmed from a political situation with unique features, e.g. colonization.
- Thus, in the 19th century there was a growth of collective action with a common interest such as river commission, which are more regional in scope, and the Vienna Conference.
- 19th century also marked a rise of administration unions drawn from the economic revolution in the West and the need for harmonizing standards, e.g. the International Union of Railway Freight Transportation and the International Telegraphic Union.
- Institutional mechanisms were also needed to facilitate health cooperation to curb the threat of diseases from the increase of international trade.

2. **League of Nations Covenant: Context**

- Towards the end of 19th century, for example at the Hague Conference, there became a greater need for international justice and international arbitration.
- There became a desire to create universal organisations.
- Growing scepticism about regionalism due to warring regional alliances and a limited scope of regionalism stimulated the desire for universal organisations.
- In the 20th century, international organisations began to grow through the Versailles Treaty and the International Labour Organisation. In particular, the Versailles Treaty showcased a need to build something more universal.
- During the creation of the League of Nations, Woodrow Wilson strongly advocated seeing the organization as something that was universal. He drew on the history of the First World War and the problems of wars. Wilson in particular wanted to ban regional organisations in favour of universal organisations, especially regarding peace and security initiatives as he wanted to launch collective security instead. However, Wilson's initiatives were curbed by constituencies in the American Senate; at the time, there was a great mistrust in the USA towards a universal system. Moreover, the Monroe Doctrine, inspired by the Napoleonic Wars, prevented European interference in the USA, which furthered that mistrust.

- Because Wilson was largely unsuccessful, Article 21, which allowed for regionality, was included in the League of Nations Covenant. This was partly assisted by the Monroe Doctrine, which expanded interpretation of regional alliances. Furthermore, Article 21 had problems with Article 20, which attempted to create a hierarchy and primacy between norms. Articles 10 and 21 were conflicting: the former ensured the individual sovereignty and integrity of all states. Moreover, Article 21 had linguistic ambiguities Altogether, the problems of Article 21 undermined the universal system of collective security and contributed to unravelling of the League of Nations.

3. United Nations System

- At the beginning of the 20th century, there were lessons learnt from the failed League of Nations. It was evident that there was a clear and coherent hierarchy required between universal and regional systems. States collectively felt that regionalism could potentially find its place in a universal system: see The Dumbarton Oaks Conference in 1944, also known as the Washington Conversations on International Peace and Security, and the San Francisco Conference in 1945, also known as the United Nations Conference on International Organization.
- In the context of the League of Nations, the relationship between regionalism and universalism was unclear, which resulted in the League becoming a passive spectator in international politics. This lesson learnt impacted on the United Nations, which we would not have if not for the experiment of the League of Nations.
- The League of Nations showed that, even if regional organizations have implementation role to play for universal organisations, there was a need for a flexible concept of regionalism. Moreover, there was a need for a clear hierarchy between regional and universal organisations. The initial UN drafting documents showcased a universal approach overall: in particular, this was strongly pushed by Franklin D. Roosevelt.

4. Current Legal Architecture

- Currently our structure is a compromise between universal and regional systems, which has been enshrined in a specific chapter within the UN Charter. Chapter VIII demarcates the relationship between regional and universal organisations.
- Articles 52(2) and 33(1) allow for regional agreements and organisations to assist in pacific settlements of local disputes in order to advance international peace and security. However, Article 53 allows the Security Council to retain monopoly on determining enforcement measures, thus there is a clear hierarchy. The universal system trumps the regional one in this instance.
- Echoing both the hierarchy and the acceptance of certain regional agreements, Article 51 is striking: it acknowledges collective regional action in self-defence, but that there was a duty to report to the Security Council. Article 51 is an example of collective action conducted at regional level. This provision does not specify which regions.

- Our current regional vs. universal model, stemming from the 20th century, is different from that of the League of Nations: in recent times, there are greater incentives to draw the relationship between the regional and universal systems clearly.
- However, this model has evolved since 1945. Butros Butros-Ghali, the sixth Secretary-General of the UN, asserts the regional role in conjunction with the UN in the agenda for peace and security. Since 1945, there has also been a proliferation of regional organisations as the need for them has increased. In particular, the context of the Cold War increased the need for regional organizations. Moreover, many countries hope to rebuild themselves and seek to benefit from regional agreements. Additionally, the EU has been partly influenced by France and Germany's desire to benefit from a collective interest. Also, in the 20th century, decolonisation and the rise of self-determination as a concept around the world have allowed countries to favour regional agreements: Asian and African countries are keen to pursue their own systems to manage their common interest.
- The number of regional mechanisms has led to more regional governance. How does the UN react? There are many legal issues here without any answers. In the context of peace and security, there are many important regional organisations with more financial resources, equipment and power than the UN.
- Altogether, the rise of regional agreements and organisations such as NATO and the EU have contributed to expansionist views on the world stage.
- Does the rise of regional agreements fit with the UN Charter? The Security Council considers organisations without confining them to specific roles; overall, the Security Council takes a pragmatic approach to them (see Chapter 7 and 8). Formally, Security Council's forceful measures asserts the primacy of the UN Charter, but in practice countries and organisations seek authorisation from the Security Council or seek authorisation *ex post*. Because of this, the universal system of peace and security has been criticised by some. This raises the question of whether the Security Council needs to be more assertive (e.g. Syria).

5. Contemporary Challenges

- So far we are seeing hybrid models of cooperation emerging (e.g. Darfur, and the African Union on board with United Nations actions).
- Problems emerge regarding accountability and responsibility of international organizations.
- New models are needed. One model focuses on ultimate authority and control, e.g. holding the Security Council responsible. The second model proposed looks at joint or concurrent responsibility, which requires knowing who does what and how. This can pose problems of attributing responsibility when dealing with regional organizations, because organizations such as the EU and NATO often contract out. Generally, in international law the demarcation of initiatives and responsibilities can be unclear.

- Currently, there is no specific model that we see that is present, because every time decisions are made and carried out, there is a different model. There is no single instrument being used.

6. Questions and Answers

- One question focused on whether regional organisations were more empathetic. This examines how do we justify regional organisations and what legitimacy they encompass? For regional organisations such as the EU, you can have a parliament in away that is not possible with the UN. For many people, there is more legitimacy from the political organs of regional organisations.
- With the rise of private power in matters of global governance, the principle of responsibility becomes more conflated. Organisations become more "fused" and there are more challenges within the political system. This is an issue, because there is no real definition of what a regional organisation actually is. For example, does the EU fit in a precise definition of a regional organisation? Does the definition include ideas about geographical location, solidarity and shared values?
- Regional organisations embrace differences and diversity; yet, it is still important to have a place where countries of the world can meet and discuss.