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*Regional Integration and (Good) Regional Governance:
Are Common Standards and Indicators Possible?*

Edward Best*

*Head of Unit at the European Institute of Public Administration (EIPA), Maastricht. Paper prepared for the UNU-CRIS Virtual Workshop on Indicators of Regional Integration, April-October 2003. For more information on the Workshop, please contact: pdelombaerde@cris.unu.edu.

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Abstract

This paper is intended to complement classifications of regional integration processes made according to individual descriptive categories, by considering regional systems as wholes in the broader perspective of governance. This means not only assessing individual dimensions of regional institutionalisation but also evaluating the interaction between those dimensions as well as the basic 'fit' between formal structures and real processes of interdependence, solidarity and socialisation. The paper focuses on the challenge of citizen participation and the involvement of civil society organisations in different kinds of regionalisation process. It challenges some conventional views, largely premised on assumptions about the experience of the European Community, as to the role of formal fora for social and economic representation, as well as of regional parliamentary structures. It also highlights some of the dilemmas involved in establishing bases for legitimacy of regional systems. Particular regional models and structures do not inherently have any greater merit than others. Nor can particular structures of democratic government drawn from national experience ever be simply transferred to regional level. The guiding principles can only be the effectiveness and appropriateness of institutional arrangements in individual contexts, seen in the light of certain common basic standards of democratic behaviour. It is thus argued that, beneath the necessary variety of goals and structures across the world, it is valid to establish some universal principles of good governance which permit a certain degree of evaluation. In this sense, the paper is a first attempt to explore the possibilities and limits of establishing standards and indicators of 'good regional governance'.

1. Introduction

Most attempts to establish indicators of regional integration have been intended to measure how “regional” a region actually is. In other words, to what degree and in what respects does the relationship between a group of countries present significant differences from the relationship between each of those countries and the rest of the world?

On the one hand, this may take the form of classifying the *formal* preferential agreements concluded between the countries according to a taxonomy of intentions. What have those countries’ public authorities and leading actors indicated that they wish to be in terms of regional grouping? In traditional economic integration this has meant an ascending set of general goals - free trade, customs union, common market, economic union - although more exhaustive classifications have been proposed according to coverage and ambition, ranging from partial sectorial preferentialism to economic and monetary union with a corresponding escalation of positive policy requirements (e.g. Pelkmans 1993). In terms of political structures, taxonomies range from simple intergovernmental agreements involving no sharing of sovereignty (the case of most preferential economic agreements) through loose confederal structures to semi-federal unions of states such as the EU today and, exceptionally, to full political union in the sense of a single federal state.

On the other hand, indicators are pursued as measurements of the *real* degree of integration which has been reached in terms of interdependence between economies, solidarity between governments and between societies, and perceptions of common identity. Economic interdependence can be indicated by the relative importance of intra-regional *flows* of trade, investment, labour, migration; patterns of price convergence; and so on. One can assess relative degrees of political cooperation by looking at voting patterns between the component countries in international organisations compared to non-members. One can try to quantify and measure the relative intensity of transactions and communications as a further indicator

of the existence of a ‘transnational community’.¹ One can also carry out opinion polls on perceptions of common interests and common identity.²

This kind of distinction between the ‘formal’ and the ‘real’, however, must be qualified when one looks at the actual processes by which regionalism in fact operates. The dimension of ‘institutionalisation’, in the sense of the demonstrable existence of formal agreements, organs, decision-making rules, compliance mechanisms and so on, always needs to be seen in either or both perspectives (that is, as a formal statement of intention or a manifestation of real integration) depending on the particular regional arrangement in question. As emphasised by sociological institutionalist and social constructivist approaches, actors’ interests, preferences and perceptions of identity are not fixed but may be shaped by participation in broader institutional contexts and systemic processes, of which more below. Moreover, the more attention is placed on the subjective and discursive nature of ‘regionness’ (Hettne and Söderbaum 2000) or ‘regionhood’,³ the harder it necessarily becomes to conceive of objective indicators by which to measure things.⁴

Even descriptive classification in any absolute terms is difficult. The aim of this paper is to explore whether it may nevertheless be not only possible but in fact more valuable to move beyond classification and purely empirical comparison towards some form of normative evaluation. The aim can never be to assess whether one structure is more or less similar to another. No particular regional model or structure has any inherent superiority. Yet there are three interrelated ways in which one may legitimately try to ‘rate’ regional systems.

¹ For a good example of an application of this approach to a particular region, see Sundelius 1978.

² For example, this has been periodically carried out for the EU by *Eurobarometer* in “vertical” terms of whether people see themselves as “European only, European and nationality, nationality and European, or nationality only”. Interestingly, a more horizontal, “transnational” approach was reflected in the survey carried out in Central America in 2002 by CID Gallup Latinoamérica which asked whether respondents were strongly in agreement with the propositions that the Central American countries “are fraternal countries” or that the respondent was indifferent to being a national of his/her own country or of any other Central American country. (<http://www.sgsica.org/encuesta/encuesta.ppt>).

³ In this perspective, regions are seen as ‘a system of intentional acts’; ‘a “rational” system with statehood properties’; ‘reciprocal achievements of social actors’ (in which case ‘regionification’ is involved); and as ‘generators and communicators of meaning and identity to social and personal actors’. (Van Langenhove 2003).

⁴ Or rather, non-things – some proponents of this perspective argue that it is in fact ‘inappropriate to try to quantify and measure a concept, such as “identity” or “region-ness” or “integration”. To do so would be to commit the error of *reification*’ (Slocum and Van Langenhove 2003: 8).

The first, focusing on real results, is whether a regional system is likely to contribute to a net increase in *welfare of the populations*. This requires in the first place a methodology capable of establishing distinct causal relationships between public policies, economic trends and social benefits. However, it may still be unclear whether short-term welfare losses would continue, while the domestic distribution of costs and benefits may vary. Moreover, there may be compelling political or cultural rationales for membership – often enjoying broad and deep popular support - which may obscure and even outweigh more material evaluations. An overall cost-benefit analysis will always be broad and complex, but the underlying principle may be assumed to be generally accepted as legitimate.

The second approach gives priority to *stability of the system*. The question here is whether the institutional arrangements (meaning not just the formal organs, but the whole set of regional actors, norms, structures and policies) are capable of managing the pressures generated by a particular regional process, taking into account the specific historical background and domestic structures of the countries involved. Each ‘equation’ between complexities and capacities in this sense will be a unique formula reflecting a different combination of variables such as the number of member states, relative sizes of the participating countries, different levels of development, scope of coverage, type of impact, time perspectives, degree of real interdependence, political framework, and underlying perceptions, values and norms. (Best 1997; Pelkmans 1987)

The third way, which is the subject of this paper, tries to combine and to go beyond these two approaches by looking at regional systems holistically from the perspective of *governance*.

2. Regionalism and (Good) Governance

There are probably as many definitions of ‘governance’ as there are of ‘regions’. However, there are by now a number of common understandings which make the concept of ‘(good) governance’ a more appropriate framework than ‘(democratic) government’ for evaluating the democratic quality of regional systems.

At national level, it has long been noted that the ways in which societies order themselves do not only depend on the existence of ‘a functionally differentiated group of "governors"'. Governance is not only a verbal noun meaning ‘the activity of governing’ but also includes the multiple mechanisms of 'socialization and social control' by which human conduct is regulated (Finer 1970: 4-6). It is now accepted practice to talk in terms of governance, if only as ‘a broader notion than "government" (whose principal elements include the constitution, the legislature, the executive and the judiciary). Governance involves the nature of interaction between such formally defined institutions, and those of civil society... ’ (Corkery 1999: 15).

Beyond this, different usages have arisen, fed by developments in a number of disciplines and contexts. The common ground between them is the recognition that it is not only the formal organs of national states that matter when it comes to understanding how business is actually done in the world. However, there may be quite different emphases and implications.

One perspective stresses that a ‘good’ state is necessary but insufficient for countries to achieve good overall development. This is the concept of ‘good governance’ as it has emerged over the 1990s, largely in the sphere of international development cooperation (although it must be seen in parallel to the debate on ‘corporate governance’) following a 1989 World Bank study on Sub-Saharan Africa. It increasingly has become accepted that sustainable development depends not only on the existence of an efficient and accountable government but on the involvement of society as a whole – government and ‘civil society’ - within the rule of law and a system of rights. In Osborne's neat summary, after shifting priorities from development *projects* in the 1950s through state-directed development *plans* and strategies in the 1960s, integrated development *programmes* in the 1970s, structural adjustment *policies* and public management reform in the 1980s, a consensus had emerged by

the early 1990s that *politics* mattered. Definitions and priorities varied, but constant 'good governance' keywords were participation, transparency and accountability (Osborne 1999). Good governance, according to the UNDP, is thus 'a subset of governance, wherein public resources and problems are managed effectively, efficiently and in response to critical needs of society. Effective democratic forms of governance rely on public participation, accountability and transparency.' (UNDP 1997: 9)

While it is emphasised that the role of citizens and civil society is essential, however, the existence of effective organs of state remains indispensable, however, in order to guarantee the rule of law (including the accountability of public officials) and respect for basic rights.

Like the rule of law itself, these basic principles are held to be of universal validity, but it is up to different societies themselves how they choose to organise themselves in their light.

Borrowing a recent formulation given by the OECD (Kondo 2002: 7), the basic principles of good governance include:

'Accountability, meaning that it is possible to identify and hold public officials to account for their actions.

'Transparency, meaning that reliable, relevant and timely information about the activities of government is available to the public.

'Openness, meaning governments that listen to citizens and businesses, and take their suggestions into account when designing and implementing public policies.

'While challenges are similar across countries, and principles of good governance are widely accepted, there is plenty of room for different approaches, national priorities and institutional solutions to achieve transparent, accountable and open government.'

Various efforts are indeed being made to establish not only universal principles and standards but benchmarks, indicators and comparative methodologies. The World Bank thus offers an overview of 'Indicators of Governance and Institutional Quality' to measure, for example, the severity of corruption, the extent of civil liberties, bureaucratic efficiency, the rule of law, and the predictability of policymaking, as well as 'toolkits' which 'set out the principles

which experience suggests should underpin public sector governance arrangements and provide methods for assessing the degree to which specific country arrangements are consistent with those principles...'⁵

Another set of 'governance' approaches, however, draws attention to the fact that a state may not in fact be there, or at least not be fully in control. On the one hand, there may simply not be any accepted higher level of recognised authority, as in the international system. The concept of 'governance without government' was thus developed by Rosenau and others in the late 1980s as a result of the observation of the important role played in international affairs by non-state actors as well as governments, and of the fact that common norms and rules could be determined and respected internationally even in the absence of a central international authority with coercive powers. Norms and practices are shaped by transnational economic interests, 'epistemic communities' of experts and a variety of non-governmental organisations; and governance is 'a system of rule that is as dependent on intersubjective meanings as on formally sanctioned constitutions and charters.' (Rosenau 1992)

On the other hand, the role – indeed the power - of central governments has changed, partly because they have been 'hollowed out' as a consequence of internationalisation (often accompanied by domestic decentralisation) and partly in the context of 'new public management' and 'reinventing government'. Governments swapped direct for indirect controls as they privatised and contracted out services, while creating executive agencies for independent implementation of politically-defined goals. All this led to function-based policy networks which were broader in membership than before (including independent agencies as well as both private and voluntary sectors) and in which central departments were no longer necessarily the 'fulcrum, or focal organization'. 'Governance' in this sense is thus understood to be a particular way of policy management based not on hierarchical authority but on trust and negotiation between partners, and operating through networks composed of public and private actors from different levels (Rhodes 2000).

⁵ <http://www1.worldbank.org/publicsector/indicators.htm>; <http://www1.worldbank.org/publicsector/toolkits.htm>.

While all this may promise a greater degree not only of flexibility but also of participation (at least for those participating), it also poses new challenges for transparency and accountability. When it comes to a transnational expert community, a multi-level policy network or a regional cooperation programme, all of which play important roles in how the world is governed in practice, 'the assumption of institutional hierarchy which underpins so many discussions of bureaucratic accountability no longer holds. Accountability can no longer be specific to an institution but must fit the substantive policy and the several institutions contributing to it.' (Rhodes 1997: 58-9)

It is suggested here that a 'governance' framework based on these two perspectives, and the tension between them, is a natural starting point for thinking about how to evaluate the democratic quality of regional arrangements themselves. In the first place, it may help establish minimum universal standards which are more broadly applicable and acceptable than those tied to particular governmental structures. Regional systems cannot be judged simply in terms of national practice, and there is in any case a wide variety of national practices.

By the same token, this approach recognises that in almost all cases the regional level of governance – like the international system or new forms of policy management within countries – does not rest mainly, if at all, on central hierarchical authority. Nor does it rest on some overriding cultural identity which can obviate the need for democratic and/or utilitarian justification. Consequently, the ways in which 'good governance' is respected must inevitably take non-traditional forms, and may imply adapting the usual litanies of principles.

The issue must be split into two parts. First, how do regional arrangements affect standards of governance within countries? Second, if regional arrangements do lead to the establishment of some degree of 'multi-level governance', does this constitute a net increase in the overall amount of 'good governance' available to people?

Intergovernmental systems

A number of regional organisations have been created with the primary goal of cooperating in order to consolidate democratic values and practices. These include the Council of Europe and the associated European Convention on Fundamental Rights and Freedoms, and a few other regional systems for political cooperation and the protection of human rights such as the Organization of American States (OAS). Principles are stated in regional treaties, charters and conventions - to which a recent addition is the Inter-American Democratic Charter adopted by the General Assembly of the OAS in Peru in September 2001. These principles may be elaborated in common standards and disseminated through policy instruments and guidelines, exchange of best practices, training programmes. A good example is the Council of Europe's integrated project on 'Making democratic institutions work'.

Signatory governments can be obliged to comply by the courts under international and often also national law. An increasing number of mutual evaluation processes also exist with the aim of securing improvements in governance through peer pressure.⁶ The Group of States against Corruption (GRECO), for example, produces reports, which may be made public, on national compliance with the anti-corruption instruments of the Council of Europe. The Follow-up Mechanism to the 1996 Inter-American Convention Against Corruption likewise entails questionnaires, reviews of information provided and national progress reports, as well as mechanisms for legal cooperation.

There have recently been innovations in this direction elsewhere. An African Peer Review Mechanism (APRM) was established in 2001 in the context of the New Partnership for Africa's Development (NEPAD) and the transformation of the Organisation of African Unity (OAU) into the African Union (AU). Key objectives are laid down concerning consolidation in all countries of 'a constitutional political order in which democracy, respect for human rights, the rule of law, the separation of powers and effective, responsive public service are realised to ensure sustainable development and a peaceful and stable society'. These are then broken down into more specific objectives, accompanied by standards (mainly international

⁶ This approach has been particularly developed by the Organisation for Economic Cooperation and Development (OECD), which is not regional in any territorial sense.

treaties and declarations), indicative criteria and examples of indicators. The procedure is to be overseen, under the aegis of an APR Heads of State Forum, by a Panel of Eminent Persons, on the basis of a report from a Country Review Team.⁷ This is emphatically presented not as a vehicle for pressure by outsiders but as ‘an instrument voluntarily acceded to by Member States of the African Union as an African self-monitoring mechanism’. As of January 2004, 16 of the 53 AU members had signed up to the APRM.⁸ It remains to be seen what may happen in practice, but the principle has received widespread encouragement as a new way of structuring regional governance development.

Democratic practice within countries can also be positively promoted by broader regional systems. The EC/EU has always been based on an insistence that Member States should share and respect fundamental rights and democratic values. In the perspective of an enlargement bringing in many countries from Central and Eastern Europe which have not, at least since the second world war, enjoyed governments with such democratic traditions, the EU has not only made this more explicit in the founding treaties, but also written in provisions for monitoring and imposition of sanctions on Member States which committed serious breaches of those standards. The Common Market of the South (Mercosur), created in 1991 between Argentina, Brazil, Paraguay and Uruguay (with the later association of Chile, Bolivia and Peru), may to some extent also be seen as a mutual commitment to continued democratisation – and was employed as a means of pressure to prevent a possible relapse in the case of Paraguay in 1996.

On the other hand, it should not be forgotten that regional organisations can have a negative political influence. This was most notoriously the case of the regional bodies dominated by the Cold War superpowers: - the Committee for Mutual Economic Assistance (Comecon) and Warsaw Pact in the case of the Soviet Union; and the mechanisms of the OAS, which were sometimes used by the US to prop up dictatorships in Latin America. Still today, however, there is open concern in the EU and elsewhere that, for example, the absolute insistence of

⁷ ‘Objectives, Standards, Criteria and Indicators for the Africa Peer Review Mechanism (“the APRM”)', NEPAD/HSGIC-03-2003/APRM/Guideline/OSCI, 9 March 2003; ‘African Peer Review Mechanism: Organisation and Processes’, NEPAD/HGSIC-3-2003/APRM/Guideline/O&P, 9 March 2003.

⁸ Algeria, Burkina Faso, Cameroon, Congo, Ethiopia, Mozambique, Nigeria, Ghana, Kenya, Rwanda, Senegal, Uganda, Gabon, Mauritius, Mali, South Africa. <http://www.touchtech.biz/nepad/files/en.html> 19 January 2004.

the Association of South-East Asian Nations (ASEAN) on political non-interference and its inclusion of Myanmar in fact amounts to propping up an anti-democratic regime.

Assuming the existence of an agreed checklist of universal values and standards, one can imagine a set of standards and indicators for comparing the performance of the regional systems themselves in contributing to the enhancement of good governance *within* each of their respective member states. For example:

- Do the regional reference documents (treaties, declarations, programmes etc.) conform to universal norms and values?
- Do national reference documents conform to regional ones?
- Do regional mechanisms (judicial, political, social) exist by which pressure can be exerted on national authorities to comply with regional norms?
- Do member states comply with these pressures?

At the same time, the basic principles of good governance can be applied to the regional arrangements themselves even if there is no disposition to go beyond intergovernmentalism, functional cooperation or partial preferentialism. Are the public officials and other actors responsible for regional programmes effectively accountable for how resources are managed? Are stakeholders well informed as to the objectives and risks of specific projects, and do they have the opportunity to make their views known?

Regional integration systems

Things become more complex when people have to comply with binding decisions which are adopted beyond national structures. In terms of taxonomies of regionalism, this means differentiating purely intergovernmental frameworks from 'regional integration' systems, defined as formal unions of states which retain legal personality but which agree to constitute a shared economic and social space partially governed by distinct common regional rules or uniform national laws.

If a regional system really does constitute an additional level of governance which has a tangible impact on national systems and individual, then it is only proper to ask whether the resulting 'multi-level' arrangements constitute a net increase in the overall welfare and good-governance possibilities afforded to citizens, both in their design and in their operation.

If citizens have to accept common rules even in limited areas, (especially if these are not adopted by unanimity) then additional *legitimacy* requirements arise which go beyond the basic principles of good governance. Indeed, the very possibility of satisfying those principles (transparency, accountability and openness/participation) can be seen to be in inverse proportion to the level of organisation. The issue is not only that integration may have clear 'sovereignty costs' for states (which may translate into political costs for their governments). Even if integration does produce practical benefits, individuals still face a 'democratic dilemma' (Dahl 1994) by which there is a trade-off, as the scale of organisation increases, between a reduction in relative individual influence over collective decisions, on the one hand, and an increase in collective influence over global results, on the other.

These legitimacy requirements may, it is suggested, be summarised as follows:

1. Citizens feel that the dimensions and composition of the unit in which binding common rules are made are appropriate.
2. Citizens recognise the rightfulness of the authorities.
3. Citizens accept the basic goals and principles on which the system is organised and are convinced of the existence of bodies guaranteeing respect for these principles.
4. Citizens believe that meaningful possibilities for participation in decision-making are open to them.

These requirements can be satisfied in different ways, with different structures, and with different trade-offs between them, depending on the particular circumstances of the countries participating in the regional arrangements.

However, two general propositions may be advanced.

- There will be a direct relationship between the perceived impact of regional arrangements on people's choices and the importance which people attach to the satisfaction of legitimacy requirements for regional action.

- There will be an inverse relationship between the strength of perceptions of common identity and the importance of "utilitarian" justifications for the existence of the higher level.

This is in large part a question of the balance between input legitimacy and output legitimacy. 'Output legitimacy' means that people agree that a particular structure should exist and its rules respected because of the benefits it brings. Social acceptance is thus instrumental and conditional, as well as independent of any affective relation. 'Input legitimacy', on the other hand, means that social acceptance of the structure in question derives more from a belief in the rightfulness of the system of rule-making. This does not consist only in that system's respect for due process (transparency, legality, accountability) and its openness to popular participation, but also on the existence of 'deeper validating legal Rules of Recognition (rules about rules)' and a sense of shared identity or 'we-feeling' (Weiler 1991, 1997).

Where integration processes do produce systems of multi-level governance, therefore, any comparative framework for assessment of the democratic quality of the arrangements (that is, the good governance of the whole) has to go beyond the basic principles already discussed to take into account deeper questions of social legitimacy.

One of the most important recent proposals in this respect has been the European Commission's White Paper on European Governance (CEC 2001), in which it proposed five principles of good governance to be applied in the European Union. Three of these principles – 'openness', 'participation' and 'accountability' – basically refer to the same things as those propounded internationally as means to evaluate good practice in public management

although, whereas the OECD formulation of ‘openness’ given above is much closer to ‘participation’, the Commission uses ‘openness’ to mean an active version of ‘transparency’:

- **Openness.** The Institutions should work in a more open manner. Together with the Member States, they should actively communicate about what the EU does and the decisions it takes. They should use language that is accessible and understandable for the general public. This is of particular importance in order to improve the confidence in complex institutions.
- **Participation.** The quality, relevance and effectiveness of EU policies depend on ensuring wide participation throughout the policy chain – from conception to implementation. Improved participation is likely create more confidence in the end result and in the Institutions which deliver policies. Participation crucially depends on central governments following an inclusive approach when developing and implementing EU policies.
- **Accountability.** Roles in the legislative and executive processes need to be clearer. Each of the EU Institutions must explain and take responsibility for what it does in Europe. But there is also a need for greater clarity and responsibility from Member States and all those involved in developing and implementing EU policy at whatever level.

However, the other two principles - ‘effectiveness’ and ‘coherence’ - are essentially utilitarian justifications for the ‘Community method’ as a means to give citizens the benefits of European integration.

- **Effectiveness.** Policies must be effective and timely, delivering what is needed on the basis of clear objectives, an evaluation of future impact and, where available, of past experience. Effectiveness also depends on implementing EU policies in a proportionate manner and on taking decisions at the most appropriate level.
- **Coherence.** Policies and action must be coherent and easily understood. The need for coherence in the Union is increasing: the range of tasks has grown; enlargement will increase diversity; challenges such as climate and demographic change cross the boundaries of the sectoral policies on which the Union has been built; regional and local authorities are increasingly involved in EU policies. Coherence requires political leadership and a strong responsibility on the part of the Institutions to ensure a consistent approach within a complex system.

There is a great deal of validity in this approach, to be sure. In the absence of some overriding supranational cultural unifier, regional arrangements which imply costs in terms of national sovereignty, individual participation and resource allocation will not long be accepted if they are not seen to give adequate results. Assuming that the regional system is capable of bringing a net increase in welfare over time, then ensuring the stability of that system is in itself a necessary dimension of good regional governance.

This means, crucially, that regional institutional arrangements must be *appropriate* – not only in that they ‘match’ the real needs of the integration process in a functional perspective, but also in that they satisfy legitimacy requirements in ways which ‘fit’ the political context.

First, the democratic quality of regional structures does not rest on their apparent resemblance to national structures. Here, indeed, one faces two further ‘democratic dilemmas’. On the one hand, there is a problem of recognition. One cannot transfer national structures of any type to regional level in any simple way (except if the process is genuinely a process of political unification). Yet people’s perceptions of legitimate institutions are inevitably determined by national experience. As Schmitter has noted with regard to Europe:

‘If ... the non-state Euro-polity will have to come up with novel institutions in order to democratize itself, then both politicians and citizens may have considerable difficulty in recognizing these novel rules and practices as "democratic".’ The more novel (and perhaps, functionally appropriate) these citizen rights and decision-rules are, the greater the initial obstacles to their being accorded legitimacy.’ (Schmitter, 1996: 16)

On the other hand, there is a risk of rejection. The constitution of regional structures with the formal trappings of national democratic institutions may be resented – precisely because they are given such formal democratic status - as an unwarranted challenge to national bodies which enjoy greater social legitimacy. Simple assertions that regional institutional arrangements should mirror national ones may thus create a no-win situation in which the regional system will be damned if it does and damned if it doesn’t.

Second, neither the merits nor the viability of any particular structure, instrument or policy can be deduced simply by analogy from any other region. The ‘appropriateness’ of one or another depends on the particular characteristics of the regional process. To copy structures created in other contexts – as has so often seemed to be the case of the EU institutions – may in fact only weaken the effectiveness and the legitimacy of the regional system.

It is therefore suggested that a modified version of the European Commission’s set of principles may be used to assess the quality of regional governance structures:

- openness (in the sense of transparency plus active communications);
- accountability;
- participation;
- effectiveness; and
- appropriateness.

The following section aims to give an example of the principle of ‘appropriateness’ by looking in general at how the principle of ‘participation’ may be applied in different regional contexts, and then taking the specific case of the formal structures for public participation established in sub-regional integration arrangements in Latin America.

3. Appropriateness: the Case of Regional Fora for Public Participation

The principle of ‘participation’ is ideally more ambitious than, for example, the definition given by the European Commission in the White Paper on Governance. As formulated by the OECD's study on government-citizen relations, it should mean going beyond citizens’ access to information towards meaningful consultation by the authorities and eventually into 'active participation' by which citizens (and organisations of civil society) ‘actively engage in defining process and content of policy-making’. However, as recognised by the OECD, this level of participation is still rare within OECD countries.⁹ One must thus be realistic as to what one can expect on the scale of - and in the terms of – a complex regional system (especially if it as large as the European Union).

‘Participation’ is one aspect of (good) regional governance, and regional institutional arrangements should therefore promote it. The kinds of formal structures which will be most effective in doing so are those which are most appropriate to the regional context. This means that the structures which are created should match immediate regional realities: notably the real strength of organisations of civil society, and the ability and/or willingness of national authorities and private interests to finance participatory mechanisms. It also implies that the basic assumptions behind the creation of such mechanisms should reflect the real dynamics of the regional process in question.

At this level of integration the process in question is one of creating a ‘regional community’, in which there is a ‘mutually reinforcing relationship between the “formal” region, defined by the community of states, and the “real” region, in which a transnationalised regional civil

⁹ The useful distinctions proposed by the OECD in its study on government-citizen relations are as follows: *Information* is a one-way relation in which government produces and delivers information for use by citizens. It covers both "passive" access to information upon demand by citizens and "active" measures by government to disseminate information to citizens... *Consultation* is a two-way relation in which citizens provide feedback to government. It is based on the prior definition by government of the issue on which citizens' views are being sought and requires the provision of information... *Active participation* is a relation based on partnership with government, in which citizens actively engage in defining process and content of policy-making. It acknowledges equal standing for citizens in setting the agenda, proposing policy options and shaping the policy dialogue - although the responsibility for the final decision or policy formulation rests with government... (OECD 2001: 23)

society also has a role to play' (Hettne and Söderbaum 2000: 466). However, this can take very different forms.

In the first place, the nature of the interaction will vary according to what had been the main starting point – or 'integration source' – for the whole regional process. This can be presented in the form of a continuum with, at one extreme, an initial impetus characterised by shared elite interests (state and/or business) based on a rational calculation of net benefits and, at the other extreme, the growth of transnational contacts, interdependences and perceptions of common identity. In simple terms, it may be more a top-down or more a bottom-up process. Europe provides two cases which clearly reflect this basic contrast. Despite the existence of historical and cultural ties, the European Community has been primarily a top-down process in which governments and elites made strong mutual commitments in order to achieve ambitious long-term goals, and for this purpose they established a strong institutional system. Even though the objective benefits are considerable, it has been a constant challenge to try to involve lower levels (national parliaments, regions, local authorities, civil society organisations, individuals) in order to maintain public support. For decades, programmes have been financed with the aim of bringing about greater transnational exchanges and interaction and thus creating better understanding and stronger perceptions of common identity. By contrast, Nordic cooperation was, from an institutional perspective, literally built 'upwards'. The starting point, dating back to the mid-nineteenth century, may be characterised as transnationalism in the sense of the growth of Nordic organisations of civil society, economic interaction, and social communications. Next was inter-parliamentary cooperation, starting formally in 1907 with the Nordic Inter-Parliamentary Union, and given new form with the establishment of the Nordic Council in 1952. On top of this came 'ad hoc intergovernmentalism' and only at the end the Nordic Council organisations.¹⁰ Similar contrasts can be seen elsewhere.

The issue of 'participation' has quite different connotations in these two types of context.

¹⁰ Significantly, in the period in which the greatest advances were made, the Nordic Council was based on resolutions of the respective parliaments. It was not until 1962 that the Helsinki Treaty placed it on a more formal international basis. The Nordic Council of Ministers was only created in 1971 (see Nielsson, 1990; Sundelius & Wiklund 1979; Sundelius 1978).

If the regional process is based primarily on rational choice in pursuit of elite interests, and if the goals are understood by the contracting parties to be complex and long-term, then participating states may create '*commitment institutions*' in order to increase the prospects of effective compliance over time (Mattli 1999). Intergovernmentalist theories thus affirm that it is primarily this rational acceptance of the need to ensure the *credibility of commitments* that explains the institutional choice for a pooling of sovereignty (decision-making other than by unanimity), delegation of sovereignty (the attribution of powers to regional organs) or 'legalisation' (Moravcsik 1998; Abbott *et al.* 2000; Abbott and Snidal 2000). In other words, states do not trust each other – or themselves – to comply with ambitious commitments in the face of temptation (opportunism). They set up 'higher' institutions to bind themselves, and these institutions later require social legitimation.

In this perspective, participation is seen to have various utilitarian advantages for the effectiveness and stability of the regional system. Social participation is an important means to help ensure *compliance* by national authorities with the agreements reached. This can apply in the legal sphere - compared to interstate dispute resolution, by 'linking direct access for domestic actors to domestic legal enforcement, transnational dispute resolution opens up an additional source of political pressure for compliance'. (Keohane *et al.* 2000: 477). And as integration advances, it may be an important means of monitoring at the practical level. Participation may also be seen as an important element in helping the rule-makers 'get it right' and ensure effective implementation, as seems to be the main thrust of the European Commission's definition in the Governance White Paper (CEC 2001). More broadly, if governments mean business and there is a significant impact on their societies, then sooner or later they will need to take steps to maintain the *legitimacy* of the whole process in the face of the negative short-term impact on certain economic sectors or social groups and the general 'sovereignty costs' for the country concerned. In this perspective, regional social and economic fora should act as 'legitimizing institutions' for inter-state 'commitment institutions'. Whether or not they succeed will depend in the short term on their capacity to exercise influence over decision-making, and thus maintain their own credibility. In the longer term it will depend on their ability to serve as socialisation mechanisms in the community-building process – and thereby build popular identification with the institutions.

If, on the other hand, the starting point of a regional process is more an incipient system of inter-societal transactions, then participation as such will probably be less of an issue. If anything, it is more likely that the problem will be whether a highly participatory and consensual approach can produce results. The Nordic countries achieved a Common Labour Market and a Passport Union in the 1950s, as well as profound integration in the social sphere (for example, social security, family law, education, health) and extensive cooperation in other 'low-politics' areas such as the environment, transport or culture. They succeeded where agreement came naturally, inasmuch as these were areas of low sensitivity (and existing consensus) as well as of objective similarities, but notably failed in economic integration while shunning political union. Most notably, negotiations for market integration failed twice (the customs union in the late 1940s or an economic union in the late 1960s) as did efforts to establish a defence pact in the late 1940s. Success would have required adoption of institutional arrangements for which the underlying conditions were simply not present, at least in the Nordic context itself.

In such a regional context, the question of participation is more relevant in what Hettne and Söderbaum term the creation of 'regional society', the level of 'regionness' preceding a regional community. This perspective has much in common with Adler and Barnett's (1998) analysis of the development of 'security communities', with its emphasis on structural variables and process variables (transactions, organisations and social learning) in the construction of mutual trust and collective identity. Regional organisations may help by establishing norms of behaviour; by serving as 'sites of socialisation and learning'; and because of their 'often underestimated capacity to "engineer" the very conditions - for example, cultural homogeneity, a belief in a common fate, and norms of unilateral self-restraint - that assist in their development' (Adler & Barnett 1998). Regional fora of this sort have a quite different role from that of legitimating regional 'commitment institutions'. This is to foment and give form to transnational associations and inter-societal interactions which may or may not give rise, in the particular grouping of countries, to deeper levels of economic and political integration.

If there are not in fact any 'commitment institutions' by which states have agreed to generate and ensure respect for common rules, then it will not be 'appropriate' to establish a formal

body designed to participate in common rules, whether this takes the form of a 'parliament', a consultative sectoral organ, or anything else.

Good regional governance in terms of participation cannot be assessed simply by the existence of formal bodies. It must be asked in the first place whether the structures strike an appropriate balance, in the circumstances, between the functions of consultation and legitimation of rules, on the one hand, and the role of socialisation and learning, on the other.

Socialisation Mechanisms

A second question concerns precisely the ways in which socialisation may take place. For present purposes it is proposed to order the multiple mechanisms involved according to the two basic 'diffusion pathways' suggested by Checkel (1999). Again these can be placed against a continuum. At one end is what is supposed to happen between the individual representatives involved in regional fora – that is, '*social learning*, where agents - typically élite decision-makers - adopt prescriptions embodied in norms; they then become internalised and constitute a set of shared intersubjective understandings that make behavioural claims'. At the other end is '*societal mobilisation*', in which 'non-state actors and policy networks are united in their support for norms; they then mobilise and coerce decision-makers to change state policy. Norms are not necessarily internalised by the élites.'

The governance criteria by which one may try to assess a regional structure for public participation depend on the real demands of each situation. If the main need is to promote transnational associations and people-to-people contacts, then the appropriate structure is likely to be different from what is called for if the main requirements of participation are representativeness and expertise in providing inputs to common rule-making.

4. The Case of Regional Structures for Participation in Europe and Latin America

As a modest case study, one can take the case of the structures which have been created with the aim of ensuring participation in the various sub-regional arrangements in Latin America.

4.1. A European model?

The formal institutional structure of the European Community has been particularly influential in Latin America, and indeed it has been actively encouraged in the framework of the region-to-region relationships. Most attention in other regions has tended to focus on the

European Economic and Social Committee (ESC) in view of its apparent institutional status and multi-sectorial composition, with its three Groups representing Employers, Workers and Various Interests.¹¹ Some in Central America, for example, have lamented that their governments have never found the political will to go 'so far' as to create anything like the ESC, which is 'part of the decision-making process' in the EC (Monterrosa 1999: 77-78).

Yet the ESC is only one of the many institutionalised channels available at European level. Citizens and interest groups can provide input to the European Commission in the formulation of legislative proposals, through direct contacts (including new internet sites), participation in different kinds of standing consultative committees (the Economic and Social Committee, the various Social Dialogue committees and other sectoral committees such as the consumer committee). A 'Civil Dialogue' has grown up to promote cooperation with civil society in the social field, assisted by financial support from the Commission, which supports a wide variety of non-governmental organisations in other fields. Citizens elect and can petition the Members of the European Parliament, which has acquired increasing powers both of decision-making and of scrutiny; they can address themselves to the European Ombudsman in cases of alleged maladministration by the European institutions. And they can either indirectly (through their national government, the Commission or, since the entry into force of the Nice Treaty, the Parliament) or directly, subject to certain conditions and limitations, challenge acts of the institutions before the Court of Justice.

Moreover, in reality the ESC has very limited influence on decision-making and is generally seen as of little significance in the formal policy process. There are, to be sure, formal institutional constraints, but the ESC has basically been overtaken by developments. It represented a traditional corporatist vision of economic and social participation, largely inspired by the existence of tripartite consultative bodies in five of the original six members of the EEC, at a time when the European Parliament was not widely expected to be able to fulfil the function of sectorial representation. Since then, however, the Parliament has grown in importance as a channel for representation of interests. The ESC, on the other hand, has

¹¹ The Treaty until recently spoke of 'representatives of the various categories of economic and social activity, in particular, representatives of producers, farmers, carriers, workers, dealers, craftsmen, professional occupations and representatives of the general public'. (Article 257 TEC).

been bypassed as organised interests came to prefer direct contacts with the Commission and the other institutions (van der Voort, 1999). In the 1990s, the ESC tried to find a new role ‘as *the* representative body of civil society organisations’ at European level.¹² The Nice Treaty, which entered into force in February 2003, has indeed changed the definition of the members to be representatives of ‘the various economic and social components of organised civil society...’. Yet here again, the ESC is competing, despite its inherent formal advantages, with a variety of other actors. In this context, the Committee at the end of the 1990s adopted a logic related to the special characteristics of a ‘European identity’. At national level, it argues, identity is defined by ‘a common nationality ... and a common culture, language and set of values. However, when it comes to democratic policy-making at European level, additional identity criteria are required to create a European identity ... the democratic process at European level – even more so than at national level – must provide a range of participatory structures ... which reflect the heterogeneous nature of the European identity.’ The European Parliament is elected by citizens ‘exercising their democratic rights as part of their national (territorial) identity. But people’s identity is also defined membership of interest groups in the diverse shape of civil society groups.’ The ESC represents those identity criteria and ‘this enables the Committee to promote democratisation at European level, and to show Parliament that it provides genuine added value in the democratic European decision-making process.’¹³ This idea is valuable, although the way it has been tied to institutional interests can give the impression of trying to develop ‘a European citizen for the Economic and Social Committee’, rather than an Economic and Social Committee for the citizen (Smismans, 1999). Despite the important contribution made by many of its Members, the ESC is institutionally challenged in terms both of the weight of its influence in formal decision-making processes, and of the credibility of its claims to representativeness.

Social and economic actors in other regions have also looked with interest at the European Social Dialogue, by which the European ‘social partners’ do play a direct role in decision-making. The Commission must consult them on initiatives in the social field, first on the possible direction and then on proposed content. The social partners may then choose to

¹² Opinion of the Economic and Social Committee on ‘The role and contribution of civil society organisations in the building of Europe’ (1999/C329/10) adopted on 22 September 1999. OJ C 329, 17.11.99. Par. 10.2.3 (emphasis added).

¹³ *ibid.* 10.3.

negotiate directly between themselves and, if a framework agreement is reached, then opt either to implement it by voluntary means or to ask the Commission and Council to turn it into European law.¹⁴ As of 2003 three cross-industry agreements and two sectorial agreements had been implemented by Council Directive. Yet the future of this form of participation is unclear, while important political issues have arisen. The representativeness of the main private employers' organisation at European cross-industry level – the Union of Industrial and Employers' Confederations of Europe (UNICE) – was in fact legally challenged by the European association of small and medium enterprises (UEAPME). Moreover, even if particular organisations are deemed sufficiently representative, it is questioned in many quarters whether this procedure is acceptable at all in terms of *democratic legitimacy*, since the European Parliament plays no formal role in this procedure: can management and labour organisations really be a sufficient source of democratic legitimisation for European law? (Britz & Schmidt 2000).

The social dialogue in the 1990s prompted 'the launch of a new policy objective: the building over time of a strong civil dialogue at European level to take its place alongside the policy dialogue with the national authorities and the social dialogue with the Social Partners'. This civil dialogue would have two aims: 'to ensure that the views and grassroots experience of the voluntary sector can be systematically taken into account by policy makers at European level so that policies can be tailored more to real needs, and to disseminate information from the European level down to the local level, so that citizens are aware of developments, can feel part of the construction of Europe and can see the relevance of it to their own situation, thus increasing transparency and promoting citizenship.' (CEC 1997). The Commission has thus financed the activities of the Platform of European Social non-governmental organisations. These have asked for clear guarantees of 'core-funding of NGOs by the Commission...[which] is vital if their independence from commercial interests is not to be compromised and to ensure that they can be an effective relay between the institutions and citizens who form them.'¹⁵ In 2003 the Commission presented a Proposal for a 'Council Decision establishing a Community action programme to promote active European

¹⁴ See Articles 138 and 139 of the Treaty establishing the European Community.

¹⁵ 'The Commission and Non-Governmental Organisations: Building a Stronger Partnership', Response of the Platform of European Social NGOs, Brussels, 27 April 2000.

citizenship (civic participation)’ which aims to place these and other funding arrangements on a proper legal basis.¹⁶ Yet it remains a difficult task to establish on what grounds some NGOs should be funded and others not, while important questions arise regarding the autonomy of civil society organisations vis-à-vis the authorities in such circumstances.

Again, the question of representativeness arises as soon as such organisations aim and claim to go beyond the function of presenting information and arguments to rule-makers (and, in the other direction, to their own members and the public at large). Jacques Delors’ Address to the first Convention on Civil Society should be recalled in this respect. While stressing the importance for the construction of Europe of civil society organisations, he argued that ‘Some economic and social councils attempt to gain a wider public hearing by claiming they are the representatives of civil society ... Civil society and civil society organisations should not be confused ... Civil society organisations must not give in to the temptation of saying they represent the general interest. They may identify the general interest in their discussions. But that is quite a different thing. As for the associative interests that flourish around the European Commission, it would be dangerous for those involved to become too much part of the system: to believe they alone have the right to represent society ... this poses serious problems of representativeness’.¹⁷

4.2. Subregional structures in Latin America

In the past decades, a variety of formal structures aimed at promoting participation have been put in place in Central America, the Andean Community and Mercosur.¹⁸

Central America

¹⁶ COM (2003) 276 final of 27 May 2003.

¹⁷ First Convention on Civil Society organised at European level, Brussels, 15-16 October 1999.

¹⁸ The Caribbean Community (CARICOM) has a Joint Consultative Group comprising representatives of the Caribbean Association of Industry and Commerce and the Caribbean Congress of Labour and of NGOs. Civil society groups are represented by the Caribbean Policy Development Centre (CPDC), a network of 23 NGOs ranging from the Caribbean Conference of Churches to the Windward Islands Farmers Association. However, the CPDC has not received any formal status vis-à-vis CARICOM.

The situation of contemporary fora in Central America has to be seen against two different historical trends which largely reflect the underlying top-down and bottom-up approaches suggested above. Attempts at political (re-)union since the early 19th century have repeatedly failed and, in the modern period, there has been very limited success for formal regional organisations and market integration. Yet there has also been a constant, ‘mushroom-like’, growth of regional organisations in almost every area of social and economic activity. Indeed, the first post-war regional organisations to be established (*before* the intergovernmental schemes) were the public university confederation in 1948 and the regional institute of nutrition in 1949.¹⁹

On the formal side of things, regional social and economic fora have been weak, or simply absent. There was no such consultative body in the Organisation of Central American States (ODECA) created in 1951, nor in the institutional arrangements of the economic integration process which took place from the late 1950s onwards - the Central American Common Market (CACM) - although the private-sector federations were key players from the start in influencing the process. The attempts to restructure the CACM in the early 1970s included new proposals to bring in social sectors. The 1976 proposal for a Framework Treaty to create a Central American Economic and Social Community (CESCA) followed the EC model quite closely including a permanent consultative body – an Economic and Social Committee (see Mariscal 1989). Yet the whole process came to nothing because of the lack of support by the governments - and the whole process was then rapidly overwhelmed by the political and military crises which dominated the region from the late 1970s to the early 1990s.

As Central American integration began to be restructured in the 1990s, amid important processes of democratisation, the question of the participation of civil society in the integration process has been prominent in the debate. The Protocol of Tegucigalpa, signed in 1991 and entering into force in 1993, transformed ODECA into the Central American Integration System (SICA). It established as ‘Organs’ of the system: the Meeting of Presidents, Council of Ministers, Executive Committee and Secretariat-General. It recognised

¹⁹ The Consejo Superior Universitario Centroamericano (CSUCA) and the Instituto de Nutrición de Centroamérica y Panamá (INCAP). This leading role of education in integrationist movements goes back even further, to the time of the 1907 peace conference which saw not only a Central American International Office and a Central American Court, but also a Central American Pedagogical Institute.

as 'parts' of the system, the Central American Parliament (PARLACEN), Central American Court of Justice (CCJ) and a *Consultative Committee* composed of 'the entrepreneurial, labour and academic sectors and the other main driving forces of the Central American Isthmus which represent the economic, social and cultural sectors and are committed to the endeavour of isthmian integration.' The function of the Committee (CC-SICA) is 'to advise the Secretariat-General on the policy of the organisation in the development of the programmes which it carries out'. The Committee is made up of 26 organisations, including private-sector federations, trade-union confederations, academic networks, and regional associations of indigenous peoples, municipalities, and so on. Its task is to advise the Secretariat-General of SICA on integration policy; formulate recommendations and initiatives to the various regional bodies in order to promote integration; communicate the aims and achievements of SICA to its members and national representatives; and so on. The Committee has been affected in various ways by the institutional complexity in Central America. There has also been some overlap between the public/international structures and those set up by the private/civil world to promote integration. A Central American Council for Intersectorial Coordination (CACI) was set up in June 1991, and a 'Civil Initiative for Central American Integration' (ICIC) came into being in 1994, including many of the same organisations which form part of the CC-SICA. Various efforts have been taken to strengthen its impact, such as the creation in November 1997 of three Commissions - Agenda and Incidence, Organisation and Functioning, and Political Union - but little appears to have come of this. The confederation of public universities (CSUCA) has tried to serve as 'facilitator', with initiatives such as the creation of an internet 'Integration Forum' and the proposal in November 2000 to establish an 'Agenda of Central American Civil Society'. Yet the CC-SICA has seemed to remain a purely 'symbolic' instance of civil participation (Campos 1998; Monge 2000: 281).

Andean Community

A formal body for consultation was foreseen from the very beginning of the Andean Pact in 1969: the original arrangements included an Economic and Social Advisory Committee made up of representatives of employers and workers. However, the Committee played a very limited role. In 1983, separate employers and workers' councils were created as advisory

organs, with official finance initially provided for participation in coordination activities. The Andean Employers' Consultative Council and the Andean Labour Consultative Council - were given their present formal bases in July 1998, following the 1996 transformation of the Andean institutional arrangements into the Andean Integration System (or Andean Community).

The April 1998 Presidential Summit in Guayaquil explicitly requested the Secretary-General to prepare a proposal for the 'organised participation of civil society in the construction of the Andean Community, which should be complementary to the participation of employers and workers'. Other forms of participation have been explored, including proposals for a formal economic and social consultative committee with three sectors as in the European case; or for a council of Andean civil society in which organisations from all sectors could participate (Ramírez 2000).

The main change in practice has been the modification of the 'Simón Rodríguez' Convention which has provided the formal basis for discussion of labour issues in the past. Although at first there was talk of this being expanded into a forum also including 'civil society', the Protocol replacing the original Convention which was approved at the XIII Presidential summit on 24 June 2001 makes no such reference. It is a tripartite body devoted to 'socio-labour' questions, with a 'Conference' composed of the Ministers of Labour, the Coordinators of the National Chapters of the Employers' Council and the Coordinators of the National Chapters of the Labour Council, supported by specialised working committees.

Mercosur

The March 1991 Treaty of Asunción which brought together Argentina, Brazil, Paraguay and Uruguay in the Common Market of the South (Mercosur) did not provide for any institutionalised forum for the participation of non-governmental actors at regional level. However, Chapter VII of the Rules of Procedure of the Common Market Group (CMG),²⁰ adopted in December 1991, explicitly provides for participation by the private sector in the 'preparatory phase' of the work of Sub-Working Groups and Commissions, although not in

the 'decision-making phase'. Moreover, the CMG in late 1991 created a new Sub-Working Group N° 11 on 'Labour Issues'. In early 1992, this was renamed 'Labour relations, employment and social security', with a tripartite participation which, by way of derogation from the general rule on private-sector participation, established that the representation of employers and workers from each country would be the same as that of the countries to the International Labour Conference.²¹

Since 1994, two main developments have taken place. First, the *Economic and Social Consultative Forum (Foro Consultivo Económico-Social del Mercosur – FCES)* was created in the Protocol of Ouro Preto which established the definitive institutional structure of Mercosur, coming into force in December 1995. It is composed of an equal number (nine) of representatives from each country. There is an equal representation of Employers and Workers. Each of the 'national sections' determines how to include 'Other Interests', whose nature has varied significantly according to the country: consumer organisations in Argentina and Brazil; cooperatives in Paraguay; and cooperatives, university circles, and NGOs in the case of Uruguay.

A second major development was the institutionalisation of a tripartite regional structure concerning labour rights. A 'Charter of Fundamental Rights' was included in the tasks to be carried out by Sub-Group 11 in the work programme approved in Las Leñas in June 1992. Work on such a charter - which seems to have been understood by others from the beginning more as a 'Social Charter' - was effectively suspended after 1994, but taken up again in 1997. The result was the 'Socio-Labour Declaration' (Declaración Sociolaboral) adopted by the Presidential summit in Río in December 1998. The Declaration recommended establishing a tripartite Regional Social-Labour Commission (Comisión Sociolaboral Regional) This was formally created by the CMG in March 1999 and its Rules of Procedure approved by the CMG in April 2000.²² There are to be 12 full members from each Member State. The members from the employers' and labour sectors are to be designated ' by the organisations which are respectively most representative in each Member States, in accordance with their

²⁰, MERCOSUR/CMC/DEC N° 04/91 Reglamento Interno del Grupo Mercado Común.

²¹ MERCOSUR/GMC/RES. N° 12/92. This later became Subgroup N° 10.

²² MERCOSUR/GMC/RES. N°12/00 Reglamento Interno de la Comisión Sociolaboral del Mercosur.

national practices.' It mainly focuses on principles and rights in the area of labour, but also includes the encouragement of 'social dialogue' both at national and regional level (Art. 13) and the commitment of Member States to adopt employment-promotion policies (Art.14).

4.3. Structural Problems in Making Regional Fora Work

Representativeness and Resources

The problem of resources is even more acute in Latin America than in Europe, with the inevitable consequence of *unequal access*. Yet solutions along the lines of 'core-funding' in the interests of NGOs' independence and balanced representation are even more improbable, given that financial resources are not as available (except from outsiders) - and many of the problems of selection, representativeness and accountability are just as difficult to overcome. In the case of FCES-Mercosur, the Forum's mandate can only be described as wildly out of line with the *resources*. The Committee is to evaluate the social and economic impact of integration policies; propose norms and economic and social policies; carry out research and organise events; and so on. Yet the FCES does not receive public financing at any level and, as some of its own leaders have recognised, it simply does not have the technical capacity to provide inputs (e.g. Padrón 1998; Ermida, 2000). In Central America, the activities of the Consultative Committee have to be financed by the member organisations themselves, which in practice tends to mean that participation is based on projects financed by outside sources, with obvious consequences for continuity (Monge 2000: 283). Requests have been made to the Presidential Summit for increased support, notably at the meeting in Costa Rica in December 2002, but with limited results.

In an ambitious and advanced integration process, as in any political system, there may therefore be a case for public action to ensure a reasonable balance in interest representation. The natural 'pluralist' tendency is towards unequal access to decision-makers by those private interests which are best organised and have the most resources (large firms, industrial lobbies) at the expense of more 'diffuse interests' such as consumers and environmentalists. The European Commission therefore devotes significant resources to funding European public-interest groups, many of which depend on this funding for their actions. Some such

central mechanism may be the only way in theory to deal with the problem of unequal access. Yet there are obvious practical problems. On the one hand, if the central organs try to consult everyone without discrimination, then there will be no clear result at all, as UNICE, for example, strongly argued in its preliminary contribution to the European Governance debate in 2000. On the other hand, to offer finance for contrary opinions could sow the seeds of increased debate over issues about which there is in principle no reasonable disagreement (Lebessis & Paterson 2001).

Even assuming the availability of resources, how should organisations be chosen for support? The European Commission thus tries to evaluate an NGO in terms of its representativeness; the transparency and mode of operation of its organisation; its track record as regards competence to advise in a specific field; and its capacity to work as catalyst for exchange of information and opinions between the Commission and the citizens (EC, 1999: 9-10). In any regional context, there will have to be some effort to evaluate which organisations are most 'deserving' on absolute grounds, such as demonstrable influence over and support by national constituents; mutual recognition between the parts, if appropriate; and transparency and accountability. Yet this will inevitably have a specific instrumental focus. Civil society organisations – and the regional fora in which they serve - must be able to bring something which is felt to be helpful to the regional policy-making process. Governments and international public bodies will have to do more in the way of transparency and of listening, but this is not a one-way street. Economic and social associations, and civil-society organisations in general, must offer decision-makers something useful if they are to carry weight. As already noted, Opinions of the European ESC are generally not considered useful in any specific way. The same seems to apply elsewhere. In the Andean Community, for example, the presence of the Labour Council is said to be little more than formal and ritual and the proposals made by the union sector lack depth, due to a lack of resources and the gap between the representatives and their organisations (Ramírez 2000). The same story is told in the Caribbean - dispersion (even conflict) between organisations, their lack of technical capacity, problems of representativeness and so on (Jácome 2000: 257-8). Here there may inevitably be something of a circular dynamic, inasmuch as it is those bodies which have the greatest capacity to be useful which will be supported. Yet at a time (and in most areas of the

world) where regional public resources are scarce, there will be little choice but to try to come up with input which is felt to matter.

Regional Fora and Regional Socialisation

The weakness of transmission mechanisms between representatives and bases is not only a cause for concern with regard to the 'instrumental' value of civil-society organisations with regard to decision-making. The gap also has serious implications for the socialisation process. The point is not that socialisation does not happen. It is whether regional fora can effectively influence the perceptions of grassroots organisations and citizens with regard to integration. A clear gap has been noted in Central America, for example, between the representatives in the formal consultative process and the bases of the organisations - made worse by the lack of adequate information to the public in general and the dispersion of civil society itself (Monge 2000; Monterrosa 1999; Campos 1998).²³

Regional fora, except in small groupings with small populations, are likely to have a limited direct impact: representatives can undergo significant socialisation between themselves without much impact on the perceptions of national societies. Socialisation takes place in the first instance between 'boundary-role occupants' who 'tend to be socially, politically, and culturally distant from members of their sponsoring state or organisation and close to more similarly situated individuals from other countries' with whom they in continuous interaction (Mingst & Warkentin 1996: 184). This kind of 'summit socialisation' may in some cases be as far as things go. It is interesting to read, for example, statements of concern not only that CARICOM has been limited to intergovernmental committees, with the danger that grass-root organisations and the private sector are not adequately involved, but also that this essentially intergovernmental organisation needs to do more 'to improve its interaction with member states' (Nicholls *et al* 2000) (which reminds one of the old joke about the Andean institutions: 'so supranational that no-one knew they were there').

²³ An interesting image in use in Central America is reported in Edelman (2003): 'when a leader originates at the base [and then] becomes bureaucratized and distant from the base, the people say that he's become like a kite (*se papaloteó*), that he goes up and up into the sky, and then suddenly the string breaks and he's lost'.

At most, socialisation may only reach into those sectors of national political, economic, and administrative life which are directly involved. One may speculate that this could actually lead to the creation of a new distance between a caste of regional actors and the citizenry at large (just as globalisation is creating a new kind - and scale - of transnational class division). Moreover, where there is, as in Europe, intensive interaction between officials, this may create a false impression within political-administrative circles as to the real depth of international socialisation – or social internalisation – which has actually taken place between societies. Something of this nature may well have been present before the Danish referendum of 1992 and the Irish referendum of 2001, when, in both cases, there was a clear, and apparently unexpected gap between the political class and the public.

4.4. Making the Forum Fit the Needs: ‘Democratic Deficit’ or ‘Integration Deficit’?

In the European Union, the problem of integration may well be to have gone ahead of (and conceivably against) public opinion - whether it is the governments, in ditching national discretion in ever wider areas, or the Court of Justice, in developing federal-ish legal principles. The challenge has been to find means of formal democratisation, mainly through an extension of the powers of the European Parliament, and social legitimation, through new forms of participation of civil society. This is not a pattern which is common elsewhere – and Europe does not yet seem to have the answers to its own problems in this respect. This begs the question: in addition to the kind of structural problems indicated above, may there not be problems in the basic conceptualisation and design of the institutionalised fora for the participation in regional integration processes?

Legitimation without Commitment?

First, what happens if ‘legitimation’ is presented as a need (usually as a ‘deficit’) and regional fora are created - but the ‘commitment institutions’ are not actually there? None of the institutional arrangements established to date in the Americas have in the end entailed any such commitment. Yet, for other reasons, regional fora have emerged which seem to justify their existence, at least in part, on the grounds that they should control regional decisions.

From this perspective, it may seem, for example, that the very role of the Central American Consultative Committee is indeed ‘irrelevant’, inasmuch as that it is supposed to advise an instance, the Secretariat-General of SICA, which is not a decision-making organ but an administrative-executive body (Monterrosa 2000). Yet it is far from clear that Central American governments are prepared to sacrifice national discretion in order to adopt common decisions. Even if they were, it would still be open to doubt what degree of specific input to the formulation of concrete common decisions could really be expected from such a heterogeneous grouping, given the predictable difficulties in reaching consensus over details, and the lack of technical capacity to deal with many issues. Even more striking is the case of the Central American Parliament, which was first created with European support in the 1980s in the context of the regional peace process and has been maintained until the present, with strong links to the European Parliament. Its Members are directly elected, a fact which has created a positive impression in some quarters as a manifestation of a commitment to deep integration. However, this superficially supranational body exists in the absence of a real supranational legal or institutional system (and without the participation of Costa Rica). Its main role and challenge would seem to be not so much to acquire a formal role in the adoption of common regional decisions (far less to make regional laws), as to provide credible leadership in promoting cooperation and developing a modern Central American identity. However, the mismatch between the Central American Parliament’s pretensions and formal characteristics, on the other hand, and the needs and expectations of Central Americans, on the other, has generally contributed to a weakening of popular support for formal integration rather than the opposite.

Institutionalisation without Credibility?

A related problem derives from perceptions that the formal regional framework is not the most attractive or credible channel for economic interests (or civil society organisations) to pursue. The case of the European ESC has already been noted above. Another example may be drawn from the Andean Community. The weakness of the Employers Council is partly a problem of representativeness but is more a reflection of the underlying realities, notably the division of the private sector into three groups: transnational companies which can implement regional strategies without any integration agreement; the large national economic interests,

which prefer to use their direct political influence and do not want any institutionalised representation since informal methods give better results; and the medium and small companies which just try to follow the others (Ramírez 2000).

Integration without Fixed Borders?

A third issue arises where regional fora are set up as sources of pressure on governments to move further in formal integration, and probably to establish stronger greater ‘commitment institutions’ (i.e. societal mobilisation applied to the states), but there are no clear borders within which that integration and institutionalisation should take place. This is particularly evident in the Americas. The FTAA – or any agreement with North America – can seem to provide an alternative structure, thus creating the potential for dilution of deeper sub-regional arrangements, at least in the economic field. The multiplicity of levels of membership is chronic in Central America, even between the core five countries, with additional complications deriving from the participation of Panamá, and now Belize and even the Dominican Republic, quite apart from Mexico and the rest (including the very curious case of Taiwanese participation in Central American affairs).

Regional Decisions or Parallel Actions?

In circumstances of low commitment, low legalisation and fluid borders, it may be asked whether it is in fact a major role at all of regional fora to try to influence regional decisions, in the sense of the adoption of common binding rules. It may be more realistic and effective to concentrate on a) the national dimension of law and b) informal mechanisms to ensure compliance – or just promote convergence.

This does in fact appear to be happening both in the Americas and in Europe. These are basic NAFTA principles, by which each country binds itself to apply national laws and opens itself to transnational pressure from its partners and from individuals. In Mercosur, the Regional Social-Labour Commission is mandated to review the annual reports submitted by each of the Member States, and to formulate action plans and recommendations with the aim of promoting application of the social rights contained in the Declaration. This is to be done in

the first place through each of the National Commissions. Some argue that a body with the legal capability to impose sanctions is still required in order to ensure effective 'compliance' with guidelines, such as an International Labour Tribunal with authority within Mercosur (see e.g. Ruiz-Tagle 2000). While recognising that questions remain as to the prospects for consensus, the technical capacity of the Commission(s) and the real ability of the arrangements to influence public opinion, however, all this can equally be seen as a very important move away from the emphasis on influencing common decisions at the regional level and away from law as the principal instrument, towards a system which relies for fulfilment of shared commitments on domestic forces (legal, political, public-opinion) and peer pressure between the states. In this respect, there seems to be some convergence with the evolution of employment strategy in the European Union and the emergence of the Open Method of Coordination.

Perhaps most interesting is the case of Central America. A parallel inter-parliamentary system has in fact emerged (FOPREL), which is based on the national assemblies and aims to bring about convergence of national laws around common models, very much in the spirit of Nordic 'parallel national action'. This would, in many observers and actors' opinion, be much more appropriate to the needs of Central America.

Legitimation or Community-Building?

Continuing this point, it may well be argued that regional fora in Latin America should concentrate their attention on transnational community-building.²⁴

The issue in Mercosur may be less whether the FCES's opinions are heeded in the intergovernmental decision-making organs, and more how the Forum can contribute to the

²⁴ It is interesting to compare the Latin American processes with recent ASEAN initiatives, such as the institutional recommendations in the ASEAN Eminent Persons Group's Report on Vision 2020. 'While ASEAN governments operate by way of consensus building, broad principles and procedures, rather than "structures and institutional frameworks", it is argued that there may be scope for the formation of ASEAN-type institutions in a variety of fields' such as education, science and technology, good governance and culture; and the ASEAN Secretariat should be strengthened in order to carry out its coordinating role and preparation of consultative meetings. Yet the emphasis remains on transnational and transgovernmental relations: All public and private institutions in ASEAN should be urged to play a positive role in promoting an ASEAN community spirit by expanding their cooperation with their ASEAN counterparts.'

further emergence of 'regionalisation' in Mercosur, in the sense that 'Many social actors are starting to take the "region" and the regional processes into account in the design strategies of action: these include scientific and university communities, feminists, environmentalists, indigenous peoples, human rights groups and artistic communities.' (Jelin 2001: 94).

Central America appears to be a case in which this emphasis would be particularly appropriate. Deep 'commitment institutions' remain elusive, partly because of internal differences and disputes- and partly because the allure of broader cooperation and integration projects has still further reduced any pressure to join forces. There is indeed a large 'gap' between the regional and the national agendas, but the answer may not be to create regional fora which attempt – with all the problems outlined above - to close the gap and influence regional decisions. In this respect it is interesting to quote the 1996 'Position' of the Consultative Committee of SICA with regard to the 'evaluation' of the Central American institutional system then beginning to be carried out. 'In the face of a vertical, external, integration, based in market competition and exclusion, which only permits the integration of the big corporations, there should be a strengthening of horizontal, participative, integration, between the peoples...'²⁵ This partly misses the point – market integration based on credible commitments can bring social as well as economic benefits. Yet the emphasis on 'horizontal' integration is spot on. Central America has been unsuccessful in formal political and economic integration projects. Yet it has been exceedingly (even excessively) rich in organisations of regional cooperation, ranging from bodies with significant fixed installations and staff, to virtual 'instances' of coordination. The first were created between 1948 and 1955, often with UN support, in the areas of universities, nutrition, agricultural health, public administration, and industrial research and technology. Others were set up during the first period of integration, in the areas of air traffic control, tourism, hydraulic resources, telecommunications, education and culture, science and technology, electrical energy, maritime transport. Yet more sprang up from the late 1980s and the early 1990s in agriculture, natural disasters, the environment, water, hydrocarbons, social security, housing, sport, 'social integration', anti-drugs. The challenge remains how to reconcile the pursuit of the potential benefits of deeper integration in certain respects (which requires the

²⁵ 'Posición del Comité Consultivo del Sistema de la Integración Centroamericana ante la evaluación de la institucionalidad regional centroamericana', Coronado, Costa Rica, 23 de septiembre 1996.

centralisation of selected core strategic *functions*, although *not* the regional bodies themselves, certainly not as they stand) with coherent non-centralisation in functional cooperation, and the deepening of transnational ties between societies.

Is Inappropriateness Indicated ?

In many cases, these structures were set up with the best intentions of increasing openness and public participation, and some positive results can certainly be identified. However, on balance, the evidence available suggests that they have not been effective, largely because they were not appropriate to the realities of the political context. They have rested on questionable assumptions about the needs of the particular regional system and the legitimacy expectations of the societies involved, quite apart from the practical realities of regional networks and civil society organisations.

As a result they have often ended up - even started up - relying on external support. It is not clear that there is a significant impact in terms of socialisation and societal mobilisation (which is the most meaningful form of regional 'participation' in the long term). And in some cases these structures may even have been counter-productive, by creating an undeservedly negative image of regional institutional arrangements as a whole.

5. Conclusions

The aim of this paper has been to explore whether regional systems can be assessed according to common 'indicators' of (good) regional governance. It is argued that regional systems do need to be evaluated in terms of their democratic (i.e. 'good-governance') quality and that such an exercise is plausible. However, there are some important caveats at the start. In the first place, such an evaluation cannot be based on the degree to which a system appears to conform to any particular set of institutional arrangements, or even particular governance structures. Second, one cannot expect to come up with 'indicators' in the sense of

quantifiable measurements relating to any absolute scale. Nor should one presume to give a relative ranking in any absolute sense.

It may be possible to establish some common principles and standards, however, by adopting a 'governance' approach which merges the following assumptions. On the one hand, there are some principles of societal organisation and behaviour (e.g. transparency, accountability, participation) which are nearly universally recognised as shared norms and which can be promoted without insisting on particular institutional structures. On the other hand, traditional state-centred paradigms are no longer sufficient to understand how decisions are made and conduct is regulated either nationally and internationally. Regional arrangements which go beyond the nation-state must therefore be evaluated in new ways, taking into account the democratic dilemmas involved concerning both scale and the tension between publicly-recognisable images and the actual needs of a system.

Regional bodies need to respect the most basic good-governance principles such as transparency and accountability, whether they are supranational institutions, intergovernmental organisations, regional projects or transnational private associations. Standards can be drawn up and monitoring structures established more or less as happens at national level.

The question addressed here, however, has been more whether one can evaluate the quality of regional institutional arrangements (independently of the standards applied to the operation of the organisations), in those cases where an integration process produces a regional system of significant multi-level governance. In this perspective, there is quite a different relationship between the standards and structures which can be applied at regional and at national level.

Designers and analysts of regional systems face two temptations: on the one hand, to try simply to apply models drawn from the experience of national governments; and on the other hand, simply to apply models drawn without adaptation from the experience of other regions. Yet experience indicates that both generally fail, and can lead to the creation of regional bodies which absorb resources but are quite out of political context as well as out of proportion to real systemic needs.

It is therefore argued that - beyond the basic operating standards, and assuming that the regional organisation does not constitute a negative impact on good governance within countries - the quality of a particular set of regional arrangements can be evaluated in terms of stability and legitimacy.

This means not only that the institutional arrangements have to be specifically designed to respond to the particular pressures and complexities involved, but also that they must do so in ways which are appropriate to local realities. A set of basic principles is therefore suggested by which regional bodies and systems can be assessed: *openness, accountability, participation, effectiveness* and *appropriateness*.

The aim is only to consider a possible set of common principles and standards, and not at this stage to propose specific indicators. Indeed, it is stressed that one kind of indicator which is commonly used – namely, the existence of formal institutional structures and instruments – is not only often assumed to indicate a degree of real integration, without further question. In practice, and most notably in the framework of inter-regional cooperation, this dimension is implicitly also a standard – that is, an indicator that the regional arrangements correspond to a particular institutional model which is assumed to represent good practice. It may be, but not necessarily for everyone, and certainly not in the same way.

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