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## Regional governance: The evolution of a new institutional form

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# WZB

Wissenschaftszentrum Berlin  
für Sozialforschung



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## **REGIONAL GOVERNANCE: THE EVOLUTION OF A NEW INSTITUTIONAL FORM**

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# **Regional Governance: The Evolution of a New Institutional Form**

by Gary Goertz and Kathy Powers

## **Abstract**

The paper argues that a new species of political institution has quickly spread across the globe to deal with regional governance. This new institutional form has similarities with the “state,” “international institution,” and “IGO” but also significant differences. The paper identifies the characteristics that constitute the population of regional governance institutions. The paper then identifies six core morphological characteristics that vary over time and space within this population. We then track empirically the changing nature of this population from 1980 to 2005. For example, by 2005 almost all countries of the world are members of at least one regional governance institution. Next we survey the very wide scope of economic and security issues covered in these institutions and how that has evolved over time. Finally, we show that almost all important single-issue security (military alliances), free trade agreements, along with new international courts are in fact all embedded in regional governance institutions. The paper concludes with some speculations about the causes of the rapid development in regional governance over the last 30 years.

*Keywords: Institutional form, regional governance institutions, constituting characteristics, issue areas, evolution over time*

## **Zusammenfassung**

Dieser Beitrag argumentiert, dass Governance auf regionaler Ebene zunehmend von einer neuen, sich weltweit schnell ausbreitenden Art politischer Institution geprägt wird. Die neue institutionelle Form weist Ähnlichkeiten mit dem „Staat“, der „internationalen Institution“ und der „internationalen Regierungsorganisation“ auf. Gleichzeitig zeigen sich aber auch deutliche Unterschiede. Dieser Beitrag identifiziert Charakteristika, welche die Population der regionalen Governance-Institutionen konstituieren. Danach identifiziert der Beitrag sechs morphologische Charakteristika, die über Zeit und Raum innerhalb der Population variieren. Im nächsten Schritt folgt eine empirische Untersuchung der wandelnden Natur der Population von 1980 bis 2005. Beispielweise waren im Jahr 2005 fast alle Staaten der Welt Mitglieder mindestens einer regionalen Governance-Institution. Des Weiteren analysieren wir die große Vielfalt an ökonomischen und sicherheitsbezogenen Themen, die solche Institutionen abdecken und betrachten ihre zeitliche Entwicklung. Schließlich zeigen wir, dass fast alle wichtigen Verteidigungsabkommen (militärische Bündnisse), Freihandelsabkommen sowie alle neuen internationalen Gerichtshöfe in regionalen Governance-Institutionen eingebettet sind. Der Beitrag schließt mit einigen Überlegungen über Ursachen der raschen Entwicklung der regionalen Governance der letzten 30 Jahren.

*Schlüsselwörter: Institutionelle Form, regionale Governance-Institutionen, konstituierende Charakteristika, Themenbereiche, zeitliche Entwicklung*

## Introduction

We suggest that over the last 50 years a new “institutional form” has developed to govern international regions. We propose that one needs to use the resources of literatures on the state, institutions, organizations, and the EU - which typically do not talk much to each other - to think about and analyze this new institutional form. Like the Weberian state, regional governance is typically over contiguous territory, it is regional in the geographic sense. It is institutional in the sense of Douglas North and other scholars because it is constituted by legally binding documents which constitute the rules, norms, and principles of the institution. It is organizational because it has a bureaucracy, decisionmaking bodies, dispute settlement mechanism bodies, etc. Like states, these institutions are general purpose and are involved in a very wide range of policy areas. In short, one needs the collaboration of comparative and international relations scholars to investigate a new institutional form.

There is a huge interest in and literature on various regional organizations such as the EU, SADC, ASEAN, ECOWAS, NAFTA, and MERCOSUR which are seen as critical actors in a large range of economic, political, social, and security areas. What we do not have is a systematic comparative analysis of regional governance as an “institutional form.” By using this term we draw explicitly on the extensive literature on organizational forms (e.g., Romanelli 1991). Our central question revolves around the characteristics of the organizations of regional governance. What is distinctive about regional institutions? If we are talking about a new institutional form it must have a set of distinctive and defining characteristics.

In this paper, we argue that this new institutional form - what we call Regional Economic Institutions (REI) - is rapidly developing to govern international regions. Just as the state now dominates at that level of territorial aggregation, a new form of institution is developing which is charged with the governance of regional space. These institutions manage a wide range of issue areas, including trade, security, human rights, transportation, dispute management, education, etc. Our project involves the comparative analysis of a novel and rapidly developing institutional form. Therefore, one needs to explore what makes this institutional form distinctive and worthy of study.

While it took the state centuries to develop and conquer the world, we suggest that in a period of only a few decades regional governance has made important progress. In fact, as of 2005 the vast majority of states are members of some REI. However, just as there are strong, weak, and “failed” states, regional governance varies significantly in breadth and depth. Regional institutions - just like states - are created, compete, and die.

The institutional-organizational history of the state is about competition in the form of warfare; we propose that REI competition is about the provision of benefits to member states and their leaders. Governments stay in power today, particularly in democracies, in large part based on the provision of economic benefits; in the past it was skill in warfare that mattered. If regional institutions can provide a variety of economic, financial, educational, etc. benefits to their members then they become desirable. The central nature of economic benefits is why we have called them Regional *Economic* Institutions. It is not that they do not serve other functions, such as security, democratization, etc.; they obviously do. Rather the hypothesis is that the core set of benefits members receive are economic, broadly conceived, in nature.

It is important to understand the implications of this new institutional form for international relations and domestic politics because states have used it to manage transnational issues such as trade, resource scarcity, environmental degradation, and terrorism in a regional context. No single state can deal with such transnational problems alone. REIs provide a regional institutional

context to do so. We cannot understand the determinants of international trade, war, or resource management without considering the role of this institutional form.

A major goal of this paper is to conceptualize, operationalize, and empirically explore the evolution of this new institutional form. While students of individual regions are familiar with the prominent REIs of their region, e.g., CIS, ASEAN, MERCOSUR, NAFTA, etc. there has been little in the way of a systematic analysis of this institutional form. We provide a population of 37 REIs active in the period 1980–2005.<sup>1</sup> We then track some key changes in this institutional population over the period 1980–2005. We examine the evolution of the number, membership, and key institutional-organizational-structural characteristics of these institutions over this period. To foreshadow our conclusions, in the space of a short period of time, 25 years, these institutions have expanded massively in terms of number and membership as well as in terms of breadth and depth of institutional structure.

## **Distinctive institutional forms: comparing general governance institutions**

Much of political science is the analysis of the institutional forms of governance. The justification for looking at a given institutional form typically involves its substantive importance in politics along with an implicit or explicit contrast with other institutional forms. Democracy as form of governance has distinctive features (which are a matter of huge debate, see Coppedge and Gerring 2010 for a summary). There is a growing literature on the forms of authoritarian governance, e.g., one-party, monarchy, military, etc. (e.g., Geddes 1999). We propose that international organizations like CIS, ASEAN, MERCOSUR, NAFTA, ECOWAS, SADC, etc. constitute an international institutional form that deserves analysis. Jacques Delors, former President of the European Commission, once called the European Union a UPO – an Unidentified Political Object (Leuffen et al. 2011). We propose that there is a population of political objects like the EU. Just as there are datasets and underlying concepts for political institutions such as democracy and authoritarianism, our purpose in this piece is to provide the conceptual and empirical foundations for the empirical and causal analysis of REIs as an institutional form.

Surveying the examples of regional institutions such as Andean Community, EU, SARC, EU, ASEAN a central feature is that they are all institutions of general governance. Hooghe and Marks (2003) distinguish between Type I institutions that deal with almost any issue and Type II which are issue specific. The international institutions we focus on are clearly of the Type I sort. One way to motivate our analysis is to contrast these institutions with another important Type I institution. The obvious choice is the state: this is certainly the most important form of Type I governance in the world today. It has interesting similarities, but also interesting differences with REIs as an international Type I institution.

The description and analysis of the history of the state as an institutional form constitutes a core part of the fields of sociology and comparative politics. Many of the classics of these fields, particularly in the period between 1960 and 1980, focused on the history and development of the state in western Europe (e.g., Moore 1966, Tilly 1974, etc.) or current problems of state formation, particularly in the Third World (e.g., Huntington 1968). Over a period of centuries, Tilly (1990) starts in 990, the state as a political, institutional entity evolved and finally conquered the world (Spruyt 1994). As an institutional form its victory is complete; with very few and minor exceptions the territory of the world is divided into states.

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<sup>1</sup>For mostly practical reasons we shall skip the first attempts to create regional institutions in the 1950s and 60s, which almost all failed.

So we can ask how do regional institutions of general governance compare to the state, which is also a geographically-bounded institution of general governance. While the concept of the state is typically unproblematic in international relations, in comparative politics where the state is a core topic, there are various, similar, but not identical, views on the nature of the state:

The primary formal characteristics of the modern state are as follows: it possesses an administrative and legal order subject to change by legislation, to which the organized corporate activity of the administrative staff, which is also regulated by legislation, is oriented. This system of order claims binding authority, not only over the members of the state, the citizens, most of whom have obtained membership by birth, but also to a very large extent, over all action taking place in the area of its jurisdiction. It is thus a compulsory association with a territorial basis. Furthermore, today, the use of force is regarded as legitimate only so far as it is either permitted by the state or prescribed by it ... The claim of the modern state to monopolize the use of force is as essential to it as its character of compulsory jurisdiction and of continuous organization. (Weber 1964, 156)

The state properly conceived ... is a set of administrative, policing, and military organizations headed, and more or less well coordinated by, an executive authority. Any state first and fundamentally extracts resources from society and deploys those to create and support coercive and administrative organizations. (Skocpol 1982)

The state is "an organization with a comparative advantage in violence, extending over a geographic area whose boundaries are determined by its power to tax constituents" (North 1981, 21).

We can synthesize these definitions into a summary list of defining characteristics: (1) coercion (monopoly, expertise, or claim), (2) taxation, (3) territory, and (4) legitimacy. For most scholars, coercion, in the form of physical force exercised by military or police, is probably at the top of the list. Coercion and taxation historically went together since war required massive fiscal resources. Successful states were able to manage their debt (e.g., Great Britain) and to bring taxation within the administrative scope of the state (as opposed to tax farming, tribute, and the like).

As Tilly and many others (e.g., Porter 1993) have stressed, the history of the state is completely intertwined with the history of warfare, both within and between states. The state as an institution is a product of warfare and at the same time the main participant in warfare.

Like states, REIs are territorial institutions of general governance.<sup>2</sup> However, the regional institutions that interest us are almost completely lacking on the two core dimensions of coercion and taxation.<sup>3</sup> For example, the EU has no real independent means of coercion or taxation; it depends on the member states to provide these key functions. This is true of all of the regional institutions we have mentioned, such as ASEAN, NAFTA, CARICOM, etc. These major differences suggest REIs do constitute a novel institutional form, since they lack the core coercion and taxation capabilities of states; yet they are territory-based institutions of general governance.

We have chosen the name Regional "Economic" Institution (REI) for this new institutional form. The use of "economic" embodies a core hypothesis about this institutional form. The state developed via coercion, warfare and taxation. We suggest that Type I regional organizations develop via the provision of economic goods and services (widely understood, to include transportation, education, health, along with more strictly economic services like free trade and investment). The state has expanded into many areas beyond its original core of war, coercion and taxation. Similarly REIs are involved in a wide range of activities, such as human rights, security, environment,

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<sup>2</sup>We leave for the issue of legitimacy for later analysis, since the legitimacy of states is variable and it is not clear that domestic legitimacy is at all required for statehood. For example, Skocpol and North do not include legitimacy in their conceptualizations.

<sup>3</sup>Some African REIs have modest independent taxation capacities.

etc. Thus the term “economic” in REI refers in part to issue, but more to the key mechanism that drives the evolution of the institutional form.

In short our proposal is that the history of the state is one of sticks, while the history of REIs is one of carrots. We suggested at the beginning of this paper that a new institutional form has been created. One of main reasons for thinking of this form as distinctive is that the fundamental mechanisms of governance contrast sharply between REIs and states.

## **Characteristics of a new institutional form**

Drawing on the literature on organizational ecology and organizational forms, it is useful to think of organizational and institutional forms as constituting a population (e.g., Hannan and Carroll 1992; Romanelli 1991). This literature also stresses that one needs to analyze the evolution of the population as well as the internal characteristics of each member of the population. Thus we need to first identify the characteristics that all members of the population have. The second step is to identify core features of the members of this population that vary over time and space. Our evolutionary analysis of change will then focus on changes both within REIs over time as individuals and as a population.

## **Constituting a population of regional institutions**

Our approach to regional governance is directly inspired by the literature on organizational ecology (Hannan and Carroll 1992) and organizational forms (Romanelli 1991). It is for this reason that we think of REIs as forming a *population*. This means being very clear about the characteristics – structural, issue-area, institutional – that define an organizational form.

The international relations literature has showed a renewed interest in IGOs over the last 20 years. The COW IGO dataset remained in its archives throughout the 1980s and was virtually untouched until the democratic peace literature, notably Russett and Oneal, got interested in it again in the 1990s. Nevertheless, the literature on IGOs remains quite fractured. There are now many large-N statistical studies using the COW database of IGOs (about 450 in total). On the other hand there is an extensive literature on individual IGOs. The EU counts as one of the many COW IGOs, and there are many others that have been extensively examined such as ASEAN, MERCOSUR, WTO, IMF, World Bank, etc., not to mention the many UN organizations and agencies.

It is quite common to have datasets on international “institutions” of particular sorts. International institutions are typically defined in a significantly different manner than IGOs. Koremenos, Lipson, and Snidal define international institutions as “explicit arrangements, negotiated among international actors, that prescribe, proscribe, and/or authorize behavior” (2001, 762). The most common approach looks at institutions by issue area, e.g., preferential trade agreements (Mansfield, and Milner 2012, see below for more on PTAs), bilateral investment treaties (Tobin and Busch 2010), environment (Mitchell 1994), etc. In practice these “explicit arrangements” are almost always legally-binding international treaties.

Our project combines the organizational aspects of IGOs with the treaty focus of the international institution literature. As we discuss in more detail below, we look at *both* organizational characteristics of the institution as well as treaties that constitute the REI. We have chosen to emphasize institution over organization because our basic data are the international treaties, agreements and protocols that constitute in a legal and conceptual sense the regional institution. However, regional multifunctional governance virtually always has an extensive bureaucratic and organization existence along side its legal one.



An obvious place to start is IGOs as an organizational form. Words are often a good guide to concepts. IGO has two embedded characteristics; the first is *InterGovernmental*: i.e., members are states.<sup>4</sup> The second is *Organization*: by definition there is a headquarters or secretariat. Pevehouse et al. provide the standard definition for the COW database: “The broadest understanding of what constitutes an IGO is that the organization (1) is a formal entity, (2) has states as members, and (3) possesses a permanent secretariat or other indication of institutionalization such as headquarters and/or permanent staff” (2004, 103).

It is not an accident that one does not talk about IGI’s, InterGovernmental Institutions. Pevehouse et al. state that “The first component of this definition simply posits that IGOs must be formed by an internationally recognized treaty.” However, the UIA – the basic source for the COW data – do not provide treaties, nor in some cases is it easy or even possible to find these treaties. Take APEC, which is in most lists of IGOs and is in the UIA. If one goes to the APEC website, <http://www.apec.org>, there are links to “Ministerial Statements,” but there is not a legally-binding treaty to be found. In contrast, critical to our population is that there exists a corpus – often extensive – of legal treaties, agreements, protocols, etc.

REIs are *regional* in the geographic sense of the word.<sup>5</sup> Typically they involve contiguous countries within well-known geographic regions. Often the geographic nature is clearly indicated in the name of the REI, e.g., ECOWAS, EU, Gulf Cooperation Council (GCC).<sup>6</sup>

Centrally, REIs are institutions of general regional governance: they are not limited to one issue area. As we show below, they are involved in a huge range of policy issues. We focus on economic and security, but they also have human rights treaties, environmental treaties, etc. In the language of IGOs they are multifunctional. Hence, any IGO which has a single function is excluded.

Just as important as the defining characteristics are those which are not used. Many if not most international relations scholars are interested in the impact of IGOs. Hence, it is natural to focus special attention on “influential,” “important,” or “strong” IGOs. It is not uncommon for a study to restrict itself to a subset of IGOs of this type. For example, Pevehouse (2005) uses Banks et al. to determine IGOs that might influence state behavior. Beckfield (2008) uses the *Statesman’s yearbook* and the *Europa yearbook* to define important IGOs. Hooghe and Marks (2009) talk about “authoritative IGOs.” In general, most of our REIs might seem to fit the category of institutionalized, authoritative, influential, etc. However, it is not a defining characteristic.

In practice, we examined all IGOs that the UIA defines as “regional” and “intergovernmental.” As with any dataset there are a variety of questionable choices, but this provides us with a reasonable universe of cases, 170 to be precise, with which to work. We then applied the criteria discussed above. In addition for reasons of resource constraints, we limited our choice to those IGO active at some point in the period 1980–2005.

Table 1 provides the list of REIs meeting our criteria and constituting our population of regional economic institutions. Most are well-known and not problematic.

It is useful to contrast our population with others, notably those that look at important or influential IGOs. As such we have columns indicating whether the REI appears (for the year 2005 or the closest year in the relevant dataset) in (1) Boehmer et al., (2) Pevehouse, (3) Hooghe and

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<sup>4</sup>It is not always completely clear if *only* states can be members or whether other organizations, international, regional, or NGO can also be members.

<sup>5</sup>“Regional” trade agreements are not all regional in the usual sense of the word, e.g., USA–Israel is a regional trade agreement. In fact, probably the majority are not regional in the normal sense of geographic region.

<sup>6</sup>A borderline category is what we call “macro-regional organizations.” Typical examples are the Arab League or the OAS. While we could include these, they often contain lower level regional organizations. The nicest example is the African Union, which in its charter recognizes regional institutions such as SADC, ECOWAS, etc. As such, we exclude this handful of macro-regional institutions.

Table 1: A population of regional governance institutions: REIs 1980–2005

REI	Acronym	Hooghe-Marks	Pevehouse	Boehmer
Black Sea Economic Cooperation	BSEC	0	0	1
Communauté économique et monétaire d'Afrique centrale	CEMAC	0	1	0
Common Market for Eastern & Southern Africa	COMESA	1	1	2
Community of Sahel and Saharan States	CEN-SAD	0	1	0
Council for Mutual Economic Assistance	COMECON	0	1	1
Southern African Customs Union	SACU	0	0	3
East African Community	EAC	0	1	0
Economic Community of Central African States	ECCAS	0	0	1
Economic Community of Great Lakes Countries	CEPGL	0	0	1
Economic Community of West African States	ECOWAS	1	1	1
Indian Ocean Commission	COI	0	1	1
Intergovernmental Authority on Drought and Development	IGAD	1	1	1
Mano River Union	MRU	0	1	1
Southern Africa Development Community	SADC	0	1	2
West African Economic & Monetary Union	UEMOA	0	1	0
Association of Southeast Asian Nations	ASEAN	1	1	1
Pacific Islands Forum	PIF	0	1	2
South Asian Association for Regional Cooperation	SAARC	1	1	2
Association of Caribbean States	ACS	0	0	0
Caribbean Common Market	CARICOM	1	1	1
Organization of Eastern Caribbean States	OECS	0	0	2
Benelux Economic Union	BEU	1	1	1
Central European Free Trade Agreement	CEFTA	0	0	1
European Free Trade Agreement	EFTA	1	1	1
European Union	EU	1	1	1
Nordic Council	NC	1	1	2
Black Sea Economic Cooperation	BSEC	0	1	1
GUAM	GUAM	0	0	0
Commonwealth of Independent States	CIS	0	1	1
Eurasian Economic Community	EAEC	0	0	0
Central Asian Cooperation Organization	CACO	0	0	0
Shanghai Cooperation Organization	SCO	0	0	0
Andean Community	ANDEAN	1	1	1
Sistema de la Integración Centroamericana	SICA	0	1	0
North American Free Trade Agreement	NAFTA	1	0	1
MERCOSUR	MERCOSUR	1	1	2
Economic Cooperation Organization	ECO	0	1	1
Gulf Cooperation Council	GCC	0	1	1

Note: Boehmer: 1=minimal, 2=structured, 3=interventionist

Note: "0" = not in dataset.

Marks. In addition, we give how Boehmer et al. have coded the IGO on level of importance or institutionalization if it appears on their list.

As one can see from table 1, our population overlaps only modestly with other datasets on important or influential IGOs. Hooghe and Marks's notion of "authoritative IGO" only matches about half the time. In short, we are not just conceptualizing important international or regional institutions, at least in the sense of other prominent studies.

Otherwise, we have included most of the marginal cases in our REI population. We find this is critical from a population ecology perspective. If we want to study the dynamics of the population, we need weak organizations and those that might have a high mortality rate. Also institutions considered weak on one issue area maybe considered strong on another. African and Latin American REIs are such an examples. We have included all regional, multifunctional institutions that have a clear legal foundation and which were active in the period 1980–2005.<sup>7</sup>

### **Core features of a new institutional form**

Now that we have defined a population we can move on to a central question of the specific institutional and organizational characteristics of the members of this population. In this section we propose a variety of institutional and organizational characteristics that characterize this emerging form of regional governance. Unlike the characteristics we have used to constitute the population, these are dimensions that vary from REI to REI and which can vary over time. Tracking the evolution of REIs involves following the change within institutions and within the population on these characteristics.

The key question is what are the crucial characteristics or dimensions of the REI as an institutional form. The massive literature on democracy illustrates how this can work: there is significant variation on the defining institutional characteristics of a democracy (see Coppedge and Gerring (2011) who list 20-plus characteristics used to conceptualize democracy as a form of governance). Proposals range from relatively minimal to quite extensive. The analogous problem arises with regional governance institutions: what are the key institutional features?

It is useful to look at a few influential discussions of key features of international institutions. This forms a background for situating our proposal:

- In a very influential special issue of *International Organization* Koremenos et al. (2001) proposed five key characteristics of international institutional design: (1) membership, (2) scope, (3) centralization, (4) control, and (5) flexibility.
- Leuffen et al. (2011) explicitly contrast the EU to IGOs and to states, noting that the EU does not easily fit into either category. More importantly for our purposes they give dimensions that one can use to compare the EU with IGOs and states. Editing a bit, they propose the following core characteristics: (1) membership, (2) geography, (3) issue scope, (4) sovereignty, (5) legalization, (6) voting rules, (7) separation of power, (8) coercion capability, (9) federalism, (10) fiscal system, (11) welfare provision, (12) legitimacy.
- The international law literature often recognizes "supranational institutions" as a distinctive type of IGO. For example, Schermers and Blokker define this institutional form: "(1) The organization should have the power to take decisions binding the member states, (2) The organs taking the decisions must not be entirely dependent on one state, (3) Organization must be empowered to making legally binding rules for the inhabitants of the member

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<sup>7</sup>The restriction to this period is mostly a practical and financial one. If the REI was active in that period we code over its whole lifetime. So we are excluding organizations, which died before 1980.

states, (4) Organization should have the power to enforce its decisions and that this should be possible without the cooperation of the governments of the states concerned, (5) The organization should have some financial autonomy, (6) Unilateral withdrawal should not be possible. . . . To be completely supranational, an organization should fulfill all the above-mentioned conditions. No such supranational organization currently exists” (2004, 47).

- Hooghe and Marks (2009) define “authoritative IGOs”: “Some 50 of these [IGOs] can be described as authoritative, having a formal constitution, a supreme legislative body, a standing executive, a permanent professional administration, and some formal mechanisms for enforcing decisions and settling disputes. Of these, 13 are responsible for a range of policies and might be described as general-purpose” (Hooghe and Marks 2009, 236).

Now that we have defined a population we can move on to a central question of the specific institutional and organizational characteristics of the members of this population. In this section we propose some institutional and organizational features that characterize this emerging form of regional governance. Unlike the characteristics we have used to constitute the population, these are dimensions that vary from REI to REI and which can vary over time. Tracking the evolution of REIs involves following the change within institutions and within the population on these characteristics.

The key question is what are the crucial characteristics of the REI institutional form? The massive literature on democracy illustrates how this can work: there is significant variation on the defining institutional characteristics of a democracy (see Coppedge and Gerring (2011) who list 20-plus characteristics used to conceptualize democracy). Proposals range from relatively minimal to quite extensive. The analogous problem arises with regional governance institutions: what are the key institutional features? Projects vary in their list of design features. For example, in a very influential special issue of *International Organization* Koremenos et al. (2001) proposed five key characteristics of international institutional design: (1) membership, (2) scope, (3) centralization, (4) control, and (5) flexibility.

Critical in the analysis of political institutions is the organizational body that makes the rules, norms, and policies. All of our REIs have a corpus – large or small – of international treaties. The existence of a corpus of law in regional governance implies mechanisms for creating that law, policy, rules and norms. Regional governance requires the production of law, not just regular meetings, as required by databases on IGOs.

Law is the engine that drives international organization in general and economic cooperation in particular. The body of treaties connected to each IGO creates the IGO itself, establishes its mandate and governance structures in general and more specifically the style and depth of economic integration. For example, treaties are used to establish commitments among member states to facilitate common removal of tariff barriers or opening up borders so that labor and capital can flow across for example.

The EU illustrates the standard model, what we call the “Council of Ministers” form. Usually the most important of these councils is composed of presidents and prime ministers, and these councils produce much of the legal corpus of the institution. However, there may be multiple functional councils dealing with agriculture, trade, commerce, education, environmental, security and other areas. The main treaties of the EU have been negotiated by states and have been signed by presidents or prime ministers of member states. These individuals typically make up the Council, which is the main legislative body for regional governance.

While almost all REIs have a Council of Ministers, it is not a defining feature. For example, NAFTA has no such structure. We suggest that the absence of an institutional body charged

with regularly creating law and rules for a REI is a clear signal of relative under-development of regional governance.

Central to REIs is a corpus of law in the form of international charters, conventions, treaties, agreements, protocols, etc. Once such a corpus exists disputes will naturally arise about interpretation. More generally, disputes will arise as states – along with their citizens, businesses, NGOs, etc. – act in ways that might be in violation of regional rules, norms, and policies. Thus more developed regional governance contains some dispute settlement mechanism (Alter 2014). Given the importance of this in trade and investment law, these mechanisms have received quite a bit of attention. Clearly, an important part of the evolution of a REI is the adoption of a dispute settlement mechanism.

Very few REIs have a full-fledged court system like the European Court of Justice, but many have some system or set of rules for dealing with disputes between states or between individuals and member states. For example, MERCOSUR has treaties giving individuals and entrepreneurs equal treatment in other member states; it thus needs a mechanism for dealing with complaints by firms regarding unequal treatment by a member state. Dispute settlement is a core part of the NAFTA institutional structure. In addition, REI dispute settlement increasingly deals with all disputes related to the issues over which the REI governs. For example, ECOWAS has a court of justice that hears disputes in trade as well as in security and human rights involving member states.

Our second characteristic is then whether the REI has some sort of dispute settlement mechanism. While legal scholars have focused on courts (e.g., Alter 2014; Alter and Helfer 2010), dispute settlement mechanism does not necessarily mean courts. For our purposes a dispute settlement mechanism means minimally a third-party – a council, court, mediator, arbitrator, etc. – is involved in dealing with the dispute, and that there are procedures for the conduct of the mechanism. If there is a court it may only have competence for some issue areas. Below we look at the overlap between Alter’s list of new international courts and our population of REIs. We shall see that almost half of the new courts on her list are embedded in REIs.<sup>8</sup>

A third core dimension is the extent to which the REI is an independent “actor.” We are of course used to thinking about states as (unitary) actors, but it is less clear how much REIs have become state-like in their ability to be players on the international stage. International relations theory constantly refers to states as actors: to what extent are regional institutions actors?

While “actor” can mean many things we focus on “international legal personality” as a core characteristic of REIs. Most IGOs have international legal personality to a limited extent, basically to deal with local problems of the secretariat. We mean international legal personality in the substantive and international sense: the ability to and the practice of signing treaties with states and other international institutions.

If one examines a list of free or preferential trade treaties it is quite remarkable how many involve not states but REIs. While most know that the EU now signs trade treaties as a corporate body, the same is true of other REIs (Powers 2012). We consider an REI to be an actor if it signs at least one substantive treaty with either a state or another REI. REIs, particularly in the less-developed areas, sign many treaties with UN bodies and wealthy states for development assistance; we do not include these. In addition, some treaties have no real policy content, e.g., the Andean Community–Panama treaty is about consultation and having good relations. In short, to be coded as having legal personality the treaty must contain specific policy commitments. The most common policy is free trade, but we do not limit ourselves to this particular domain. In fact, security cooperation agreements are increasingly being signed (e.g. CIS).

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<sup>8</sup>We have examples of REI treaties which say that disputes should be settled by negotiations among the parties. We do count such hortatory language as constituting a dispute settlement mechanism.

As in the EU, in addition to the dominant Council it is possible to create some sort of parliamentary organization. As an REI becomes more important there is often a demand for input by actors other than the President or cabinet minister. This suggests that many features of domestic political institutions are being transferred to regional ones. So our fifth institutional dimension is a parliamentary organization of some sort.

In summary, core characteristics critical in the institutional structure of a new form of governance include: (1) a rule and policy making system of the Council of Minister type, (2) some dispute settlement mechanism, (3) international legal personality, (4) secretariat-headquarters, and (5) parliamentary organization.

Since we want to investigate weak as well as strong regional institutions, it is useful that some of the characteristics seem relatively easy and common while others suggest higher levels of development. For example, almost all REIs have a secretariat. International legal personality on the other hand is a major step for a REI.

One could certainly add more characteristics. However, we think that these five are a good first start. They identify a variety of key institutional characteristics, which vary across time and space. As REIs adopt them they gain a distinctive institutional form. Following the lead of the classic analyses on institutional isomorphism (DiMaggio and Powell 1983), we can ask about the extent of isomorphism between REIs. The same sort of question arises within the Meyer world-polity approach (e.g., Meyer et al. 1997). At the population level we have a distinctive institutional form if a set of institutions begins to look more and more alike.

Already in 1980 we see the beginnings of what we suggest is becoming the distinctive institutional structure for regional governance. Table 2 shows that almost all REIs have an organizational headquarters or secretariat by 1980. Similarly, and following the EU model, the key “legislative” and decision-making body is of the Council of Ministers form. The Nordic Council is worthy of note because it starts as a parliamentary body, i.e., members participate as members of a parliament not as ministers. Typically in the beginning the secretariat is relatively small and provides only basic kinds of services. Rarely does it have the power of the European Commission. In most cases, the meetings of Presidents and Prime Ministers are annual. This is when key treaties are often signed and institutional decisions and policy are made. These decisions vary quite a bit in character, from hortatory to those which have policy impact and might be considered binding for member states.

In contrast, dispute settlement mechanisms and courts are rare in 1980. In some cases, they exist on paper but are almost dormant, the Andean Court would be a classic example (Alter and Helfer 2010). There is almost no court or DSM active in 1980, beyond the ECJ.

Similarly, any kind of parliamentary organization is rare. Virtually all REIs start as elite created and run organizations. It is only when they develop and when the member states are clearly committed to democracy that parliamentary associations and organizations begin to be created. As usual the EU is the model; the parliament is a later creation. Nevertheless, it is an important innovation in regional governance.

International legal personality barely exists in 1980. REIs are not strong enough to conduct international negotiations and countries have not delegated these important powers to them.

By 2005 things have changed quite dramatically. Institutional features, which were almost nonexistent in 1980 have become relatively common. Features like dispute settlement mechanisms and international legal personality are now present in the most developed REIs. Except for those few REIs which have died, e.g., COMECON, all REIs have added key institutional features or expanded existing ones.

Dispute settlement mechanisms and courts are much more common, but certainly do not exist in all REIs, about 50 percent have them. However, in the most developed and well-known REIs

Table 2: Evolution of regional institutional structure, 1980

REI	Council	Secretariat	DSM	Parliament	ILP
Andean Community	1	1	1	1	0
Association of Southeast Asian Nations	1	1	0	1	1
Caribbean Common Market	1	1	0	0	1
Communauté Écon. et monétaire d'Afrique centrale	1	1	0	0	0
Economic Community of Great Lakes Countries	1	1	0	0	0
Economic Community of West African States	1	1	0	0	0
European Free Trade Agreement	1	1	0	0	0
European Union	1	1	1	1	1
Gulf Cooperation Council	1	1	0	0	0
Mano River Union	1	1	0	0	0
Nordic Council	1	1	0	1	0
Organization of Eastern Caribbean States	1	1	1	0	0
Pacific Islands Forum	1	1	0	0	0
Sistema de la Integración Centroamericana	1	1	1	0	1
Southern Africa Development Community	1	1	0	0	0
Southern African Customs Union	1	1	0	0	0
West African Economic & Monetary Union	1	1	0	0	0
Total (N=17)	17	17	4	4	4

ILP= international legal personality.

dispute settlement mechanisms have made very important progress since 1980. For example, the NAFTA dispute settlement mechanism hears disputes involving non-state actors like private firms and individuals on such issues as adverse trade policy effects and labor human rights violations.

That courts and dispute settlement mechanisms have increased in activity and number is a clear signal that a REI has moved to the next level. This, for example, was the case for the EFTA when it entered into trade agreements with the EU. Sometimes moribund courts become active, e.g., Andean Pact.

Similarly, the most developed REIs attain international legal personality. While all IPE scholars know that the EU signs trade treaties, many fewer know that this has become relatively common for other REIs as well. For example, in the 2000s ASEAN, Andean Community, CARICOM, CIS, EFTA, Gulf Cooperation Council, MERCOSUR, SICA and the SACU signed free trade agreements with other REIs or nonmember states.

In summary, in the relatively short space of 25 years the world has seen the rapid evolution of a system of regional governance. While there is extensive variation in the level of development, the institutional structure of these regional institutions is relatively consistent. While REIs lie at different stages of development, by 2005 the institutional form itself has become quite clear and established. While we have no systematic data for recent years, everything indicates that this evolutionary trend is continuing today.

## **The evolution of the REI population of institutions**

A critical evolutionary hypothesis about regional governance proposes that these regional institutions will gradually cover the globe. Just as the state with its distinctive institutional form has conquered the earth, it is possible that eventually all states of the world will be members of a REI. Of course, this could mean many small regional institutions. It could mean overlapping or nonoverlapping memberships. In this section we briefly explore changes in the number and identity of REIs along with their memberships.

### **Institutional creation and death, 1980–2005**

One place to start the population analysis of evolution is with the gross facts of birth, death, and membership changes in regional institutions. The history of global, regional, or macro-regional institutions is a relatively short one, not even 100 years old. The Concert of Europe in the early and mid-19th century foreshadowed many of the features of European governance in the 20th. There were rules and norms of behavior and consultation between leaders about European governance. Nevertheless, the duration, extent of cooperation, and impact of the Concert remain debated topics among historians and political scientists (e.g., Blanning 1994; Daugherty 1993; Lindley 2003).

The League of Nations represents the first real institution of general international governance. However, the 1930s were not fertile ground for such institutions with the rise of Fascism and wide-spread protectionism in economics. So it is really only after World War II that we see the first appearance of a new institutional form.



Table 3: Evolution of regional institutional structure, 2005

REI	Council	Secretariat	DSM	Parliament	ILP
Andean Community	1	1	1	1	1
Arab Maghreb Union	1	1	0	0	1
Association of Caribbean States	1	1	0	0	0
Association of Southeast Asian Nations	1	1	0	1	1
Black Sea Economic Cooperation	1	1	1	1	1
Caribbean Common Market	1	1	1	1	1
Central European Free Trade Agreement	1	0	1	0	0
Common Market for Eastern & Southern Africa	1	1	1	0	0
Commonwealth of Independent States	1	1	1	1	1
Communauté Économique et monétaire d'Afrique centrale	1	1	1	0	0
Community of Sahel and Saharan States	1	1	0	0	0
East African Community	1	1	1	1	0
Economic Community of Central African States	1	1	0	0	0
Economic Community of Great Lakes Countries	1	1	0	0	0
Economic Community of West African States	1	1	1	1	0
Economic Cooperation Organization	1	0	0	0	1
Eurasian Economic Community	1	1	1	1	0
European Free Trade Agreement	1	1	1	1	1
European Union	1	1	1	1	1
GUAM	1	1	0	1	0
Gulf Cooperation Council	1	1	0	0	1
Indian Ocean Commission	1	0	0	0	0
Intergovernmental Authority on Drought and Development	1	1	0	0	0
Mano River Union	1	1	0	0	0
MERCOSUR	1	1	1	1	1
Nordic Council	1	1	0	1	0
North American Free Trade Agreement	0	0	1	0	0
Organization of Eastern Caribbean States	1	1	1	0	0
Pacific Islands Forum	1	1	0	0	0
Shanghai Cooperation Organization	1	1	0	0	0
Sistema de la Integración Centroamericana	1	1	1	1	1
South Asian Association for Regional Cooperation	1	1	1	1	0
Southern Africa Development Community	1	1	1	1	0
Southern African Customs Union	1	1	0	0	1
West African Economic & Monetary Union	1	1	1	1	0
Total (N=35)	34	31	19	17	13

ILP= international legal personality.

Table 4: REIs and their member states, 1980

REI	Member states
CEMAC	Cameroun, Central African Republic, Chad, Congo Brazzaville, Gabon
COMECON	Cuba, E. Germany, Poland, Hungary, Czechoslovakia, Bulgaria, Albania, Romania, Russia, Mongolia, N. Vietnam
SACU	Botswana, Lesotho, Namibia, South Africa, Swaziland
CEPGL	Burundi, Rwanda, DRC
ECOWAS	Benin, Burkina Faso, Cape Verde, Ivory Coast, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, Togo, Mauritania
MRU	Guinea, Liberia, Sierra Leone
UEMOA	Benin, Burkina Faso, Ivory Coast, Guinea-Bissau, Mali, Mauritania, Niger, Senegal
ASEAN	Malaysia, Philippines, Indonesia, Singapore, Thailand
PIF	Australia, New Zealand, Cook Islands, Fiji, Nauru, Tonga Islands, Samoa, Micronesia, Kiribati, Niue, Marshall Islands, Palau Papua, New Guinea, Solomon Islands, Tuvalu, Vanuatu,
CARICOM	Barbados, Saint Kitts & Nevis, Belize, St. Lucia, Dominica, St. Vincent-Grenadines, Grenada, Trinidad, Guyana, Antigua & Barbuda, Jamaica
BEU	Netherlands, Belgium, Luxemburg
EFTA	Austria, Norway, Portugal, Sweden, Switzerland, Iceland
EU	Belgium, Denmark, France, Germany, Ireland, Italy, Luxemburg, Netherlands, United Kingdom
ANDEAN	Bolivia, Colombia, Peru, Ecuador, Venezuela
SICA	El, Salvador, Guatemala, Honduras, Nicaragua, Costa Rica

Tables 4 and 5 give the REIs and their member states in 1980 and 2005 respectively.<sup>9</sup> These tables provide two brief snapshots of this institutional form and its population at a relatively early stage and the most recent data that we have.

The 15 REIs listed in table 4 illustrate some features which will continue to be the case in 2005. There are regions of institutional activity and in those regions states have a choice of institutions and even can be members of more than one REI. Europe has four REIs – EFTA, EU, Benelux, and Nordic Council. These institutions respond quite clearly to different desires for regional integration. EFTA is the institution for those who want minimal engagement, while the Benelux and Nordic Council are sites of much more intense institutional activity.

These examples also illustrate the dominance of economics in these multilateral and multi-functional institutions. Once one thinks outside the box of free trade, it is clear that economic cooperation is the driving factor in most of these institutions. Monetary and customs unions are important in Africa, where development is the main goal of African REIs. In this regard, ASEAN is an outlier; economic issues are much less important and regional security issues are central.

The formation of the European Common Market is the core initial event in the formation of the population. As the literature on organizational innovation shows, often the initial innovator sets the pattern for what is to follow. Not many regions or states used COMECON as a model, but many used the EU. Theories of institutional isomorphism and diffusion stresses that learning, competition, and imitation all contribute to making institutions look alike. The significant success of the European Common Market lead to many attempts to duplicate it in other regions.

While most scholars see regional integration occurring in waves our data suggest such a view is not completely accurate (Mansfield and Milner 1999). By 1970 the five regional institutions for the European macro-region, EU, EFTA, Benelux, Nordic Council and COMECON, have been fixed for the next 20 years. In the Asian region the PIF and ASEAN are created and nothing much has changed at the REI level since. Similarly, in Latin America the first period sees the creation of CARICOM, the Andean community, and the Central American Common Market. Here too there is little change for the next decade or two. However, in Africa there is a steady stream REI creation throughout the 1970s and 80s; ECOWAS is founded in 1975, SADC in 1980, and IGAD and the AMU in the late 1980s. Hence there are significant macro-regional differences in the dynamics of REI creation.

The first period ended with the stagnation of most regional institutions in the late 1960s and 70s; also a period of stagnation for the EU. The second period starts in the 1980s. The most obvious sign of renewal is the Single European Act of 1986. But there was significant movement and creation of institutions in Africa.<sup>10</sup>

The end of the Cold War is a systematic shock, and dramatic changes took place everywhere. Central and South America move from a zone of civil war and authoritarian regimes to democracy and liberal economic policies. With these events there is a new impetus for the creation and evolution of regional institutions. The most obvious of these is the creation of MERCOSUR. In Asia, ASEAN shows significant development. The African Union is created which officially recognizes regional institutions as part of African governance.

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<sup>9</sup>For practical reasons (i.e., financial) our project limits itself to REIs active in the period 1980–2005. Hence we do not consider specifically those REIs formed in the what might be called the first wave, initiated by the European Common Market, which was emulated in many other regions, generally without much success. Nevertheless, most of these institutions formed in the 1950s and 1960s appear in our list of those existing in 1980 given in table 4. It only those REIs that were created *and* died before 1980 which do not appear.

<sup>10</sup>Interestingly, the early 1980s is a period of renewal in the international relations scholarship on international institutions (or regimes as they were most often called).

Table 5: REIs and their member states, 2005

REI	Member states
ACS	Antigua & Barbuda, Bahamas, Barbados, Belize, Colombia, Costa Rica, Cuba, Dominican Republic, Dominica, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Saint Kitts & Nevis, St. Lucia, St. Vincent, Grenadines, Suriname, Trinidad, Venezuela
AMU	Libya, Mauritania, Morocco, Tunisia, Algeria
ANDEAN	Bolivia , Colombia, Peru, Ecuador, Venezuela
ASEAN	Malaysia, Philippines, Indonesia, Singapore, Thailand, Brunei, N. Vietnam, Laos, Burma/Myanmar, Cambodia/Kampuchea
BEU	Netherlands, Belgium, Luxemburg
BSEC	Albania, Armenia, Azerbaijan, Bulgaria, Georgia, Greece, Moldova, Romania, Russia, Turkey, Ukraine, Yugoslavia
CACO	Kazakhstan, Kyrgyzstan, Uzbekistan, Tajikistan, Russia
CARICOM	Barbados, Saint Kitts & Nevis, Belize, St. Lucia, Dominica, St. Vincent-Grenadines, Grenada, Trinidad, Guyana, Antigua & Barbuda, Jamaica, Bahamas, Haiti, Suriname
CEFTA	Romania, Bulgaria, Croatia
CEMAC	Cameroun, Central African Republic, Chad, Congo Brazzaville, Equatorial Guinea, Gabon
CEN-SAD	Mali, Benin, Burkina Faso, Ivory Coast, Niger, Togo, Chad, Libya, Sudan, Central African Republic, Eritrea, Djibouti, Senegal, Egypt, Morocco, Nigeria, Somalia, Tunisia, Guinea-Bissau, Liberia, Sierra Leone
CEPGL	Burundi, Rwanda, DRC
CIS	Moldova, Russia, Ukraine, Belarus, Armenia, Georgia, Azerbaijan, Turkmenistan, Tajikistan, Kyrgyzstan, Uzbekistan, Kazakhstan
COI	Comoros, Madagascar, Mauritius, Seychelles, France
COMESA	Angola, Burundi, Comoros, DRC, Djibouti, Eritrea, Ethiopia, Kenya , Madagascar, Malawi, Mauritius, Rwanda, Sudan, Swaziland, Uganda, Zambia, Zimbabwe, Egypt, Seychelles
EAC	Uganda, Kenya, Tanzania
EAEC	Russia, Belarus, Kazakhstan, Tajikistan, Uzbekistan
ECCAS	Angola, Burundi, Cameroun, Central African Republic, Congo Brazzaville, DRC, Equatorial Guinea, Gabon, Rwanda, Sao Tome Principe, Chad
ECO	Iran, Pakistan, Turkey, Afghanistan, Azerbaijan, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan
ECOWAS	Benin, Burkina Faso, Cape Verde, Ivory Coast, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, Togo
EFTA	Norway, Switzerland, Iceland, Liechtenstein
EU	Austria, Belgium , Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxemburg, Malta, Netherlands, Poland, Portugal , Slovakia, Slovenia, Spain, Sweden, United Kingdom
GCC	Bahrein, Kuwait, Oman, Qatar, Saudi Arabia, United Arab Emirates
GUAM	Georgia, Ukraine, Uzbekistan, Azerbaijan, Moldova
IGAD	Djibouti, Eritrea, Ethiopia, Kenya, Somalia, Sudan, Uganda
MERCOSUR	Argentina, Brazil, Paraguay, Uruguay
MRU	Guinea, Liberia, Sierra Leone
NAFTA	USA, Canada, Mexico
OECS	Dominica, Antigua & Barbuda, Grenada, Saint Kitts & Nevis, St. Lucia, St. Vincent, Grenadines
PIF	Australia, New Zealand, Cook Islands, Fiji, Nauru, Tonga Islands, Samoa, Micronesia, Kiribati, Niue, Marshall Islands, Palau, Papua New Guinea, Solomon Islands, Tuvalu, Vanuatu
SAARC	Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan, Sri Lanka
SACU	Botswana, Lesotho, Namibia, South Africa, Swaziland
SADC	Angola, Lesotho, Botswana, Mozambique, Namibia, Seychelles, South Africa, Swaziland, Tanzania, Zambia, Zimbabwe, Malawi, Mauritius, DRC, Madagascar
SCO	China, Kazakhstan, Kyrgyzstan, Russia, Tajikistan, Uzbekistan
SICA	El Salvador, Guatemala, Honduras, Nicaragua, Costa Rica
UEMOA	Benin, Burkina Faso, Ivory Coast, Guinea-Bissau, Mali, Mauritania, Niger, Senegal

Death is critical to an ecological analysis of an institutional form. During the 1960s and 70s many REIs either died or were comatose. Within a new post-Cold War environment some come back to life, for example, the East African Community. The former Soviet zone is an interesting example of extensive REI creation and competition between organizations. The CACO which had a high overlap in membership with the EAEC was finally absorbed by this REI. The rapid expansion of the EU means that the EFTA has become quite marginalized.

Thus the movement starting in the 1980s accelerates with the end of the Cold War. By 2005 we now have 35 REIs as opposed to the 15 in 1980 and zero in 1946. Immediately after the breakup of the USSR former eastern bloc countries as well as the new former Soviet Republic states rapidly move to create institutions of regional governance or join existing ones. This is true not only in Europe, in Africa there is much movement and in Latin America MERCOSUR is created. As we see in the next section this dramatic expansion in REIs is naturally matched by a increasingly clear desire of states to be members of regional institutions and a new interest in regional economic, political, and security cooperation.

### **Membership in REIs, 1980–2005**

The previous section briefly outlined the growth in the REI population. These institutions are created by states, and states are their members. A critical part of the evolution of these institutions lies in the creation, death, and competition between them. Our second analysis focuses on changes in the membership of REIs. Membership obviously changes when institutions are created or cease to exist, but there is also significant movement in the membership of existing institutions. The evolution of REIs individually and collectively plays itself out in many respects via simple data on membership. For example, the history of the EU as it increases in membership from 6 to 27 involves both its internal development, but also its relationship to potential competitors in the western and central European space. Beyond institutional contraction and expansion one can ask about the extent to which states members of zero, one, or more than one REI?

We take the popular COW list of nations to define the universe of possible members of REIs. This list is the standard for most international relations relationship and much cross-national research. While not without its critiques (e.g., Gleditsch and Ward 1999; see also Fazal 2007) it is a relatively uncontroversial list of possible member states of regional institutions. The COW project already includes all states of almost any size, for example, most of the small Pacific island states are on the COW list. The only changes we make to the list are to exclude a few small European territories – Monaco, Liechtenstein, Andorra, and San Marino – which are not considered independent members of the EU. We have thus an international system with 188 members in 2005.

Table 4 lists the members of REIs in 1980. Table 5 lists REIs along with their member states as of 2005.<sup>11</sup> Comparing these tables we can see the significant growth in the membership of states in regional institutions. A clear majority of the world's states were *not* members of a regional institution in 1980; almost all of them – 175 out of 188 – were by 2005. In 1980 most states avoided joining regional institutions, by 1990 most states were looking to join or create regional institutions.

Some regions of the world lack regional governance as defined here. This can be seen by examining the list of states that belong to no REI. As of 2005 these are Chile, Macedonia, Bosnia-and-Herzegovina, Iraq, Syria, Lebanon, Jordan, Israel, Yemen, Mongolia, Taiwan, North Korea, South Korea, Japan, and East Timor. These 15 states are not randomly distributed throughout

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<sup>11</sup>We do not include associate members, only full members.

the world, but are concentrated in the Middle East and Northeast Asia. This fact will inspire some speculation in the final section on the factors that prevent regional institutions from being created at all. As of 2005 regional governance covers most of the globe, but there remain notable areas that have resisted this world-wide trend.

Multiple membership basically does not exist as an option in 1980, with the exception of Europe and West Africa. In Europe there was a choice between the EU and the EFTA, and regionally, the Nordic Council, but most regions did not have multiple membership options. This changes very rapidly in Africa with the creation of quite a few REIs in the 1980s, and then to a large degree after 1989, particularly in the former Soviet zone. Hooghe and Marks (2009) state that Type I governance does not have overlapping membership. We suspect that they are too influenced by the EU. In fact multiple membership is not uncommon. One hypothesis might be that as REIs get stronger multiple membership is no longer allowed.

As the data in table 5 indicate, it is quite common for states to be members of multiple REIs. This might be because they lie on the border of several regions, or it may be because the situation is fluid, as often occurs after system transforming events like the end of the Cold War. The contrast with the exclusive territorial concept of the state is important. The world's territory is almost without exception divided into mutually exclusive states. Regional governance as of 2005 is not mutually exclusive in general: it is quite possible to belong to multiple institutions of regional governance. For example, Russia is a member of the CIS, the Eur-Asia Economic Union, and the Shanghai Cooperation Organization (SCO). Multiple membership is a core feature of the REI population.

Those states which have only one REI membership constitute another important category for analysis. This typically means one of two things (which might be causally related). The first is that the state has made a clear choice when confronted with multiple membership options. The second possibility is that there is really only one possible choice. The number of choices of course is changing over time and constitutes one of the key dynamic aspects of the system. If there are enough states that do not like the current choice(s) and if they can overcome collective action problems then new alternatives can be created. For example, GUAM was created by states that were unhappy with the CIS and Russian dominance of that institution. The European Free Trade Association was created by those who did not like integration as proposed by the European Common Market.

One core aspect of international institutional change is membership change. These are often the clear signals of growing strength as states join, or weakness as states leave. For example, the application of Venezuela to join MERCOSUR is a signal that the Andean Pact is stagnating and that MERCOSUR is getting stronger. The former Soviet zone has seen quite a bit of movement in and out of REIs. We need not revisit the well-known massive expansion of the EU.

In summary, as of 2005 most of the 188 states of the world - all but 15 - belong to some regional governance institution. The states which exist outside of regional institutions are obviously not randomly distributed across the globe. Basically they are all in northeast Asia or the Middle East. Some of these will likely join some REI in the not too distant future such as Chile, Bosnia-Herzegovina, and East Timor. Certainly within the realm of possibility is that something will occur for the East Asian countries like Japan, South Korea, and China. Not surprisingly the Middle East is where such possibilities seem remote.

While some regions are notable for their lack of regional institutions, such as the Middle East, other regions, such as Africa and the Caribbean have a variety of regional institutions. Volgy et al. (2008) in their creation of the FIGO dataset were motivated by hypotheses about a "new world order." Our interest is in the new regional order, defined in many respects by the number and quality of regional institutions. There are two sides to this regional order, the

relationship of states within a REI as well as the regional configuration of REIs. As with the history of states, the development of the internal order has major consequences for the global population of REIs. As a REI gets stronger or weaker, it cannot help but have an effect on other regional institutions. For example, one cannot understand and explain the creation of NAFTA without looking at competition with the EU. Change at the REI population level is probably a combination of learning, imitation, and competition as states react to their changing institutional environment.

## **The evolution of REI institutional characteristics**

As we have seen, within a relatively short period of time most areas of the globe and countries of the world have become involved in regional governance. In many ways the rapid evolution of regional institutions is quite amazing. A major dimension to the change within the REI population are the internal institutional changes of the individual REIs. In this section we track at a gross level the changes on our six core features of the REI institutional form.

Already in 1980 we see the beginnings of what we suggest is becoming the distinctive institutional structure for regional governance. Table 6 shows that almost all REIs have an organizational headquarters or secretariat by 1980. Similarly, and following the EU model, the key “legislative” and decisionmaking body is of the Council of Ministers form. The Nordic Council is worthy of note because it starts as a parliamentary body, i.e., members participate as members of a parliament not as ministers. Typically in the beginning the secretariat is relatively small and provides only basic kinds of services. Rarely does it have the power of the European Commission. In most cases, the meetings of Presidents and Prime Ministers are annual. This is when key treaties are often signed and institutional decisions and policy are made. These decisions vary quite a bit in character, from hortatory to those which have policy impact and might be considered binding or soft law for member states.

In contrast, dispute settlement mechanisms and courts are rare in 1980. In some cases, they exist on paper but are almost dormant, the Andean Court would be a classic example (Alter and Helfer 2010). There is almost no court or DSM active in 1980, beyond the ECJ.

Similarly, any kind of parliamentary organization is rare. Virtually all REIs start as elite created and run organizations. It is only when they develop and when the member states are clearly committed to democracy that parliamentary associations and organizations begin to be created. As usual the EU is the model; the parliament is a later creation and has weak powers. Nevertheless, it is an important innovation in regional governance.

International legal personality barely exists in 1980. REIs are not strong enough to conduct international negotiations and countries have not delegated these important powers to them.

Emanations are quite common from the start. Given their multifunctional character, REIs naturally create bureaucracies internally, and semi-autonomous organizations. For example, transportation and education are common areas of activity.

By 2005 things have changed quite dramatically as seen in table 7. Institutional features which were almost nonexistent in 1980 have become relatively common. Features like dispute settlement mechanisms and international legal personality are now present in the most developed REIs. Except for those few REIs which have died, e.g., COMECON, all REIs have added key institutional features or expanded existing ones such as emanations.

Virtually all REIs in 2005 have secretariats and the Council of Ministers decisionmaking system. NAFTA appears as a significant outlier in terms of regional governance. It does not have a secretariat; each country has a NAFTA bureaucracy. There are no regular meetings of the leaders

Table 6: Evolution of regional institutional structure, 1980

REI	Council	Secretariat	DSM	Parliament	Emanations	ILP
Andean Community	1	1	1	1	1	0
Association of Southeast Asian Nations	1	1	0	1	1	1
Caribbean Common Market	1	1	0	0	1	1
Communauté Économique et monétaire d'Afrique centrale	1	1	0	0	1	0
Economic Community of Great Lakes Countries	1	1	0	0	1	0
Economic Community of West African States	1	1	0	0	0	0
European Free Trade Agreement	1	1	0	0	0	0
European Union	1	1	1	1	1	1
Gulf Cooperation Council	1	1	0	0	1	0
Mano River Union	1	1	0	0	0	0
Nordic Council	1	1	0	1	1	0
Organization of Eastern Caribbean States	1	1	1	0	1	0
Pacific Islands Forum	1	1	0	0	0	0
Sistema de la Integracion Centroamericana	1	1	1	0	1	1
Southern Africa Development Community	1	1	0	0	0	0
Southern African Customs Union	1	1	0	0	0	0
West African Economic & Monetary Union	1	1	0	0	1	0
Total (N=17)	17	17	4	4	11	4

ILP= international legal personality, DSM= Dispute Settlement Mechanism.



Table 7: Evolution of regional institutional structure, 2005

REI	Council	Secretariat	DSM	Parliament	Emanations	ILP
Andean Community	1	1	1	1	1	1
Arab Maghreb Union	1	1	0	0	0	1
Association of Caribbean States	1	1	0	0	1	0
Association of Southeast Asian Nations	1	1	0	1	1	1
Black Sea Economic Cooperation	1	1	1	1	1	1
Caribbean Common Market	1	1	1	1	1	1
Central European Free Trade Agreement	1	0	1	0	0	0
Common Market for Eastern & Southern Africa	1	1	1	0	1	0
Commonwealth of Independent States	1	1	1	1	1	1
Communauté Économique et monétaire d'Afrique centrale	1	1	1	0	1	0
Community of Sahel and Saharan States	1	1	0	0	0	0
East African Community	1	1	1	1	1	0
Economic Community of Central African States	1	1	0	0	0	0
Economic Community of Great Lakes Countries	1	1	0	0	1	0
Economic Community of West African States	1	1	1	1	1	0
Economic Cooperation Organization	1	0	0	0	1	1
Eurasian Economic Community	1	1	1	1	1	0
European Free Trade Agreement	1	1	1	1	0	1
European Union	1	1	1	1	1	1
GUAM	1	1	0	1	0	0
Gulf Cooperation Council	1	1	0	0	0	1
Indian Ocean Commission	1	0	0	0	0	0
Intergovernmental Authority on Drought and Development	1	1	0	0	0	0
Mano River Union	1	1	0	0	0	0
MERCOSUR	1	1	1	1	1	1
Nordic Council	1	1	0	1	1	0
North American Free Trade Agreement	0	0	1	0	0	0
Organization of Eastern Caribbean States	1	1	1	0	1	0
Pacific Islands Forum	1	1	0	0	0	0
Shanghai Cooperation Organization	1	1	0	0	0	0
Sistema de la Integración Centroamericana	1	1	1	1	1	1
South Asian Association for Regional Cooperation	1	1	1	1	1	0
Southern Africa Development Community	1	1	1	1	1	0
Southern African Customs Union	1	1	0	0	0	1
West African Economic & Monetary Union	1	1	1	1	1	0
Total (N=35)	34	31	19	17	21	13

ILP= international legal personality, DSM= Dispute Settlement Mechanism.

of the three countries. NAFTA has been accurately described as three bilateral free trade agreements. It has an active dispute settlement mechanism and certainly has increased trade between the three countries. However, beyond this it is barely multifunctional at all.

Dispute settlement mechanisms and courts are much more common, but certainly do not exist in all REIs, about 50 percent have them. However, in the most developed and well-known REIs dispute settlement mechanisms have made very important progress since 1980.

That courts and dispute settlement mechanisms have increased in activity and number is a clear signal that an REI has moved to the next level. Sometimes moribund courts become active, e.g., Andean Pact. Sometimes because of competition and cooperation the REI creates a court. This, for example, was the case for the EFTA when it entered into trade agreements with the EU.

Similarly, the number and variety of emanations has increased. For example, the Union of International Associations lists a large number, 329, of ASEAN organizations. Many of these are not directly tied to ASEAN, but just involve the same member states. But this means that regional cooperation is conducted and conceptualized in terms of ASEAN. In this way it is quite similar to Nordic associations which may not be directly related to the Nordic Council but form part of that regional system.

In many instances it is not easy to separate emanations from bureaucracies and organizations internal to the REI. The Union of International Organizations has separate categories for each, but in many cases it is a hard call. The key thing is that most REIs have moved beyond just secretariats to a wide variety of specialized councils, organizations, and bureaucracies. The organizational chart of many of them is now quite complicated.

Similarly, the most developed REIs attain international legal personality. While all IPE scholars know that the EU signs trade treaties, many fewer know that this has become relatively common for other REIs as well. For example, in the 2000s ASEAN, Andean Community, CARICOM, CIS, EFTA, Gulf Cooperation Council, MERCOSUR, SICA and the SACU signed free trade agreements with other REIs or nonmember states.

In summary, in the relatively short space of 25 years the world has seen the rapid evolution of a system of regional governance. While there is extensive variation in the level of development, the institutional structure of these regional institutions is relatively consistent. While REIs lie at different stages of development, by 2005 the institutional form itself has become quite clear and established. While we have no systematic data for recent years, everything indicates that this evolutionary trend is continuing today.

## **The legalization of regional governance**

While we are aware of no systematic studies on the matter, there is no doubt that international politics has become more legalized over time, with a clear acceleration of the process after 1989. The 1990s saw an explosion of treaty-making in a wide variety of issue areas, such as free trade, foreign direct investment, alliances, environment, etc. This spurt of international legal activity was often at rates 5 to 10 times higher than the Cold War period.

As stressed in the previous section, we focus on regional institutions with foundation in treaties. The basic data we present here then consists of treaties, protocols, agreements, and other legally-binding documents. Our dataset consists of the treaty itself along with a coding sheet where we code issue area, structural features, etc. We used a variety of sources to locate these treaties, including REI websites, international law databases, individual state online archives, issue-area treaty databases, etc. For the CIS we got the treaties from a private firm in Moscow. Most of these were in a language we could handle (i.e., English, Spanish or French), but

Table 8: Legalization of regional governance over time

	1946	1951	1956	1961	1966	1971	1976	1981	1986	1991	1996	2001
No. of treaties	6	10	26	34	45	48	46	65	74	269	274	263
No. of REIs	1	2	3	6	10	13	14	20	21	29	34	35

the former-USSR REIs required important research assistance from Russian-speaking graduate students. The total number of treaties in the dataset is 1186.

Of course treaties are only the top level of institutionalization. Council of Ministers or other bureaucrats of the institution decide many critical policies. It may be that the issue is not discussed in treaties but dealt with at some lower level. By focusing only on treaties we are tapping a core part of the institution, but certainly not all of its activities. Many REIs have a separate category “decisions” which are made by key decision-making bodies and which are published on websites. Depending on the institution these might be binding as well on member states. However, we think the treaties of the institution are a good place to start.<sup>12</sup>

Table 8 charts the evolution of the REI population in terms of the total number of treaties per 5-year period. Obviously a treaty, agreement, protocol, etc., can be very short, i.e., 1–2 pages or very long, hundreds of pages. It is possible for an institution to sign three separate treaties or combine them all into one. Nevertheless, the data in table 4 are a good sign of institutional activity. Just as active parliaments generally produce many laws, so active REIs produce many policy rules, norms, and principles.

Here one sees the relative explosion of international treaties post-1989. Not only is there a significant increase in REIs (a good proportion of which are in the former communist zone) but the number of treaties per REI goes up dramatically. We an increase from maybe 2–3 treaties per period per REI to something like 7–8 treaties per REI.

## Economic policy areas in regional institutions: cross-sectional and evolution

Critical to the analysis of international organizations and institutions are the issue areas they address. The UIA has 4 broad areas: (1) general, (2) economic, (3) social/welfare, (4) political (as if the other categories are not political). Koremenos (2012) uses the categories (1) security, (2) economics, (3) environment and (4) human rights. Hooghe and Marks in their project on authoritative IGOs code for issue area over which an IGO has formal authority: political cooperation, foreign policy, diplomacy; security and defense; justice and interior affairs; trade; finance and monetary affairs; common-pool resource problems (including environment); standard setting, coordination, and monitoring; industrial policy (including sectoral policies, such as transportation, energy, telecommunications, natural resources); aid (development, regional development, poverty reduction); human rights (including social and labor rights); health, food safety, nutrition; culture and education; research and data collection (2009, 236). Our approach shoots for a range where

<sup>12</sup>In a few cases we found reference to a treaty without finding the treaty itself. If the treaty seemed fairly specific we coded it based on what information was included in the title. In the coding sheet we note that the treaty cannot be found. In this respect we follow Leeds’s procedure with military alliances, where she has the treaty text for almost all, but does include alliances in the dataset for which they could not find the document.

Table 9: Regional governance of economic issues

Issue	1946	1951	1956	1961	1966	1971	1976	1981	1986	1991	1996	2001
Agriculture	0	0	1	1	4	2	3	3	1	9	6	3
Education	0	0	1	2	2	2	1	5	1	8	16	15
Energy	0	0	1	1	1	1	0	3	2	7	9	9
Environment	0	0	1	0	1	1	2	3	2	9	10	12
Fishery	0	0	0	0	1	1	1	2	0	5	1	5
Forestry	0	0	0	0	0	0	0	2	0	3	1	4
Health	0	0	0	0	3	2	2	2	1	6	8	9
Immigration	0	0	3	0	3	1	2	5	3	9	11	10
Industrial	0	0	2	1	3	4	2	4	5	7	6	8
Insurance	0	0	0	0	0	0	0	0	0	3	1	2
Public Adm.	0	0	1	0	1	1	1	1	0	3	2	5
Technology	0	0	1	0	3	2	1	4	4	6	8	4
Tax	0	0	1	1	4	2	1	1	1	6	5	6
Telecomm.	0	0	0	0	2	1	1	1	1	6	7	4
Transport	0	0	2	3	3	3	3	6	2	11	12	18
Technical	0	0	0	0	3	0	1	0	1	4	4	2
Tourism	0	0	0	0	2	1	0	0	2	4	3	3
Water	0	0	0	0	0	0	1	1	1	3	5	2
Standards	0	0	0	1	1	1	0	1	2	7	7	11
Monetary	1	1	3	1	3	3	3	6	5	9	5	3
FDI	0	0	1	0	3	3	0	1	4	4	6	7
No. of REIs	1	2	3	6	10	13	14	20	21	29	34	35

the categories have more immediate meaning, e.g., transportation or education. We have not tried to establish a list of all potential areas of cooperation (beyond our financial constraints). What we actually see in practice has been critical and as such our list has evolved over time.

Since we are very interested in the evolution of REIs individually and as population we want to know when REIs get involved in different economic policy areas. Most coding of IGOs is static. This often is completely reasonable for single-issue IGOs. However, part of the interest in regional governance, just like domestic governance, is the involvement (or not) of government in various economic domains. Since we code the treaty we are much better able to track these changes than approaches that just look at the IGO as static.

While there are various ways one can summarize the treatment of various issues areas by REIs, we have opted to present the number of REIs, which have at least one treaty in the issue area. If there is one treaty then very often there is more than one.<sup>13</sup> So the numbers in table 9 significantly underestimate the amount of treaty activity. However, they do give a sense of how widely a issue is covered in the REI population.

The last row of table 9 gives the number of REIs active in the period beginning with the column year, i.e., 1966 means 1966–1970. So the explosion we see starting in the 1980s is both because

<sup>13</sup>Other possibilities include total number of treaties in each period, but that can be misleading when a few REIs have a lot of treaties. The option is percentage of REIs dealing with an issue, but the rapid growth in REIs makes that more problematic over time.

of the increasing number of REIs as well as their expansion into more economic issue areas. The numbers in the column refer to treaties *signed* during the period not the number in effect. It is important to realize almost all treaties signed in earlier periods continue. There are rarely termination or renewal dates in the treaties (this itself is an interesting feature of REI treaties). As such the cumulative effect of the areas covered over time is quite significant.

For many, “economic” issue often means free trade and FDI, symbolized by the WTO, IMF and more recently BITs; this would certainly be the case if one surveyed journal articles. We treat free trade below because it is so central, but we see monetary cooperation as one of the first economic issue areas. However, even early – i.e., 1960s and 70s – we see cooperation in most of our issue areas. If you go down the columns of table 9 there are a significant minority of REIs involved in most issues areas. For example, in the 1966–70 period, there are only two zero entries – Forestry and Water – and 10 of the issue areas have significant coverage among REIs.

## Regional governance in security

“General” or “political” IGOs REIs can naturally become involved in the broad area we call “security” (Powers 2006). Often domestic security, e.g., crime, requires international cooperation, not to mention civil war and terrorism. Classic military alliances fall into this category along with peacekeeping. Depending on one’s view, security can be more or less broadly defined. The literature on “human security” (e.g., King and Murray 2002) expands the boundaries, and we take this expansive view in our coding sheet. As with economic issues we are interested in how and when and why REIs move into various security realms. The expansive conception allows users with narrow interests to choose those categories of particular interest. Our coding categories for security and conflict management are indicated in table 10. As with the economic issue variable, we have an “other” category, which is open-ended.

We can see from table 10 that our qualification of REIs as “economic” corresponds to the reality of regional cooperation. Security typically enters much later and to lesser degrees in REIs. Nevertheless, there is a real boom in security involvement after the Cold War. The period 1991–96 sees many REIs getting involved in a wide range of human security issues.

It is worth noting that for many REIs – European and North American – NATO is the main security organization. This is a question of institutional design (not that it was exactly intentional). The European REIs are getting increasingly involved in conflict management and security (in part due to increasing divergences with the USA after the Iraq invasion).

REIs are obviously sensitive to the global agenda, for example, the rise of human trafficking onto the regional agenda. Also of note is the increasing importance of international crime (e.g., drugs) as a matter of regional cooperation. For example, the dominant security issue for Latin American countries is criminal violence in general as well as its consequences for political violence. Consequently, REIs in Latin America include security features such as cooperation in intelligence between police departments as well as extradition agreements. Such violence impedes trade and threatens democracy. REI cooperation in this security area has increased and deepened over the last decade.

Hence, it is completely inaccurate to see REIs as just IPE. Poast (2012) reports very low levels of linkage between trade and alliances (at the treaty level) before 1945. After 1989 security, economics and trade are very highly linked within regional organizations. Interstate and intrastate war is definitely on the agenda of many regional organizations. For REIs among developing countries (the modal type of REI), trade and security are inextricably linked. Trade cannot occur least efficiently without peace as stated in the Treaty of ECOWAS and the ECOWAS Security Protocol for

Table 10: Regional governance of security issues

Issue	1946	1951	1956	1961	1966	1971	1976	1981	1986	1991	1996	2001
Biological	0	0	0	0	0	0	0	0	0	3	1	2
Conventional	0	0	0	0	0	0	0	0	0	1	3	7
Corruption	0	0	0	0	0	0	0	0	0	1	1	1
Disease	0	0	0	0	0	0	0	0	0	2	0	0
Drugs	0	0	0	0	0	0	0	0	2	3	6	4
Ethnic conflict	0	0	0	0	0	0	0	0	0	1	0	1
Food security	0	0	0	0	0	0	1	1	1	1	5	0
Human traffic	0	0	0	0	0	0	0	0	0	0	0	5
Immigration	0	0	0	0	0	0	0	0	0	1	1	3
Interstate crime	0	0	0	0	0	0	0	2	0	1	5	10
Interstate war	0	0	0	0	0	0	0	0	0	3	1	2
Intrastate war	0	0	0	0	0	0	0	1	0	2	3	2
Natural disasters	0	0	0	0	0	0	0	0	0	4	5	6
Natural resource	0	0	0	0	0	0	0	0	1	4	3	4
Nuclear weapons	0	0	0	0	0	0	0	1	1	4	1	2
Small arms	0	0	0	0	1	1	0	1	0	3	1	5
Terr. disputes	0	0	0	0	0	0	0	0	0	1	0	1
Terrorism	0	0	0	0	0	0	0	1	1	2	4	8
Infrastructure	0	0	0	0	0	0	0	0	0	1	2	5
Stationing forces	0	0	0	0	0	0	0	0	0	1	2	2
Financing	0	0	0	0	0	0	0	0	0	1	2	1
Friendship	0	0	0	0	0	0	0	1	1	2	2	2
Peacekeeping	0	0	0	0	0	0	0	1	0	1	2	2
Postconflict	0	0	0	0	0	0	0	0	0	1	1	0
Refugees	0	0	0	0	0	0	0	1	0	0	1	0
No. of REIs	1	2	3	6	10	13	14	20	21	29	34	35

example. If fighting related to civil conflicts is blocking roadways, trade is impeded. So many of these REI countries argue REIs must integrate in security cooperation in order to provide political stability and peace for trade.

## Military alliances embedded in REIs

There is a wide range of international treaty datasets that focus on a given issue area, e.g., trade, foreign direct investment, environment, water, etc. We think one major area of research is how our population of REIs interacts with other treaty populations of an issue-specific sort. One example of this sort of thing is to look at issue linkage within a given treaty. For example, some alliance treaties include free trade provisions. It is likely that some of these treaties will not appear in a data-set of free trade treaties because they are seen as alliances.

Alliances are an interesting example because they are usually seen as fairly free-floating and free-standing agreements, and are not the usual suspect when talking about international institutions in general. For example, NATO quite clearly got into the democracy promotion business

Table 11: Multilateral military alliances and REIs, 1980–2001

Year	Type of alliance/treaty	REI or states
1981	Defense	ECOWAS
1981	Defense	CARICOM
1981	Defense	Ethiopia, Libya, Yemen <sup>3</sup>
1983	Nonaggression	AMU
1986	Nonaggression	Mano River Union <sup>1</sup>
1988	Nonaggression	Cuba, Angola, S. Africa
1989	Defense Pact	AMU
1992	Collective Defense	CIS
1991	Maastricht Treaty	EU
1991–92	Consultation Pacts	EU–Czech, Slovakia, Poland <sup>2</sup>
1992	Nonaggression	Czech, Slovakia, Bulgaria
1992	Nonaggression Pact	France, Spain, Andorra
1993	CIS Charter	CIS
1995	Dayton Peace Agreement	Bosnia, Serbia, Croatia
1996	Nonaggression	SCO
1996	Defense Pact	CARICOM
1999	Defense Pact	DRC with neighbors
2000	Defense Pact	GCC
2000	Defense, Nonaggression	ECCAS
2001	Defense	SADC

Data Source: ATOP data. Leeds et al. 2002.

<sup>1</sup>The MRU quit functioning in 1979, hence is not in our population.

<sup>2</sup>We have combined several alliances between former communist countries and key EU members.

<sup>3</sup>Terminated in 1986.

after 1989. As a matter of institutional design, one can often choose to include alliances within a regional system or have them separate.

Table 11 includes *all* multilateral alliances signed after 1980 (matching our date for the REI population) and ending with the ATOP dataset at 2001. One sees that multilateral alliances are overwhelmingly embedded in REIs. The end of the Cold War led to the creation of CIS alliances and the incorporation of many Eastern European countries into the EU and NATO.

Of the 20 multilateral alliances in table 5 only two fit the standard realist model. As one can see, none of the other multilateral alliances fits the realist model. One is a peace agreement (Dayton Accords). The others are clearly part of an REI or nested in one (the France-Spain-Andorra non-aggression pact). In short, multilateral alliances signed after 1980 are embedded in regional governance institutions.

It is not an exaggeration to say almost none of the main theories of alliance envisage this empirical situation. Hence thinking about military alliances embedded in REIs can have major implications for how alliances are treated in conflict research.

Table 12: Multilateral PTAs embedded in REIs

Overlap	1946	1951	1956	1961	1966	1971	1976	1981	1986	1991	1996	2001
REI Embedded PTAs	2	2	5	14	19	22	25	27	28	37	37	39
Total No. of PTAs	2	3	7	16	20	23	26	29	31	42	43	46

Source for PTA data: Mansfield and Milner 2012.

## Multilateral preferential trade agreements embedded in REIs

While the alliance literature has not connected alliances to regional organizations the literature on trade is extremely aware of the importance of regional trade agreements. One can divide preferential trade agreements into four categories: (1) bilateral, state-state, (2) state-REI, and (3) REI-REI, (4) REI.

One of the characteristics of REIs we discussed briefly above was international legal personality. Trade agreements are a key venue for this activity, as both the state-REI, and REI-REI categories illustrate. If one “dyadizes” trade, as is very common in IPE research (e.g., Mansfield and Milner 2012), REIs are generating a very large percentage of the dyads. If the EU and ASEAN sign a treaty that produces  $28 \times 10 = 280$  dyadic observations each year. If one decomposes an REI free trade treaty into dyads, that is another big chunk, for example, the 15 members of SADC generate another couple hundred dyads.

Table 12 looks at the overlap between multilateral PTAs in the Mansfield and Milner (2012) dataset (i.e., (4) REI category above). One sees that the vast majority of the multilateral PTAs in their dataset form part of an REI. Multilateral PTAs do not really exist outside of some regional organization.<sup>14</sup>

When people talk about free trade in specific cases, REIs often used. For example, Milner and Mansfield (2012) have as their two ongoing illustrations MERCOSUR and SADC. If one looks at passing examples they tend to be NAFTA, EU, etc. These are hardly typical of the several hundred bilateral trade agreements in their dataset, but are typical of the REI category.

Obviously at the institutional level there is massive linkage between trade and other economic and security areas. In addition, many of the issue-specific treaties we code as having trade dimensions (these often do not make into the trade datasets). Like with military alliances we think many of the theories of trade are based on the now-incorrect assumption that they are state-state affairs. Recognizing the massive importance of REIs (e.g., in dyadization) and that they are now negotiated by REIs can inform new theoretical and empirical research.

## Towards comparative regional international law

We have seen above that it is becoming quite standard for a REI to have some dispute settlement mechanism. Regional courts are becoming a reality. As such we suggest perhaps a new field of study might arise “ comparative regional international law.” This kind of law and courts would be embedded in the analysis of REIs as an institutional form. Just as one can about features of court systems in various domestic political institutions, e.g., independence of courts, federalism,

<sup>14</sup>If one looks the non-REI PTAs they are mostly macro-regional trade agreements like the African Economic Community, Latin America-wide agreements, the European Economic Area, etc.



Table 13: Regional courts and REIs

Court	REI	Jurisdiction
Benelux Court	Benelux	Economic, civil and criminal
Andean Tribunal of Justice	Andean Community	Economic
European Free Trade Area Court	EU+EFTA	Economic
Central American Court of Justice	SICA	Any
Caribbean Court of Justice	CARICOM	Any
Economic Court of the CIS	CIS	Economic
UEMOA Court of Justice	UEMOA+ECOWAS	Economic
MERCOSUR Court	MERCOSUR	Economic
COMESA Court	COMESA	Economic
SADC Court	SADC	Economic
CEMAC Court	CEMAC	Economic
EAC Court	EAC	Economic, good governance
ECOWAS Court	ECOWAS	Economic, good governance, human rights

*Source:* Alter 2014, figure 3.1.

etc., one might be able to develop an understanding of how regional courts work within regional governance institutions.

Fortunately, Karen Alter (2014) allows us to survey the new landscape of regional courts. As she convincingly shows there has been quite a dramatic increase in the number of courts in the last 25 years. Here universe of international courts contains about 25 courts. A few have a long history such as the ICJ and the ECJ.

Some of these courts are issue-specific, such as the WTO and human rights courts. The global general purpose courts include the ICJ and ITLOS (which can be considered general purpose). As with our constitution of the REI population we exclude these and only consider general purpose courts. Table 13 lists these.

Hence REI courts constitute about half of the new landscape of international courts. This does not include dispute settlement mechanisms like NAFTA which are on our list above, because we do not require a court, but rather a legalized and legally-binding third-party mechanism.

As we have seen above, REIs cover a wide range of issue areas. As one can see from table 13 most REI courts cover economic issues, which is itself a broad category, but certainly it does not cover all issues. It will be interesting to see if these courts increase their activity to new issue areas. As the SADC court illustrates there might be significant resistance to the increased activism of regional courts.

Using the tables above, one can begin to ask why other REIs do not have courts, e.g., ASEAN. How similar are these courts. It would be nice to have a specialized table looking at various court design features and how they have or have not been incorporated into regional courts. This might be the beginning of a theory of comparative regional international law.

## Concluding speculations

We conclude with some speculation about the causes of the evolution of regional institutions, inspired by our analysis of the empirical patterns in the evolution of REIs.

The first set of hypotheses draws on the work of John Meyer and his colleagues. The core of the world polity school looks at the spread of certain western rationalized and legalized political structures, notably states or major policies, typically originating in the core of western Europe and the USA. This involves both the nature of the state as well as major substantive policies (e.g., Meyer et al. 1997; Finnemore 1996; Ramirez et al. 1997). The basic model involves innovation in the core, i.e., western Europe, which then diffuses across the world producing institutional isomorphism (DiMaggio and Powell 1983). In terms of domestic institutional structure, the decades since 1989 have seen a clear dominance of the democratic-capitalist-liberal model of the national state. We suspect that these domestic political and economic changes have had major impacts on the creation and evolution of regional institutions.

Going back to Kant and the Enlightenment, international law and organization have always been core to the liberal political project. As a rule, states that have strongly embraced this project domestically have been those who have promoted international institutional creation. Within the USA those who have promoted the development of the expansion involvement of the state into various new realms, have also been the those who have supported international institutions. In contrast, right-wing parties within democracies and authoritarian right-wing regimes have been less supportive, if not hostile, of international institutions and organizations (e.g., the Republican party in the USA for virtually the whole 20th century continuing to the present). Few studies look at the relationship between domestic political structures, governing parties, etc. and international institutions in general (though see Solingen 1998, 2001, 2008); however, we propose that such analyses will be critical in the explanation of the evolution of regional institutions.

Certainly many REIs listed in table 1 were formed by authoritarian regimes. So that per se does not prevent some level of international collaboration. However, it is not clear that authoritarian or nonliberal regimes can push regional institutions very far. While these states may have serious functional needs - i.e., they are poor - for economic cooperation, that does not seem to be enough to get beyond modest levels of regional governance.

In short, we suggest that the surge in REI creation and evolution since 1989 is directly related to the surge in democracies world-wide, and the parallel surge in liberal economic policies. From the world polity perspective as we see domestic convergence on a particular political-economic model within states we might expect to see some convergence in terms of REIs as well.

The organizational ecology along with the world polity approaches suggests that there are innovators and leaders within the population. A natural set of questions and hypotheses revolve around the role of the EU in defining the international form and promoting its spread across the globe (e.g., Warleigh-Lack and Van Langenhove 2010). It seems clear that the EU was the REI that made it clear that significant gains from regional cooperation could be made. Many European countries were skeptical at the beginning, but by the 1990s EU membership was widely desired. In addition, the EU has actively promoted other REIs. For example, it paid for the construction of the MERCOSUR parliament building. After the fall of communism, all the excommunist or new independent countries rushed to create REIs or tried to join the EU. So we suspect that one cannot understand the evolution of the population without understanding the evolution of the EU itself as well as its policies toward other REIs.

Another set of speculations focuses on the contrast we made at the beginning of the paper between the core relationship between war and the evolution of the state, and economic cooperation and the evolution of regional governance. The comparative-institutional literature implies

that there may be multiple paths to regional institutions. While almost all REIs are involved in security issues (Powers 2006, Goertz and Powers 2009; Powers and Goertz 2009) some regional institutions at their creation were more focused on security issues than economic ones. REIs such as ASEAN or the Gulf Cooperation Council clearly were more about security than economics when they were formed.

We hypothesize that security can be important in the evolution of REIs. As with the EU, security issues may play a more permissive or enabling role than a real motor (this is, for example, Ripsman's (2005) argument about Europe). We see key positive roles for security issues. The first is to provide an initial incentive for an institution, e.g., ASEAN. The need for security cooperation can provide the platform to launch economic cooperation. For example, a common approach to trying to improve relationships between countries in conflict is to sign a free trade or economic agreement. This signals that both sides are interested in improving relationships.

It is relatively easy to see the negative impact of conflict and war, both international and domestic, on the creation and evolution of regional governance. By virtually all accounts the Middle East has the fewest IGOs, followed by East Asia (e.g., Pevehouse et al. 2004). We saw the same empirical pattern in our REI data: these are regions without much regional governance. It seems like severe conflict, particularly between states, is a major hurdle to regional governance. Modest levels of conflict, or even civil war, might incite cooperation, but high levels of conflict either prevent REIs from being created in the first place or prevent them from developing much (e.g., SAARC in south Asia). In short, we see the conflict hypothesis as asymmetric. Severe conflict prevents creation and development of regional institutions; however, the absence of severe conflict does not necessarily promote strong regional institutions, other factors come into play. This is in fact a paraphrase of our hypothesis that security issues playing more an enabling role, than a productive one.

Finally, to return to the concerns of international relations scholars, the strength of a regional institution is in large part a function of the strength, stability, and political homogeneity of the member states. If either of these three factors is largely absent then we think that there will be little development of regional governance institutions. If states disagree strongly on the basic political and economic institutions of domestic governance, they are unlikely to find common ground internationally. If some of the member states are fragile or "failed" then the regional institution will not be able to function well. One needs to keep in mind a fundamental difference between regional institutions and states. Regional institutions do not have means of coercion and taxation; their success depends to a large extent on the level of political and economic development of their member states. For example, we think that many scholars have unrealistic expectations of African REIs. Given that most African states are weak, one cannot expect regional institutions to somehow overcome the hurdles defined by the domestic politics of the member states. This is not to say that these institutions do not matter, but one must think about the appropriate counterfactual: would things be worse in the absence of such institutions?

These various speculations can be seen as an elaboration of the EU's view about itself and its requirements for new members. The EU poses major political, economic, and human rights requirements for entry. The EU is clearly a club whose members have high levels of institutional, political, and economic isomorphism (e.g., Schimmelfennig 2004). One can see this in the debate about European expansion. The entry of developed, stable, democratic, capitalist countries such as Sweden or Finland is not problematic. The entry of these countries makes the EU stronger. The first excommunist country members, such as Poland, Hungary and Czechoslovakia, also scored high on the necessary institutional characteristics. It is countries such as Romania, Bulgaria, and Turkey that are sources of weakness for the EU. This is also clear in South America. While the

Andean Pact has been around for a long time its membership consists of poor and unstable countries. Once Argentina and Brazil made the transition to liberal economic politics and democracy MERCOSUR has easily surpassed the Andean Pact in its level of institutional development.

Half our speculations in this final section have focused on the role of security and conflict within regions and REIs; this is the privileged domain of international relations scholars. We have, however, placed more stress on the political-economic characteristics of the member states; this lies much more in the domain of comparative-institutional scholars. Since much of the literature on regional institutions has been dominated by international relations and security scholars, this paper suggests that much can be gained by looking at regional institutions from an evolutionary organizational and institutional framework. Understanding the evolution of regional institutions requires a clear analysis of the domestic political and economic evolution of their member states. We see this as a joint project requiring the expertise and interests of both international relations scholars and comparativists interested in institutions (domestic and international).

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