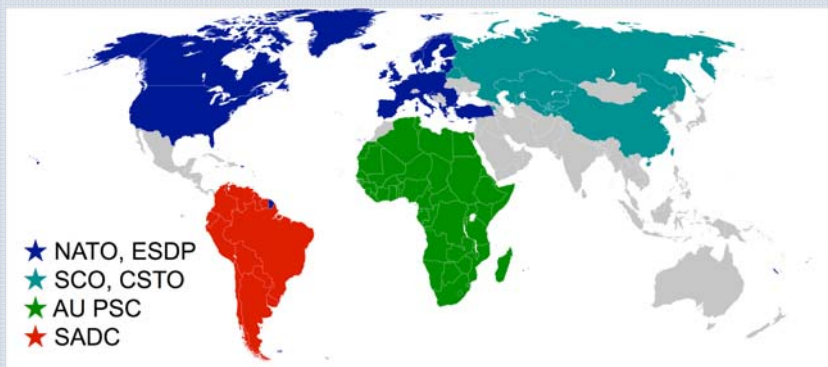


Would the permanent delegation of enforcement powers to regional organisations be a step forward in International law and relations?

Central Research Questions:

- To what extent, if any, are regional organisations developing and/or maintaining peace and security?
- Should regional organisations be strengthened at the expense of the UN and states?
- Or perhaps the UN should be strengthened in order to ensure its workability?
- What are the consequences of regional organisations acting outside of the international law arena?
- And what are the possibilities for amendment to the UN Charter to reflect the progression of international law?

Regionalism



As the diagram shows, regional organisations attract a large amount of world states. Their respective power and influence are important to international law and relations.

This map does not show every regional organisation

Regionalism is a three tier system. At the top is the UN with the key regional organisations located in the middle and nation states at the bottom. Assuming that regional organisations do of course operate some level of peace maintenance, one must then consider if this is at the appropriate level? Furthering the debate, this research will approach the consideration of delegation. One option that will be explored is to support regional organisations at a deeper level and to provide them with the power to act more independently. Perhaps putting them at least on level with the UN or even switching the tiers of the triangle around with regional organisations. Another possibility is that the UN is strengthened in order to ensure its workability in light of previous research that would suggest it is not as effective as it might be or indeed as was envisaged in 1945. This research will identify if the current handling of regional conflicts is fit for purpose? And how a stronger delegation between these tiers might strengthen the role of transnational security?

This project will review regionalism as a protector and enforcer of international law. It will consider precisely the enforcement of peace and security through regional organisations.

The starting point is Article 52 UN Charter:

'Any regional organization, before initiating action must first inform and consult the UN and obtain its authorisation.' Furthermore - *'Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations.'*

This can be problematic in a two-fold way. Firstly, RO's may simply engage in action without consulting the UNSC – this is perhaps more rare. BUT, secondly, the UNSC may be unable to offer support (probably due to the veto) and hence are regional organisations the next best alternative to resolving conflict? Additionally Article 52 envisaged only a pacific role for regional organisations. Nevertheless, their importance to world conflict is immense. Joint operations can adapt to the realities of each case with flexibility and creativity, and, like with delegated legislation in the domestic sphere – regional bodies have a better understanding for regional needs. What is evident is that: 'practice has given much more weight to regionalism than the bare text of the Charter would suggest' (Schreuer). Schreuer also identifies the key advantages to regionalism. 'Political groupings can play an important and beneficial role in any democratic decision-making process. They add efficiency and structure to the complex process of communication, thereby facilitating compromise.' Adeleke also argues that regional organisations may be better placed to deal with conflict. The end of cold war has seen an increased involvement of regional organisations. This is a positive movement if activities are consistent with the UN Charter. However, some authors such as Abass would argue that this might not be the case.

Generally, research tends to focus on peacekeeping which requires the consent of parties. Thus, this project will focus on the forced concept of conflict maintenance/prevention. That is, the use of force after there has been a breach of international law through aggression.

The horizontal nature of international law ensures that it lacks a unique governing, enforcing entity. Therefore it is largely a voluntary endeavour, wherein the power of enforcement only exists when the parties consent, to adhere to and abide by an agreement. Thus, if a more profound use of regional organisations is to be welcomed should there a distinct piece of international law devolving this power? And if so, how would this look?

References:

- A Abass, *Regional Organisations and the Development of Collective Security – beyond Chapter VIII of the UN Charter*, Hart: Oxford 2004.
- A Adeleke, 'The Politics and Diplomacy of Peacekeeping in West Africa: the Ecomog Operation in Liberia' [1995] 33 *The Journal of Modern African Studies* 4: 569.
- C Schreuer, 'Regionalism v. Universalism' [1995] 6 *EJIL* 477-499.



This research is currently in it's first three months – hence there are presently more questions than answers.

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