



Article scientifique

Article

2012

Published version

Public access

This is the published version of the publication, made available in accordance with the publisher's policy.

Relationships and interfaces between regional and universal organizations:
room for new developments

Boisson de Chazournes, Laurence

How to cite

BOISSON DE CHAZOURNES, Laurence. Relationships and interfaces between regional and universal organizations: room for new developments. In: International organizations law review, 2012, vol. 9, p. 263–265. doi: 10.1163/15723747-00902007

This publication URL: <https://archive-ouverte.unige.ch/unige:41949>

Publication DOI: [10.1163/15723747-00902007](https://doi.org/10.1163/15723747-00902007)

© This document is protected by copyright. Please refer to copyright holder(s) for terms of use.

Last deposit update in Archive ouverte UNIGE on 14.03.2023 23:16

Editorial

Relationships and interfaces between regional and universal organizations: room for new developments

Laurence Boisson de Chazournes

Professor, Faculty of Law, University of Geneva
Email: Laurence.BoissonDeChazournes@unige.ch

The proliferation of international organizations – especially of regional organizations – and the new types of relationships that are forged between regional and universal organizations raise questions in terms of governance.

Regional institutions were the first international bodies to appear in the course of the 19th century. In the early 20th century, organizations with a universal ambit were established, together with a few regional organizations. However, it is with the proliferation of the universalist ambition in the aftermath of World War II – including, notably, the establishment of the United Nations system – that the international legal order saw a resurgence of the regional institutional phenomenon. The Cold War, decolonization and changes in economic relations are among the events that led States to protect their interests through regional institutional mechanisms. Regional organizations have therefore created a legal and institutional identity of their own, although for some this has been by virtue of an ‘act of allegiance’ to a universal organization competent in the field. Quite often, regional organizations tend to carve out an autonomous institutional space for themselves by demanding respect for their own characteristics, as well as by occasionally showing a need to emancipate

themselves from certain legal relationships that might be felt to be too constrictive.¹

Regional and sub-regional organizations operate in many fields of activity in order to meet the demands of States and other actors. Through regional organizations, States seek, *inter alia*, greater market access, increased security and the defence of commonly agreed-upon values. Regional institutional arrangements surround the State, allowing it to act in a larger space. In some instances, these regional institutions promote the establishment of international judicial procedures that strive to control Member State behaviour. The regional protection of human rights is an important and well-known example. In such a context, the regional organization participates in reinforcing the exercise of State competences, while at the same time promoting a deeper respect for the rule of law. Faced with this phenomenon of growing regionalism, universal organizations can oversee or provide initiatives for regional organizations. It is notable that many universal organizations encourage and provide operational assistance in reinforcing regional and sub-regional integration. Such an interest is justified in part by the fact that universal organizations seem to increasingly favour – at least in some areas – regional organizations as partners.

Interesting questions arise in this context. One of them is whether and in what way various universal organizations support or make way for the creation of regional organizations in the pursuit of their particular objectives, such as the promotion of free trade and the search for monetary and financial integration. Universal organizations may also wish to rely on regional organizations in the conduct of their activities. This is the case in the field of the maintenance of international peace and security. This contributes to the development of the legal and political profile of certain regional organizations and therefore the consolidation of their role. The relationships forged between several regional organizations (EU, AU, NATO) and the UN are illustrative of these developments and put the UN Charter framework of Chapters VI, VII and VIII to the test from time to time.

In their relations with universal organizations, regional organizations increasingly serve as conduits for the universal organizations, making up for the “universal deficit” in certain areas. Consider, for example, blocked

¹⁾ On these features, see L. Boisson de Chazournes: ‘Les relations entre organisations régionales et organisations universelles’, *Recueil des Cours de l’Académie de droit international de La Haye*, vol. 347 (Martinus Nijhoff, 2010), pp. 79-406.

international trade negotiations at the WTO in recent years, or the UN and its lack of available means to carry out certain functions. Regional organizations are emerging in the interstices as contractors, if not architects, of ‘international governance’. They demonstrate that regional initiatives can be more effective and easier to implement than actions carried out at the universal level. Regional organizations may therefore be better suited to protecting the values around which they were created. The intertwined relations between regional organizations and the UN in reviewing the legality of anti-terrorist measures shows how these relationships are characterized at present by an open dialectic that oscillates between deference and disobedience.² Questions of legitimacy arise when regional organizations usurp the universal organization, or even ignore it.

In the context of increased interaction between universal and regional organizations, the question of mutual accountability between such organizations also deserves to be raised. The current mechanisms of accountability requiring each organization to account for its activities are not sufficient to support the proposition that there are checks and balances among these organizations. These are crucial for strengthening partnerships and solidarity among organizations. More reflection on these issues is needed.³

Moreover, the law of the responsibility of international organizations has not yet played its full role in governing the relations between these organizations. It is, for the time being, mostly focused on the individual behaviour of an organization, rather than on the multiple interactions and partnerships between universal and regional organizations. Mechanisms of joint or shared responsibility⁴ seem to offer a better way to reflect a composite and non-fragmented legal reality.

Along with mounting requests for action at the international level, these are some of the legal questions that deserve to be analysed more carefully in a world of increased interfaces and partnerships.

² See Laurence Boisson de Chazournes and Pieter Jan Kuijper, ‘Mr. Kadi and Mrs. Prost: Is the UN ombudsperson going to find herself between a rock and a hard place?’, in E. Rieter and H. de Waele (eds.), *Evolving Principles of International Law, Studies in Honour of Karel C. Wellens* (Martinus Nijhoff, The Hague, 2011) pp. 141-162.

³ See L. Boisson de Chazournes, L. Casini and B. Kingsbury (eds.), Symposium on ‘Global Administrative Law in the Operations of International Organisations’ (2009) 2 *International Organizations Law Review* pp. 315-666.

⁴ On the concept of shared responsibility, see University of Amsterdam, Research Project on Shared Responsibility in International Law (<www.sharesproject.nl>).