

# GOVERNANCE TRANSFER BY REGIONAL ORGANIZATIONS

Patching Together a Global Script

Edited by TANJA A. BÖRZEL and VERA VAN HÜLLEN

GOVERNANCE  
AND LIMITED  
STATEHOOD



*Governance and Limited Statehood Series*

**Thomas Risse** is Director of the Center for Transnational Relations, Foreign and Security Policy at the Otto Suhr Institute of Political Science, Freie Universität Berlin.

This groundbreaking monograph series showcases cutting edge research on the transformation of governance in countries with weak state institutions. Combining theoretically informed and empirically grounded scholarship, it challenges the conventional governance discourse, which is biased towards modern developed nation-states. Instead, the series focuses on governance in Africa, Asia, and Latin America, including transnational and transregional dimensions.

Located at the intersection of global governance and international relations, on the one hand, and comparative politics, area studies, international law, history, and development studies, on the other, this innovative series helps to challenge fundamental assumptions about governance in the social sciences.

*Titles include:*

Amichai Magen, Thomas Risse and Michael A. McFaul (*editors*)  
PROMOTING DEMOCRACY AND THE RULE OF LAW  
American and European Strategies

Susanne Buckley-Zistel and Ruth Stanley (*editors*)  
GENDER IN TRANSITIONAL JUSTICE

Markus-Michael Müller  
PUBLIC SECURITY IN THE NEGOTIATED STATE  
Policing in Latin America and Beyond

Tanja A. Börzel and Christian Thauer (*editors*)  
BUSINESS AND GOVERNANCE IN SOUTH AFRICA  
Racing to the Top?

Tanja A. Börzel and Ralph Hamann (*editors*)  
BUSINESS AND CLIMATE CHANGE GOVERNANCE  
South Africa in Comparative Perspective

Malika Bouziane, Cilja Harders and Anja Hoffmann (*editors*)  
LOCAL POLITICS AND CONTEMPORARY TRANSFORMATIONS IN THE  
ARAB WORLD  
Governance Beyond the Centre

Anja P. Jakobi and Klaus Dieter Wolf (*editors*)  
THE TRANSNATIONAL GOVERNANCE OF VIOLENCE AND CRIME  
Non-State Actors in Security

Marianne Beisheim and Andrea Liese (*editors*)  
TRANSNATIONAL PARTNERSHIPS  
Effectively Providing for Sustainable Development?

Daniel Jacob  
JUSTICE AND FOREIGN RULE

Matthias Kötter, Tilmann Röder, Folke Schuppert and Rüdiger Wolfrum (*editors*)  
NON-STATE JUSTICE INSTITUTIONS AND THE LAW  
Decision-Making at the Interface of Tradition, Religion and the State

Anne Wetzel and Jan Orbie  
THE SUBSTANCE OF EUROPEAN UNION DEMOCRACY

Tanja A. Börzel and Vera van Hüllen (*editors*)  
GOVERNANCE TRANSFER BY REGIONAL ORGANIZATIONS  
Patching Together a Global Script

---

**Governance and Limited Statehood Series**

**Series Standing Order ISBN 978-0-230-23597-7 (hardback) and  
ISBN-978-0-230-23598-4 (paperback)**

*(outside North America only)*

You can receive future titles in this series as they are published by placing a standing order. Please contact your bookseller or, in case of difficulty, write to us at the address below with your name and address, the title of the series and the ISBNs quoted above.

Customer Services Department, Macmillan Distribution Ltd, Houndmills,  
Basingstoke, Hampshire RG21 6XS, England

---

# Governance Transfer by Regional Organizations

## Patching Together a Global Script

Edited by

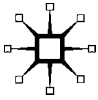
Tanja A. Börzel

*Professor, Freie Universität Berlin, Germany*

Vera van Hüllen

*Assistant Professor, Leuphana Universität Lüneburg, Germany*

palgrave  
macmillan



Editorial matter and selection © Tanja A. Börzel and Vera van Hüllen 2015  
Individual chapters © Respective authors 2015  
Softcover reprint of the hardcover 1st edition 2015 978-1-137-38563-5

All rights reserved. No reproduction, copy or transmission of this publication may be made without written permission.

No portion of this publication may be reproduced, copied or transmitted save with written permission or in accordance with the provisions of the Copyright, Designs and Patents Act 1988, or under the terms of any licence permitting limited copying issued by the Copyright Licensing Agency, Saffron House, 6–10 Kirby Street, London EC1N 8TS.

Any person who does any unauthorized act in relation to this publication may be liable to criminal prosecution and civil claims for damages.

The authors have asserted their rights to be identified as the authors of this work in accordance with the Copyright, Designs and Patents Act 1988.

First published 2015 by  
PALGRAVE MACMILLAN

Palgrave Macmillan in the UK is an imprint of Macmillan Publishers Limited, registered in England, company number 785998, of Houndmills, Basingstoke, Hampshire RG21 6XS.

Palgrave Macmillan in the US is a division of St Martin's Press LLC, 175 Fifth Avenue, New York, NY 10010.

Palgrave Macmillan is the global academic imprint of the above companies and has companies and representatives throughout the world.

Palgrave® and Macmillan® are registered trademarks in the United States, the United Kingdom, Europe and other countries.

ISBN 978-1-349-48132-3      ISBN 978-1-137-38564-2 (eBook)  
DOI 10.1057/9781137385642

This book is printed on paper suitable for recycling and made from fully managed and sustained forest sources. Logging, pulping and manufacturing processes are expected to conform to the environmental regulations of the country of origin.

A catalogue record for this book is available from the British Library.

A catalog record for this book is available from the Library of Congress.

# Contents

|                                   |      |
|-----------------------------------|------|
| <i>List of Figures and Tables</i> | vii  |
| <i>Preface</i>                    | viii |
| <i>Notes on Contributors</i>      | x    |
| <i>List of Abbreviations</i>      | xiii |

## **Part I Introduction**

- 1 Towards a Global Script? Governance Transfer by Regional Organizations 3  
*Tanja A. Börzel and Vera van Hüllen*
- 2 Mapping Governance Transfer by 12 Regional Organizations: A Global Script in Regional Colors 22  
*Tanja A. Börzel and Sören Stapel*

## **Part II Africa**

- 3 Against All Odds: Strong Democratic Norms in the African Union 51  
*Julia Leininger*
- 4 Writing the Script? ECOWAS's Military Intervention Mechanism 68  
*Christof Hartmann and Kai Striebinger*
- 5 Agent Run Amuck: The SADC Tribunal and Governance Transfer Roll-back 84  
*Merran Hulse and Anna van der Vleuten*

## **Part III Middle East and Asia**

- 6 Why Create a Regional Human Rights Regime? The ASEAN Intergovernmental Commission for Human Rights 107  
*Anja Jetschke*
- 7 Just Leave Us Alone: The Arab League and Human Rights 125  
*Vera van Hüllen*

- 8 A 'Potemkin Village'? Governance Transfer by the CIS 141  
*Alessandra Russo*

#### **Part IV The Americas**

- 9 Ahead of the Curve: The OAS as a Pioneer of International  
Anti-Corruption Efforts 159  
*Mathis Lohaus*
- 10 Beyond Free Trade: Accounting for Labor and  
Environmental Governance Standards in NAFTA 177  
*Francesco Duina*
- 11 At Last: Protection and Promotion of Human Rights by  
Mercosur 192  
*Andrea Ribeiro Hoffmann*

#### **Part V Europe**

- 12 Too Little, Too Late? Governance Transfer and the Eastern  
Enlargement of the Council of Europe 211  
*Andrea Gawrich*
- 13 Why Being Democratic Is Just Not Enough: The EU's  
Governance Transfer 227  
*Vera van Hüllen and Tanja A. Börzel*

#### **Part VI Conclusions**

- 14 Patching Together a Global Script: The Demand for and  
Supply of Governance Transfer by Regional Organizations 245  
*Tanja A. Börzel and Vera van Hüllen*

*References* 260

*Index* 290

# Figures and Tables

## Figures

|     |   |     |
|-----|---|-----|
| 1.1 | Demand and supply of governance transfer                        | 11  |
| 2.1 | Timing and intensity of prescribing governance standards        | 32  |
| 2.2 | Scope of governance standards                                   | 40  |
| 6.1 | Quality of government scores for ten ASEAN members, 1998–2008   | 113 |
| 6.2 | Negative externalities affecting states and groups of states    | 116 |
| 6.3 | Number of news reports on refugees in three ASEAN member states | 120 |
| 9.1 | Timeline of binding anti-corruption conventions per region      | 162 |

## Tables

|      |  |     |
|------|--|-----|
| 3.1  | Legalization of UCG norm, 1997–2010  | 55  |
| 4.1  | Newly established democracies and established autocracies in West Africa, 1991–2000                    | 77  |
| 5.1  | Governance transfer by SADC: Standards and policies  | 86  |
| 5.2  | Courts visited by SADC tribunal delegation, May 2007   | 93  |
| 5.3  | International conventions and case law cited by the SADC Tribunal in Campbell, 2007                    | 95  |
| 8.1  | Assessments by OSCE observers during parliamentary and presidential elections in the CIS member states | 150 |
| 10.1 | Governance concepts relevant to the NAALC, the NAAEC, and NAFTA  | 180 |
| 11.1 | Legalization of Mercosur human rights norms and instruments  | 196 |
| 12.1 | The CoE countries under monitoring procedures, 2013  | 218 |



# Preface

This book is the outcome of a truly collective research endeavor that started with the editors' research project B2 on governance transfer by regional organizations in the Collaborative Research Center (SFB) 700 on 'Governance in Areas of Limited Statehood' at Freie Universität Berlin in 2010. Over the course of more than four years, in collaboration with more than a dozen regional experts, we have investigated how and under which conditions regional organizations prescribe, promote, and protect standards for legitimate governance institutions in their member states. On the basis of a shared analytical and theoretical framework, we have drawn up case study reports that contain comprehensive and detailed cross-sectional and temporal mappings of governance transfer by individual regional organizations from all over the world, published in the SFB 700's Working Paper Series. This has allowed us, on the one hand, to compile a database that captures the evolution of governance transfer by 12 regional organizations since the end of World War II, and, on the other hand, to prepare in-depth analyses of the driving forces behind the specific timing and design of these provisions. After having discussed our preliminary findings in four workshops in Berlin, on joint panels at international conferences, including the ECPR General Conference 2011, Reykjavik, and the ISA Annual Convention 2013, San Francisco, and on many more occasions, we are happy to present the results of these combined efforts in this edited volume.

When we brought together our group of experts on regional organizations from the Americas, Africa, and Asia for the first workshop in Berlin in December 2010, we wanted to move away from Europe in order to overcome our previous focus on the European Union and the promotion of good governance in its neighborhood. Once the project was underway, we quickly realized that we, in fact, had to return to Europe in order to truly overcome the bias of Eurocentrism and to engage in a genuine exercise of comparative regionalism. Adopting an international relations perspective of diffusion and transfer in systematically comparing regional organizations from all over the world, we have brought together scholars of European integration alongside other area specialists. Our book, then, clearly shows that there is a lot to learn from treating Europe as one region among others. We have found that regional organizations in (Western) Europe are not necessarily better

equipped for promoting and protecting standards for legitimate governance related to democracy, human rights, the rule of law, and good governance in their member states. The European Union has had a difficult time in dealing with the erosion of democracy in Hungary under Viktor Orbán since 2010, and the Council of Europe has glaringly failed to respond effectively to the unconstitutional change of government in Ukraine in February 2014 – developments that we had never dreamt of analyzing when we started our investigation of governance transfer by regional organizations in and to ‘areas of limited statehood’. While European integration might be considered more ‘advanced’ in certain areas than other instances of regionalism, scholars and policy-makers in (Western) Europe should be looking around in order to benefit from experiences in other parts of the world when it comes to protecting and promoting human rights, democracy, rule of law, and good governance.

Before delving into our findings on governance transfer by regional organizations, we would like to thank the people who have made this cooperation a pleasant and fruitful endeavor. First of all, we need to thank our regional experts and contributors to this book for sharing our interest in governance transfer, for bearing with us through yet another workshop, and for providing a wealth of conceptual and empirical input to the project. We are also grateful to all those colleagues whose constructive criticism provided a much needed outside view on our work. We are particularly indebted to Daniel Berliner, Federica Bicchi, Liesbet Hooghe, Joe Jupille, Sebastian Krapohl, Steve Krasner, Thomas Risse, Frank Schimmelfennig, and Jale Tosun. Special thanks go to Heba Ahmed, Carina Breschke, Catherine Craven, Sven Hilgers, Corinna Krome, Mathis Lohaus, Stefan Rinnert, Anna Rother, Lea Spörcke, Kai Striebinger, Wiebke Wemheuer, and Nadine Zillich for their valuable research assistance and other support to our joint B2 project, and in particular Sören Stapel for developing the database and for keeping it all together over the past year. We are also grateful to Christina M. Brian and Ambra Finotello from Palgrave for their support and patience. Finally, we gratefully acknowledge financial support from the German Research Foundation (DFG) in the framework of the SFB 700, which has made the realization of the project and this book possible.

Tanja A. Börzel and Vera van Hüllen

# Contributors

## Editors

**Tanja A. Börzel** is Professor of Political Science and holds the Chair of European Integration at the Otto-Suhr-Institute for Political Science, Freie Universität Berlin, Germany. She is co-coordinator of the Research College 'The Transformative Power of Europe' and directs the Jean Monnet Center of Excellence 'Europe and its Citizens'. Her research focus and teaching experience lie in the fields of governance, diffusion, and comparative regionalism.

**Vera van Hüllen** is Assistant Professor for International Relations at Leuphana Universität Lüneburg, Germany. She investigates the role of regional organizations in regional and domestic politics in the Middle East and North Africa, in particular during the 'Arab Spring'. From 2010 to 2013, she co-coordinated the research project on governance transfer by regional organizations under the framework of the Collaborative Research Center (SFB 700) 'Governance in Areas of Limited Statehood' at Freie Universität Berlin, Germany.

## Contributors

**Francesco Duina** is Head and Professor of Sociology at the University of British Columbia and a permanent Visiting Professor at the Copenhagen Business School. His research focuses on the institutional dimensions of regional integration projects. He serves on the editorial boards of the *Journal of European Public Policy* and *Economy and Society*.

**Andrea Gawrich** is Professor of Political Science and holds a chair for international integration at the Justus Liebig University Gießen. She received her PhD from the Ruhr-University Bochum in 2002 and her post-doctoral degree (habilitation) from the University of Kiel in 2011. Her research focus lies in the field of European integration with regard to the EU, OSCE, and the Council of Europe.

**Christof Hartmann** is Professor of Political Science, in particular international relations and development politics, at the Department of

Political Science, University Duisburg – Essen (Germany). He obtained his PhD from the University of Heidelberg. His main research interests are the change of formal institutions in Sub-Saharan Africa and regionalism on the African continent.

**Merran Hulse** is a Fellow at the Research College ‘The Transformative Power of Europe’ and PhD candidate at Radboud University Nijmegen. Her research interests include African regionalism, interregionalism, overlapping regionalism, Economic Partnership Agreements, and norm diffusion.

**Anja Jetschke** is the Chair of International Relations at the University of Goettingen. She received her PhD from the European University Institute in Florence, Italy. Her research focuses include human rights, comparative transitional justice research, and comparative regionalism, with a regional focus on Asia.

**Julia Leininger** is Senior Researcher at the German Development Institute (DIE) in Bonn, Germany. Her research focuses on (de-)democratization and international democracy promotion in developing countries and fragile states as well as informal institutions, with particular emphasis on Sub-Saharan Africa.

**Mathis Lohaus** is a PhD candidate at the Berlin Graduate School for Transnational Studies. His dissertation project aims at explaining variation in the efforts taken by international organizations to combat corruption. He has worked as a Research Assistant at the Collaborative Research Center (SFB 700) and received an MA in political science from the Freie Universität Berlin, Germany.

**Andrea Ribeiro Hoffmann** is Visiting Professor for European Integration at the Freie Universität Berlin. She earned her PhD at the University of Tübingen, Germany. Her main fields of interest are legitimacy and democracy in world politics, international organizations, comparative regionalism, Latin American politics, and EU external relations.

**Alessandra Russo** is a PhD candidate in politics, human rights, and sustainability at Sant’Anna School of Advanced Studies, Pisa. She has been a visiting PhD student at the University of Oxford and has experience of fieldwork research in the South Caucasus and Central Asia.

**Sören Stapel** is a PhD candidate at the Berlin Graduate School for Transnational Studies and Research Fellow on the project ‘The Governance Contribution of External Actors in Areas of Limited Statehood’ at the Collaborative Research Center (SFB 700). His research interests include comparative regionalism, norm and policy diffusion, and external governance actors.

**Kai Striebinger** is a PhD candidate at the Berlin Graduate School for Transnational Studies and an International Fox Fellow at Yale University (2014–2015). He completed a German–French Double Master’s Degree program in political science between Sciences Po Paris and the Freie Universität Berlin. He is interested in comparative regionalism, international organizations, and the study of political regimes.

**Anna van der Vleuten** is Associate Professor of European Integration at the Nijmegen School of Management. Her research interests lie in the field of international relations theory, institutionalized regional cooperation (EU, SADC, Mercosur, and ASEAN), interregionalism, and supranational policy-making in the field of gender equality.

# Abbreviations

|         |  |
|---------|--|
| ACEEEO  | Association of Central and Eastern European Election Officials                                     |
| AGA     | African Governance Architecture  |
| AHDR    | Arab Human Development Reports   |
| AHRD    | ASEAN Human Rights Declaration   |
| AICHR   | ASEAN Inter-Governmental Commission of Human Rights  |
| ANC     | African National Congress  |
| APSA    | African Peace and Security Architecture  |
| ASEAN   | Association of Southeast Asian Nations   |
| AU      | African Union  |
| BMENA   | Broader Middle East and North Africa   |
| CA      | Constitutive Act   |
| CAT     | UN Convention Against Torture  |
| CEE     | Central and Eastern Europe   |
| CEES    | Central and Eastern European States  |
| CELS    | Centro de Estudios Legales y Sociales  |
| Cepia   | Cidadania Estudo Pesquisa Informação e Ação<br>(Citizenship, Study, Research, Information, Action) |
| CIS     | Commonwealth of Independent States   |
| CM      | Committee of Ministers   |
| CMC     | Mercosur Common Market Council   |
| CMG     | Mercosur Common Market Group   |
| CoE     | Council of Europe  |
| COMESA  | Common Market for Eastern and South Africa   |
| CSO     | Civil Society Organization   |
| CVM     | EC Cooperation and Verification Mechanism  |
| DFG     | Deutsche Forschungsgemeinschaft (German Research Foundation)                                       |
| DIE     | Deutsches Institut für Entwicklungspolitik (German Development Institute)                          |
| DSM     | Mercosur Dispute Settlement Mechanism  |
| EC      | European Commission  |
| ECJ     | European Court of Justice  |
| ECOMOG  | ECOWAS Ceasefire Monitoring Group  |
| ECOWARN | ECOWAS early warning system  |

|          |  |
|----------|--|
| ECOWAS   | Economic Community of West African States  |
| ESC      | UN Economic and Social Council   |
| ESCWA    | Economic and Social Commission for Western Asia  |
| EU       | European Union   |
| EUMC     | European Monitoring Centre on Racism and Xenophobia  |
| FCPA     | US Foreign Corrupt Practices Act   |
| FDI      | Foreign Direct Investment  |
| FES      | Friedrich Ebert Stiftung   |
| FPÖ      | Freiheitliche Partei Österreichs (Austrian Freedom Party)  |
| FRA      | EU Fundamental Rights Agency   |
| FTA      | Free Trade Agreement   |
| GA       | OAS General Assembly   |
| GCC      | Gulf Cooperation Council   |
| GUAM     | Organization for Democratic and Economic Development/Georgia, Ukraine, Azerbaijan, Moldova                       |
| IACAC    | Inter-American Convention Against Corruption   |
| IIMDP    | International Institute for Monitoring Democratic and Parliamentary Processes and Suffrage Protection in the CIS |
| ILO      | International Labor Organization   |
| IPA CIS  | Inter-Parliamentary Assembly of the CIS  |
| IPE      | International Political Economy  |
| KAS      | Konrad Adenauer Stiftung   |
| LAS      | League of Arab States  |
| LI       | Liberal Intergovernmentalism   |
| MENA     | Middle East and North Africa   |
| MEPI     | Middle East Partnership Initiative   |
| Mercosur | Mercado Común del Sur (Southern Common Market)   |
| MESICIC  | Mechanism for Follow-Up on the Implementation of the Inter-American Convention Against Corruption                |
| MSC      | Mediation and Security Council   |
| NAAEC    | North American Agreement on Environmental Cooperation  |
| NAALC    | North American Agreement on Labor Cooperation  |
| NAFTA    | North American Free Trade Agreement  |
| NAO      | National Administrative Offices  |
| NATO     | North Atlantic Treaty Organization   |
| NGO      | Non-Governmental Organization  |
| OAS      | Organization of American States  |

|         |   |
|---------|---|
| OAU     | Organization for African Unity                                |
| ODIHR   | Office for Democratic Institutions and Human Rights           |
| OECD    | Organisation for Economic Co-operation and<br>Development     |
| OSCE    | Organization for Security and Co-operation in Europe          |
| ÖVP     | Österreichische Volkspartei (Austrian People's Party)         |
| PACHR   | Permanent Arab Commission for Human Rights                    |
| PHARE   | Poland and Hungary: Aid for Restructuring of the<br>Economies |
| PTA     | Preferential Trade Agreement                                  |
| QoGI    | Quality of Government Index                                   |
| R2P     | Responsibility to Protect                                     |
| RISDP   | Regional Indicative Strategic Development Plan                |
| RwP     | Responsibility while Protecting                               |
| SADC    | Southern African Development Community                        |
| SADCC   | Southern African Development Cooperation<br>Conference        |
| SCO     | Shanghai Cooperation Organization                             |
| SIPO    | Strategic Indicative Plan for the Organ                       |
| SWAPO   | South West Africa People's Organization                       |
| TI      | Transparency International                                    |
| UCG     | Unconstitutional Change of Government                         |
| UKHL    | United Kingdom House of Lords                                 |
| UN      | United Nations  |
| UNASUR  | Union of South American Nations                               |
| UNDP    | United Nations Development Programme                          |
| UNECA   | United Nations Economic Commission for Africa                 |
| UNHCR   | United Nations High Commissioner for Refugees                 |
| US      | United States   |
| USD     | United States Dollar  |
| USSR    | Union of Soviet State Republics                               |
| ZANU-PF | Zimbabwe African National Union-Patriotic Front               |



# **Part I**

## **Introduction**

# 1

## Towards a Global Script? Governance Transfer by Regional Organizations

*Tanja A. Börzel and Vera van Hüllen*

Since the end of the Cold War, international organizations and states have developed programs to promote 'good' governance in member states and third countries. Regional organizations have gained an important role in governance transfer. They constitute an intermediate level of agency between the nation-state and global institutions. Their broad mandate allows them to promote legitimate governance institutions in their member states and, in some cases, also non-member states. Today, almost every regional organization prescribes, promotes, and protects some standards for governance at the national level, irrespective of its original purpose – including simple free trade agreements. Thereby, they do not only foster the evolution of regional but also induce the transformation of national order.

This book explores the link between regional organizations and the governance institutions of their member states, with a focus on areas where the capacity of domestic institutions to provide public goods or set and enforce rules for their provision is weak. More specifically, we identify conditions under which regional organizations engage in governance transfer in and to 'areas of limited statehood' (Risse 2011). It compares how they prescribe standards and develop instruments for their protection and promotion. The chapters present findings on the standards and instruments of 12 regional organizations in Africa, the Middle East and Asia, the Americas, and Europe. The comparison shows that there is an expansion of 'good' governance-related regional provisions across time and space. Regional organizations have not only institutionalized commitments to human rights, democracy, the rule of law, and good governance, in particular the fight against corruption.

They have also developed more detailed prescriptions of these ‘good’ governance standards and established similar instruments to promote or protect them, including, for example, the legal protection of human rights, democracy clauses, election observation missions, and election assistance.

Despite these common institutional trends, we find systematic differences in governance transfer between regional organizations. If they follow a ‘global script’, its adoption is ‘localized’ (Acharya 2004). Regional organizations choose from a menu of standards and instruments rather than simply downloading the whole package. In fact, we see significant variation in the timing and design of provisions for governance transfer by individual organizations. Why has the Organization of American States pioneered in the field of anti-corruption? Why did the Southern African Development Community establish a supranational court only to abolish it again a few years later? Why were the Association of Southeast Asian Nations and the League of Arab States latecomers to governance transfer – and why do regional organizations with largely non-democratic members engage in governance transfer at all? How do we explain that the North American Free Trade Agreement moved beyond free trade, establishing labor and environmental standards? Why has Mercosur recently started to develop its own regional human rights regime parallel to the Inter-American System? Why have the European Union and the Council of Europe only recently installed relatively weak mechanisms for the protection of democratic standards in their member states?

Research on diffusion and comparative regionalism is ill equipped to account for this double finding of increasing similarities and persisting differences. This book adopts a more agency-centered approach, conceptualizing governance transfer by regional organizations as an institutional choice by (member) states. We identify factors that generate the demand by states for governance transfer, on the one hand, and factors that shape its institutional design, on the other. While democratic lock-in is a key driver of the demand, our findings point to other factors, such as ensuring regional stability, attracting foreign aid and trade, and deflecting attempts at governance transfer by external actors, which are equally relevant and explain why non-democratic states also engage in governance transfer by regional organizations.

The chapter proceeds with an outline of the analytical framework and a description of the main patterns of governance transfer by 12 regional organizations since the end of World War II. It then turns to elaborating a set of demand and supply factors that account for the

timing and specific design of governance transfer by individual regional organizations, before setting out the plan of the book.

## Analyzing governance transfer by regional organizations

We speak of governance transfer if regional organizations explicitly prescribe and/or intentionally and actively promote and protect the building, modification, and respect of governance institutions in their member states or third countries (Börzel et al. 2013; Börzel et al. 2011). Governance institutions are defined as norms, rules, and procedures that are the basis for the provision of collective goods and collectively binding rules (Beisheim et al. 2011).

In this book we are interested in macro-level institutions referring to the organization of authority more broadly as it is reflected in a country's political system. By prescribing, promoting, and protecting standards for governance institutions, the regional organization defines what governance should look like at the national level to be considered legitimate. While it is an empirical question which criteria for legitimacy regional organizations establish, we find that standards for legitimate governance institutions mainly draw on different notions of democracy, human rights, the rule of law, and good governance.

When regional organizations are transferring governance institutions, this does not necessarily imply that they are themselves governance actors at the national level, directly involved in the adoption and implementation of collectively binding rules and/or the provision of collective goods (Krasner and Risse 2014). Rather, regional organizations try to influence governance institutions at the national level, in member states or third countries (Pevehouse 2005). In this context, they act as standard-setters and promoters through their various bodies and representatives. Depending on the regional organization's competencies and mandate, these include first of all intergovernmental bodies such as ministerial councils, allowing member states to act collectively, but possibly also its secretariat, parliamentary assembly, or agencies as truly 'regional', 'supranational' actors. At the national level, domestic actors in member states and/or third countries become the addressees or targets of governance transfer. They are most often state actors, in particular national and/or subnational governments, as well as the judiciary and legislative, but potentially also non-state actors, for example civil society, business, or community-based organizations.

Through the prescription of standards and institutional provisions for their active promotion and protection, regional organizations create

an institutional framework for governance transfer. Governance transfer provisions can be integrated into the founding treaties of a regional organization or secondary legislation at the regional level. They can vary in their timing and design, in particular regarding the precision and scope of standards and instruments.

In prescribing standards for domestic governance institutions, regional organizations can simply refer to democracy, human rights, the rule of law, and good governance as abstract standards. Or they can define their content more precisely by specifying their main dimensions or even specific norms. Depending on how many standards, dimensions, or norms regional organizations prescribe, they operate with a broader or narrower set of governance standards.

In addition to prescribing standards, regional organizations can create instruments for their active promotion and protection, drawing on four different mechanisms of influence in order to induce compliance with certain governance standards: coercion, incentives, capacity-building, and persuasion and socialization (Magen et al. 2009). The 'toolkit' for governance transfer comprises six different types of instruments, which vary with regard to the degree to which they interfere with the sovereignty of states (Börzel and Risse 2009b): military force and litigation (coercion), sanctions and rewards (negative and positive incentives), financial and technical assistance (capacity-building), and fora for dialogue and exchange (persuasion and socialization). Again, regional organizations can define these instruments, for example the procedures for their application, more or less precisely, and the scope of instruments available can be broader or narrower.

This book focuses on the evolution of the framework for governance transfer by regional organizations, seeking to explain the timing and specific design of standards and instruments. The chapters also provide insights into the practices of governance transfer, that is, the adoption and implementation of actual measures to promote or protect governance standards by regional actors. Chapter 2 sets out the analytical framework shared by the chapters in more detail (Börzel and Stapel in this volume; see also Börzel et al. 2013).

## **Mapping governance transfer by regional organizations**

The book compares governance transfer by 12 regional organizations. It provides an overview of, and some deeper insights into, the transfer of governance institutions by regional organizations in and to areas of

limited statehood in Africa, the Middle East and Asia, the Americas, and Europe:

- African Union (AU)
- Economic Community of West African States (ECOWAS)
- Southern African Development Community (SADC)
- Association of Southeast Asian Nations (ASEAN)
- League of Arab States (LAS)
- Commonwealth of Independent States (CIS)
- Organization of American States (OAS)
- North American Free Trade Agreement (NAFTA)
- Common Market of the South (Mercado Común del Sur, Mercosur)
- Andean Community (Comunidad Andina, CAN)
- Council of Europe (CoE)
- European Union (EU)

The 12 regional organizations span ‘the West’ and the ‘non-Western’ world. They vary with regard to their institutional design (breadth and depth of regional cooperation) as well as with regard to the degree of statehood and the regime type of their member states. While ECOWAS covers a broad range of issue areas, including peace, security, and human development, NAFTA focuses exclusively on trade liberalization. The EU has the strongest supranational institutions, while ASEAN and LAS are strictly intergovernmental, being controlled by their member states. The supranational powers of ECOWAS and SADC institutions range somewhere in between, which is at least partly related to the greater problem of limited statehood which their members face. Most of the Mercosur, ASEAN, and LAS member states, by contrast, have sufficient capacities to set and enforce (regional) norms and rules. The EU and the CoE were established as communities of democracies. The regional organizations in the Americas have an increasingly democratic membership. ASEAN, while improving, still scores significantly lower, and LAS and CIS largely consist of (semi-)authoritarian regimes. If NAFTA, ASEAN, LAS, CIS, and ECOWAS promote similar standards for legitimate governance institutions using the same set of instruments, this should be a strong indication of the diffusion of a global script. The comparison of major regional organizations as diverse as NAFTA, ECOWAS, ASEAN, LAS, CIS, and the EU enables us to evaluate to what extent we can observe the diffusion of a global governance script and how it is localized at the regional level.

This book shows that the idea of governance transfer by regional organizations has spread around the globe. Especially since the 1990s, there is a global trend towards a broader and more detailed prescription of standards related to human rights, democracy, and rule of law, and a narrower agenda of good governance that focuses in particular on the fight against corruption. This development is complemented by the increasing number and scope of instruments which actively protect and promote these standards at the national level. The comparison of 12 regional organizations from around the world shows that governance transfer has become increasingly similar and identifies typical patterns that occur across time and space (Börzel and Stapel in this volume).

Respect for human rights figures prominently among the first standards prescribed by regional organizations. Especially in Europe and the Americas, but also in Africa, 'continental' organizations like the CoE, the OAS, and the Organization of African Unity (OAU), the predecessor of the AU, were founded on the commitment to human rights and drew up detailed catalogues of human rights. These regional charters and conventions cover all generations of human rights, reinforcing and complementing global standards since the 1940s. The commitment to human rights became more widespread in the 1990s also among (sub)regional (economic) organizations. Similarly, references to democracy have become more frequent and more elaborate since the 1990s and again since the 2000s, focusing in particular on elections and threats to the democratic (or constitutional) order, such as military and constitutional coups d'état. The rule of law is often mentioned in conjunction with human rights and democracy, especially since the 1990s, but in comparison with these concepts it is much less prominent and elaborate, and is often limited to very general principles, such as the independence of the judiciary. Standards related to a narrower good governance agenda appeared at the regional level in the 2000s, and concern in particular the fight against corruption and the transparency and efficiency of public administration.

The specific instruments for governance transfer vary with the substantive concepts they seek to promote or protect. Overall, regional organizations use 'harder' instruments, drawing on coercion and sanctions, to protect human rights and democracy, whereas they focus on 'softer' instruments, based on dialogue and capacity-building, for promoting the fight against corruption and the rule of law. Many regional organizations seek to enforce respect for human rights in their member states by judicial protection through either specific human rights courts or regional courts that also deal with human rights. Their work is

often complemented by human rights commissions that regularly monitor the human rights situation, organize fora for dialogue and exchange, and engage in measures for capacity- and awareness-building. Especially since the 1990s, most regional organizations have adopted suspension and/or intervention clauses to punish the interruption of the constitutional – or democratic – order and, in some cases, also the violation of human rights in their member states. Possible measures include efforts at mediation, the suspension of membership rights, additional political and economic sanctions, and in a few cases the use of military force to re-establish order. Another common feature of governance transfer by regional organizations is provisions for election observation and assistance, which appeared early on and have again spread further since the 1990s. Especially since the 2000s, regional organizations have developed comprehensive programs for dialogue and capacity-building in order to promote some of their standards, especially in the field of anti-corruption, but also related to other aspects of good governance as well as democracy and the rule of law.

At the same time, we find important regional differences with regard to when and how our 12 regional organizations prescribe, promote, and protect ‘good’ governance institutions at the national level. First, there is significant variation in the timing of the prescription of governance standards and provisions for their active promotion and protection, sometimes putting several decades between ‘first movers’ and ‘latecomers’. Whereas the CoE and the OAS adopted comprehensive human rights charters in the 1940s, ASEAN and LAS have only recently followed their example. The global comparison suggests that regional organizations in Asia and the Middle East are overall latecomers with regard to governance transfer – if their recent efforts are any indication that they are going to follow the trend in the future. Timing varies also between the other regional organizations, with some pioneering and others following the global trend.

Second, as well as their timing, efforts at governance transfer also vary regarding the exact content of standards promoted, the ultimate choice and design of instruments for their promotion and protection, and, more generally, their intensity. While the European regional organizations emphasize political human rights, African and Latin American regional organizations place more emphasis on economic, social, and cultural rights. They have also installed suspension clauses to protect democratically elected governments against unconstitutional changes. Only the African regional organizations foresee the option of military interventions in order to protect democracy and human rights. Gender



plays a more (SADC, EU) or less prominent role, being treated in a separate policy or subsumed under efforts to promote democracy and human rights. Finally, there are also developments going against the global trend. In contrast to most other regional organizations, Mercosur and ECOWAS first developed their standards and provisions to protect democracy before expanding their efforts to cover human rights. SADC has clearly been ‘back-pedaling’ over the last few years, abolishing its tribunal of justice. Similarly, recent developments challenge the commitment to governance transfer by the CIS, which initially jumped on the band-wagon of governance transfer in the early 1990s.

If regional organizations indeed borrow from a ‘global script’ for governance transfer, the timing and localization obviously depend on scope conditions that vary across regions and organizations. Therefore, this book systematically explores how and under what conditions regional organizations engage in governance transfer by prescribing standards and developing instruments for their promotion and protection. It argues that factors related to domestic demand and international (regional/global) supply play a crucial role in shaping the form of governance transfer.

### **Explaining governance transfer by regional organizations**

Neither research on diffusion nor the comparative regionalism literature can account for this double finding of increasing similarities and persisting differences in the framework for governance transfer by regional organizations. While the former approach expects institutional convergence towards a global model, the latter emphasizes regional particularities. Regional particularities certainly matter. They might explain why some regional organizations stay clear of certain aspects of governance transfer that are not connected to their initial mandate and the values and priorities of their member states. Yet, regional and national actors follow similar normative and functional rationalities when they decide to engage in governance transfer.

To account for institutional similarities and differences between regional organizations in their governance transfer, we adopt an agency-based approach, which does not treat regional organizations and their member states as passive recipients of a global script or as cultural containers whose particularities move them beyond comparison. Rather, we conceptualize them as political agents that adopt and adapt global standards in ‘a dynamic process of matchmaking’ (Acharya 2004: 243) to make them fit with their strategic interests and normative beliefs.

Governance transfer by regional organizations can be conceived as the institutional choice of member state governments (Koremenos et al. 2001), which, however, may be driven not only by rational but also by normative factors. Moreover, some of the drivers may explain why member state governments decide to engage in governance transfer at the regional level in the first place, while others account for which form (standards, instruments) they choose (cf. Weyland 2008). The former drivers have been referred to as the demand and the latter as supply factors (Jupille and Snidal 2006; Mattli 1999). The distinction of rational vs. normative and demand vs. supply factors does not provide a theory of governance transfer. Rather, it is a first step towards building a theoretical framework that will help integrate arguments found in different literatures to explain when and how regional organizations engage in governance transfer (Figure 1.1).

**The rational demand for governance transfer: Governance lock-in, curbing negative externalities, signaling, and fending off**

Member states of regional organizations may be driven by a rational demand for governance transfer to lock in domestic reforms, curb negative externalities of their neighbors, signal their commitment to governance standards, or deflect attempts at governance transfer by external actors. Quantitative studies have established a link between the democratic quality of states and their membership in regional organizations (for example Mansfield and Pevehouse 2006; Mansfield and Pevehouse 2008; Dimitrova and Pridham 2004; Simmons et al. 2008; Pevehouse 2005). Our findings on the different timings of governance transfer in our regional organizations in the different regions support

|        | Rational  | Normative   |
|--------|---|---|
| Demand | locking in governance reforms<br>curbing negative externalities<br>signaling commitment<br>fending off external interference<br>(1) | international legitimacy<br><br><br><br>(3)                                     |
| Supply | active: regional hegemon, donors,<br>external powers<br>passive: functional reference model<br>(2)                                  | active: promotion of global script<br>passive: normative reference model<br>(4) |

Figure 1.1 Demand and supply of governance transfer

the argument that states use regional organizations to lock in democratic developments. Yet, the development of democratic clauses in Latin America and Africa has to be evaluated against a background of frequent regime changes in these regions. Likewise, regional organizations with a predominantly non-democratic membership also engage in governance transfer. Why do autocratic regimes submit themselves to regional human rights and democracy standards?

Using regional organizations to lock in domestic institutions does not only work for democratizing states. Authoritarian governments instrumentalize their membership in regional organizations to boost the sovereignty and legitimacy of their regimes (Levitsky and Way 2010; Söderbaum 2004). Endorsing standards of 'good' governance helps legitimize certain policies, for example in the fight against terrorism, and may provide a platform from which they can launch a counter-discourse against the hegemony of 'liberal universalism' on which global standards of human rights, democracy, the rule of law, and good governance are based.

Besides locking in governance institutions, we identify three other drivers for member states to institutionalize democracy and human rights standards in regional organizations. First, coups d'état and massive human rights violations may produce substantial negative externalities for neighboring countries. Flows of refugees or rebel forces often challenge the stability of an entire region. West African countries have suffered from a particularly high share of the continent's coups d'état (Striebinger 2012), and the roots of integration in the Southern subregion lie in the security cooperation of the post-colonial Frontline States.

Second, institutional lock-in at the regional level is not only about committing successor governments to domestic reforms, democratic or otherwise. It can also constitute a signaling mechanism by which incumbent regimes seek to publicly commit themselves to certain standards external donors or investors care about. Domestic and regional stability is important for attracting capital and technology, which again provides an incentive to engage in governance transfer for both democratic and non-democratic regimes. After all, autocratic rulers often rely on economic prosperity for their domestic legitimacy (Solingen 2008). This is particularly the case in areas of limited statehood where states lack the capacity, and often also the willingness, to ensure governance standards that are essential for business actors, such as the rule of law or minimal human rights.

Third, regional organizations do not only use signaling commitment to governance transfer to attract external support and recognition.

Endorsing governance standards and establishing instruments for their protection and promotion at the regional level can also help deflect attempts at governance transfer by external actors. States do not only engage in regional cooperation for protection against globalization, for example by reducing their dependency on the global markets or former colonial powers (Mistry 2003; Rivarola Puntigliano and Briceño-Ruiz 2013). They adapt global governance standards at the regional level, modifying them in line with their understanding of democracy, human rights, or the rule of law, and installing their own instruments to protect and promote them. Rather than rejecting the global script, it becomes localized and allows non-democratic states to fend off external interferences. Prominent examples of such protective regionalism are election observation missions.

### **The rational supply of governance transfer: Regional hegemons and functional reference models**

The quest to lock in democratic reforms, curb negative externalities, send signals to external actors, or fend them off provides important incentives for states to engage in governance transfer at the regional level. It may explain when and why governance transfer by regional organizations emerges. It says little, however, about which standards and instruments are chosen. The literature has identified two important supply factors: the leadership of a regional hegemon and the existence of a success model.

Realist theories of international relations point to powerful states that are willing to act and are capable of acting as 'regional paymaster, easing distributional tensions and thus smoothing the path of integration' (Mattli 1999; Gilpin 1987; Keohane 1977). A hegemon throwing its weight behind the governance transfer by a regional organization may not only matter for the prescription and institutionalization of standards and instruments at the regional level. Its willingness to adhere to the rules and to enforce them may have a crucial influence on application and enforcement (Striebinger 2012; Pevehouse 2005).

Hegemonic leadership requires the active exercise of coercive or bargaining power by a regional state. External actors or institutions, however, can also passively influence institutional choices by providing a successful model to draw lessons from (Börzel and Risse 2012a; Börzel and Risse 2009a). When facing a problem, actors look around for institutional solutions that are suitable for solving it. The EU constitutes such a success model. European integration has not only fostered peace and prosperity among its members; the EU also prides itself on having successfully transformed the governance institutions in Central

and Eastern Europe (CEE) after the end of the Cold War. Hence, the EU may provide an important, although not necessarily the only, reference model or focal point for designing governance transfer at the regional level (Goldstein and Keohane 1993).

### **The normative demand for governance transfer: International legitimacy**

It is not only functional rationalities that spur the demand for governance transfer by regional organizations. Next to lesson-drawing, which is based on instrumental rationality (cf. Rose 1993), actors may also emulate others for normative reasons, to increase their legitimization (symbolic imitation; cf. Polillo and Guillén 2005) or to simply imitate their behavior because its appropriateness is taken for granted (mimicry; cf. Meyer and Rowan 1977; Haveman 1993). States have their regional organizations adopt global standards for legitimate governance in order to gain or increase international legitimacy and bolster their international reputation by signaling a strong commitment to generally accepted standards for legitimate governance. Symbolic imitation and mimicry provide an alternative explanation for ASEAN's or the AU's (partial) emulation of EU institutions for governance transfer. While governance transfer may help to curb negative externalities or lock in democratic reforms, the EU is a very different regional organization than the AU and ASEAN. This raises questions about the functionality of 'downloading' its institutions into a very distinct regional context.

### **The normative supply of governance transfer: Global scripts and normative reference models**

The quest for international legitimacy and reputation is closely, if not inseparably, linked to the existence of a normative model to be followed. This can take the form of a normative focal or reference point, such as the EU or the United Nations (UN) have provided for ASEAN, Mercosur, CAN, ECOWAS, SADC, or the AU. Or there is what world society theory calls a global script (Meyer et al. 1997) for which activities are appropriate for regional organizations to engage in, which includes prescribing, promoting, and protecting standards for legitimate governance institutions in their member states. From this perspective, the EU has a major part in diffusing this global script rather than being its sole or main reference point. Yet, there is no evidence that the EU seeks to 'export' its regional model of governance transfer (Börzel and Risse 2009a). If anything, the EU has served as an inspiration or passive reference point, whose influence rests on its attraction as a globally accepted success

model of regional integration (Wong 2012). Whether the EU will continue to inspire other regions in designing their institutions depends not least on how well the EU handles the current financial crisis.

## Plan of the book

In order to explore the causal relevance of our various demand and supply factors, and the ways in which they may interact, the book compares the governance transfer of 12 regional organizations in Africa, the Middle East and Asia, the Americas, Asia, and Europe. In the second chapter, *Tanja A. Börzel* and *Sören Stapel* present a new data set on governance transfer by 12 regional organizations in 1945–2012, which include all the cases covered by the other chapters as well as the Andean Community. They elaborate the project's analytical framework in more detail and describe the process of collecting and processing data. The data set covers the prescription of governance standards related to democracy, human rights, the rule of law, and the fight against corruption, as well as instruments for their protection and promotion. It thus allows us to trace the evolution of the precision and scope of provisions for governance transfer over time, space, and standards. The analysis first of all confirms the finding of a global trend towards governance transfer by regional organizations. By 2012, all 12 regional organizations have engaged in prescribing, promoting, and protecting governance standards in their member states, and the provisions have become increasingly precise and broader in scope. However, governance transfer varies not only over time, but also between macro-regions and individual regional organizations. Regional organizations do not follow one centralized global script defining the content and mechanisms of governance transfer. Rather, they play an active role in writing the global script(s) in a decentralized process. While the diffusion of ideas is an important supply factor, the timing and specific design of provisions appear to be primarily driven by functional demands among member states, which are explored in the case studies that form the remainder of this book.

Building on this systematic overview, the following 11 chapters investigate specific instances of governance transfer by individual regional organizations and the role of demand and supply factors identified above. They focus on different aspects regarding the timing and design of governance transfer, seeking to explain, for example, why some regional organizations pioneered in prescribing certain standards or instruments, why others were latecomers compared with the global