

# Integration in Regional Organizations – A Comparison of EU, AU, OAS, and ASEAN

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## Abstract

Regional organizations differ in many ways – one is the degree of integration. This article examines the political systems of EU, AU, OAS, and ASEAN. As a result, one could conclude that the degree of integration within the EU is high, because the member states transferred many competences to the common EU institutions. The AU takes the EU as an example and tries to establish similar structures, but it does not reach this degree of integration for a long time yet. OAS and ASEAN have comparatively the lowest degree of integration as their members indeed cooperate in various policy fields, but are not willing to transfer competences to common institutions.

**Keywords:** Regional integration; Regional organizations; European Union; African Union; Organization of American States; Association of Southeast Asian Nations

## Introduction

Dealing with international governmental organizations one can distinguish between organizations that are universal, which means every state can join them, and those that are regional, which means that only states that belong to a specific region can become a member. Well-known regional organizations are the European Union (EU), the Council of Europe, the Organization for Security and Cooperation in Europe, the African Union (AU), the Organization of American States (OAS), the Association of South East Asian Nations (ASEAN), and the Arab League. With regard to regional organizations in particular, two types exist: Organizations that engage themselves in a multitude of thematic issues such as the European Union and those that are only concerned with a few topics, e.g. human rights, democracy, and rule of law such as the Council of Europe. Furthermore, there is another distinguishing feature between regional organizations: the degree of integration as the intensity of cooperation differs between their members. In the following, this article will analyse the degree of integration within EU, AU, OAS, and ASEAN in a comparative perspective.

## Integration

In literature, one can find countless definitions of integration. For the comprehension of this article, integration is defined as a process of extension of competences of a community (sectoral integration), of consolidation of a community by transfer of competences by the members in favour of the institutions of a community (vertical integration) and territorial enlargement of a community (horizontal integration). Daniel Frei has suggested distinguishing between three dimensions of integration: Integration as a common political decision-making (institutional dimension), integration as a common awareness (social-psychological dimension) and integration as societal interdependence (dimension of transaction). The first dimension observes the institutions that have been established within the organization, the decision-making process, the binding character of the decisions and the fields of cooperation. The second dimension verifies the existence of a common identity among the people of the member states. The third dimension looks at the liaison between the included societies and examines the trans-border cooperation of companies and the exchange of tourists [1]. The following article concentrates on the

institutional dimension of integration.

## European Union (EU)

The origin of the EU, which presently consists of 28 member states, lies in the European Coal and Steel Community (1951) and the European Economic Community (1957). After further steps of integration through the treaties of Maastricht (1993), Amsterdam (1997), Nice (2003) and finally Lisbon (2009), the EU has developed to an ever-closer federation of states. It has seven institutions (Art. 13 Treaty on European Union – TEU) [2] which are located in Brussels, Strasbourg and Luxembourg.

The institution that stands in the spotlight of the media and public is the European Council as it provides the Union with the necessary impetus for its development, defines the general political directions and priorities and comes to important decisions such as the recent imposition of sanctions on Russia or financial support to Greece. It consists of the heads of state or government of the member states, together with its President and the President of the European Commission (Art. 15 TEU).

The European Parliament (EP) is directly elected for terms of five years by citizens of the member states and exercises functions of political control and consultation (Art. 14). Over the past decades, it evolved from a toothless tiger to an important and influential actor within the EU system. The Council that consists of a representative of each member state at ministerial level and meets in different compositions depending on the policy area being addressed carries out policy-making and coordinating functions. Both EP and Council act as legislative power of the Union (Art. 16).

The European Commission, which consists of 28 Commissioners being nominated from the member states and elected by the EP,

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represents the executive power of the EU. It promotes the general interest of the Union and takes appropriate initiatives to bring forward integration. It ensures the application of the treaties and monitors the compliance of national law with EU law. Moreover, it exercises coordinating, executive and management functions (Art. 17).

EP and Council pass legislation such as regulations and directives jointly under the ordinary legislative procedure. Because legislation is binding to the member states, the EU is qualified as a supranational organization. In nearly all cases, the Council decides with the so-called qualified majority. As a result, a binding decision can be reached against the votes of member states. In case that a member state violates EU law – e.g. by refusing to apply a regulation or transfer a directive into national law – the European Court of Justice, which serves as the judiciary of the EU, may impose a fine on this state.

It is important to state that there are of course limits to EU legislation. The principle of conferral prescribes that the Union shall act only within the limits of the competences conferred upon it by the member states. Competences not conferred upon the Union in the treaties remain with the member states (Art. 5 TEU). Moreover, the member states may return competences by changing the treaties.

The Lisbon Treaty for the first time regulated the distribution of competences between the EU and its member states. In some areas, the EU enjoys exclusive competence: customs union, determination of the competition rules necessary for the functioning of the single European market, monetary policy of the member states whose currency is the Euro, the conservation of marine biological resources under the common fisheries policy, common commercial policy. In other areas, the EU and the member states share the competence to legislate such as social policy, agriculture and fisheries, environment, consumer protection, and transport and energy. In fields of industry, culture, tourism, education, youth, sport, civil protection (disaster prevention) and administrative cooperation, the EU can only coordinate, support and supplement member state action (Art. 3-6 Treaty on the Functioning of the European Union – TFEU) [3].

In addition to the political integration, there exists an intense economic integration within the EU. To mention in this respect is the Single European Market started in 1993 with the free circulation of goods, capital, people and services and the European Economic and Monetary Union (1999) with the introduction of the Euro 2002, which is the functional currency in at least 19 member states so far.

### **African Union (AU)**

The AU was founded in 2002 replacing the Organization of African Unity (OAU), which was already established in 1963. At present the AU has 54 members and nine institutions are to its disposal (Art. 5 Constitutive Act of the African Union – CA-AU) [4]. The most important are as follows:

The Assembly of Heads of State and Government is the supreme institution of the AU as it acts as legislative as well as executive power. It among other things determines the common policies of the Union, monitors the implementation of policies and decisions and gives directives to the Executive Council on the management of conflict, war and other emergency situations and the restoration of peace (Art. 9). Moreover, the Assembly has the right to impose sanctions on member states that failed to pay their contribution to the budget of the Union (Art. 23). The Assembly takes its decisions by consensus or, failing which, by a two-thirds majority of the member states (Art. 7).

The Pan-African Parliament, which held its first meeting in 2004, has only an advisory function so far. It should gain full legislative power like the Assembly in the long run and its members should be directly elected by citizens of the African member states (analogue to the elections of the EP).

The Executive Council of Ministers, which consists of the Ministers of Foreign Affairs or such other ministers or authorities as are designated by the governments of member states (Art. 10), acts in addition to the Assembly as the executive power of the Union. The Council coordinates and takes decisions on policies in areas of common interest to the member states, including e.g. foreign trade, energy, industry and mineral resources, environmental protection, humanitarian action, disaster response and relief, transport and communications, education, culture, health, science and technology (Art. 13). Decisions are also taken by consensus or by a two-thirds majority.

Yet another part of the executive power of the AU is the Commission, which is composed of the Chairman, his or her deputy or deputies, and eight Commissioners. The structure, functions and regulations of the Commission are laid down in statutes determined by the Assembly. In accordance with the statutes the Commission has 26 tasks to fulfil, e.g. to represent and defend the unions' interests, implement the decisions taken by other organs, organize and manage the meetings of the Union, act as the custodian of the Constitutive Act and adopt measures, e.g. control of pandemics, disaster management, international crime and terrorism, environmental management, external trade and food security [5].

The member states of the AU work together on issues like peace and security – the aim is to achieve a Common Defence Policy–, development and human rights. Especially in the field of human rights, the AU is progressive in contrast to its predecessor the OAU, because the CA-AU allows the Union to intervene in a member state pursuant to a decision of the Assembly in respect of grave circumstances such as war crimes, genocide and crimes against humanity (Art. 4 para. h). In 2006, the African Court on Human and Peoples' Rights started to work with the mandate to judge about human rights violations in the African states. However, the problem is that the Court lacks assertiveness because only one half of the 54 AU member states recognize it as the relevant judiciary of the Union.

With respect to economic integration within the AU, a free trade area among the member states has been established, a customs union is in preparation and an economic and monetary union (analogue to the EU) should be established until 2028.

### **Organization of American States (OAS)**

In 1948, the Charter of the Organization of American States (OAS) was signed; it entered into force in 1951 and institutionalized the cooperation of 21 American states (The predecessor of the OAS was the Union of American States, founded in 1910). At present, the OAS has 35 members. For completion of its objectives and principles laid down in the Charter (Art. 2, 3), the OAS has eight institutions to its disposal [6]. The most important are as follows:

The General Assembly, which consists of one representative of each member state delegated from its government, is the supreme institution and acts as the legislative power of the OAS. The Assembly decides about general action and policy of the organization, determines the structure and functions of its organs, strengthens, coordinates and promotes cooperation with the United Nations and its specialized agencies and other international organizations whose purposes are

similar to those of the OAS. The Assembly should decide by consensus. In case that consensus could not be reached, an absolute majority of the member states adopts decisions. In special cases the charter calls for a two-thirds majority (Art. 54).

The Permanent Council of the OAS consists of one representative of each member state, especially appointed by the respective government with the rank of an ambassador (Art. 80). It supervises the maintenance of friendly relations among the member states, and assists them in the peaceful settlement of their disputes (Art. 84). Decisions in this respect are adopted by the majority of two-thirds of its members, excluding the parties to the dispute. However, a simple majority (Art. 89) adopts decisions about the rules of procedure. Moreover, the Permanent Council implements the decisions of the General Assembly and the Meeting of Consultation of Ministers, supervises the General Secretariat, submits recommendations to the General Assembly with regard to the functioning of the OAS, considers the reports of the Inter-American Council for Integral Development, the Inter-American Juridical Committee, and the Inter-American Commission on Human Rights (Art. 91).

The Meeting of Consultation of Ministers of Foreign Affairs is an advisory institution and it considers problems of an urgent nature and of common interest to the American states. In case of an armed attack on the territory of an American state or within the region, a meeting of this organ has to be called up by the Chairman of the Permanent Council.

The General Secretariat is the central and permanent organ of the OAS. It performs the functions assigned to it in the Charter, and carries out the duties entrusted to it by the General Assembly, the Meeting of Consultation of Ministers of Foreign Affairs, or the Councils (Art. 107).

The OAS is especially engaged in four policy fields: peace and security, the promotion of democracy, human rights, and socio-economic development. The security policy of the OAS is mainly based on the Inter-American Treaty of Reciprocal Assistance signed in Rio de Janeiro in 1947 [7]. In this treaty, the parties agree that an armed attack by any state against an American state shall be considered as an attack against all the American states and, consequently, each of the contracting parties has to undertake measures to assist the attacked member state (Art. 3 para. 1). This regulation, which establishes a collective defence policy of the OAS, has only been activated twice so far: 1962 in the Cuba crises and 9/11 when terrorists attacked the United States.

The OAS has established a human-rights system, which is based on the American Declaration on Human Rights (1948) and the American Convention on Human Rights (1978). Based on the Convention, the Inter-American Court of Human Rights was established in 1979 to judge about human rights violation in OAS member states. Yet the problem is that only 20 of the 35 members have acknowledged the Court as the relevant judiciary of the OAS [8].

With respect to the economic integration within the OAS it must be stated, that it is quite weak. It does not even exist a free trade area – there only exist free trade agreements between some member states.

### Association of Southeast Asian Nations (ASEAN)

ASEAN was founded in 1967 when five states agreed on the declaration of Bangkok [9]. The purpose of this association was the acceleration of economic growth, social progress, cultural development, and promotion of peace and security in the region. Since 1999, ASEAN

has ten member states, which are very inhomogeneous in size and population, e.g. Indonesia with 250 million people and Singapore with 5 million people. In 2007, 40 years after the declaration of Bangkok, the member states signed the ASEAN Charter in order to give an institutional framework to the organization [10].

The supreme institution of ASEAN is the ASEAN Summit, which consists of the heads of state or government of the member states. As it provides policy guidance and takes decisions on key issues in pertaining to the realization of the objectives of ASEAN (Art. 7 Charter), it acts as the legislative power. The Summit is supported by the ASEAN Coordinating Council, which consists of the foreign Ministers of the ASEAN member states. It first and foremost prepares the ASEAN Summit's meetings and coordinates the implementation of its agreements and decisions (Art. 8).

The Community Councils, which comprise the ASEAN Political-Security Community Council, the ASEAN Economic Community Council, and the ASEAN Socio-Cultural Community Council, function as the executive power of ASEAN. Ministerial bodies support all three councils. The Secretary-General of ASEAN supervises the implementation of the agreements and decisions, participates in meetings of the ASEAN Summit and submits annual reports on the work of ASEAN (Art. 9-11).

The decision-making in ASEAN is based on consultation and consensus. When consensus cannot be achieved, the ASEAN Summit decides how a specific decision can be made (Art. 20). In respect to the implementation of economic commitments, a member can apply for the ASEAN minus X formula, which allows it to refuse participation (Art. 21). Although, one of the most important principles of ASEAN is that of non-interference in the internal affairs of ASEAN member states (Art. 2), there exist several fields of cooperation, e.g. disaster and conflict management, emergency response and protection of human rights. Especially in the field of human rights, institutional and programmatic improvements have been achieved. In 2009, the Intergovernmental Commission of Human Rights was established to monitor human rights in the ASEAN states; the ASEAN Human Rights Declaration followed in 2012. However, the latest news about the Rohingya refugee crisis demonstrated still weakness in protecting human rights by ASEAN, seeing that the organization was not willing or able to help thousands of Rohingya fleeing persecution in Myanmar. An important contribution to essential human rights protection would be the establishment of an ASEAN Court on Human Rights.

A milestone in the process of integration of ASEAN is the "Declaration of ASEAN Concord II" adopted in Bali 2003 [11]. In this declaration, the member states agreed to establish an ASEAN Community until 2020. In 2009, ASEAN moved the completion date for establishing the ASEAN Community from 2020 to 2015. On the 26<sup>th</sup> ASEAN Summit in Kuala Lumpur (Malaysia) in April 2015, the leaders of the ten ASEAN member states confirmed the establishment of an ASEAN Community until December 2015. The ASEAN Community should be built on three pillars: Political-Security Community, Economic Community, and Socio-Cultural Community. Though, sometimes the announcements for establishing an ASEAN Community sound more rhetorical, the consolidation of cooperation in recent years indeed increased and could be quantified as follows: Between June 1st, 2012 and May 31st, 2013 346 meetings on an ASEAN level between ministers, officials, expert groups and committee members took place [12].

With over 600 million people, ASEAN's market is larger than the

Degree of Integration	Regional Organization
Low	OAS, ASEAN
Middle	AU
High	EU

**Table 1:** Degree of integration within EU, AU, OAS and ASEAN differs significantly.

EU. The ASEAN Free Trade Area (AFTA) came into force in 2003, a single market with the free circulation of goods, capital, people and services (analogue to the EU) should be established within the framework of the Economic Community up to the end of 2015.

## Conclusion

With respect to the institutional dimension of integration, one can find differences and similarities between EU, AU, OAS, and ASEAN. The EU has many competences being transferred by the member states. As a result, the decisions (legal acts) of the EU are binding for its members in many areas. In case, members refuse to fulfil their duties and violate EU-law, the European Court of Justice may impose sanctions. The AU tries to establish a political system that is similar to the EU, insofar as intentions prevail to supply the community with competences. However, especially in respect to the composition, function, and importance of the Parliament it still drags behind the EU. Moreover, the decisions of the AU do not have the character of binding legal acts in comparison to the EU. The OAS and ASEAN perceive themselves as genuine intergovernmental organizations in contrast to the supranational organization EU. They cooperate within several policy fields, but they won't give off competences to the community.

To conclude: Comparing the institutional dimension of integration (established institutions, decision-making process, the binding character of the decisions, and fields of cooperation) it may be stated that the degree of integration within EU, AU, OAS and ASEAN differs significantly (Table 1).

Finally, one look ahead: The degree of integration within the EU may change in the near future. In the forefront of the public opinion poll about the disposition of Great Britain in the EU (intended at the latest until 2017) Prime Minister David Cameron wants to alter the treaties considerably in order to achieve a restitution of competences of the EU in favour of the member states. If he will prevail, the presently high degree of integration within the EU will certainly decline.

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