

# REGIONALISM IN THE ORGANISATION OF EASTERN CARIBBEAN STATES

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## **Abbreviations**

ASEAN	Association of Southeast Asian Nations
ECCB	Eastern Caribbean Central Bank
ECCM	Eastern Caribbean Common Market
ECTEL	Eastern Caribbean Telecommunication Authority
ECSC	Eastern Caribbean Supreme Court
ECCU	Eastern Caribbean Currency Union
ECPC	Eastern Caribbean Pharmaceutical Corporation
ECCAA	Eastern Caribbean Civil Aviation Authority
EGRIP	Electronic Government Regional Integration Project
EU	European Union
OECS	Organisation of Eastern Caribbean States
OECS/PPS	Organisation of Eastern Caribbean States Pharmaceutical Procurement Service
LAIA	Latin America Integration Association
MERCOSUR	Common Market of the South
NAFTA	North American Free Trade Agreement

## Abstract

The thesis examines the Organisation of Eastern Caribbean States, which is a regional organisation established in 1981. The thesis compares the theories of EU integration with the realities of the OECS and makes a determination of the type of Governance structure that the OECS has. This comparison is done, by examining the organs of the OECS; the OECS Assembly, the Council of ministers, the OECS Authority, the economic affairs council and the OECS Commission. There is also an examination of the institutions of the OECS; the Eastern Caribbean Central Bank, The Eastern Caribbean Supreme Court and The Eastern Caribbean Civil Aviation Authority. The study is in essence a comparative regionalism examines the levels of integration that exist at the European Union level vis a vie the Organisation of Eastern Caribbean States. It takes a look at the political economy of the OECS and compares it to that of the EU in an attempt to arrive at a conclusion that answers the question as to whether the governance structure in this regional organisation is intergovernmental or neo-functionalism.

## **Research Question**

To what extent can the process of regional integration which is occurring within the Organisation of the Eastern Caribbean States, be accurately viewed as regionalism and to what extent can it be said that the organisation is governed by neo-functional or intergovernmental modes of decision-making?

## **Methodology**

This research focuses on the examination of the Organisation of Eastern Caribbean states to determine whether or not this regional organisation can be included among the more established and written about regional organisation such as the EU, NAFTA, Mercosur etc. The research is exploratory with a view to making tentative findings at the end but ultimately with a view to pursuing further and deeper research in this area in the future. The research employs the use of both primary and secondary sources of data.

### **Primary Sources**

The main primary source of information for this research is a videoconference interview conducted by this researcher with interviewee His Excellency Ambassador Ellsworth John, St. Vincent and the Grenadines Ambassador to the OECS and Commissioner to the OECS Commission. The contents of this interview forms part of the body of this research.

### **Secondary Sources**

The secondary sources of information include book, articles and other sources of information relative to the theories of integration as well as publications on the topic of OECS integration. The information from these forms a substantial part of the body of this research.

### **Limitations**

The main limitation encountered was that of a paucity of materials, specifically academic on the OECS.

Unfortunately this organisation despite its history as well as its successful results from its on going attempts at regional integration has not attracted much interest from scholars on the topic of regional integration. This lack of publication presented a significant challenge to this research.

The lack of support structures provided by Khazar University also proved to be quite a challenge in completing this research. The lack of access to proper online databases of journals and other scholarly material severely limited the depth to which this research could have gone since the research method required access to materials that could be used to substantiate the research. This is an area that Khazar University must out of necessity, address with urgency if students are to be expected to undertake quality research at this level.



## **Introduction**

The OECS is a regional organisation comprising 9 member states of the Eastern Caribbean that has been in existence since the signing of the treaty establishing that organisation in 1981. This organisation with headquarters in the member state of St. Lucia has among its objectives; the promotion of cooperation, unity and solidarity among the member states; the harmonising of foreign policy among and to promoting economic integration among its member states.

The composition of the membership of the OECS ranges from the full member states of Antigua and Barbuda, the Commonwealth of Dominica, Grenada, Montserrat, the Federation of St. Kitts and Nevis, St. Lucia, the Multi island state of St. Vincent and the Grenadines to the Associate member states of Anguilla and the British Virgin Islands (BVI) making it a total of 9 members in this organisation.

The treaty establishing the OECS, referred to as the Treaty of Basseterre, outlines the principles and rules governing the performance of the organisation and serves as a constitution of sorts for the organisation. It sets out the functions of the organisation, and establishes the organs of the organisation as well as the institutions that form the governance structure of the organisation. Since the establishment of the OECS in December of 1981, there has been significant growth in the organisation experienced through deepening of cooperation and the strengthening of the governance structure of the organisation. In August 2011, the treaty establishing the OECS Economic Union (referred to as the Revised Treaty of Basseterre) came into force, establishing a new set of areas of cooperation between the member states.

Some of the new dimensions of the revised treaty include the free movement of persons, a signal towards the deeper integration of the peoples of the region that would invariably erode restrictions on the movement of nationals from one member state to another.

In this context, it must be remembered that the member states of the OECS are individual islands and hence share no common borders but are in fact separated by sea, suggesting a unique dimension of the notion of free movement to that of the EU where countries share borders.

This study would examine the aspects of the OECS, from its origin to its present day structure, analysing its organs and its institutions to determine their roles in the governance structure of the organisation. It would further seek to analyse those organs and institutions within the context of the theories of regionalism, specifically neo-functionalism and inter-governmentalism, to determine the most relevant theory that would explain the governance structure of the OECS. Finally, the study would compare the OECS with the EU analysing the areas where they are similar and their points of departure within the context of the established theoretical framework.

## **1. Historical Overview of the OECS**

The Organisation of Eastern Caribbean States (OECS) is a regional organisation in the Caribbean that is made up of 7 original member states; Antigua, Dominica, Grenada, Montserrat, St. Kitts/Nevis, St. Lucia and St. Vincent and the Grenadines. This organisation came into being by the signing of the treaty establishing the OECS that came into force on the 5<sup>th</sup> day of October 1981. According to Barrett (1986) the establishment of the OECS was a positive response by the governments of the 7 microstates of the Eastern Caribbean to the challenges of administration brought on by their small sizes.

The establishment of this organisation through the signing of the treaty was not the first attempt at integration by these islands, their effort at integration dates as far back as 1968. This initial attempt at integration was through an earlier arrangement that was called the Eastern Caribbean Common Market (ECCOM) that was established in June 1968 and had as its main objective, the achievement of social and economic development for the peoples of the Islands (Barrett 1986). The signing of the original treaty that established the OECS came approximately 13 years later in 1981, building on the objectives of the previous arrangement but additionally promoted cooperation and unity at regional and international levels among other objectives (Barrett 1986).

The original treaty signed that came into force in 1981 is commonly referred to as the Treaty of Basseterre, so named after the capital city of St. Kitts and Nevis, the member state where the treaty was signed. The islands involved shared many geographical, historical, cultural features that provided a basis for the effort at integration. Many of these islands were former British colonies that had been offered or had attained their independence during a 10-year period between 1974 and

1983 respectively. Their independence at the time exposed them to the realities of a changing world and rendered them vulnerable to the economic and other realities that came with the removal of support from their colonial masters.

These islands were faced with the decisions at that time that impacted their chances of survival and consequently had to act in a manner that protected the embryonic economies and fragile democracies of these recently independent former British colonies. Byron (1999) suggests that the motivation for the renewed attempts at integration among member states of the OECS, which would in reality build on the previous attempts dating back as far as 1961, were both economic and political. Byron further stresses that the islands had become accustomed to aspects of cooperation in areas such as joint diplomatic arrangements which would not have been so successful had they been attempted independently (Byron 1999) offering an indication of the level of cooperation that already existed and presenting elements of what was already a form of functional cooperation if not already integration.

The treaty of Basseterre as signed in 1981, signalled the beginning of a newer, much deeper form of integration and cooperation between the 7 states that were signatories to the treaty. This was not the first attempt at some level of regional cooperation or an attempt at integration between these Caribbean islands. There had been an attempt earlier dating back to the to the 1960's where the countries of the region made an attempt at regional integration under a federal type system that included more than the 7 islands of the OECS. Girvan (2012) suggests that a long history of integration initiatives exists as far back as colonial times when territories were grouped together because they were cheaper to administrate as a group by their colonisers. This led to a type of integration between 1958 and 1962 (inclusive) referred to as "The West Indian Federation" that

Girvan (2012) went on to describe as “a hybrid” because according to him, this is was a “colonial federation on the path to decolonisation”. In this instance of attempted integration, the integration movement suited the British colonisers who were at the time anxious to be rid of the financial responsibility associated with the islands (Girvan 2012).

The documented failure of the West Indian federation and the casualties associated with its eventual demise in 1962 provides the context and the background to the initiative of the Organisation of Eastern Caribbean States in 1981. In this second attempt almost 20 years later: the initiative didn't include some of the original countries that were involved in the West Indian Federation, who had by this time become independent countries. The focus this time was the group of smaller islands in the Eastern Caribbean, a grouping that brought together the Leeward Islands and the Windward Islands.

It would appear that insularity had already become a destructive element in the process of integration as far back as the attempt at federation with the comparatively larger islands being blamed for the failure of the integration movement. The larger islands that were involved in the West Indian Federation were seen as responsible for the failure at federation and were excluded from this new initiative at integration. According to Bishop and Payne (2010) Jamaica and Trinidad and Tobago had experienced economic growth from their natural resources of bauxite and oil respectively and this created the notion that their survival as individual states was possible. Those countries eventually broke away from the integration movement and sought independence on their own and the colonies of Barbados and British Guiana followed suit (Bishop and Payne 2010). This resulted in the eventual break up of the federation and the temporary halt at regional integration. It was therefore understandable why the countries of the

Windward and Leeward Islands that had decided to engage in another attempt at regional integration were reluctant to include those islands that were seen as a major part of the reason for the failure of the initial regional integration attempt.

The countries that form the Leeward and Windward islands were among the smallest and least economically developed of countries that were included in the West Indian federation. When that attempt at integration failed, those countries were left in a precarious situation since their survival seemed rather uncertain as individual states. Writing on the issue of the formation of the OECS, Williams (1985) indicated that the geographical factor of their small sizes and their economic vulnerability, stemming from the absence of any natural resources had led them to take part in the West Indian federation. He went on further to suggest that with the break up of the Federation, the 8 member states of the Eastern Caribbean territories, opted for the creation of a truncated federation in their sub-region, which never came into effect after one of the islands; Barbados decided to seek their independence individually. (Williams 1985).

The sub-regional integration that came to be known as the OECS started before the 1981 signing of the treaty of Basseterre that saw all seven Eastern Caribbean island becoming party to the treaty that also included associate members that were not yet independent. The governments of Antigua, Dominica, Grenada, Montserrat, St. Kitts-Nevis-Anguilla, St. Lucia and St. Vincent and the Grenadines according to Williams (1985) together decided to embark on a more “intensive integration effort on a less geographic scale”. This development led to the formation of the Eastern Caribbean Common Market, a sub-regional agreement within the framework of a wider less intensive integration effort at a common market.

The ECCM served as a precursor to the formation of the OECS, which came in 1981 with the signing of the treaty of Basseterre. This attempt at regional integration was at the time the most intense and deepest form of integration tried in the Caribbean. Put another way, the OECS was and has been represented as the deepest form of political and economic integration, experienced by former British colonies of the Eastern Caribbean (Byron 1999).

The need for integration between the Eastern Caribbean islands grew out of necessity to tackle the growing economic pressures of the time that were facing the vulnerable economies. These small islands were experiencing increased pressures brought on by the global political realities, to pool resources in a manner that would be of greater benefits for the countries. Even though some of the islands had gained their independence from Britain, starting with Grenada in 1974, the most aggressive pursuant among the islands, for national independence saw the virtue of some form of regional integration. Byron (1999) posited that the case for sub-regional integration within the OECS grows stronger in light of the growing pressures from the global political economy and that even the most “individualistic and secessionist” units were convinced of the need to continue within a sub-regional framework cooperation.

All this was to lay the groundwork for what was to become the OECS, a grouping of Eastern Caribbean countries, (except Barbados) whose integration would come to represent the most intense and most comprehensive effort ever attempted within the region. The next section would discuss whether this integration process in the Eastern Caribbean can be classified as regionalism and take its place in the literature among those regions that attract interest among the scholars and writers on regional integration and regionalism.

## **2. The OECS an Example of Regionalism?**

Since its formation in 1981 by the signing of the treaty of Basseterre, the OECS has functioned as an organisation made up of the islands of the Eastern Caribbean. The purpose and functions of the OECS are outlined in this treaty and serves as the supreme document and authority for this organisation. The question however, is whether the OECS as is defined by the treaty and by the way it operates in practice is consistent with the scholarship that exists regarding regionalism.

It would be of benefit to begin this analysis on the OECS by first establishing what a region is, before attempting to determine if regionalism exists within the OECS. Many definitions of a region exist in scholarship, each of which focuses on a different aspect to arrive at the specific definition. Some of the aspects considered in the formation of a definition of a region are geographical location, while other definitions focus on cultural and other shared identities, some go even further making it less complicated by focusing on shared interests as pursued through trade agreements. This is not a straightforward exercise since according to Hurrell (1995) the term region is quite ambiguous and debate on a definition has not yielded a consensus as a result of the contested nature of the terrain. Mansfield and Milner (1999) added that with over 50 years of research on economic regions, neither economists nor political scientists have been able to make any headway at arriving at a definition of “region”. Yet to embark on any significant research on the OECS, it is important that a theoretical basis be laid for the examination of this organisation.

The OECS remains one of the few organisations that can draw from all of the definitions of “region” available as its formation and composition contains elements of them all.



For example, Mansfield and Milner (1999) suggest that a region is often described as a group of countries that share a similar geographic space or are located in the same geographic area. If this definition was to be applied to the OECS, then the fact that the countries that make up this organisation are washed by the Eastern Caribbean Sea, seems to support this definition.

Other definitions however have been adopted that place less importance on the geographical location of the members of the region, placing this importance instead on other factors. One such definition emphasises the significance of identity and other connections and reduces the role of geographical factors. Manson and Milner (1999) drawing on the example of France and the Francophone countries of Northwest Africa that are often referred to as a regional grouping, contends that to be a region implies more than just close physical geographical proximity. This idea is supported by Fawn (2009) who includes the elements of culture, economics, language and politics to that of proximity in determining a region. In this submission, it was argued that in some cases the cultural connections (especially in instances where the members of the region were once a part of the same empire) such as language can provide even a stronger bond than proximity (Fawn 2009). Using this second definition the OECS again can be seen an example of this type of region.

Whether the definition of geographical proximity is used or the other elements of identity and connection are added, the OECS can be referred to a region. The OECS satisfies the first requirement of close geographical proximity since all the members states are located close to each other in the Caribbean Sea, but it also possess the other elements in that there are shared cultural, political and economic values.

In this case, all member states of the OECS were former British colonies, with English language being the language spoken by all and in cases where residue of other brief colonial masters like France, still remain, there are similarities there as well; for example Dominica and St Lucia speak a dialect or French patois. The OECS can therefore be explained in a manner suggested by Fawcett (2004), who drawing on an earlier definition by Joseph Nye, summarised a region as a group of states that are linked together by both a geographical relationship and a degree of interdependence. It can be therefore logically concluded that this region, the OECS possesses more elements of a region than any other region in the world based on the definitions.

Having established that based on the literature, the OECS is indeed by all standards a region, it is now important to determine whether there is an active attempt at regionalism. To determine this however, it would be instructive to identify the definition of regionalism that would be used to arrive at this conclusion.

Like the term region, the concept of regionalism is no less fraught with ambiguities and diversity in an attempt at arriving at a consensus. The study of new regionalism and the existing literature provides a variety of definitions, but in many instances the variety may serve to increase the confusion or complexity that surrounds this concept instead of offering clarity. To simplify this concept, Fawcett (2004) suggested that regionalism is a project that implies a policy position of states and non-state actors to cooperate and coordinate strategy within a given region with the aim of pursuing and promoting common goals in one or more areas. This definition suggests that regionalism requires a collection of various actors working together to achieve a set of predetermined goals. It should be noted that this definition uses the term region loosely as opposed to an area, building on the previously accepted

definition of a region. Drawing on previous bodies of scholarship, Fawn (2009) suggested that regionalism can be defined as exploring “contemporary flows of trans-national cooperation and cross border flows through comparative, historical and multilevel perspectives”, concluding similarly that regionalism refers to a set of activities undertaken by various actors in various ways at different times. Soderbaum (2008) attempts to simplify the definitions or at least add some clarity to it by suggesting that regionalism is generally a more formal, state-led project at regional integration. This interjection serves well to provide some cohesiveness to the previous definitions and offers a more workable meaning to the concept of regionalism.

An examination of the definitions used exposes a number of similarities in the intention or rather the principle of the concept of regionalism that is being defined. All of the definitions refer to cooperation among a variety of actors, namely states as well as non-state actor. They both refer to coordination in one form or another with one definition speaking to the establishment of a single agreed upon policy to achieve mutual goals. The next step therefore is to determine whether or not the elements of regionalism as outlined in the agreed upon definitions exist within the context of the activities of the OECS allowing for this organisation to be included among the regions that form part of the existing literature of regionalism.

The notion that the European Union is the best example of regionalism that exists is one that is generally accepted by political scientists and those researching the issue of regional organisations. Many of the authors point to the EU as a point of reference both from a theoretical standpoint as well as from the practical functioning of the organs and institutions that form part of this organisation. De Lombaerde et al (2010) in reference to the explosion of the variety of regionalism

projects existing suggested that the EU through its deepening and widening is the most pervasive example of regionalism.

Many other researchers support this view and consequently, the EU is used in many cases as the ultimate example of a regionalism project.

The literature that exists on regionalism and region formation speaks to other examples including NAFTA, MERCUSOR, ASEAN with some details, but very little is often mentioned of the OECS. Fredrik Soderbaum (2008) for example, presenting on global comparative regionalism, examined examples of regionalism in Europe, East Asia, The Americas (which included the Caribbean and Latin America) and Africa. Soderbaum examined the existing debate about the regionalism project occurring and mentioned the attempts at a state-led project that existed in those regions. Of note when the Americas were examined, mention was made of NAFTA, MERCOSUR, FTAA, even the failed LAIA was mentioned, but no mention of the 32-year old organisation comprising of 9 small Eastern Caribbean Islands. What is the reason for this relatively low interest in the OECS regionalism project? Could the answer lie in the suggestion that scholars and political scientists are unaware of the deepening and widening occurring within this region or can it be that the EU because of its position occupies the interests of these scholars? Finally, can it be suggested that the project taking place in the OECS with the policies pursued do not suggest regionalism?

This section would address the situation of the absence of significant comparative literature on the regionalism project in the OECS from the position of the last question and will thus examine a few of the policies of the OECS undertaken in the context of the definitions of regionalism adopted earlier. With the acceptance of the definitions of regionalism offered by Fawcett (2004) and Fawn (2009), the attempt

would be made to answer the question whether the OECS has its own regionalism project.

The OECS since its formation in 1981 has sought actively to coordinate policy and cooperate through state-driven initiatives at the highest level which; according to Soderbaum (2010) is one of the identifying characteristics of regionalism. The Treaty of Basseterre that established the OECS provides for a number of institutions that are critical to the function and governance of the organisation. The following is a direct excerpt from the 1981 Treaty:

“ARTICLE 5  
INSTITUTIONS OF THE ORGANISATIONS

*There are hereby established the following principal institutions through  
which the*

*Organisation shall accomplish the functions entrusted to it under this  
Treaty:*

*(a) the Authority of Heads of Government of the Member States of the  
Organisation*

*(referred to in this Treaty as "the Authority");*

*(b) the Foreign Affairs Committee;*

*(c) the Defence and Security Committee;*

*(d) the Economic Affairs Committee; and*

*(e) the Central Secretariat.*

*The institutions of the Organs shall perform the functions and act within  
the limits of the  
powers conferred upon them by or under this Treaty and by the Protocols  
thereto. They  
may establish such subsidiary institutions as they deem necessary for the  
performance of their functions”.*

An examination of the institutions provided for by the treaty clearly shows a significant involvement of the state from the level of the Head of Government to other areas of policy and decision-making. These institutions would be examined in greater detail later in this section of this paper, but are introduced now to develop the idea that there is an active attempt by the state to coordinate policy and cooperate, which is a distinguishing feature of regionalism.

The Revised Treaty of Basseterre (2010) made a number of changes to the original treaty, which included the changing the designation of the above mentioned institutions to “organs” as well as changing the replacing some of the original organs with new ones. Below is an excerpt from the 2010 Revised Treaty of Basseterre:

“ARTICLE 7: ORGANS OF THE ORGANISATION

*7.1 There are hereby established the following principal Organs through which the Organisation shall*

*accomplish the functions entrusted to it under this Treaty -*

*(a) the Authority of Heads of Government of the Member States;*

*(b) the Council of Ministers;*

*(c) the OECS Assembly;*

*(d) the Economic Affairs Council; and*

*(e) the OECS Commission.*

*7.2 The Organs of the Organisation shall perform the functions and act within the limits of the powers*

*conferred upon them by or under this Treaty and by the Dispute*

*Settlement Annex and the Economic Union*

*Protocol.*

*They may with the approval of the OECS Authority establish such subsidiary Organs as they deem necessary for the performance of their functions”.*

Apart from the changes mentioned above where the previously named institutions were changed to organs with a number of changes to those institutions, the Revised treaty of Basseterre (2010) also speaks to a number of new institutions that were developed to assist in the coordination of policy in a number of areas. As outlined by the treaty of Basseterre, the institutions that are charged with various responsibilities within the OECS are:

“ARTICLE 6: INSTITUTIONS OF THE ORGANISATION

*6.1 There are hereby recognised as Institutions of the Organisation -*

*(a) the Eastern Caribbean Supreme Court;*

*(b) the Eastern Caribbean Central Bank; and*

*(c) the Eastern Caribbean Civil Aviation Authority;*

*provided that this Article does not impair any powers or jurisdiction of any of those Institutions.*

*6.2 The OECS Authority may by unanimous decision add to the list of Institutions in Article 6.1 any inter-Governmental entity whose functions relate at least to all the full Member States”.*

Article 4.2 of the Revised treaty of Basseterre (2010) outlines 24 policy areas that the OECS as a regional organisation would work towards harmonising among member states. Some of these areas would be decided at the level of the Authority while others remain the responsibility of the established institutions of the OECS.

The main thrust of policy coordination among the member states that are headed or driven by those institutions listed above are:

1. *Monetary policy*, through the development of the currency union and the establishment of the ECCB, the OECS has adopted a single monetary policy that is the responsibility of the ECCB. The Monetary council is the highest decision making body in this regard and provides guidelines on matters of monetary and credit policy to the bank. This coordination of monetary policy has led to the use of a single currency; the Eastern Caribbean Dollar (EC\$ or XCD) which is used in the member states of the OECS. (*Information taken from [www.eccb-centralbank.org](http://www.eccb-centralbank.org)*)
2. *Civil Aviation* in the OECS is coordinated regionally through the ECCAA a body charged with the formulation implementation and monitoring of civil aviation policy for the region. According to the ECCAA's website, the organisation is a fully autonomous self-financed body that is responsible for the formulation of a uniformed and collective approach to regulate civil aviation activities in the OECS. ([www.eccaa.aero](http://www.eccaa.aero))
3. *Legal and judicial*, through the establishment in 1967 of the ECSC, which is the supreme court of the 9 members of the OECS. This court has unlimited jurisdiction in the Member States and is endowed by law to formulate the rules of court, regulating the practice and procedure of the Court of Appeal and the High Court. ([www.eccourts.org](http://www.eccourts.org))

The areas listed above are the three major areas of policy coordination undertaken by the OECS as outlined by its treaty. Commenting on the role of the ECCB Nicholls (2001) saw its purpose as enshrined in its constitution as protecting the external value of the Eastern Caribbean dollar, which is the regions currency, within the operational



framework (the currency board) outlined by the monetary constitution. He goes on to suggest that this monetary constitution has served the region well and has provided stability and confidence through domestic prices and provided long standing monetary and financial system stability (Nicholls 2001).

The cooperation in the judiciary dates as far back as 1967 when according to Don Mitchell CBE QC (2007) with the establishment of the West Indian Associated States Supreme Court. The former colonial masters of these islands set up this court as they offered “associated state” status to these islands, a prelude to their eventual independence. The jurisdiction of the court was outlined in the written constitutions given to the islands by Britain and was not left to the voluntary responses of each island. ([www.eccourts.org](http://www.eccourts.org))

While these major areas of policy coordination capture immediate attention, the OECS through the secretariat and other agencies also coordinates other areas. The coordination of the telecommunications that led to the liberalisation of that sector was undertaken by a regional agency that coordinates the legislation in 5 of the OECS countries. The Eastern Caribbean Telecommunications Authority (ECTEL) which was established by its own treaty in the year 2000 has coordinated the telecommunication legislation in the member states of Dominica, Grenada, St. Kitts and Nevis, St. Lucia and St. Vincent and the Grenadines. Other areas of policy coordination and management include environment management and policy coordination through the OECS Environmental Unit and the common bulk purchasing of medication through the OECS Pharmaceutical Corporation. This allows for the region to realise economies of scale through the pooling of resources, the benefits of which are then passed on to the citizens of each member territory through reduced cost of pharmaceutical products.

The OECS is more than just a group of geographically bounded territories but are by the very construct of the organisation a working example of regionalism. This project of policy coordination and cooperation among the 9 islands of the Caribbean has all the hallmarks of regionalism. The initiative is driven by the state and is intended to facilitate greater cooperation and trans-border movements between members in achieving common predetermined goals. More than most of the existing often-cited examples of regionalism, with the exception of the EU, the OECS as a regional organisation contains more of the elements that should make it a relevant example of new regionalism.

## 2.1 The impact of the Institutions of the OECS on regionalism

Arising from the revised treaty of Basseterre (2010) that established the Organisation of Eastern Caribbean States Economic Union were a number of institutions that were different from those that were initially established by the previous, original 1981 treaty that established the OECS. These included at least two institutions that had been already established and functioning within the OECS at the time of the signing of the original treaty but were for whatever reason not included in that original treaty. As identified earlier, the OECS Supreme Court existed in one form or another since 1967, making that institution older than the OECS. The other institution that was in existence before the establishment of the OECS was the ECCAA albeit under various management structures until 1983 when it became an institution of the OECS. These two institutions along with the ECCB make up the institutions of the OECS as outlined by the Revised treaty of Basseterre (2010) and function within the organisational structure to assist in the realisation of its goals. Exactly what impact these institutions have on the regionalism project of the OECS would now be examined in detail.

To determine whether or not these institutions through their functions impact in anyway the project of regionalism within the OECS, their roles must be examined within the context of the theoretical framework. If regionalism is agreed on for the purpose of this research to be the state-led policy of cooperation and coordination of strategy among countries within a particular geographic location in an effort to achieve common goals, then there must be an examination of the way these institutions help to achieve those objectives.

The countries of the Leeward and Windward islands, now the OECS had been sharing a common currency since 1965 pursuant to the

Eastern Caribbean Currency Agreement (Gilmore 1985). This currency was later to be managed by the ECCB upon its establishment in 1983 under a single monetary policy implemented and monitored by that institution of the OECS. The ECCB is the monetary authority of the OECS and is responsible for deciding the monetary policy of the ECCU through the existence of this central monetary authority ([www.eccb-centralbank.org](http://www.eccb-centralbank.org)). The ECCB recognises its role in the process of integration of the OECS and states in its Vision Statement that “the bank aspires to be an advocate for the ECCU’s regionalisation initiatives”.

The ECCB is one of the 4 multistate central banks in the world and was established at a time when none of the two that were already in existence (the Bank of Central African States and the Central Bank of West African States) was responsible for multistate supervision (World Bank 2008). For the bank to be effective in its multistate supervisory role, a number of acts had to be harmonised firstly to give uniformity within the legislation of the individual member states as well as the establishment of the central bank’s act itself. In recognition of this, there exists two main legislative components in the ECCB Agreement Act of 1983 that gives the bank the power to regulate banking business on behalf of and in collaboration with the participating states and mandates that financial institutions within the member state open their books for inspection and verification exercises carried out by the ECCB (World Bank 2008)

The management structure of the ECCB gives insights into the ways that institution can actively pursue the goal of regional integration within the region. The monetary council governs the ECCB, which is the highest decision making authority along with the board of directors. The monetary council is made up of one minister appointed by each participating member state while the board of directors is made up of one

director appointed by each participating member state ([www.eccb-centralbank.org](http://www.eccb-centralbank.org)). It is against this backdrop and with the admission of the bank through its mission, it can be agreed that the role of monetary governance through the establishment of a single monetary policy for the OECS presents a clear example of the ECCB accepting and playing its role in the regionalisation initiatives of the ECCU. In this case, it is through the coordination of a monetary policy, an area of cooperation agreed upon by the individual member states that can best serve their interest and purpose.

The ECSC is another of the institutions of the OECS that plays a significant role in the regionalism project that is being undertaken. This institution has as its vision statement “The achievement of professionalism and excellence in the timely, effective and efficient access to, and administration of a cohesive, independent and accountable system of justice for the benefit of its Member States”. This institution as in its current form dates back to 1967 and since that time has sought to coordinate the judicial system of the members of the OECS (Mitchell 2007). This court goes beyond the interpretation of the rules of the organization as is the case with the European Court of Justice but instead goes further to perform the functions of the High Court and the appellate court as the supreme court of the OECS ([www.eccourts.org](http://www.eccourts.org)).

The reality is that the ECSC was from establishment set up to be the Supreme Court for the islands that were colonies of Britain and as such were united under the British legal/judicial system that provided the model of its existence. Grenade (2011) supports this when he commented that the ECSC was one of the institutions inherited by the smaller territories coming out of the failed West Indian Federation that failed after the independence of Jamaica, one of the largest islands of the region.

The British had from the very onset created a model of unified system that was used to service the region, with the judges in the initial stages coming from Britain, this was both a cost saving measure for the British intended to pool the scarce resources of the territories and a way of building regional institutions (World Bank 2008). It was therefore not by mere chance that the ECSC was established as the single judiciary body for the region as the British intended that the constitutions that were handed to the former colonies as they gained their independence had enshrined in them the supremacy of the ECSC, this was a made constitutional.

It goes without saying that with a regional court deliberating on matters of a municipal nature for the individual countries with the constitutional authority to do so the coordination of the judicial system was complete. A World Bank (2008) report refers to the functioning of the ECSC as the outsourcing of justice to a regional institution by sovereign governments. The court convenes in the various member states for the local assizes of that member state giving the feel of a local institution to that particular member state at the time since the principals in any matter doesn't have to leave their country to have matters heard at the court. In this case, the court would sit at different times of the year in different with the same judges having the power to rule on matters of municipal law within the country.

The fact that such an institution (ECSC) exists operating in that manner where it has jurisdiction over local municipal matters, serving as a single juridical body for the member states of the OECS positively impacts the regionalism project as it creates one area of coordination that has been successfully implemented and continues to work as one of the leading institutions of the region. There are safeguards in place to ensure the ECSC's independence which is enhanced by the fact that it's a

regional institution is maintained, allowing for changes to be made only by the agreement of all member states thus preventing any single member from interfering with the court's operations (World bank 2008). The ECSC celebrated 40 years of existence and this year 2014 that institution would celebrate 47 years as the supreme judicial body within the OECS.

The final organ of the OECS that would be examined regarding its role in the process of regionalization is the ECCAA, which is the institution responsible for the regulation of civil aviation policy within the region. This institution dates as far back as to 1957 when the UK the colonial masters at the time decided to appoint a director of civil aviation to advise the governments of the Leeward and Windward Islands on all matters relation to civil aviation (World Bank 2008). Although not much literature exists on this institution even on its website except the act, this institution serves a very significant role in the harmonization, implementation and monitoring of civil aviation matters in the OECS.

These institutions by their very construct and functions because they seek to harmonise regional policy and monitor the implementation of these policies on a regional level with independence offered them through various acts and other legislation, they can be seen as undoubtedly playing their role in the process of regionalism in the OECS.

## 2.2 The Organs of the OECS and their role in regional governance

The Treaty of Basseterre that established the OECS in 1981 also established the institutions, that were later revised in the 2010 treaty and called organs detailing everything from the composition of these organs to their roles and functions. As outlined above there are, as mandated by the revised treaty of Basseterre (2010) 5 organs of the OECS: The Authority of Heads of Government of the Member States; The Council of Ministers; The OECS Assembly; The Economic Affairs Council; and The OECS Commission. This section would examine each of these organs based on the treaty and highlight their impact of any on the regionalism project that is the OECS.

The Authority of Heads of Government of the Member States, is the highest decision making body of the OECS. Article 8 of the revised treaty of Basseterre sets of the composition and of the functions of this body the details of which, when understood within the context of the organization offers valuable insights into the impact this body has on the regionalism project. According to the treaty, the OECS Authority, as it is commonly referred (see [www.oecs.org](http://www.oecs.org)) is made up of the Heads of Government of the member states. The OECS authority among other things is responsible for policy making as the supreme policy making body and is the only body that can conclude treaties between the OECS and other third-party countries and organisations. The Authority meets twice per year and is chaired by member states on a rotating basis determined alphabetically.

From the OECS Authority, which is the supreme body of the union, all other organs follow similar patterns in terms of their composition. The emphasis of this section is governance, specifically how the organs form part of the regional governance structure.



All other organs are composed of representatives of the member states mainly at ministerial level or in the case of the OECS Commission, at ambassadorial level. This is very significant since it exposes the very significant involvement of the individual states in the decision making process. What is of not is that every policy decision or piece of legislation has to be approved by the Authority and the OECS Commission is not endowed with the type of power as conferred upon the European Commission. What exists is a situation where there is significant inter state bargaining between the member states of the Union at all levels but ultimately the final decision on policy, whether initiated by the commission of the council of ministers, must go through the OECS Assembly, where the members are representatives of the local parliaments. Once passed the legislation become binding on the member states but the Commissioners are expected to represent the OECS within the individual member states and engage in follow up and other exercises to ensure smooth implementation of Union policies.

It would be fair to say that the functioning of the OECS from a policy and even a practical functional level is heavily dependent on the role of the intergovernmental organs that exist to ensure governmental oversight at every level of policy decision with representatives of every member state government being present on every organ of the Union.

### **3. Neofunctionalism vs inter-governmentalism; a theoretical perspective**

To be able to truly understand the approach towards integration and cooperation employed in the governance structure of the OECS, within the context of this study, the theories of neo-functionalism and inter-governmentalism need to be examined. The aim is to determine whether or not elements of neofunctionalism with its neoliberal approach or intergovernmentalism with its focus on state bargaining, or both may be drawn from or be able to explain OECS integration. It is only after a careful examination of both theories; comparing them and then using the information as the basis for the further investigation of the processes within the OECS can any conclusion be made about the governance structure of the OECS.

Neofunctionalism is a concept that represents a departure from the initially developed theory of functionalism of the 1940's that sought to create ultimately a federal Europe through undermining the functions of the state (Browne and Ainley, 2005). This was because the attempts at a federal Europe would eventually fail owing to a lack of willingness on the part of states to surrender sovereignty to another body. In this context, the discussion on neofunctionalism as a theory of regional integration would focus on the European experience since according to Browne and Ainley (2005) and supported by other scholars, Europe has been the most important testing for ideas on integration since 1945. The caution is however that neofunctionalism be seen as emanating out of the European experience rather than a theory that can be applied to the integration movement taking place in Europe (Browne and Ainley 2005).

Moravcsik (1993) summed up neofunctionalism as a theory that was expected to make the integration of Europe self-sustaining through

spill over where the initial steps at integration would initiate internal economic and political cooperation that would lead to further cooperation. Because neofunctionalism depended on the pooling together of technical functions into a central organisation, it offered the notion that the technocrats would assume the position of unofficial powerbrokers behind the scenes within governments local, regional and international.

The sustenance of the neofunctionalist theory is built on the occurrence of spill-over which according to Moravcsik (1993) occurs in two forms that serves to widen and deepen integration; functional spill-over, which is economic and political spill-over which occurs when supranational organisations sets in motion the process of institution building. Verdum (2003) agreed with this impression of neofunctionalism by suggesting that it was a response to functional needs of states that foresaw various actors; domestic, transnational and supranational engaging in regional integration given their relative close proximity and the various possibilities for cooperation.

In summary, neofunctionalism is primarily an attempt to offer an alternative to the realist school of thought towards integration that saw state and non-state actors actively engaging in integration through functional cooperation that was expected to deepen and widen as supranational organisations paved the way for institutional building (Verdum 2003).

Conversely, in an attempt at exposing the inconsistencies of neofunctionalism in explaining European integration, the realists school responded with a theory of its own that focused on states as the main actor in regional integration. Sweet and Sandholtz (1997) commented that intergovernmentalists see the governments as sole mediators between non-state actors and EC policy-making and suggests that governments are also responsible for directing the process of integration and establishing

its limits. Hooghe and Marks (2009) described intergovernmentalism and the influential alternative approach to neofunctionalism that explains regional integration as the outcome of bargaining among national states. Börzel and Risse (2009) suggested that intergovernmentalism is the pooling of national sovereignty rights by national governments to achieve more efficient policy outcomes to satisfy their domestic constituents. The proponents of this theory stressed that national interest groups lobbied national representatives and that the interest of those groups would be aggregated in determining the preference of states in the decision making process of regional integration. Unlike neofunctionalism that focuses on the role of national, transnational and supranational actors, intergovernmentalism focuses on the role of the state and the influence of national actor on the preference formation of the state. The assumption that the state is a rational actor, that there is a theory of national preference formation and that there is an intergovernmentalist analysis of interstate negotiations rests at the core of intergovernmentalism (Moravcsik 1993).

It is within the context of European integration, that intergovernmentalism is seen as offering more influence to larger states in the decision making process within the council of ministers, considered to be the institutional embodiment of interstate bargaining between treaty rounds within the EU (Garrett and Tsebelis, 1996). Moreover, Moravcsik (1995) argues that (liberal) intergovernmentalism divides the EU decision making into a three stage process, each explained by a different set of actors, he argues that the three stages are: “foreign economic policy formation, inter-state bargaining and institutional delegation”.

It is often argued within the EU context, larger more powerful states of Germany, France and UK for example are able to win or influence the

outcomes of decisions inline with the preferences of their domestic constituencies.

Both theories seek to explain the process of European integration but cannot agree on the main actors within the process and who or what is responsible for driving the process. The difference is that neofunctionalism sought to explain the evolution over time of supranational institutions as states gradually handed over the authority of certain policies to supranational bodies of technocrats. This theory of neofunctionalism has gradually been abandoned amidst heavy criticism from intergovernmentalists who have worked to refine their framework (Sweet and Sandholtz, 1997). On the other hand, proponents of intergovernmentalism contend that the decision making and integration process is ultimately initiated by heads of states, supported by groups of ministers and advisors who see the organisation through the lens of its their own (national) policy preferences (Moravcsik, 1991).

### 3.1 Neo-functional approaches to integration within the OECS

The section of this research would examine the OECS and those decision-making entities whose existence and functions appear to be in line with the neofunctionalist approach towards regional integration. If it can be proven that there exists in the OECS elements of neofunctionalism, then this project would be on its way to answering the initial question of the type of governance structure or the modes of decision making within the OECS. Examining the structures and functions of the various organs within the OECS and cross-referencing these with the literature on neofunctionalism, to determine if they are consistent with the literature, would do this.

This research begins on the premise that the organs of the OECS, the ECCB, the ECSC and the ECCAA present examples of neofunctionalism within the regionalism project of the OECS. It is further suggested that these three organs are currently supranational bodies within the OECS that began with the intention of pooling functions and ended with the eventual handing over of sovereignty by the member states to these organisations. Other areas would also be examined such as telecommunications, which followed later with the establishment of another regional organisation that is responsible for the telecommunication policy of the OECS as well as other areas of cooperation.

The establishment of a joint regional infrastructure that involved the creation of regional institutions for the OECS countries that was a direct response to financial and human constraints experienced by the member countries was the seed of regional integration (Ishmael 2006). There are further suggestions by Dr Ishmael, (former Director General of the OECS) that there was with the establishment of the ECCB,

ECSC and the ECCAA an attempt to create institutions that would provide specialised services in monetary policy as well as judicial and aviation matters respectively across the sub-region (Ishmael 2006). With these institutions being established to perform certain functions throughout the region and elements of the theory of neofunctionalism can be clearly seen. In the case of the three institutions, the individual islands didn't perform the stipulated functions; rather the group of experts at these institutions were given the tasks of performing the functions on behalf of the member states that formed this regional grouping. In essence, the member states of the OECS was of the view that the administrative functions were either difficult or impossible to undertake individually and hence saw integration with the creation of these institutions as an alternative (Barrett 1986).

The establishment of these three organs within the OECS seems to fall inline with the neofunctionalist theory that suggests the incapacity of public authority of individual member states to deal with certain functions could best be resolved by the direct initiatives of economic and other interest as well as regional authorities (Morgan 2000). These regional institutions once established, were expected to evolve into more powerful supranational institutions as integration deepened and would created pressures for further cooperation through spill-over, since progress in one area would give rise to pressures for integration in other areas (Hoogie and Marks 2009).

How is this theory of neofunctionalism applicable within the context of the OECS and the Institutions mentioned and are there examples of spill-over? The institutions outlined i.e. the ECCB, the ECSC and the ECCAA have all evolved to become very powerful regional institution that although established by the member states exercise considerable independence over their functional areas.

Various legislations that establish those institutions offer protection from interference from individual member states and give them considerable power to act on behalf of participating governments. One example of this is outlined in the Eastern Caribbean Central bank Act (1983), the ECCB for example has the power to regulate banking business on behalf of and in collaboration with participating governments (Article 3, 2g). Similar examples exist with the ECSC being the appellate juridical body for municipal on member states or the ECCAA being the regional regulator for civil aviation matters. Indeed as integration deepened the power and significance of these institutions have increased and in this regard, it can be seen that the emphasis with these institutions are in line with the main concern of the day to day policy making processes of the region (Hoogie and Marks 2009).

Having established the first part of the assumption, that being the existence of functional cooperation that has led to the establishment of supranational institutions, this section will now focus on whether or not, the progress in the areas examined above led to pressures of cooperation in other areas.

The revised treaty of Basseterre that established the OECS Economic Union lists a number of areas where the organisation intends to coordinate policy at a regional level. Article 4.2 of the Treaty of Basseterre states the following:

“In achieving the purposes of the Organisation the Member States shall implement decisions of the Organisation under this Treaty and otherwise endeavour to co-ordinate, harmonise and undertake joint actions and pursue joint policies particularly in the fields of –

(a) mutual defence and security (including police and prisons);



- (b) the judiciary and the administration of justice;
- (c) external relations including overseas representation;
- (d) international trade agreements and other external economic relations;
- (e) financial and technical assistance from external sources;
- (f) international marketing of goods and services including tourism;
- (g) external transportation and communications including civil aviation;
- (h) public administration and management;
- (i) audit;
- (j) tax administration;
- (k) regulatory and competition authorities;
- (l) education including tertiary education;
- (m) scientific, technical and cultural co-operation;
- (n) intellectual property rights;
- (o) matters relating to the sea and its resources;
- (p) telecommunications;
- (q) economic integration of the Member States through the provisions of the Economic Union Protocol;
- (r) currency and central banking;
- (s) statistics;
- (t) institutional arrangements for economic consultation and information dissemination;
- (u) social protection mechanisms;
- (v) social policy framework;
- (w) the development of arts and culture; and
- (x) such other activities calculated to further the purposes of the Organisation as the Member States may from time to time decide”.

The list of policy areas is quite long and in fact some areas have experienced more activity than others. For instance in the area of

telecommunication, the establishment of ECTEL has created 2000 is a clear example of spill-over in another area. ECTEL was established to take the lead in the liberalisation of the telecommunication market for the participating member states, harmonise policy on behalf of the participating member states and harmonise legislation on behalf of the participating states (Article 4, ECTEL Treaty 2000). The Treaty (2000) also mandates that the contracting states put in place the necessary legal and regulatory framework frame work to promote the purposes of the ECTEL treaty (Article 3). This cooperation in telecommunications is one of the most significant examples of the spill-over to which neofunctionalist refer resulting from success in initial areas of functional cooperation.

Another major area of spill-over cooperation can be found in the establishment of the OECS/PPS among the member states of the OECS. This company was established in 1986 as a response to the need for efficiency in the procurement of pharmaceutical products. The member states realised the difficulty that can be associated with small developing states such as theirs being able to adequately afford pharmaceutical products for their citizens. In this particular case, the governments provided the political will and established individual “drugs account” at the ECCB into which they would deposit a percentage of their country’s pharmaceutical budget and this would act as a revolving fund to ensure the prompt payment of suppliers to the OECS/PPS ([www.oecs.org](http://www.oecs.org)).

The OECS/PPS is responsible for the purchasing in bulk of the pharmaceutical products on behalf of the participating states, providing for them economies of scale that would not be possible if they made the purchases individually. While unlike ECTEL, there is no treaty establishing this entity, the OECS/PPS is self-described as “a self-financing public sector monopsony or buyers’ cartel that covers its

operating cost from a 15% surcharge” ([www.oecs.org](http://www.oecs.org)). This entity, while not a supranational institution (and it may or may not evolve to become one) is another example of the functional cooperation spill-over that was encouraged in an area outside of the initially outlined areas of policy coordination and cooperation at a regional level undertaken by the OECS.

Although the two areas of telecommunications and pharmaceutical procurement discussed represent the most prominent areas of spill-over that exists within the OECS, there are other areas that are engaged in that may not be as advanced or as deep in their level of cooperation/integration, but exist nonetheless. Areas such as e-government, being developed through EGRIP are expected to link all the member states electronically with taxation and other information. The OECS Education Reform initiative, which seeks to create a region wide education policy that would be implemented throughout the region, offers another area for further and continued cooperation as the integration process deepens. Other areas of functional cooperation include the OECS news Link, areas of environmental and energy management through ECERA are just a few of the other areas of functional cooperation that the OECS as a region has engaged in as a result of the success in the initial areas outlined by the treaty of Basseterre.

Clearly, there exists within the OECS very strong elements of neofunctionalism within its day to day policy making processes with both supranational institutions that evolved over time as the integration deepened as well as other areas of functional cooperation that resulted from the success of those initial areas of cooperation.

### 3.2 Intergovernmental Modes of Decision at the Regional Level

A study of the mode of the decision making within the OECS would of necessity demand an examination of the organs of the regional organisation since based on the treaties that established the organisation: The Treaty of Basseterre (1981) and the Revised Treaty of Basseterre (2010) most of the decision making within the organisation are left to the organs. While it is true that there are independent institutions of the organisation that are supranational in their functioning and role, those powers were initially conferred on those organisations through agreements and/or treaties decided on by the member states of the organisation. It is therefore critical to examine those organs if any attempts are to be made to identify if the theoretical principles of intergovernmentalism exists within the organisation regarding the way decisions are made.

The treaties establishing the OECS and the OECS Economic Union established the bodies within the organisation that are responsible for decision making by name, by composition and by function. In the original Treaty of Basseterre (1981) the bodies with the responsibility are regarded as institutions and there are listed 5: The Authority of Heads of Governments of the Member States of the Organisations (referred to as the authority; The Foreign Affairs Committee; The Defence and Security Committee; The Economic Affairs Committee and the Central Secretariat (Art. 5). In the Revised Treaty of Basseterre (2010) revisions were made to these bodies changing their designation to organs and replacing the Defence committee, the Central Secretariat, as well as the Foreign Affairs Committee. In the revised treaty, the Organs of the OECS are listed as: The Authority of Heads of Government of Member States; The Council of Ministers; The OECS Assembly; The Economic Affairs Council and

the OECS Commission (Art. 7). Ambassador Ellsworth John, St. Vincent and the Grenadines' Commissioner to the OECS (interview, 2014) suggested that these revisions were made following a decision by the authority to streamline the implementation process within the Union.

This section of the research would examine the Organs of the OECS individually, focusing on their composition and the decision making process employed by each organ to determine whether or not elements of intergovernmentalism exists.

## The OECS Authority

This organ according to the Revised Treaty of Basseterre (2010) is the supreme policy making organ of the OECS with overall responsibility for the general direction and control of the performance of the functions of the organisation (Art. 8.4). The Authority as it is called, is made up of all the heads of government of the participating member states who are the representatives of their individual countries (Art. 8.1). This very powerful body among other things remains the ultimate authority of the OECS in the conclusion of international treaties with other organisations or third party countries on behalf of the OECS (Art. 8.13) and has overarching authority on the financial matters pertaining to the meeting of the expenses of the organisation and all financial matters of the organisation (Art. 8.14). Finally, it's worth mentioning that the Authority may establish or may designate new organs within the OECS, as they deem necessary for achieving the purposes of the organisation (Art. 8.12).

Having examined the composition and some of the functions of the OECS Authority, it is now necessary to focus on the decision-making mechanism of this organisation of the OECS in an effort to determine the theory that best describes it. In commenting on this, Gilmore (1985) stated that the real locus of power within the OECS is the authority, with power to make recommendations and issue directives, but most importantly, has the power to make binding decisions on all matters within its competence.

There seems to be differentiation made between the method used for arriving at what the treaty refers to as procedural matters and that used for other matters. It should be noted that to arrive at decisions, matters are voted on at by the Authority and the treaty outlines how this should be done depending on the matter to be decided on. According to Article 8.6

(Treaty 2010) decisions on procedural matters can be made based on a majority of the members present and voting at a meeting of the Authority. This must however be taken in the context of Art. 8.9 (Treaty 2010) that stipulate that decision other than procedural matters be unanimous. On this issue, John (interview, 2014) informs that decisions by the Authority are usually arrived at by consensus and that it's not unusual for a single head of government to veto a decision he/she is not in favour with. While unanimity may sometimes be an impediment to decision making, this has not been the cause of any major policy rift within the OECS. The members of the Authority are content to deliberate until matters can be agreed upon in the best possible way that can attract the support through vote of the members of the Authority that represents the respective member states.

## The Council of Ministers

This organ of the OECS was established by the revised treaty of Basseterre (2010) and replaces the previously named Foreign Affairs Committee and the Defence and Security Committee. It would not be correct to assume that this new organ replaced those previous institutions of the original treaty in functions and composition, since this is not outlined in the new treaty. What can be noted as similar however is that while in both instances the composition of both bodies is limited to ministers, it was very specific in the previous what ministers comprised those bodies, i.e. ministers of Foreign Affairs and ministers of security respectively.

The Council of Ministers as outlined by the Revised Treaty of Basseterre (2010) shall be comprised of ministers representing their member states as designated by the heads of government of the member states (Art. 9.1). The difference with this organ and the previous institutions in the original treaty is that in this formation, the head of government may designate different ministers from time to time. The Council of Ministers is responsible to the Authority and thus reports to the authority on all matters. The Council has the responsibility for reporting to the Authority on recommendations of the commission and enacting regulations and other instruments into organisation's legislation acts enacted by the authority (Art 9).

Regarding decision making, the process is very similar to that of the OECS Authority where matters pertaining to the treaty are decided on through unanimous voting by the members of the council present at the meeting or by a majority vote on procedural matters.



## The OECS Assembly

This organ is one of the new additions in the revised treaty that was introduced by the Revised Treaty of Basseterre (2010) to the organs of the OECS. This according to John (interview 2014) was introduced to improve the implementation of legislation across the Union. The OECS assembly as established by the Revised treaty of Basseterre (2010) is comprised of members of parliament or legislature of the member states of the Union (Art 10.1). The number of parliamentarians elected to the OECS assembly is 5 and should be done in proportion to the numbers in the local parliament of each member state. In the case of the OECS, the members of the Assembly are not directly elected by the citizens of the member states giving them a mandate to represent, but instead by the members of government and opposition in the parliament.

The OECS Assembly acts as a co-legislative body with the Council of Ministers and can recommend legislation to the Authority to be enacted in union legislation. The Revised treaty of Basseterre (2010) outlines the functions of the OECS Assembly as follows:

*“The OECS Assembly shall, within such time period as the OECS Authority may prescribe, consider and report - (a) to the OECS Authority - (i) on any proposal to enact an Act of the Organization under Article 8.10; and (ii) on any other matter referred to the OECS Assembly by the OECS Authority; and (b) to the Council of Ministers in the case of any proposal to make Regulations which has been referred to the OECS Assembly under Article 9.4” (Art. 10.13).*

In commenting on this organ, John (interview 2014) stated that the establishment of this organ, the OECS Assembly was an effort to create a

more seamless process to the implementation of Union legislation. Prior to the establishment of the OECS Assembly, Union legislation was implemented at various rates in different member states of the Union. The process of enacting legislation is such that after the Authority makes the legislation, it is then taken back to the individual member states parliaments to be enacted into the local legislations. This process according to John (interview 2014) occurred at differing pace and presented challenges for harmonization of legislation throughout the Union.

One possible reason for the implementation problems as suggested by John (2014) was believed to be the exclusion of the parliamentary opposition of the member states in the decision process allowing only for the heads of government of the member states to make decisions that affected member states. It was believed that this lack of participation by the opposition led to a absence of “buy in” at the level of the local parliaments which served to delay the implementation process. With the establishment of the OECS Assembly and with members of parliament from both government and opposition being represented, John (interview 2014) expressed the view that it would offer more opportunity for input by the local legislators from the member states, which in turn is expected to have a positive effect on implementation.

The deliberations of the OECS Assembly regarding legislation, having had the full participation of both government and opposition representation from the member states are then passed on to the Authority for final decision. Acts of the OECS are automatically binding on member states, but having gained the approval in principle from both sides of the parliament of the local parliament being represented at the OECS assembly, better implementation at the local level of Union laws are expected.

## The Economic Affairs Council

This organ established originally by the treaty of Basseterre (1981) is composed of ministers representing the member states as designated by the heads of government of each participation member state. The principal function is to oversee the implementation of the Economic Union and report to the OECS Authority on matters concerning the Economic Union. Its responsibilities are outlined in the Economic Union Protocol, Article 28 as follows:

*“The Economic Affairs Council shall be the principal organ of the Economic Union and shall be responsible for -*

- (a) exercising such powers and functions as are conferred upon it by this Protocol;*
- (b) supervising the application of this Protocol and keeping its operation under review; and*
- (c) considering whether further action should be taken by Protocol Member States in order to promote the attainment of the objectives of the Economic Union and facilitating the establishment of closer links with other countries, groups of countries or international organizations”.*

The responsibilities of the organ are quite specific to the economic union and but the one constant with all the organs so far is the representation by member states and the role(s) played by the heads of government in designating representatives, in each case a minister from his/her member state.

## OECS Commission

The OECS Commission is the principle organ responsible for the general administration of the organization (Art 12.1 treaty 2010). The treaty goes on to detail the composition and function of this organ with its responsibilities as well as outlining which organ(s) is answerable to. According to Article (12.2) “The OECS Commission shall comprise the Director-General, who shall convene and preside at meetings of the OECS Commission, and one Commissioner of Ambassadorial rank named by each Member State.

A Commissioner shall, subject to Article 15.4, represent the OECS Commission in the Member State appointing that Commissioner” (treaty, 2010). The composition of this organ is consistent with that of the other organs discussed so far in that, it is made up selected or appointed representatives from the member states. While the treaty doesn’t openly state who appoints or designates the commissioner, it can be inferred, that the government would be responsible for making any such appointment, (if not directly the head of government) since the commissioner is to be of ambassadorial rank.

The roles or functions of the OECS Commission are further outlined in the treaty in Article:

12.4 *“The OECS Commission’s functions shall include the provision of Secretariat services to the Organs of the Organisation, including -*

- (a) servicing of meetings of the Organs of the Organisation; and*
- (b) taking up action on decisions, recommendations or directives approved at such meetings.*

*12.5 The OECS Commission shall -*

- (a) make reports of activities and an annual report to the OECS Authority on the work of the Commission;*
- (b) keep the functioning of the Organisation under continuous review and report the findings to the relevant Organs;*
- (c) make recommendations to the OECS Authority and the Council of Ministers on the making of Acts and Regulations of the Organisation and provide drafts of such Acts and Regulations to be considered for enactment;*
- (d) monitor the implementation of Acts and Regulations of the Organisation;*
- (e) oversee the preparation of the draft agenda for Meetings of the OECS Authority and submit the draft agenda to the OECS Authority for its approval; and*
- (f) undertake such other work and studies and perform such other services relating to the functions of Organisation as may be required under this Treaty or by the OECS Authority or by any other Organ from time to time and also make proposals relating thereto as may assist in the efficient and harmonious functioning and development of the Organisation”.*

This organ according to John (interview 2014) was established to assist in the smooth implementation at the national level as well as to create a link between the member states and the OECS at the citizen level. The Commissioner who represented the country at meetings of the

Commission was expected among other things, to oversee implementation of Union policy on the one hand, but also to act as an intermediary between the non-state actors and the Union (John, interview 2014).

The purpose of examine these organs of the OECS in such detail was to try and determine whether or not the decision making processes at the level of the organs were open to elements of intergovernmentalism. Moravcsik (1991) refers to the inter-state bargaining made evident by the presence of heads of government or their nominees composing every organ, and the advisors to those heads of government as intergovernmental bargaining.

In the OECS it is very clear that the individual member states are able to promote their preference through their representatives on each organ, from the Authority to the Commission. Starting with the Head of Government to the Commissioner appointed each country is able to pursue or at least promote their national interest at the level of the OECS through various organs. With the Exception of the Commission, the other organs made decisions that are not procedural through unanimous voting, this is done through simple majority on the Commission. However, Commissioners are usually briefed on his/her countries position on particular matters that would inform the way Commissioners vote on issues voted on at the Commission (John, interview 2014)

The Organs of the OECS are clear examples of interstate bargaining and are composed principally for that reason. The OECS Assembly for example doesn't have members who were elected to the assembly through direct elections, but instead are made up of national parliamentarians. These parliamentarians are principally elected to serve their national constituents and are always very mindful of this when

debating legislation at the OECS Assembly. It would be logical to assume that these members of the assembly will be very concerned with the needs and views of their national constituents whom they are ultimately answerable to. Furthermore, the inclusion of the parliamentary opposition as part of this organ shows further attempt of the OECS through the Authority to capture the full view of the national populace not just the government side. Ultimately what occurs at the level of the Organs of the OECS that are principally the legislative and policy making bodies of the OECS can best be described as intergovernmental bargaining

#### **4. The OECS and The EU: A Comparative Analysis**

In this final section the research would focus on a comparative look at two regions; The OECS, which is under investigation on the one hand, and the European Union, which is widely regarded as the best example of new regionalism. To undertake such an analysis is by no means a simple task since scholars such as Soderbaum (2008) warns that the lack of consensus surrounding a definition of what is a region along with the differing variables at play in different regional constructs pose a number of challenges in successfully undertaking any comparative regionalism study. Be that as it may, this author will attempt to best show through comparison the similarities and differences in the structure and functioning of the two regional organisations in question with the hope of arriving at a determination regarding the depth of integration of the OECS versus the EU.

Hameiri (2013) warns about the difficulties of trying to comparing regions by suggesting that the study of comparative regionalism has been fraught with so many complexities and incompatible concepts that students of regionalism have struggled to find a method of comparison that goes beyond the study of institutionalisation and its relation to political outcomes. Fortunately or unfortunately, this analysis would because of those exact reasons given take the form of a comparison of the intuitions and their relations to political outcomes.

In terms of structure, the EU unlike the OECS doesn't make a distinction between Organs and institutions. Article 13 of the Treaty of the European Union lists 7 institutions of the EU: The European Parliament, The European Council, The Council, The European Commission, The Court of Justice of the European Union, The European Central Bank and the Court of Auditors (Borchardt 2010).



Below would be a brief comparison of each institution of the EU with what is similar either in name or function within the OECS.

### European Parliament/OECS Assembly

The first EU institution that would be examined comparatively is the European Parliament and the OECS Assembly. The first and most obvious difference with between these two bodies rests in the method used for selecting the members. In the case of the EU Parliament, the members are elected through direct EU elections while in the OECS Assembly; the members are selected from among existing parliamentarians from the national parliaments (TEU, Revised Treaty of Basseterre). Plotnikova (2010)'' reinforces this by stating that the European Parliament is the only directly elected supranational body of the EU that's elected by the citizens of the member states. This is a major difference from the OECS assembly but the significance of this difference on member's behaviour will have to be the subject of another research. Hix (2002) however pointed out that their voting behaviour can be as a result of a number of factors or preferences, which he reduced to three in an effort to try and understand how the members of the European Parliament function. In the case of the EU, the Parliament according to Plotnikova (2010) referring to Orlitzky and Erakovic (2008), the main functions are that of legislator, supervisor of the commission and budgetary actor, while in the case of the OECS Assembly which is made of members of local parliaments from both government and opposition, the role is somewhat more straight forward acting as a legislative body that reports directly to the Authority.

As stated before, there would need to be much deeper study on these two models of parliaments/assemblies to determine the impact of each model on the processes and eventual outcomes of these processes at regional levels.

It must also be stated that the OECS Assembly was only established in 2010 by the Revised Treaty of Basseterre and has only had its first sitting and only sitting thus far on March 26<sup>th</sup> 2013, hence not much would be available to offer a true comparison with the EU Parliament. As for now what is clear is that the members of the individual parliaments of the OECS have a more direct involvement in the legislative process of that regional organisation.

#### European Council/OECS Authority

The European Council is made up of the heads of states or governments of the member states of the Union and is responsible for the general policy guidelines through the issuing of instructions to the Council or the European Commission (Borchardt 2010). While it acts as an overarching institution that coordinates the policies of the entire EU (Tonge and Russell 2010) it doesn't appear to have the same power to legislate and be the final authority of legislative and other matters in the EU. The tone of this doesn't echo as strong as that of the Treaty of Basseterre, which confers upon the OECS Authority (the comparative organ of the OECS) the power of supreme decision making body of the Union. Comparatively, the heads of government of the OECS has more direct influence and authority over the policy and legislative direction of the Union. In the OECS, while other organs can recommend legislation, it is

the Authority after debate on legislations by the OECS Assembly that has the ultimate final say on the issues of legislation and policy.

Tonge and Russell (2010) goes on to suggests that other factors such as its minimal collaboration with civil society continue to impede the increase in prominence of the European Council compared to other institutions although this has seem some improvements recently. To be fair though to the EU, for the OECS this level of cooperation and collaboration among heads of governments has been going on even before the OECS was established and was initially a requirement based on their status as colonies of Britain.

Maybe having had over 50 years of this level of collaboration has made the Authority more adept at policy coordination on behalf of the region.

### Council of Ministers

Both regional organisations have a body referred to as the Council of Ministers and the composition is primarily the same in both cases. In each case, the Council of Ministers is made up of ministers of governments of the local parliaments appointed to the Council of Ministers as the government decides based on the matter being discussed. In the case of the OECS, the Council of Ministers is a co-legislative body working in concert with the Commission to recommend legislation, while the EU's context sees the Council being co-legislative with the European Parliament. The EU seeks to have the European council and the Council of Ministers as the representatives of the interests of the member states since those two institutions are the ones where members of the national parliaments and/or direct representatives of national interests sit (Tonge and Russell 2010).

One difference that exists in this case is that within the OECS, the Council of Ministers is directly answerable to the Authority, which is different in the EU.

### The Commission

The Commission is a name of one institution of the EU and the same for an organ of the OECS, but their composition and function are very different. The European Commission acting essentially as the Executive power within the EU government, is the main institution responsible for the drafting of EU legislation, mediates on budgetary affairs and is the main face of the EU in the international arena (Russel 2010). The citizens of the Union do not directly elect the members of this EU institution, nor are they directly selected by or appointed by their national governments, yet they represent national interest or at least represent individual member states. According to Russell (2010) the members of the union are nominated by their individual member states but are then voted on by the European Parliament, after whose final approval, the Council of the EU formally appoints the members.

This is quite dissimilar from what pertains in the OECS as commissioners are appointed to the OECS Commission by their member governments to serve. The OECS Commission in the OECS doesn't represent the Union internationally nor is it the face of the OECS and as discussed before, issues of budgeting and those of international agreements resides with the Authority. The OECS Commission is not the primary legislative body but can suggest legislation along with the Council of Ministers to the OECS Assembly for debate and approval through voting.

In this case, although the name of the institution/organ is the same the composition, powers and functions are quite dissimilar.

### Court of Justice of the EU/ECSC

What is critical about these two institutions is not so much their compositions but rather their jurisdictions and their functions in their respective unions. Stone Sweet (2010) that the Court of Justice of the EU was established by the member states in order to overcome the various collective actions problems associated with market and political integration through the enforcement of commitments made and enhancing the credibility of treaty commitments. In this sense, the Court of Justice is principally concerned with the interpretation of union law and its uniformed application throughout the Union. The Court of Justice is however very limited in relation to municipal matters of member states as it was never endowed with such powers neither by the treaty of the EU nor the constitutions of the individual member states.

The ECSC on the other hand as pointed out in previous sections is the regional court that combines the High Court and the OECS Court of Appeal for the member states. Unlike the European Court of Justice, whose only jurisdiction is limited to Union law, the ECSC has jurisdiction on criminal matters in member states and convenes in each member states through the year to deliberate on municipal matters related to each member state. This difference in the ECSC would suggest that there is a deeper level of integration within the OECS in this regard than the EU at least in the area of the judiciary.

## Central Bank

The Central Banks of the EU and the OECS are two of the four multi-state central banks in existence. These two institutions are very similar in their roles and functions and are primarily responsible for the monetary policies of their respective monetary and currency unions. Borchardt (2010) referring to the Treaty of the Functioning of the European Union (Art. 128) stated that the main purposes of the ECB are the maintenance of the single currency, the euro and the control of the amount of currency in circulation. The ECCB also shares that function, while at the same time being the bank to the governments of the member states. Both banks are governed by a board comprised of representatives from the member states of the currency union, but in the case of the OECS, there is a Monetary Council that is made up of the finance ministers of the representing each member state of the monetary currency union (or his designate) and this monetary council along with the board sets policy for the ECCB (Article 7 ECCB Act 1983).

There is also a difference in the way the system of Central banks is set up for both the OECS and the EU. Within the EU there is a system of central banks with the ECB residing in Frankfurt-Maine and each member state of the euro zone having a corresponding central bank, referred to as the system of central banks (Borchardt 2010). In the case of the OECS there is only one central bank located in St. Kitts and Nevis and branch offices located in each of the member territory that represents the central bank in that territory.

Apart from those listed above, there are also other areas of cooperation within the OECS that are similar to what exists within the EU. For example the OECS as of August 2011 has implemented free movement of persons throughout the union. According to John

(interview 2014) while all the administrative arrangements are not totally in place, those member states that are not quite ready have put temporary measures in place. It must be noted here that the member states of the OECS which are all part of the larger CARICOM region carry a single passport much like the EU with the difference of the passport being that the particular member state's name is on the front of the passport for ease of reference. John (interview 2014) goes on to explain that an OECS national travelling to at least 5 of the 7 full member territories are given a stamp in their passport upon arrival at immigration that indicates that the citizen is permitted to live and work in the country. The exceptions are Antigua that currently stamps all union nationals with the same stamp reserved for Antiguan, while St. Kitts and Nevis is ratifying legal issues to make possible the implementation of the free movement of persons (John 2014).

This very brief comparison of some aspects of the EU versus some aspects of the OECS is by no means exhaustive; on the contrary this research didn't do much justice to the topic and believes that there is room for more comprehensive comparative research on both regions. The EU is without a doubt the most advanced example of regional integration available, but hopefully this brief comparison can expose the fact that the OECS as a regional organisation is quite advanced and ahead of most other regional organisations that exist.

## **Conclusion**

Having explored the issue of regionalism in the OECS, this paper has first of all shown that OECS, which is a regional grouping of small independent island states in the Eastern Caribbean, fits the theoretical definition of a region as it has elements of all the definitions proposed by experts and specialists in the field of regionalism study. It was proven that the OECS member countries apart from being in a shared geographic location, elements of culture, economics, politics and historical identity are all shared by the members of this regional organisation

Having established that the paper then discussed the OECS from a historical perspective and explored its development from the early years after the West Indian Federation to the actual signing of the Treaty of Basseterre in 1981 to the signing of the more recent Revised treaty of Basseterre in 2010

What is clear having done this research is that the OECS as a regional organisation is actively engaged in a regionalism project that is primarily a state driven processes that involves the establishment of a number of institutions work in tandem to develop the policy harmonisation, legal framework and the cooperation and collaboration envisaged when the original member states signed the treaty in 1981. There was a deliberate effort to ensure government oversight at every level of policy development and as such the organs of the institutions as were discussed have all been constructed in such a way in terms of their composition to ensure member state representation at every level.

What was realised is that the OECS cannot be described as either exclusively neofunctional nor exclusively intergovernmental in its approach to regionalism. What was discovered is that the OECS embraces both methods of governance as its institutions which have



functional roles have evolved into vibrant independent supranational bodies that perform their roles without the interference of individual member governments, while on the other hand the organs of the OECS are composed in a way to ensure member state interests are represented and that there is robust inter-state bargaining among the members. It would not be true to say that more powerful countries are able to have decisions skewed in their favour as is sometimes the criticism hurled at the more powerful members of the EU such as Germany, UK and France, since all the members of the OECS have similar economic peculiarities.

The comparison with the EU shows a greater level of inter-state bargaining within the OECS or at least that there is a higher degree of direct member state involvement at the Union level through state representatives on the various organs, while giving a glimpse of the similarities in structure and functions of the institutions/organs. The OECS is neither neofunctional nor intergovernmental, it's a pragmatic mix of both to achieve the goals and objectives of the organisation.

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