

## EDITORIAL

### REGIONAL INTEGRATION AND IDENTITY BUILDING IN EUROPE AND THE PACIFIC

This special issue of the *Canterbury Law Review* is dedicated to “Regional Integration and Identity Building in Europe and the Pacific.” The original idea for this topic resulted from discussions held between John Hopkins and Annick Masselot on the comparative impacts of identity building on regional integration with an emphasis on the European and Pacific regions.

In December 2011, a colloquium on Regional Integration and Identity in Europe and the Pacific was held at the School of Law, University of Canterbury. This was part of a wider project on Comparative Regionalism in the Pacific and was funded by the European Commission. The colloquium not only aimed at bringing together researchers for collaboration but also provided support for the publication of this research. A range of rich and diverse papers was presented by scholars from New Zealand, the Pacific Islands and Europe, and we are delighted to include some of these papers in this special issue. Although this collection of articles is concerned with the law, it also cuts across disciplines and provides a platform for scholars to share their research on the broad issue of the role of identity in developing cross-border governance. The issue is considered both as it arises regionally in Europe and in our own Pacific region (with Australia-New Zealand as a sub-set of the latter) and from a comparative perspective.

The central considerations revolve around the role of identity in the delivery of supra-national regional governance in Europe and in the Pacific. Two questions are at the heart of this discussion: Is a collective identity a pre-requisite for regional co-operation and ultimately integration? And, conversely, can regional co-operation drive the growth of a collective identity?

Ultimately, how identity impacts upon and is impacted by supra-national governance structures is also examined. The articles in this special issue show that collective identity and regional integration impact on the shape and development of each other, albeit to differing degrees and in different ways in Europe, the Pacific and Australia-New Zealand.

With a particular emphasis on the role of law in developing regional identity, this special issue addresses three broad research themes. First, it aims to examine the role of law and governance structures in creating identity. Second, it questions whether common identities are needed in order to create non-national systems of governance. Finally, this special issue examines the changing nature of identity across the European, Pacific and Australia-New Zealand regions – both within and across states.

The question of the relationship between regionalism and identity is muddled because of the almost opposing characteristics of these two terms. On the one hand regionalism, at least in some parts of the world, appears to have become a necessity mandated by legal requirements. Regionalism in some contexts does not even require geographical proximity. It is a question of governance. However, identity is a more fluid and complex concept based on

understanding, friendship and interaction. This concept is more emotionally tainted and arguably, geographical proximity and other commonalities are not necessarily required.

As noted by Graham Hassall, an understanding of regionalism and identity is especially important for the Pacific region as it goes about deepening its approach to regionalism. In this context, the European Union has a significant role as a model of regionalism. Based on the articles in this special issue, it is suggested that in the Pacific at least, the role of identity in contributing to regionalism may be stronger than previously recognised. It remains difficult however to identify a strong collective Pacific identity and the absence of it appears to inhibit further development of Pacific regionalism.

The diversity of the articles included in this special issue indicate that identity building through governance arrangements is pervasive and can extend to a wide spectrum of governance arrangements from peace building (Annika Bjorkdahl) to sporting leagues (Elizabeth Toomey). Development of a regional identity can also be impacted on by external threats such as cyber crime or the trade in small arms (Sarah McDowell) and internal threats such as the coup d'état in Fiji (James Headley) or a regional approach to gender issues (Jessica Bain and Annick Masselot).

In his article, Graham Hassall explores the question of “who is leading the Pacific, as a region?” Currently, the Pacific Islands as a region has not one but several disparate sources of leadership. However, global institutions and processes are looking for regionally coherent responses from the Pacific Islands. While some coordinated response is being achieved, countervailing and separatist trends continue to remain significant. Pacific regionalism is somewhat embryonic and Hassall points to a risk that if the Pacific is not constructed from within, it will instead be constructed from the outside.

James Headley looks at the changing New Zealand and Australian identities and applies the concept of “near abroad” to Russian and New Zealand/Australian perceptions of their immediate regions. Headley argues that in both cases, there has been a partial shift in the post Cold War period from a universal identity to an identity more rooted in specific geographical location. The sharing of geographical space can be seen as an opportunity particularly for regional integration. This is especially the case if the neighbouring region is considered to share similar values or culture. However, it is argued that vestiges of non-regional identity remain on the basis of security threats. The implication is that the ‘near-abroad’ concept can serve as a separate region of threat rather than a shared region of opportunity.

In this vein, Sarah McDowell considers the external threat of small arms to regional security in the Pacific. She notes that the presence of only a few small arms in the Pacific has contributed to significant instability across the region. She explores the international and regional frameworks that have developed in an attempt to address small arms proliferation, focusing in particular on the Pacific Islands Forum’s model law for the region. She argues that functional regional coordination on this key policy issue is a strong start to combatting small arms within the Pacific.

Elizabeth Toomey returns to the Australia/New Zealand relationship and looks at some of the emerging legal issues concerning two models of trans-Tasman professional sports leagues. The article asks whether the proliferation of such leagues mirrors closer relations between Australia and New Zealand more generally. While a combined sporting identity has previously been stifled, it may now blossom with the development of viable sporting cross-border competitions, particularly where their governance structures incorporate effective leadership and direction.

Annika Björkdahl shifts the focus to Europe and addresses the question of the impact of the EU in identity building through norm diffusion and (re) construction of identity. Over the years, the Member States of the EU have come to share a number of norms, which have created a sense of common “Europeanness” or a shared identity as democratic and peaceful states. She argues that it is of interest to explore if and how the EU has attempted to externalise these norms guiding the interaction among its Member States in its relations with other states and how this may imply a reconstruction of the identities of states aiming to enter the European Union. This process of norm diffusion and identity reconstruction is particularly challenging in the EU’s relations with the Western Balkans. In contrast to the “Europeanness” of the EU Member states, the term “balkanism” has been used for the construction of the Western Balkans as “the other within Europe,” more a backward and primitive “self” than an alien “other.” An implicit dichotomy between “good,” modern, progressive global norms and “bad,” uncivilised, backward, local practices has been set up in this discourse. Through the approach adopted here it is possible to critique the international ‘norm maker’/local ‘norm taker’ dichotomy and the construction of a ‘superior west’ and a ‘backward east’ within Europe. This article adopts a critical constructivist perspective to explore the power asymmetries in the relationship between the European Union as a norm-maker and the Western Balkans as a norm-taker, and to trace the challenges in identity (re)construction of states aspiring EU membership. By advancing the analysis of the norm-taker, the intention is to overcome a traditional bias in the social constructivist literature of focusing on the norm-maker while largely ignoring the norm-taker.

Finally, Jessica Bain and Annick Masselot aim to determine whether and how EU gender law communicates a sense of EU identity and to what degree EU citizens identify with this. The article considers the ideological motivations underlying EU gender equality law and the role that relevant policies play in articulating and legitimising the political identity of the Union. Consideration is given to the origins and evolution of EU gender equality law and the role that the Court of Justice of the EU played in communicating and furthering institutional ideology. The paper examines the importance afforded gender equality law by the European public by examining data on perceptions of gender equality. By considering the political and ideological roots of gender equality law within the EU as well as providing an analytical snapshot of the public’s perception of that legal field, the article evaluates the position of gender law within the EU and its contribution towards the EU’s own processes of self-identification and legitimisation. At a time when the foundations of the project are being shaken and governments argue for

the need to concentrate resources of higher political priorities, it is arguably important to evaluate the role of the EU in supporting the European equality agenda and to seek the EU's ability to be an international gender actor.

The editors hope that readers enjoy this range of interesting articles on regional integration and identity in Europe, the Pacific and between Australia and New Zealand. We thank John Hopkins for his role in co-organising the colloquium in December 2011 and for the opportunity to edit this special issue.

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December 2012