

Continental sovereignty: constructing institutional and structural changes in the international system

Abstract

This paper constructs the African Union (AU) claim of sovereignty within the debate among international relations scholars about change and continuity in “institutions” and “structures” of the international system. I develop a theory of change: internationalization of authority transformed IOs into state structures possessing sovereignty as transferred authority. Dominant IOs, like the UN, are legitimated by constituent structures, including regional organizations. But there has been a legitimation crisis as the constituent structures oppose dominant IOs’ legitimacy. The rules of IO legitimation must comprise a complete representation of constituent structures in decision-making organs and the alignment of norms, values, priorities, interests, or goals with constituent structures. Noncompliance with these rules will cause fundamental changes. I base the theory on constructivist accounts of change. Specifically, the sovereignty framework, which I expand using studies on IO authority and legitimacy, internationalization of the state, the third image of structure, and new regionalism. I operationalize the theory by analyzing AU policies on the UN Security Council reform and the International Criminal Court intervention in Sudan. I show that noncompliance with IO legitimation rules caused fundamental changes: the AU claim of sovereignty transformed AU into a *continental state* structure in which African states anchor *continental sovereignty*.

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Introduction

This paper constructs the African Union (AU) Assembly's claim of sovereignty of the continent (African Union 2014, 2015a) and the consequent AU reform (African Union 2017b) within the debate among international relations scholars about change and continuity in institutions and structures of the international system (Keohane 1986; Czempiel and Rosenau 1989). The AU is Africa's premier regional organization. The Assembly is the supreme organ, comprises the 55 Heads of State and Government of the Member States, and represents over 1.4 billion people.

International relations scholars endeavor to explain changes in the "institutions" (particularly sovereignty) and "structures" (especially in the sense of forms of political organization) of the world polity. The pertinent puzzle has been whether modern states' transfer of authority to international organizations (IO) implies the disappearance of sovereign states and their replacement with IOs as dominant structures for organizing politics. As with most interesting academic debates, a consensus has been elusive because understandings of change vary according to the scholar's theoretical tendency.

Neoliberals (Keohane and Hoffman 1991; Keohane 1995) interpret change as sovereignty bargains in favor of IOs, such as the European Union (EU). Neorealists (Thomson and Krasner 1989; Krasner 2001b; Fioretos 2011) view such bargains as sheer breaches of state sovereignty. Constructivists (Wendt and Duvall 1989; Barkin and Cronin 1994; Biersteker and Weber 1996) note that states and IOs share authority and underline changes in structures considered as sovereigns. Conceptualizations of IOs as international states (Wendt 1994) or regional states (Schmidt 2004) illuminate such structural changes – although IOs as state structures need not have all the features of the modern state (Farrell and Finnemore 2016). Yet, studies focusing on the EU (Wæver 1995; Werner and Wilde 2001; Schmidt 2016) emphasize that IOs lack sovereignty because states can withdraw transferred authority, as the British exit

(“Brexit”) from the EU illustrated. Crucially, these studies suggest that fundamental changes must involve IO claims of sovereignty. So, consensus centers on the idea that IOs are novel state structures possessing and exercising state-like authority without formal sovereignty.

Since Krasner’s (2001b) magnum opus on continuity, as recently expounded (Krasner 2016) and buttressed (Schmidt 2016), and, more importantly, in the absence of IO claims of sovereignty, the debate has been in what we call an academically induced coma. Now, considering the unprecedented event of the AU claim of sovereignty of the continent (the first known IO claim of sovereignty in the current international system), this article brings the dialogue out of comatose and studies the implications for exiting theories of institutional and structural changes in the world polity. The stimulating and guiding research questions are: What dynamics of change are involved in a claim of sovereignty by an actor or group of actors against other players in the international system? Did the AU claim of sovereignty cause fundamental institutional and structural changes in the international system?

I develop a theory of change that answers these questions. The theory’s central thesis is that the internationalization of authority – by which I mean modern states’ transfer of authority to IOs – transformed IOs into international state structures possessing sovereignty as a transferred authority and inexorably created the international state system. IOs like the UN are the dominant structures of the international state system and comprise constituent structures, including modern states and regional organizations such as the AU and the EU. The constituent structures legitimate dominant IOs’ authority. However, there has been a legitimation crisis involving the constituent structures’ opposition to dominant IOs’ legitimacy. The constituent structures oppose the legitimacy of dominant IOs if they are not adequately represented in decision-making organs and if there are important differences with the dominant IOs’ norms, values, priorities, interests, or goals. Thus, the rules of IO legitimation must comprise 1) a complete representation of the constituent structures in decision-making organs

and 2) the alignment of values, norms, priorities, interests, or goals with the constituent structures. Noncompliance with these rules will almost always lead to fundamental institutional and structural changes because the constituent structures will act to protect their values, norms, interests, or priorities, and pursue their goals.

I base the theory on constructivist (Finnemore and Sikkink [2001] provide a fuller discussion of the theory, methods, and applications of constructivism) accounts of change. Specifically, the sovereignty framework (Ruggie 1983; Barkin and Cronin 1994), which I expand using studies on IO authority and legitimacy (Barnett and Finnemore 1999, 2004; Hurd 1999; Kratochwil 2006; Cronin and Hurd 2008; Zaum 2013; Zürn 2018), internationalization of the state (Picciotto 1991; Wendt 1994; Glassman 1999), the third image of structure (Ruggie 1989), and new regionalism (Hurrell 1995; Hettne and Söderbaum 1998; Mansfield and Milner 1999). I then operationalize the theory by analyzing AU policies on the UN Security Council reform and the International Criminal Court (ICC) intervention in Sudan. I rely mainly on primary sources of data, such as relevant UN Security Council and UN General Assembly resolutions; the AU Assembly decisions, which are the AU's highest official actions on common policy issues facing African states, just like the UN Security Council resolutions; records of the ICC proceedings in the case of Sudan.

I show that the AU claim of sovereignty is a consequence of noncompliance with the rules of IO legitimation. The sovereignty claim means that the AU has acquired a sovereign status and identity, the ultimate expression of differentiation of "self" from "other." Essentially, it signifies the formalization of IO sovereignty and AU transformation into a *continental state* structure of organizing politics in which African states anchor *continental sovereignty*: the AU's right to "act as a power" and primacy of decision-making on interventions in Africa, despite the material capabilities of the AU and African states. Therefore, the AU's claim of sovereignty caused fundamental institutional and structural changes in the international system.

This paper contributes to the change and continuity debate in three vital ways. First, it clarifies a crucial implication of the internationalization of authority: institutional change occurs because noncompliance with IO legitimation rules provokes the constituent structures' claims of sovereignty, transforming IO sovereignty as transferred authority into formal sovereignty. Second, it clarifies a consequential structural change after the formalization of IO sovereignty: IOs as state structures lacking formal sovereignty transform into state structures possessing formal sovereignty. Third, the theory of change I develop is the alternative to Krasner's (2016, 521-2, 528), which explains persuasively that the "bargaining process that could lead to transformation of the basic norms and rules of sovereignty" is unviable outside Europe in "the contemporary international system." He points out that "The EU ... will not become a model for other regions that might supplant sovereign statehood." The theory of change I develop portrays the AU as the alternative paradigm. So, instead of nuclear weapons or similar technology, noncompliance with the rules of IO legitimation equally poses "existential security threats" to other regions that could end "the monopoly of sovereign statehood as the fully legitimated institutional structure for organizing political life."

IO sovereignty: from transferred authority to formal sovereignty

This section discusses the literature in more detail and establishes the significance of the AU claim of sovereignty. It shows how theories of change evolved to a common understanding among international relations scholars that IOs as state structures possess sovereignty as transferred authority. Yet, the AU's sovereignty claim is about status and identity as sovereign and so it formalizes, for the first time in history, IO sovereignty.

The pertinent issue in the change and continuity debate is whether the transfer of authority to IOs implies that state sovereignty is disappearing and that modern state structures are being replaced with IOs. Constructivists, Wendt and Duvall (1989, 57) noted that "State

actors simply possess sovereignty in greater or lesser degree” vis-à-vis IOs. However, Wendt (1994, 388, 393) clarifies that states create “supranational institutions” without “formal cession of sovereignty,” and merely “relocate ... de facto sovereignty to transnational authorities.” So, state actors transfer sovereignty as authority instead of formal sovereignty, as a means of “redeploying state power, not a withering away of the state.” Wendt (1992, 412-3) suggests that the only way states lose formal sovereignty is “If [they] stopped acting on [mutual recognition].” Insightfully, Barkin and Cronin (1994, 109) focus attention on structures of political organization and note that “while the specific expression of sovereignty may remain constant, that which is considered to be sovereign changes.” The point is that states could consider IOs as sovereigns by conferring formal sovereignty on them without necessarily triggering the end of state sovereignty and the primacy of modern state structures. In short, the constructivist construction of change centers on the idea that IOs have sovereignty as transferred authority, leaving the possibility of IO formal authority open.

Neorealists (Krasner 1988; Thomson and Krasner 1989) contend that sovereignty as the core constitutive feature of modern states does not change, despite IOs exercising authority. The emphasis is that transformation occurs because of state actions. Krasner (2001a, 28) explains this salient point using the European state system:

In one sense, the European Union is a product of state sovereignty because it has been created through voluntary agreements among its member states. But, in another sense, it fundamentally contradicts conventional understandings of sovereignty because these same agreements have undermined the juridical autonomy of its individual members.

Elsewhere, Krasner (2001b, 17) clarifies that such agreements are “Breaches of the sovereign state model [which] have been an enduring characteristic of the international environment.” In

essence, states transfer sovereignty as authority to IOs through free bargains. But, as Fioretos (2011, 389) points out, “A substantial degree of authority migration has taken place ... Yet recent developments in the international system do not add up to a fundamental systemic shift in which governing authority [formal sovereignty] has been transferred to supranational bodies.” Krasner (2016, 522) clarifies that “Sovereignty sticks because powerful national and even transnational actors are incorporated, legalized, legitimated, and sometimes funded by national states.” So, authority movements improve, rather than, relegate the sovereign state.

Neoliberals, Keohane and Hoffman (1991, 13) constructed change as “the pooling and sharing of sovereignty rather than transfer of sovereignty [formal sovereignty] to a higher level.” However, Keohane (1995, 75) adds that “one implication of European Community law is that bargaining away sovereignty to the [EU] may be effectively irreversible.” In other words, European states transfer sovereignty as authority through voluntary accords. But because such agreements are reversible as “Brexit” suggests, a safer conclusion would be that IOs enjoy sovereignty as transferred authority.

Studies focusing on the EU illustrate the central proposition that IOs possess sovereignty as transferred authority. Wæver’s (1995, 417) question of “How sovereign has the EU become?” highlights the fact that European “states do not say the E.U. is sovereign, nor does the E.U.” Likewise, Werner and Wilde (2001, 303) observe that “the EU does not claim a sovereign status.” They explain that “The claimed status as such is something that cannot be partly handed over ... The right and powers [i.e., authority] linked to that status, however, can be handed over to ... international organizations.” Overall, the proposition is that the sense in which international relations scholars construct institutional and structural changes centers on the notion that IOs have sovereignty but only as a transferred authority. In short, IOs do not have formal sovereignty because it is an identity that an actor must claim and protect.

From a structural perspective, several studies support the proposition that IOs possess sovereignty as transferred authority. Ruggie (1993, 140) points out that the EU's extensive authority indicates "nothing less than the emergence of the first truly post-modern political form." As such, the use of labels such as "regional state" (Schmidt 2004) or "continental state" (Deudney 2007, 236) to construct structural change is not ambitious. However, in a later study, Schmidt (2016, 22) acknowledges that the EU "lacks sovereignty," by which she means formal sovereignty.

Overall, the core suggestion seems to be that fundamental change would happen when IOs or modern states establishing IOs claim formal sovereignty and adopt measures to protect their sovereignty. In many ways, this proposition is anchored in the knowledge of structures of political organization in which state actors would anchor such novel sovereignty. As Ruggie (1983, 279) noted, 'when the concept of "differentiation" is properly defined, the second structural level serves as a dimension of possible future transformation, from the modern to a postmodern international system.' Whether such future structures are called a "post-modern political form" (Ruggie 1993, 140), a "systemic post-sovereign" (Wæver 1995, 430) arrangement, or a "nonhierarchical union on a continental scale" (Deudney 2007, 222-7), international relations scholars understand and refer to such state forms as IOs.

In sum, this section highlighted the evolution of theories of change and underlined the broad consensus among international relations scholars on IO sovereignty as transferred authority. The literature indicates that the notion of sovereignty as formal authority has been the basis for the theories of continuity, while sovereignty as transferred authority has been the foundation for the theories of change. Therefore, a theory of fundamental change must involve formal sovereignty claims by IOs or on behalf of IOs, and that is what the AU has accomplished.

Crucially, the AU claim of sovereignty highlights an unexplored conceptual issue of self-identification – the idea that sovereignty implies the separation of “self” from “other”. Wendt (1992, 412) stresses that “there is no sovereignty without the other.” Walker (1993, 175) points out that “To claim sovereignty is already to know what lies beyond,” which the claimant seeks to distinguish. Essentially, the actor asserting sovereignty is simply defining its unique individuality, but the transfer of sovereignty as authority to IOs does not involve such individuation. So, the pertinent questions are: What dynamics of change are involved in a claim of sovereignty by an actor or group of actors against other players in the international system? Does sovereignty claim underpin fundamental change? Against which actors would IOs seek such differentiation by claiming sovereignty? For instance, would the EU sovereignty claim in the future denote self-identification against European states or external actors, like the UN, or both? Why would IOs distinguish themselves by asserting sovereignty? To explore these questions and construct the AU claim of sovereignty, I turn to the sovereignty framework.

Expanding the sovereignty framework

This section discusses the sovereignty framework, which is a theory of institutional and structural changes in the international system. It explains the dynamics of sovereignty claims, including why actors claim sovereignty, the forms of political organizations and their core features, the crisis of legitimation, and the rules of legitimation. Ruggie (1983; reprinted in Keohane 1986) developed the original framework, focusing on the external dimension of what he called the “legitimation crisis” that emerged in the international system after the institutionalization of authority. Barkin and Cronin (1994) expanded the framework to explain the internal dimension of the legitimation crisis. Either way, the framework outlines the rules of legitimation, a set of criteria for assessing the validity of sovereignty claims. However, I show that the existing sovereignty framework centers on structures of the modern state system

and is therefore unsuitable for studying IO sovereignty claims. So, I expand the framework and develop a theory of change to study IO formal sovereignty. I explain the legitimation crisis after the internationalization of authority and establish rules of IO legitimation.

Ruggie's (1983, 274-8) original sovereignty framework explains fundamental institutional and structural changes in the international system: the transformation of the medieval structures (or the medieval system) into the modern state structures (or the state system). He notes that this fundamental change is a consequence of the "institutionalization of public authority within mutually exclusive jurisdictional domains." Beyond what he describes as the "legitimation for central state authority vis-a-vis competing domestic claimants," he explains that the "institutionalization" or "individuation" of the contemporary state created a "legitimation crisis" in the international arena. The crisis was about the mistrust among independent political structures possessing absolute authority over their territories while at the same time seeking to enter relations with each other and coexist as a community. Put differently, the crisis was about the basis of social interaction between autonomous political entities that must coexist as a community. These distinct political orders accepted the abstract concept of sovereignty as the solution to the conflict. So, sovereignty "signifies a form of *legitimation*¹ that pertains to a system of relation," and "the political order is based simply on the minimalist social needs of its component units." The basic social needs of states comprise recognition of authority, territorial integrity, and non-interference. Thus, the legitimation rules of sovereignty claims comprise mutual recognition of states' basic needs: state authority based on the power of control over a defined territory. As Ruggie (1998, 870) clarifies, mutual recognition is "a precondition for the normal functioning of a system of sovereign states."

Barkin and Cronin (1994, 108-113, 128-9) expanded the sovereignty framework to explain the legitimation crisis at the domestic level and developed the legitimation rules or as

¹ The emphasis is in the original text.

they put it, “legitimizing principles.” Here, the crisis was about competing claims to authority between two distinct structures of political organization: the state against the nation. They defined the latter as “communities of sentiment.” The crucial insight is that legitimation rules for sovereignty claims tend to change “during major systemic crises, such as world wars or widespread political upheavals,” and that the “winning coalition” either recognizes the state’s or the nation’s claim. They note that the legitimation rules had been based on the effectiveness of states’ control over a defined juridical order or the effectiveness of a group’s representation of the “political aspiration of a particular nation.” In their formulation, the legitimation rules center on the concept of “legitimate authority.” Yet, “understandings of legitimacy tend to change from era to era [and so] the rules of sovereignty are neither fixed nor constant, but rather are subject to changing interpretations.” The idea of legitimate authority encapsulates the international community’s expectation of *just* governance institutions from the relevant political structure claiming sovereignty. Even so, conceptions of justness change “from era to era, and thus there can be no single standard from which to judge what is just.” At the core, however, the notion of legitimate authority “requires a belief that the institutional forms are appropriate and right ... [so legitimacy] is eroded when people no longer accept the principles that suggest why they ought to obey the existing authorities.” And when an actor or a group of actors oppose the legitimacy of authority, they make a claim of sovereignty over the territories and peoples they represent. The legitimation or recognition of such claims causes institutional and structural changes to the international system.

In sum, the existing sovereignty framework sufficiently explained the external and internal dimensions of the legitimation crisis in the international system after the institutionalization of authority. The framework identified the conflicts between structures of political organization and specified the legitimation rules. For conceptual and analytical clarity, I summarize the existing sovereignty framework in Table 1. As the data show, nothing in the

extant sovereignty framework explains the internationalization of authority, the transfer of authority to IOs, resulting in IO claims of sovereignty. But the framework does explain the dynamics of change in sovereignty claims, which provides a guide for further development.

Table 1. The Existing Sovereignty Framework

Structure of Political Organization	Core Features	Legitimation Crisis	Legitimation Rules
State system (external)	A defined territory or juridical order; organized government	The conflict between individuation and community	Mutual recognition of state authority based on the power of control over a defined territory
State system (internal)	Community of sentiment as represented in a group, or population	The conflict between states and nations	Recognition of authority based on a sense of fairness and appropriateness of governance institutions

In essence, to study IO sovereignty, the framework needs further expansion to enable the understanding of the legitimation crisis, the identification of the structures of political organization and their core features, and more importantly, the specification of IO legitimation rules. I proceed in two parts: first, the construction of institutional change, and second, the construction of structural change.

Institutional change

In this subsection, I utilize studies on the authority and legitimacy of IOs to show the legitimation crisis in the international system after the internationalization of authority, involving the constituent structures' opposition to IO legitimacy. I then specify IO legitimation rules.

Recognizing that “authority” may be a contested concept in international relations (Lopez 2020; Kustermans and Horemans 2022), my concern is the idea of authority as a component of the institution of sovereignty. So, the expression “internationalization of

authority” refers to the transfer of sovereignty as authority to IOs. The theory of change I develop is that while IOs enjoy informal sovereignty, the issue has been about the dynamics of IO legitimation – that is, the basis of IO legitimacy. The theory stresses that an unresolved legitimation crisis will result in the constituent structure’s claim of sovereignty and, therefore, cause institutional change. I base this theory on studies on the authority and legitimacy of IOs (Barnett and Finnemore 1999; Hurd 1999; Cronin and Hurd 2008; for a review of the rich literature on legitimacy, see Bodansky 2013).

Barnett and Finnemore (1999, 707) provide the constructivist account of IO legitimacy and authority. They define *authority* as “the ability of one actor to use institutional and discursive resources to induce deference from others,” as opposed to the use of material resources like economic and military power. They explain that such ability is rooted in the understanding that ‘legitimate modern authority is invested in legalities, procedures, and rules and thus rendered impersonal ... [so authority] is “rational” in that it deploys socially recognized relevant knowledge to create rules that determine how goals will be pursued.’ Subsequently, they clarify that “authority is conferred in differing degrees and kinds on actors other than [modern] states. Prominent among these are IOs” (Barnett and Finnemore 2004, 5, 167-9). This granted or transferred authority is what I construct as the internationalization of authority that created the legitimation crisis and resulted in institutional and structural changes in the international system. As they aptly note, the “Lack of consensus on what goals or values are universally desired ... has plagued IO claims to substantive legitimacy.” In other words, inconsistent goals or values between dominant IOs and the constituent structures are a cause of the legitimation crisis. They also underline that “the structure and decision-making rules of

these organizations often raise questions about *representation*² and accountability—two cornerstones of the broadly liberal notions that undergird IOs.”

The insight is that the constituent structures of dominant IOs maintain unique norms and values, and incompatible values and norms cause disagreements, which in turn lead to opposition to principal authority structures. Just as well, inadequate representation of the constituent structures in dominant IOs will result in challenges to the latter’s legitimacy. All this underpins the legitimation crisis in the international system involving the constituent structures’ opposition to IOs’ legitimacy. So, the core conceptual issue concerns IOs’ legitimation or the rules of IO legitimation.

Hurd (1999, 387-8) points to “the standard of appropriateness” that centers on the “sense within the individual of the appropriateness of a body.” An extrapolation of the term “individual” would allow for a consideration of dominant IOs’ constituent structures, including regional organizations. In essence, the constituent structures must accept IOs as suitable structures of political organization to exercise sovereignty as transferred authority. Otherwise, leading IOs would have failed the standard of appropriateness test. Cronin and Hurd (2008, 7) expound on the specifics of the test by suggesting that “Legitimation is possible when an organization is identified with the purposes and goals that are consistent with the broader norms and values of its society.” Or as Zürn (2018, 77) puts it, IOs “can encourage belief in their legitimacy if their practices create the appearance of supporting the common good in an impartial way.” Otherwise, legitimation will fail and will cause “opposition and resistance” from the constituent structures.

The standard of appropriateness test would also involve examining the inclusiveness of decision-making procedures that would facilitate robust deliberation of issues and options for

² The emphasis in the quoted text is mine. I will show in the case study below that the AU opposes the UN Security Council legitimacy because the Assembly, representing all 55 African states, believes that Africa is inadequately represented in the Security Council. The AU opposition and unresolved legitimation crisis ultimately culminated in the Assembly claim of sovereignty.

actions, as opposed to institutions that privilege material resources and therefore actors with economic and military powers (Barnett and Finnemore 2004, 167; Hurd and Cronin 2008, 12). Focusing on the UN Security Council, Cronin and Hurd (2008, 3) note that “the success of the SC [Security Council] often depends less on its capacity to employ its collective military and economic strength than on its ability to gain recognition as the body with the legitimate authority” to act. Adding that recognition “requires a widespread acceptance by governments and their populations of the Security Council’s legitimacy to act.” In short, IO legitimization is a function of the constituent structures’ approval.

Thus, I hold that the rules of IO legitimization must comprise 1) the alignment of dominant IOs’ norms, values, priorities, interests, or goals, with the constituent structures, and 2) a complete representation of the constituent structures in the principal decision-making organs of dominant IOs. So, the legitimization crisis will have two plausible outcomes: Either the resolution of the crisis because of alignment and complete representation, or the continuation of the crisis because of nonalignment and incomplete representation. In the first instance, a resolution by alignment of values, norms, interests, priorities, or goals, and complete representation. In this first scenario, the result would be an incremental institutional change in the sense that the internationalization of authority will continue (Fioretos 2011, 391; Mahoney and Thelen 2012, chap. 1). Scenario one accounts for much of the changes in the institution of sovereignty over the past four decades, at the very least. In the second instance, a continuation of the legitimization crisis because of nonalignment and incomplete representation. In this second scenario, significant institutional change is more likely to occur because the constituent structures may take drastic measures to protect, uphold and propagate their core norms, values, priorities, or interests, and pursue their goals. Scenario two will almost always lead to self-identification, individuation, separation, or sovereignty claims. (I will show in the case study below that the AU claim of sovereignty is the archetypical outcome of scenario two.)

Either scenario and outcome will trigger structural transformation, but, again, significant change is more likely to happen in scenario two because the constituent structures will take desperate actions to protect their norms, values, priorities, or interests, or pursue their goals. I base this proposition on the “third image” of structure theory and the new regionalism approach to structural change.

Structural change

In this subsection, I extend the theory that the internationalization of authority or what some scholars describe as the internationalization of the modern state (Picciotto 1991; Wendt 1994; Glassman 1999; Farrell and Finnemore 2016) transformed IOs into international state structures and created the international state system (Picciotto 1984). I emphasize that the power to create fundamental structural change in the international system now resides in diverse actors located in the world’s regions. I base this proposition on the third image of structure (Ruggie 1989) and new regionalism (Hurrell 1995; Hettne and Söderbaum 1998; Mansfield and Milner 1999).

IOs are the structures of political organization in the international state system (Picciotto 1984, 86), and these structures need not possess all features of sovereign statehood (Farrell and Finnemore 2016). In particular, my understanding of structures of political organization is in line with Wendt’s (1994, 392) definition of the international state as “a *structure of political authority* that performs governance functions over a people or space.”³ This definition encompasses IO structures like the UN and the International Monetary Fund (IMF), as well as regional organizations such as the EU and AU. However, I treat regional organizations as constituent structures of dominant IOs or international states like the UN, because, under Chapter VIII of the UN Charter, regional arrangements such as NATO, the EU,

³ The emphasis is in the original text.

and AU should support UN activities and organs, especially the Security Council in maintaining international peace and security.

From the realist perspective, IO programs often privilege the interests and priorities of the constituent structures with comparatively more economic and military powers, often states and regional organizations in the Global North. As Picciotto (1984, 87) puts it: “The increasingly dense network of international organizations of diverse kinds and powers ... [has] grown in the last thirty years both to express and to mask the increasing powerlessness of the dominated peoples of the world” (for a similar view, see Ayoob 1995, 157). This understanding is based on realist accounts of the first image of structure (anarchy and self-help) where the possession of tangible elements of power, such as military and economic resources, determines the extent to which an actor influences international politics (Waltz 1979). However, constructivists (for example, Wendt 1999) offer an alternative account of structure, focusing attention on the power of rules, norms, values, shared interests, intersubjective understandings, rights, and human agency as determinants of the course of international history.

Particularly, Ruggie’s (1989, 22, 28, 30) theory of the “third image” of structure is a fundamental departure from the realist conception of “International political structure” based on “configuration of power ... because the organizing principle—anarchy, or self-help—is assumed not to vary, and [that] functional differentiation of units apart from that imposed by their capabilities is said not to exist.” Instead, the theory highlights an actor’s “*right to act as a power*,”⁴ what Barnett and Duvall (2005, 56) call “productive power,” which is “the capacity and inclination for action for the socially ... disadvantaged.” Ruggie clarifies that power has “shifted toward some actors, and away from others; some types of units [structures] were socially deemed to be legitimate wielders of authority, [and] others were delegitimized.”

⁴ The emphasis is in the original text. Moreover, as the case study below shows, the AU claim of sovereignty is precisely about the “right” of the Assembly to make ultimate decisions on interventions on the continent in spite of Africa’s military and economic realities. Also, Article 4(h) of the Constitutive Act of the AU enshrines the Assembly’s legal “right to intervene” in serious situations, like genocide and crimes against humanity.

Indeed, the constituent structures oppose dominant IOs' claims of legitimacy due to inadequate representation, or distinctions in values, norms, interests, priorities, or goals (Barnett and Finnemore 2004). Importantly, the third image of structure redefines the "globe" as a "region" rather than "universal," where power as a right has shifted.

Although the theory underlines "the contours of postmodern international system" and the "part of the world that is nonterritorial" (for an extended discussion, see Ruggie 1993), the explanation of "the right to act as a power" as residing in the "globes" or regions did not exclude territorial considerations. My point is that territorial spaces are not yet obsolete, especially in the context of defining and delimiting IOs' scope of authority. I base this proposition on the new regionalism approach to structural change (Hurrell 1995; Hettne and Söderbaum 1998; Mansfield and Milner 1999).

Hettne and Söderbaum (1998, 7-8) observe that "While the old regionalism was often imposed ... from above and outside, the new regionalism ... emerge from below and from within the region itself," and is "associated with or caused by a multitude of often interrelated structural transformations of the global system." Hurrell (2007, 130-1) explains that unlike "old regional regionalism" where the "core driving logic [of change] is global even if the manifestation is regional," the new regionalism approach stresses that the catalysts of important transformations are in the regions. Hence, "the region plays a defining role in the relations between the states of that region and the rest of the world." Or as Ruggie (1989, 32) puts it, "global domains ... are growing more important relative to other domains of international relations." Importantly, the new regionalism approach is inclusive, involving both territorial (geography) and nonterritorial spaces. This broader conception of structure is not by academic consensus; rather, it is a consequence of the debate on defining a region. Mansfield and Milner (1999, 590-1) show that definitions vary from culture, economy, and geography to space.

So, I theorize that, in seeking to exercise the right to act as powers, that ability and tendency for action, the constituent structures of dominant IOs or international states will more likely than not cause fundamental structural change in the international system, especially where principal IOs stymie such tendencies or rights. As such, modern states constituting regional bodies will either initiate radical reform to change existing governance structures to help advance their interests and priorities, or like-minded states will create new structures of political organization for the same purposes. A good example is BRICS (Brazil, Russia, India, China, and South Africa). Such structures will be markedly different from existing theories of structural change in state forms of political organization, such as “continental state systems” (Deudney 2007), “regional states-systems” (Hurrell 2007), and “regional state” (Schmidt 2004). This is because the terms continental state and regional state refer to European states like France, Italy, and Germany. The term continental state also refers to the United States of America, the Russian Federation, China, and the EU in the context of territorial expansion toward the entire continent within their geographical spaces. But such expansion has not occurred yet, so the “continental state” label is a misnomer. The expression “regional states” applies to regional organizations, specifically the EU.

Fundamental structural change will occur because IOs exercising power as a right will enjoy formal sovereignty over a region or continent. So, the core features of such states would be formal sovereignty and defined territories. Formal sovereignty may reside in a single actor or institution, and only that actor may transfer the authority inherent in the sovereignty to other structures. For example, a continental state would be different from other structures in three main aspects. First, the scope of authority would span across a defined boundary, otherwise known as a continent. For instance, the EU is not yet a continental state because its scope of authority is limited to specific regions or subregions of the European continent. Much of eastern Europe is outside the EU’s authority, and some states in western Europe, like the UK, are

outside the EU's authority. Thus, the EU may well be the first real regional state, though without formal sovereignty and a defined boundary (Schmidt 2016, 22, 24). As Krasner (2016, 527) points out, "The geographic scope of the EU is also still undecided" because of uncertainties surrounding memberships of countries like Turkey. In contrast, the AU would be a continental state because the authority traverses the entire African continent and the 55 African states. Morocco rejoined the AU in January 2017 after withdrawing in 1984 when the AU's predecessor, the Organization of African Unity, recognized Morocco-occupied Western Sahara as an independent state. The AU still recognizes the status of Western Sahara as a state.

Second, a continental state would be different from regional or subregional state structures that exercise authority within a continent or a region. In Europe, such structures include the Organization for Economic Cooperation and Development (OECD), Eurasian Economic Union (EEU), and Collective Security Treaty Organization. In Africa, these include the Economic Community of West African States (ECOWAS) and the Intergovernmental Authority on Development (IGAD). Such formations are often referred to as subregional organizations. Third, a continental state would differ from other political structures with an intercontinental scope of authority, such as the Organization of American States (OAS) and the League of Arab States or Arab League. Such regional state forms may exercise authority across continents where their members are located. For instance, the UN Security Council resolution to intervene in Libya in 2011 received "regional" legitimacy based on the Arab League's approval against the AU's opposition. Libya is a member state of both state structures.

For conceptual and analytical clarity, Table 2 summarizes the systems and structures of political organization, highlighting "global domains" where authority, legitimacy, and power as a right have shifted or are shifting, and where important political developments are happening and may cause fundamental structural changes. The classification is based mainly on the IO's scope of authority, but my current concern for theory development is the

international state system, comprising dominant structures like the UN and constituent structures, especially regional organizations, such as the AU. In the current UN configuration, structures of other state systems are lumped together and called regional organizations. However, the *systems* of organizing politics in global domains will change, as IOs acquire formal sovereignty because of unresolved legitimization crisis, involving the constituent structures' opposition to dominant IOs' legitimacy. Finally, each system will comprise dominant structures and constituent structures. So, a legitimization crisis is possible in each system and IO legitimization rules would apply in such cases. For instance, the AU is the dominant structure in the continental system in Africa. The constituent structures, such as ECOWAS and IGAD, could oppose AU legitimacy, triggering a legitimization that could result in a sovereignty claim, and ultimately in institutional and structural changes in the international system.

Table 2. Systems and Structures of Political Organization

Systems	Structures (examples)
Subregional state system	OECD, EEU, ECOWAS, IGAD
Regional state system	EU
Continental state system	AU
Intercontinental state system	OAS, Arab League
International state system	UN

In sum, this section developed a theory of institutional and structural changes in the international system and explained the dynamics of IO claims of sovereignty. I did so by expanding the sovereignty framework, as shown in Table 3. I showed how the

internationalization of authority transformed IOs into state structures possessing sovereignty as transferred authority and created the international state system. I articulated the legitimization crisis involving the constituent structures' opposition to dominant IOs' legitimacy and specified the rules of IO legitimation, comprising 1) a complete representation of the constituent structure in dominant IOs' decision-making organs, and 2) the alignment of dominant IOs' values, norms, interests, priorities, or goals with the constituent structures. Accordingly, the theory's central thesis is that noncompliance with the rules of IO legitimation will almost always lead to the continuation of the legitimization crisis and, as a result, will likely cause fundamental institutional and structural changes in the international system. In the next section, I operationalize the theory by analyzing AU policies on UN reform and the ICC intervention in Africa, particularly in Sudan.

Table 3. The Expanded Sovereignty Framework

Structure of Political Organization	Core Features	Legitimation Crisis	Recognition Rules
State System (external)	Territorial control; the supremacy of power over a defined juridical order	The conflict between individuation and community	Mutual recognition of state authority based on the power of control over a defined territory
State System (internal)	Community of sentiment as represented in a group, or population	The conflict between states and nations	Recognition of authority based on a sense of fairness and appropriateness of governance institutions
International State System	Globalized and territorialized, or non-territorialized spaces; the constituent structures transfer authority and legitimacy to dominant structures	The conflict between dominant IOs and the constituent structures, e.g., modern states, continental states, regional states, subregional states	The complete representation of the constituent structures in dominant IOs, and the alignment of dominant IOs' values, norms, interests, priorities, or goals with the constituent structures

Case study

This section operationalizes the expanded sovereignty framework and constructs the AU claim of sovereignty. It analyzes AU policies on the UN Security Council reform, the ICC intervention in Sudan, and the AU reform. The analysis is divided into four subsections. The first subsection shows the legitimization crisis involving the constituent structures' (AU) opposition to dominant IOs' (the Security Council) legitimacy. It shows that proposals for the Security Council reform did not comply with the IO legitimization rule of complete representation, and so the legitimization crisis continued. The second subsection analyzes the Security Council-authorized ICC intervention in Sudan and shows that the international intervention did not comply with the IO legitimization rule of alignment of interests and priorities with the constituent structures, ultimately resulting in the AU claim of sovereignty. The third subsection examines AU reform and shows that the purpose was to strengthen the Assembly to advance Africa's interests and priorities in the international state system. The fourth section briefly discusses AU legitimization and shows growing international recognition of AU sovereignty – the Assembly's right to act as a power in the international state system, and the primacy of decision-making in the course of interventions on the continent. It also shows recognition of the AU as a continental state structure for organizing politics in Africa.

Noncompliance with the IO legitimization rule of complete representation

The UN is the dominant structure of the international state system, and the Security Council is the primary institution possessing sovereignty as transferred authority to make decisions on peace and security binding the constituent structures, including the AU. However, the legitimization crisis has been about inadequate representation of the constituent structures in the Council, especially concerning the veto rule and the accompanying rights and privileges enjoyed by the Permanent Five (P5) members of the Council, namely China, France, Russia,

the United Kingdom, and the United States of America. The veto mechanism allows each P5 member to protect its vital security interests. The constituent structures oppose the Council's legitimacy because of the lack of veto diversity and have been seeking necessary reform. Specifically, the AU grievance is that Africa has no permanent representation and so cannot protect the continent's critical security interests and priorities, even as the P5 has demonstrated an unwillingness to adopt AU reform proposals. The point is that the conversation on the Security Council reform has thus far failed to comply with the rule of a complete representation of the constituent structures in the dominant IOs' decision-making organs, and, as a result, ensured the continuation of the legitimization crisis, which caused fundamental institutional and structural changes in the international system.

Academic and policy studies on UN reform (Morris 2000; Thakur 2004; Weiss 2004; United Nations 2004; Keohane 2011; Welsh and Zaum 2013) note a broad consensus on the lack of diversity and inclusivity in the Security Council, especially concerning the veto rule. As the report of the UN High-level Panel on Threats, Challenges and Change (the Panel), which the UN Secretary-General commissioned to conduct a study on UN reform, concluded: "as a whole the institution of the veto has an anachronistic character that is unsuitable for the institution in an increasingly democratic age." However, the Panel's key recommendation ultimately preserved the status quo. First, the Panel recommended the expansion of non-permanent seats to include more members from "Africa, and Asia and Pacific regional areas." Second, the Panel recommended no changes to the P5 and the veto regime, explaining that "We recognize that the veto had an important function in reassuring the United Nations most powerful members that their interests would be safeguarded" (United Nations 2004, 67-8). Although the Panel's explanation was reasonable, it underscored the basis of the continuation of the legitimization crisis.

The AU considered the Panel's report and disagreed with the recommendations, underlining the legitimization crisis involving the constituent structures' opposition to dominant IOs' legitimacy. A year after the Panel's report, in March 2005, the Executive Council of the AU adopted the Organization's policy on UN Security Council reform entitled "The Common African Position on the Proposed Reform of the United Nations," widely known as "The Ezulwini Consensus" (African Union 2005c). The Assembly endorsed the Ezulwini Consensus in July 2005 in "Resolution on the Reform of the United Nations: Security Council" (African Union 2005b) and in "Sirte Declaration on the Reform of the United Nations" (African Union 2005d). Since then, the Assembly has adopted several *decisions* reaffirming the Ezulwini Consensus. The most recent was in February 2022 "Decision on Annual Report of the Union and Its Organs including the Specific Thematic Issues by the Heads of States, specifically the Twenty-Second Report of the Committee of Ten Heads of State and Government on the Reform of the United Nations Security Council" (African Union 2022, 12-4). The Assembly established the Committee of Ten in August 2005, "with the mandate to present, advocate and canvas support for the African Draft Resolution to all the other regions of the world as well as interested groups with a view to achieving the provisions of the Ezulwini Consensus" (African Union 2005a, 1).

Considering that the Ezulwini Consensus remains the current official AU policy on the Security Council reform, constitutes AU opposition to the Security Council's legitimacy to act on Africa's behalf, and illustrates the legitimization crisis, it is vital to reproduce the relevant paragraphs, though with minor technical formatting to enhance readability and information flow. It states in part:

Recalling that, in 1945, when the UN was being formed, most of Africa was not represented and that in 1963, when the first reform took place, Africa was represented but was not in a particularly strong position; Convinced that Africa

is now in a position to influence the proposed UN reforms by maintaining her unity of purpose ... adopted the following position: 1) Africa's goal is to be fully represented in all the decision-making organs of the UN, particularly in the Security Council, which is the principal decision-making organ of the UN in matters relating to international peace and security. 2) Full representation of Africa in the Security Council means not less than two permanent seats with all the prerogatives and privileges of permanent membership including the right of veto. 3) [E]ven though Africa is opposed in principle to the veto, it is of the view that so long as it exists, and as a matter of common justice, it should be made available to all permanent members of the Security Council (African Union 2005c, 9-10).

In the Sirte Declaration on UN reform, the Assembly noted the "need to ensure Africa's legitimate rights to a fair and equitable geographical representation" and the determination "to ensure the success of the Ezulwini Consensus" (African Union 2005d, 1). Also, in the Resolution on the UN Security Council reform, the Assembly observed that "Africa remains to this day the only continent without a permanent seat in the Security Council," and expressed "the need to ensure Africa's effective representation in the Security Council" (African Union 2005b, 2). At the core of the Assembly's opposition to the Security Council's legitimacy is that Africa is not adequately represented in "the primary organ of the UN on matters of international peace and security."

The UN General Assembly acknowledged the Security Council's legitimacy crisis during the 2005 World Summit. The General Assembly convened the Summit as a part of its annual meetings to consider proposals for UN reform. The General Assembly conveyed "support [for] early reform of the Security Council ... in order to make it more broadly representative ... and thus to further enhance ... the legitimacy and implementation of its

decision” and expresses commitment “to continuing our efforts to achieve a decision to this end” (United Nations 2005a, 32). However, the Security Council reform initiative faces what Keohane (2011, 104) called constitutional deadlock: the structural problem of “lack of inclusiveness” created by the veto, the little or no incentive from wielders of the veto to “allow others into their club,” and the “competition among would-be permanent members” (on this point, see also Zürn 2018, 86). The P5’s reluctance to expand the permanent seats, notwithstanding, the AU continues to canvass Africa’s complete representation in the Security Council. Indeed, the Assembly reaffirmed in a recent decision “that the Ezulwini Consensus ... shall continue to serve as the only viable option that reflects Africa’s legitimate right and aspiration to rectify, inter alia, the historical injustice endured by the Continent; as the only viable option for Africa’s full representation at the UN Security Council” (African Union 2022, 13).

In sum, noncompliance with the IO legitimization rule of complete representation guaranteed the continuation of the legitimization crisis, culminating in the Assembly’s sovereignty claim and the consequent AU reform that is transforming the Organization into a continental state structure.

Noncompliance with the IO legitimization rule of alignment of interests and priorities

This subsection analyzes the ICC investigation and prosecution in Sudan and shows the differences in interests and priorities between the Security Council and the Assembly. Concerned that criminal prosecution may interfere with conflict resolution and the protection of victims of human rights violations, the Assembly prioritized diplomacy and mediation and authorized an African-led peace process. In contrast, the Security Council prioritized justice and ignored the Assembly’s repeated requests to suspend or terminate the ICC mandate. Here, we observed the empirical dimension of the academic debate about peace versus justice

(Snyder and Vinjamuri 2004). The distinction in interest and priority underlined noncompliance with the legitimation rule of the alignment of dominant IOs' priorities and interests with the constituent structures. The outcome was the AU claim of sovereignty – the Assembly's right to the primacy of decision-making on peace and security interventions.

The veto mechanism is an effective tool for safeguarding the P5's "vital interests" (United Nations 2004, 68). Without access to veto rights and privileges, the Assembly has been unable to protect Africa's principal security interests. The Assembly relies on the UN Security Council considerations to defend Africa's interests, but the Council has often rejected the Assembly's requests. The Security Council-authorized ICC intervention in Sudan and NATO military action in Libya are just a few notable examples. However, due to space constraints and to maintain direct relevance, I focus on the ICC intervention in Sudan.

In line with Chapter VII of the UN Charter, the Security Council determined that the human rights violations in the Darfur region of Sudan constituted "a threat to international peace and security" and resolved "to refer the situation ... to the Prosecutor of the International Criminal Court" (United Nations 2005b, 1). After three years of investigation, the ICC Prosecutor found evidence of genocide, war crimes, and crimes against humanity. On July 14, 2008, the Prosecutor asked the Pre-Trial Chamber to issue an arrest warrant for the president of Sudan, Omar al-Bashir (The International Criminal Court 2009a). On July 24, 2008, the AU Peace and Security Council, the Organization's standing decision-making organ on peace and security, adopted a communiqué on Africa's initial response to the Prosecutor's application for al-Bashir's arrest warrant. Underscoring African priorities for "the early resolution of the conflict in Darfur and the promotion of long-lasting peace and reconciliation in the Sudan as a whole," the AU Peace and Security Council

requests the United Nations Security Council, in accordance with the provisions of Article 16 of the Rome Statute of the ICC, to defer the process initiated by

the ICC, taking into account the need to ensure that the ongoing peace [mediation] efforts are not jeopardized, as well as the fact that, in the current circumstances, a prosecution may not be in the interest of the victims and justice (African Union 2008, 2).

The AU's priority and interest were mediation and reconciliation, as opposed to the UN Security Council's justice and prosecution. The UN Security Council discussed the request of the AU Peace and Security Council on July 31, 2008, and recognized the "concerns raised by members of the Council regarding potential developments subsequent to the application by the Prosecutor of the International Criminal Court and their intention to consider these matters further" (United Nations 2008, 2). In short, the Security Council did not grant the request. In February 2009, the Assembly endorsed the AU Peace and Security Council communiqué and urged the UN Security Council to "defer the process initiated by the ICC" (African Union 2009, 1). The Security Council also ignored this second request. Then the ICC Pre-Trial Chamber granted the Prosecutor's first request for an arrest warrant on March 4, 2009 (The International Criminal Court 2009b) and a subsequent request on July 12, 2010, covering the crime of genocide (The International Criminal Court 2010).

In response, the Assembly communicated "deep disappointment" that its "request to the UN Security Council to defer the proceedings initiated against President [al-Bashir] ... has not been acted upon to date" and stressed "the need for the Security Council to reserve a timely and appropriate response to [the] requests ... so as to avoid the sense of lack of consideration of a whole continent." Crucially, the Assembly decided that:

the African Union and its Member States reserve the right to take any further decisions or measures that may be necessary in order to preserve and safeguard ... the sovereignty ... of the continent (African Union 2014, 1-2; the Assembly reasserted the claim a year later, see African Union 2015a, 3).

Although the Assembly's decision implied the prior existence of continental sovereignty, there is no official record of previous claims of sovereignty (see the next subsection for a brief historical detail). So, here for the first time in the history of the international system, an IO claims sovereignty. In this instance, the Assembly asserted "the right to act as a power" and decide the course of international intervention on the continent despite Africa's military and economic capabilities.

The Assembly adopted a decision on necessary measures to protect the sovereignty of the continent in January 2016. With "deep grieve at the failure of the UNSC [Security Council] to respond to the requests of the AU for deferral of The Sudan and Kenyan cases for the past five (5) years," the Assembly expanded the mandate of the "Open-ended Ministerial Committee⁵ [to] include a comprehensive strategy [for] collective withdrawal from the ICC" (African Union 2016b, 3). The Committee developed the ICC "Withdrawal Strategy Document," which the Assembly adopted in 2017. The strategy outlined the AU policy goals, including to "Enhance the regionalization of international criminal law" and "Encourage the adoption of African solutions to African problems" (African Union 2017a, 2). Note that in the context of managing threats to international peace and security, the term "African solutions" is becoming a misnomer. Instead, the phrase "African priorities" or "continental priorities" is preferred and is gaining prominence in official diplomatic circles (African Union 2013, 2017b, c, 2022; The United States Department of State 2022).

In sum, the Assembly's decisions on sovereignty and measures to protect continental sovereignty underscore the differentiation of "self" from "other" – the AU from UN-linked institutions. In particular, the Withdrawal Strategy Document indicates the Assembly's clear

⁵ The Assembly referred to the ICC prosecution of President of Kenya Uhuru Kenyatta and Deputy President William Ruto. However, the ICC intervened because Kenya is a signatory to the Rome Statute, unlike Sudan. The Assembly recommended "the formation of an open-ended Ministerial Committee of Foreign Affairs" in June 2015 to develop strategies for implementing its decisions on the ICC and the suspension or deferral of proceedings against President al-Bashir and other African leaders (African Union 2015b, 1; see also African Union 2015c).

intent to separate the AU from international state structures because of nonaligned priorities and interests, as well as the lack of complete representation. Importantly, however, I construct *separation* in this context as an eloquent expression of self-identification and individuation and, crucially, as a means by which the AU seeks to redefine Africa's relations with dominant structures of the international state system and achieve the primacy of African institutions and decisions. To be clear, by separation, I do not mean disengagement or severance of African organizations and institutions from the rest of the international community; rather, I mean self-differentiation, which is the essence of sovereignty claims.

Pertinently, I construct continental sovereignty as a fundamental institutional change because the Assembly decision is not about the "bargaining away of sovereignty" or the transfer of sovereignty as authority to the AU; instead, it is the creation of a novel sovereign identity for the AU against dominant IOs in the international state system and constitutes the formalization of IO sovereignty. Unlike sovereignty as transferred authority, the formalization of IO sovereignty is a status formation, equivalent only to the modern state forms – the state and the nation. As Barkin and Cronin (1994) note, sovereignty does not change, but what changes is the structure deemed to be sovereign. African states now consider the AU as sovereign and the structure in which they anchor continental sovereignty. So, continental sovereignty is the unique abstract concept the AU utilizes to protect Africa's interests and priorities; it is the Assembly's right to the primacy of decision-making on peace and security interventions on the continent. And all this is a consequence of noncompliance with the legitimation rules of a complete representation of the constituent structures in dominant IOs and the alignment of dominant IOs' interests and priorities with the constituent structures.

AU reform and the emergence of continental state structure

This subsection analyzes AU reform and shows that the goal was to strengthen the Assembly to protect the sovereignty of the continent and Africa's interests and priorities. I

show that the rationale for AU reform was in part a consequence of the unresolved legitimization crisis in the international state system. Accordingly, I construct AU reform as a fundamental structural change in the international system: the continental state structure in which African states anchor continental sovereignty.

I noted that the AU decision on “the right to ... the sovereignty of the continent” suggested the existence of continental sovereignty. While there is no official record of previous claims, Kiiki’s (2003) report indicated that the idea of continental sovereignty came up during the African leaders’ summit in Libya in 2000, convened to discuss the reform of the Organization of African Unity, the AU’s predecessor. But the question then was whether to integrate African states into a single federal state, like the United States of America. The proposal was ultimately rejected as revolutionary; instead, African leaders preferred a gradual structural change through regional integration and agreed to the Assembly’s “right of intervention,” as enshrined in Article 4(h) of the Constitutive Act of the AU. Article 4(h) is in all fours with the third image of structure: the “right to act as a power” despite “material capabilities.” The point is that the AU claim of sovereignty, provoked by noncompliance with IO legitimization rules, accelerated AU reform that essentially transformed the AU into a continental state structure, illustrating the theory of structural change I developed in this paper.

According to the Assembly, the purpose of reform was to “put in place a system of governance capable of addressing the challenges facing the [African] Union” (African Union 2016a, 1), including defending Africa’s interests in world affairs. The Assembly appointed President Paul Kagame of Rwanda to lead the reform process. Kagame’s report the “Imperative to Strengthen our Union” provided substantive explanations for reform, including a) to reject “Africa’s subordinate place in the community of nations as natural” and b) to ensure “that the Assembly decisions are implemented to avoid the signal that ... they don’t matter” (African Union 2017c, 3, 5). Kagame argued that the “African Union should focus on a fewer number

of priority areas [“African priorities”], which are by nature continental in scope,” such as “Africa’s global representation.” So, Kagame made two pertinent recommendations. First, he recommended changes to “the structure of African Union institutions to deliver on key priorities.” This would involve the Assembly holding one summit per annum, instead of two, with an agenda that focuses on “three strategic items.” Second, he recommended changes to “the current sanctions mechanisms” so that “participation in the African Union deliberations [becomes] contingent on adherence to Summit decisions” (African Union 2017c, 7, 11-2).

These recommendations underline the central point that the essence of reform was to transform the AU into an effective structure of organizing politics on the continent, or the continental state, to advance and protect Africa’s priorities and interests in the international state system. Note that summit decisions or Assembly decisions, such as the sovereignty of the continent and the Ezulwini Consensus, are the AU’s highest official actions. Even more significant is the power to enforce sanctions, which is essential for the success of any state structure.

The Assembly approved Kagame’s recommendations in January 2017. Stressing African priorities, the Assembly underscored “the importance of African Common Positions as the most effective way of advancing Africa’s voice and representation in the world” (African Union 2017b, 1). Recall that the Executive Council of the AU and subsequently the Assembly adopted the Ezulwini Consensus as Common African Position on the UN Security Council reform. The Ezulwini Consensus is one of the oldest and most enduring African Common Positions on vital continental security priorities and interests. The significance is that the AU reform centers on strengthening the Assembly’s capacity to defend the continent’s core interests in the international state system. Recently, the Assembly reaffirmed that the Ezulwini Consensus “shall continue to serve as the only viable option for Africa’s full representation at the UN Security Council” (African Union 2022, 13).

In sum, key elements of AU reform show that the African leaders' collective intention is to establish a stronger structure of political organization to support continental sovereignty. And, as I theorized, what has emerged is the continental state structure in which African states anchor continental sovereignty, and the growing international legitimization of the AU as a state form illustrates the theory of structural change.

AU legitimization and international recognition

The AU claim of sovereignty of the continent was adopted by consensus, without any of the member state's objections. There is no veto rule in the AU system. The Assembly and the Peace and Security Council use the consensus mechanism or the two-thirds majority, in cases of member states' objections, for the highest official decision-making. These decision-making rules foster the member states' sense of ownership of AU institutions and have been the most significant and enduring features of AU legitimization. Recent studies (Ifediora 2021; Duursma 2020) show that the AU legitimacy often guarantees the success of African mediation efforts. The point is that the AU enjoys substantive legitimacy among all 55 African states – even Morocco rejoined in 2017 without securing AU's commitment to the Kingdom's demands.

The AU is also gaining international recognition. Since the AU claim of sovereignty of the continent, media reports of the P5 members' official statements (The Associated Press 2022; Voice of America 2023; South China Morning Post 2023; Business Standard 2023) show increasing legitimization. In particular, the United States President, Joseph Biden, has expressed his administration's strong political and diplomatic support for the African Common Position on permanent seats on the UN Security Council, and even included AU permanent membership of the Group of Twenty (G20). As President Biden explained during the US-Africa Summit in December 2022:

Africa belongs at the table in every room ... where global challenges are being discussed and in every institution where discussions are taking place. That's why I announced in September [2022], at the United Nations General Assembly, that the United States fully supports reforming the U.N. Security Council to include permanent representation for Africa. And today I'm also calling for the African Union to join the G20 as a permanent member (The White House 2022).

President Biden did not nominate the AU for permanent membership in the UN Security Council. The African position has been that the issue of candidacy is a matter for AU:

The African Union should be responsible for the selection of Africa's representatives in the Security Council. The question of the criteria for the selection of African members of the Security Council should be a matter for the AU to determine (African Union 2005c, 10).

I suppose President Biden was well-briefed. I also suppose, based on the Assembly decisions on sovereignty and reform, that African states will eventually propose AU as a compromise candidate to competing claims by South Africa, Nigeria, and Ethiopia, among other states. President Biden did nominate the AU for permanent membership in the G20. The EU is presently the only IO as a regional state with permanent membership of the G20. The AU would become the first continental state with permanent membership of the G20.

I construct the increasing international support as AU legitimization – the recognition of the Assembly's "right to act as a power," otherwise the sovereignty of the continent. And, more importantly, I construct the growing international support as the recognition of the AU as a continental state structure for organizing politics, in which African states anchor continental sovereignty. So, to answer the research questions: the AU claim of sovereignty did cause fundamental institutional and structural changes in the international system: the formalization

of IO sovereignty and the emergence of the continental state structure of political organization. The theory of change I developed in this paper is therefore demonstrated.

Conclusion

Theories of institutional and structural changes in the international system are hardly disinterested. Understandings and constructions of change are often products of abstract imaginations of past, present, and future events. As Rosenau (1989, 15) insightfully surmised, “changes, and continuities too, are not objective phenomena. Their existence acquires meaning through conceptual formulation and not empirical observation.” Rosenau’s point is that making sense of change requires the construction of emerging development patterns in world affairs based on theoretically rich insights. So, I anticipate international relations scholars to consider the significance of the AU claim of sovereignty in the context of the debate about change and continuity in the international system. Such engagement is vital because that is the overall point of my contribution to the dialogue. Indeed, conceptions of change often reflect the scholar’s theoretical tendency.

I have based my theory of change on constructivist accounts. While I expect scholars and students of neorealism and neoliberalism to entertain different constructions, I suppose neorealism scholars are more likely to embrace my core conclusion that IOs are not superseding modern states as principal structures of political organization – such a replacement is not yet happening. On this point, I share Wendt’s (1992, 424) view that “in the medium run sovereign states will remain the dominant political actors in the international system.” In short, the sovereign state model is not disappearing (even in Africa); rather, as Vernon (1981, 529), Keohane (1995, 74) and Krasner (2001a, 29) concluded, IOs as state structures and modern states are cohabiting, and I anticipate such coexistence will likely continue for the foreseeable future. At the same time, legitimation crisis will remain a feature of IO state systems and so

changes will continue to occur, either through resolution by a complete representation of constituent structures in dominant IOs and the alignment of dominant IOs' norms, values, interests, priorities, or goals with constituent structures; or through sovereignty claims because of incomplete representation and nonalignment of norms, values, interests, priorities, or goals.

Postmodernism scholars and students would welcome the theory of change I developed in this paper but may be despondent with my summation. In any case, I have confined my construction of changes as closely as possible to the realities of current international affairs. In doing so, I am mindful of Rosenau's (1989, 16) salient advice on why international relations scholars should engage in theorizing change:

... pausing to conceptualize the dynamics of change is a means of disciplining inquiry. The raw premise that change is underway offers no guidelines as to where to look for it and how to assess it. And, indeed, its identity can be difficult to trace ... without a conception of what constitutes meaningful changes, as distinguished from temporary or minor fluctuations, we are likely to be overwhelmed by the welter of activities that sustain world affairs.

Hence, the theory of change I advanced in this paper clarifies important dimensions of the implications of the internationalization of authority in two major ways. First, I expanded the sovereignty framework to provide original insights into the legitimation crisis in the international system after the internationalization of authority, which transformed IOs into state structures possessing sovereignty as transferred authority. IOs as international state structures enjoying sovereignty as transferred authority had been the foundation for previous theories of change. Now, IO formal sovereignty, as the AU claim of sovereignty established, is a stronger basis for theorizing change. Surely, the AU claim of sovereignty "constitutes meaningful change" and so I have developed an explanatory theory. Second, and flowing from the first, the theory's explanations constitute "guidelines" for how to study IO formal sovereignty going

forward. For this purpose, I developed the rules of IO legitimation as an integral component of the expanded sovereignty framework. I also operationalized the legitimation rules using clear examples.

Lastly, the expanded sovereignty framework will serve as a navigation tool that international relations scholars, students, and practitioners could deploy to navigate ongoing complex changes and avoid being “overwhelmed by the welter of activities” that have sustained “world affairs” over the past three-four decades, as the endeavor to make better sense of the implications of the transfer of sovereignty as authority to IOs continues. Accordingly, the expanded sovereignty framework will lead to a better understanding of the institutional and structural changes taking place in the international system. And as I explained in the introduction of this paper, the theory I developed is the alternative to Krasner’s (2016) compelling realist theory of institutional and structural changes in the contemporary international system.

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