International Organization Sovereignty: Constructing Institutional and Structural Changes in the International System

Abstract

International relations scholars explore the significance of modern states' transfer of authority to international organizations (IOs) within the broader debate on changes and continuities in the "institutions" (sovereignty) and "structures" (forms of organizing politics) of the international system. This paper contributes to this dialogue by developing a theory of change to construct the claim of *continental sovereignty* by the African Union (AU). The theory explains that the transfer/internationalization of authority is transforming IOs into state-like structures possessing *sovereignty as transferred authority* and creating the international state system. Dominant IOs (e.g., UN) are legitimated by minor IOs, or constituent state structures (e.g., AU). Legitimation crises may occur when minor IOs oppose dominant IOs' legitimacy claims. So, the rules of IO legitimation must comprise inclusive representations of constituent structures in decision-making organs and the alignment of norms, priorities, or goals with minor IOs. Noncompliance with these rules may cause fundamental changes. I base the theory on constructivist conceptions of change as outlined in the sovereignty framework, which I expand using studies on IO authority and legitimacy, and internationalization of the state. Conclusion: the AU's sovereignty claim underscores the formalization of IO sovereignty – an important change in the meaning of IO sovereignty.

Introduction

International relations scholars (Keohane and Hoffman, 1991; Keohane, 1995; Krasner, 2001b, 2016; Barkin and Cronin, 1994; Biersteker and Weber, 1996; Werner and Wilde, 2001; Schmidt, 2016) are exploring the significance of territorial states transfer of authority to international organizations (IOs) within the broader debate on changes and continuities in the "institutions" (particularly sovereignty) and "structures" (especially in the sense forms of organizing politics) of the international system (Keohane, 1986; Czempiel and Rosenau, 1989; Holsti, 2002; Buzan and Lawson, 2012; Reus-Smit, 2016; Bain, 2019). The pertinent puzzle is whether modern states' transfer of authority to international organizations IOs signifies the fading of sovereign states and their replacement with IOs as dominant structures for political organization. As with most interesting academic dialogues, a consensus has been elusive because theories of change vary according to the scholar's theoretical tendency.

Some scholars (Keohane and Hoffman, 1991; Keohane, 1995) interpret change as sovereignty bargains in favor of IOs, such as the European Union (EU). Others (Krasner, 2001b, 2016; Fioretos, 2011) view such bargains as ordinary breaches of state sovereignty. Yet other scholars (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. Conceptions 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 modern states (Farrell and Finnemore, 2016). Yet, studies focusing on the EU as a novel postmodern state form (Wæver, 1995; Werner and Wilde, 2001; Schmidt, 2016) emphasize that IOs lack formal sovereignty as modern states.

This paper contributes to this dialogue by developing a theory of change to construct the claim of continental sovereignty by the African Union (AU) Assembly (African Union, 2014, 2015a) and the consequent structural reform of the Organization (African Union, 2017b).

The AU is Africa's premier regional organization. The Assembly is the supreme organ. It comprises the 55 Heads of State and Government of AU Member States and represents over 1.4 billion people. The guiding research questions are: What dynamics of change are in sovereignty claims by an actor or group of actors against other players in the international system? Did the AU's sovereignty claim cause fundamental institutional and structural changes in the international system?

My theory of change answers these questions. It explains that the internationalization of authority – by which I mean modern states' transfer of authority to IOs – is transforming IOs into state structures possessing *sovereignty as transferred authority*, thereby creating the international state system. IOs like the UN are the dominant structures, although the international state system comprises minor IOs/constituent state structures, such as regional organizations like the AU and the EU. Minor IOs legitimize dominant IOs' authority/legitimacy claims. Legitimation crises occur when constituent state structures oppose dominant IOs' legitimacy claims. Minor IOs oppose dominant IOs' legitimacy if they are not fully represented in decision-making organs and if there are major differences with the dominant IOs' norms, values, priorities, interests, or goals. Thus, IO legitimation rules must comprise 1) inclusive representation of minor IOs in the decision-making organs of the dominant IOs and 2) the alignment of values, norms, priorities, interests, or goals between dominant IOs and the constituent structures. Noncompliance with these rules causes a legitimation crisis and may lead to fundamental institutional and structural changes because the constituent structures may act to protect their values, norms, interests, or priorities, and/or pursue their goals.

I base the theory on constructivism (Finnemore and Sikkink, [2001] provide a fuller discussion of the theory, methods, and applications of constructivism) and constructivist conceptions of change as outlined in the sovereignty framework (Ruggie, 1983; Barkin and

Cronin, 1994). I expand the sovereignty framework using studies on IO authority and legitimacy (Barnett and Finnemore, 1999, 2004; Hurd 1999; Cronin and Hurd, 2008; Zaum, 2013; Zürn, 2018; Tallberg and Zürn, 2019), and internationalization of the state (Picciotto, 1991; Wendt, 1994; Glassman, 1999; Hirsch and Kannankulam, 2011; Goldman 2012; Panitch and Gindin, 2021). I operationalize the theory by analyzing AU policies on the UN Security Council reform and the International Criminal Court (ICC) intervention in Sudan. I draw on primary sources of data, such as the 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; records of the ICC proceedings in the case of Sudan; and media reports.

The analysis confirms the causality of sovereignty claims by minor IOs with noncompliance with IO rules of legitimation. Significantly, the dynamics of change in sovereignty claims involve expressions of identity, "self-differentiation" from "other." The claim of continental sovereignty by the Assembly signifies the sovereign identity of the AU. It means the formalization of IO sovereignty and the transformation of IOs into state structures possessing sovereign status. It is a transformation of the AU into a *continental state* structure for organizing continental politics in which African states anchor *continental sovereignty*. In sum, the sovereignty claim by the AU denotes fundamental institutional and structural changes in the meaning of IO sovereignty and IOs as state structures for organizing politics in the international system.

This paper contributes to the change and continuity debate in three vital ways. First, it clarifies the implication of the internationalization of authority: fundamental institutional change can occur because noncompliance with IO legitimation rules may provoke sovereignty claims by minor IOs, transforming IO sovereignty as transferred authority into formal sovereignty. Second, it clarifies the consequential structural change after the formalization of

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IO sovereignty: the transformation of IOs as state structures enjoying sovereign identity and status. Third, it clarifies Krasner's (2016: 521-2, 528) theory of change, which states 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." Hence, "The EU … will not become a model for other regions that might supplant sovereign statehood [and] end the monopoly of sovereign statehood as the fully legitimated institutional structure for organizing political life." This paper shows that the AU has become the alternative model. However, instead of nuclear weapons, noncompliance with the rules of IO legitimation poses "existential security threats" to other regions.

IO sovereignty: from transferred authority to formal sovereignty

This section reviews the literature and shows that theories of change center on the understanding that IOs are postmodern state structures possessing and exercising authority as transferred to them by modern states. So, I conceptualize *IO sovereignty as transferred authority*, stressing that the sovereignty claim by the AU moves the conversation toward the formalization of IO sovereignty.

The puzzle of the implications of modern states' transfer of authority to IOs has beset IR scholars. Wendt and Duvall (1989: 57) noted that "State actors simply possess sovereignty in greater or lesser degree" vis-à-vis IOs. Wendt (1994: 388, 393) clarified that states create IOs without "formal cession of sovereignty," but merely "relocate … de facto sovereignty [authority] to transnational authorities." In other words, state actors transfer sovereignty as authority instead of formal sovereignty, as a means of "redeploying state power, not a withering away of the state." Barkin and Cronin (1994: 109) focus attention on the structures around which actors could organize politics and emphasize that "while the specific expression of sovereignty may remain constant, that which is considered to be sovereign changes." So, if

state actors confer formal sovereignty on IOs, then such IOs would become sovereigns. In short, this theory of change stimulates the idea that IOs have sovereignty as transferred authority.

For Krasner (1988, 2001a,b), sovereignty as the core constitutive feature of modern states does not change, despite IOs exercising state-like authority, because transformation occurs because of state actions. He made 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 (Krasner, 2001a: 28).

Elsewhere, Krasner (2001b: 17) clarifies that such agreements are mere "Breaches of the sovereign state model [which] have been an enduring characteristic of the international environment." Modern states transfer authority as sovereignty to IOs through free bargains. 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) stresses 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.

Keohane and Hoffman (1991: 13) understood change as "the sharing of sovereignty rather than transfer of [formal] sovereignty to a higher level." Subsequently, Keohane (1995: 75) explained that "one implication of European Community law is that bargaining away sovereignty to the [EU] may be effectively irreversible." But such agreements are reversible as

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"Brexit" (the British exit from the EU) suggests. A safer conclusion would be that IOs enjoy sovereignty as transferred authority. Indeed, other scholars focusing on the EU have illustrated this central conceptualization that IOs possess sovereignty as transferred authority. Wæver's (1995: 417) question of "How sovereign has the EU become?" highlighted the fact that European "states do not say the E.U. is sovereign, nor does the E.U." Likewise, Werner and Wilde (2001: 303) observed 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 sense in which scholars have understood institutional and structural changes centers on the notion that IOs have sovereignty as a transferred authority. IOs do not have formal sovereignty because it is an identity that an actor must claim on behalf of a state-like structure.

From a purely structural perspective, theories of change support the conceptualization that IOs possess sovereignty as transferred authority. As Ruggie (1993: 140) pointed out, the EU's extensive authority indicates "nothing less than the emergence of the first truly post-modern political form." What followed are conceptions of the EU as a "regional state" (Schmidt, 2004) or "continental state" (Deudney 2007: 236). However, Schmidt (2016: 22) clarified that the EU "lacks sovereignty," that is, formal sovereignty. The contention that the EU does not enjoy sovereignty suggests that fundamental change would happen when IOs or modern states establishing IOs claim sovereignty, which would shift the conversation to status and identity. 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.' In whatever form scholars conceive such future state structures, as 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), they are widely known today as IOs.

The sovereignty claim by the AU refocuses the dialogue on the concept of self-identification – the idea that sovereignty implies the separation of "self" from "other." This is because sovereignty claims are expressions of individuality. As Wendt (1992: 412) put it, "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 separate from. For example, if the EU claims sovereignty, would such a claim indicate self-identification against European states or external actors, like the UN, or both?

In sum, the idea of sovereignty as formal authority has been the basis for the theories of continuity, while the conceptualization of sovereignty as transferred authority has been the foundation for the theories of change. Any theory of fundamental change must include formal sovereignty claims by IOs, like the AU, and a comprehensive understanding of the dynamics of change in sovereignty claims. For this, I turn to the sovereignty framework.

The sovereignty framework

Constructivist theories of change are outlined in the sovereignty framework, which explains the dynamics of change in sovereignty claims, such as, why actors claim sovereignty; the forms and core features of structures claiming sovereignty; the legitimation crisis, and legitimation rules. However, the existing framework has sufficiently explained sovereignty claims by state structures in the modern state system. It does not explain sovereignty claims by IOs. So, I expand the framework by developing a theory of change that will guide the study of IO sovereignty claims.

Ruggie (1983: 274-8) developed the original framework and explained fundamental institutional and structural changes in the international system: the transformation of the

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medieval state structures (or the medieval state system) into the modern state structures (or the modern state system). The change was a consequence of the "institutionalization of public authority within mutually exclusive jurisdictional domains." Beyond what Ruggie described as the "legitimation for central state authority vis-a-vis competing domestic claimants," 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 simultaneously 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. These distinct political orders accepted the abstract concept of sovereignty as the solution to the crisis or 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 modern 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 framework and explained the legitimation crisis at the domestic level. They developed the legitimation rules or the "legitimizing principles" of sovereignty claims. Here, the crisis was about competing claims to authority between two distinct political structures: the state against the nation. They defined the latter as "communities of sentiment." The crucial insight was that the legitimation rules 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. The

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[1] Emphasis in original.

legitimation rules were 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." The rules of state legitimation center on the concept of "legitimate authority," although "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." Legitimate authority implies that the political structure claiming sovereignty must establish *just* governance institutions. Yet, conceptions of justness changed "from era to era, and thus there can be no single standard from which to judge what is just." Nevertheless, at its core, legitimate authority "requires a belief that the institutional forms are appropriate and right … [and legitimacy] is eroded when people no longer accept the principles that suggest why they ought to obey the existing authorities." Here, constituent/component structures oppose the legitimacy of dominant political entities by claiming sovereignty over territories and peoples.

In sum, the existing sovereignty framework explains the external and internal dimensions of the legitimation crisis in the international system after the institutionalization of authority. The framework identifies conflicts between structures for organizing politics and specifies the legitimation rules. For conceptual and analytical clarity, I summarize the existing sovereignty framework in Table 1.

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

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The data shows that the extant framework could not explain the internationalization/transfer of authority to IOs and sovereignty claims by IOs (AU). The study of IO sovereignty claims – understanding the legitimation crisis and legitimation rules, the political structures and their core features – requires that the framework needs further expansion. I take the first step, proceeding in two parts: institutional change and structural change.

Constructing institutional change

In this subsection, I utilize studies on IO authority and legitimacy to show the legitimation crisis after the internationalization of authority. The crisis involves minor IOs'/constituent structures' opposition to dominant IOs' legitimacy. An unresolved crisis could lead to claims of sovereignty by minor IOs, causing institutional change.

Although "authority" is a contested concept in international relations (Kustermans and Horemans, 2022), I am particularly interested in the idea of authority as a component of the institution of sovereignty. So, by "institutional change," I mean changes in sovereignty as transferred authority (for a fuller discussion of theories of institutional change, see Holsti, 2004; Rosenau, 2018). For emphasis, by "internationalization of authority," I mean modern states' transfer of authority to IOs.

Barnett and Finnemore (1999: 707) provide accessible accounts 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. 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, and pertinently, they (Barnett and Finnemore, 2004: 5, 167-9) note that "authority is conferred in differing degrees

and kinds on actors other than [modern] states. Prominent among these are IOs." This understanding is what I construct as the *internationalization of authority* that created the legitimation crisis in the international system. As they aptly put it, 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 minor IOs/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]

The insight is that constituent structures of the dominant IOs maintain unique norms, interests, or goals, and so incompatibilities could lead to disagreements, which in turn result in opposition to the latter's legitimacy. Equally, inadequate representation of the constituent structures in the dominant IOs' decision-making organs and institutions may result in the former's challenge to the latter's legitimacy claims. As such, the significant conceptual issue concerns the rules of dominant IO legitimation.

Hurd (1999: 387-8) points to "the standard of appropriateness," the "sense within the individual of the appropriateness of a body." Let me extrapolate the term "individual" to enable the understanding that minor IOs expect dominant IOs to be appropriate. As such, the constituent structures must recognize dominant IOs as suitable structures for organizing politics at the international level to accept the exercise of sovereignty as transferred authority on their behalf. Otherwise, dominant IOs would have failed the standard of appropriateness test. Cronin and Hurd (2008: 7) have expounded 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." Zürn (2018: 77) observes that IOs "can encourage belief in their legitimacy if their practices create the appearance of

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[2] Emphasis added.

supporting the common good in an impartial way." Otherwise, legitimation will fail, creating "opposition and resistance" from the constituent structures.

The standard of appropriateness test would also involve examining the inclusiveness of decision-making mechanisms that would facilitate robust deliberation of issues and options for 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). In particular, 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." Adding that recognition "requires a widespread acceptance by governments and their populations of the Security Council's legitimacy to act." In short, IO legitimation is a function of the constituent structures' approval.

Accordingly, I hold that the rules of dominant IO legitimation must comprise 1) the alignment of dominant IOs' norms, values, priorities, interests, or goals, with those of minor IOs/constituent structures, and 2) an inclusive representation of the constituent structures in the principal decision-making organs of dominant IOs. So, the legitimation crisis will have two Scenarios and plausible outcomes: Either the resolution of the crisis because of alignment and inclusive representation, or the continuation of the crisis because of nonalignment and exclusive representation. In Scenario I, there would be a resolution by alignment of values, norms, interests, priorities, or goals, and inclusive representation. The result would be an incremental institutional change in the sense that the internationalization of authority may continue (Fioretos, 2011: 391; Mahoney and Thelen, 2012: chap. 1; Lenz and Söderbaum, 2023). Scenario I accounts for many of the changes in the institution of sovereignty as transferred authority over the past four decades. In Scenario II, there would be a continuation of the legitimation crisis because of nonalignment and exclusive representation.

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Here, fundamental 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, or pursue their goals. Scenario II is where self-identification by sovereignty claims is possible. Table 2 provides a visual summary of both Scenarios.

Table 2: Legitimation Crisis Outcomes in Institutional Change

Scenario I	Scenario II
Resolution of legitimation crisis by alignment of dominant IOs values, norms, interests, priorities, or goals with those of minor IOs/constituent structures, and inclusive representation of minor IOs in decision-making organs of dominant IOs	Continuation of legitimation crisis because of the nonalignment of dominant IOs' values, norms, interests, priorities, or goals with those of minor IOs/constituent structures, and exclusive representation of minor IOs in the decision-making organs of dominant IOs
Incremental institutional change – that is, the internationalization of authority	Fundamental institutional change may occur as constituent structures seek to advance their norms, interests, or goals

Either Scenario and outcome may trigger structural transformation, but fundamental change is more likely in scenario two because the constituent structures may take desperate actions to protect their norms, values, priorities, or interests, or pursue their goals.

Constructing structural change

In this subsection, I extend the construction that the internationalization of authority, or what some scholars (Picciotto, 1991; Wendt, 1994; Glassman, 1999; Goldman, 2012; Panitch and Gindin, 2021) describe as the internationalization of the modern state, is transforming IOs into international state structures and creating the international state system (Picciotto, 1984).

Scholarly discussions of "structure" in international relations often relate to organizing principles like anarchy, self-help, and power. I am especially interested in the structure in the sense of state forms for organizing politics in which actors could anchor sovereignty. I follow

Wendt's (1994: 392) conception of the international state as "a *structure of political authority*[3] that performs governance functions over a people or space." Such a structure need not possess all the features of sovereign states (Farrell and Finnemore, 2016). It does encompass IOs like the UN, the EU, and the AU. However, I treat regional organizations as minor IOs/constituent state structures of dominant IOs, such as the UN because, under Chapter VIII of the UN Charter, regional arrangements should support UN institutions in discharging their mandates, especially the Security Council in the maintenance of international peace and security.

Neorealist (Waltz, 2010 [1979]) theories of structural change emphasize tangible elements of power like economic and military capabilities, so dominant IOs as international state structures reflect the values, norms, interests, or goals of states and regions with such resources. Constructivist (Ruggie, 1989; Wendt, 1999) theories of structural change contrast with this realist conception, underlining intangible forms of power like rules, norms, and rights. In particular, Ruggie's (1989: 22, 28, 30) theory of the "third image" noted 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 [state structures] apart from that imposed by their capabilities is said not to exist." Instead, he stresses an actor's "*right to act as a power*,"[4] what Barnett and Duvall (2005: 56) call "productive power." Such power has "shifted toward some actors, and away from others; some types of units [state structures] were socially deemed to be legitimate wielders of authority, [and] others were delegitimized." This conception of structure contributes to a better understanding of the legitimation crisis plaguing dominant IOs like the UN that had been controlled by major global powers with material resources. It shows that minor IOs are equally catalysts for structural changes as they exercise their rights as power.

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[3] Emphasis in original.

[4] Emphasis in original.

Studies on "new regionalism" make similar points. 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 locates the stimulus for fundamental transformations 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."

I hold that structural change may occur when minor IOs/constituent structures seek to exercise the right to act as powers by creating new state forms for organizing politics or reforming existing organizations and claiming sovereignty on behalf of such structures. To be clear, modern states constituting regional organizations will either initiate substantive reforms of existing governance structures to advance their values, norms, interests, or priorities or create new structures. The state structures that may emerge would differ from existing conceptions of structural change, such as "continental state systems" (Deudney, 2007), "regional state-systems" (Hurrell, 2007), or "regional state" (Schmidt, 2004). Notably, extant conceptions of continental and regional state systems refer to European states like France, Italy, and Germany, or 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. Also, conceptions of the regional state system apply to regional organizations, often the EU.

I construct structural change as when IOs acquire sovereign status or formal sovereignty over a region or continent. So, the core features of such state forms would include formal sovereignty and defined territories, but they need not enjoy a monopoly of violence. Formal sovereignty may reside in a single actor or institution, and only that actor may transfer authority to other structures. Specifically, a continental state form would differ from other structures in

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three main aspects. First, the scope of authority would encompass a defined continental boundary. The EU is not yet a continental state because its scope of authority is regional within 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. The EU may well be the first regional state, albeit without formal sovereignty and a defined boundary (Schmidt, 2016: 22, 24; Krasner, 2016: 527). In contrast, the AU would be a continental state because its authority traverses the entire African continent.

Second, a continental state structure would differ from regional or subregional state forms that exercise authority within that continent. In Europe, such structures include the Organization for Economic Cooperation and Development (OECD), the Eurasian Economic Union (EEU), and the Collective Security Treaty Organization. In Africa, these include the Economic Community of West African States (ECOWAS) and the Intergovernmental Authority on Development (IGAD). Such state formations are widely known as subregional organizations. Third, a continental state structure 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, a constituent structure of the UN, the Arab League, legitimated the Security Council resolution to intervene in Libya in 2011 because its scope of authority cuts across Africa and the Middle East, and Libya is a member state of both the AU and the Arab League.

For conceptual and analytical clarity, Table 2 summarizes the changing systems and structures for organizing politics in the international system.

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Table 3. Systems and Structures for Organizing Politics

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

The classification is based on the IO's scope of authority. But my focus is the international state system, comprising dominant structures (e.g., the UN) and constituent structures, especially regional organizations (e.g., the AU). Note that within the current UN configuration, structures of other state systems are known as regional organizations. Note also that because each system will comprise dominant and constituent structures, a legitimation crisis is possible and IO legitimation rules would apply. Table 3 summarizes the expanded sovereignty framework based on my construction and theory of change.

Table 4. 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 minor IOs/constituent structures, e.g., modern states, continental states, regional states, subregional states	Inclusive representation of minor IOs/constituent structures in dominant IOs, and the alignment of dominant IOs' values, norms, interests, priorities, or goals with the constituent structures

In sum, the theory of change I developed in this section explains how the internationalization of authority is transforming IOs into state structures possessing sovereignty as transferred authority and creating the international state system. The internationalization of authority resulted in a legitimation crisis involving minor IOs/constituent structures opposing dominant IOs' legitimacy. The theory specified the rules of dominant IO legitimation, comprising 1) inclusive representation of minor IOs/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. The central thesis is that noncompliance with the rules of IO legitimation may lead to the continuation of the legitimation crisis and may cause fundamental institutional and structural changes in the international system. The next section operationalizes the expanded framework to study the sovereignty claim by the AU.

Case study

This section operationalizes the expanded sovereignty framework to explain the significance of the sovereignty claim by the AU. I analyze AU policies on the UN Security Council reform and the ICC intervention in Sudan. I divide the analysis into four subsections. The first subsection shows the legitimation crisis involving minor IOs' (AU) opposition to dominant IOs' (UN Security Council) legitimacy and noncompliance with the IO legitimation rule of inclusive representation. The second subsection analyzes the Security Council-authorized ICC intervention in Sudan to show noncompliance with the IO legitimation rule of alignment of interests and priorities with minor IOs. Sections One and Two illustrate institutional change. The third subsection examines AU reform to show structural change. The fourth section constructs the growing international recognition of the AU as sovereign – that is, the Assembly's right to act as a power in the international state system.

The UN Security Council is the primary organ possessing sovereignty as transferred authority to make decisions on peace and security that binds the constituent structures, including the AU. However, there has been a legitimation crisis about inadequate representation of the constituent structures. This concerns the veto rule and the inherent rights and privileges enjoyed by the Council's Permanent Five (P5) members, 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. This analysis shows that the conversation on the Security Council reform has thus far failed to comply with the legitimation rule of inclusive representation of minor IOs in the dominant IOs' decision-making organs. *Scenario II of the Legitimation Crisis Outcome in Institutional Change* is relevant here.

Noncompliance with the IO legitimation rule of inclusive representation

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

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lack of inclusivity in the Security Council relating to the veto rule. As the 2004 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 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 mechanism, 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 continuation of the legitimation crisis.

The Executive Council of the AU considered the Panel's report in March but disagreed with the recommendations, underlining the legitimation crisis. The central contention was that Africa has no permanent representation and so cannot protect the continent's security interests and priorities. The Executive Council's response was outlined in "The Common African Position on the Proposed Reform of the United Nations," widely known as *"*The Ezulwini Consensus" (African Union, 2005c). The Assembly of the AU 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). In August 2005, the Assembly established the Committee of Ten "to present, advocate and canvas support for…the Ezulwini Consensus" (African Union, 2005a: 1). The Assembly has adopted several *decisions* reaffirming the Ezulwini Consensus, including recently (African Union, 2022: 12-4).

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Considering that the Ezulwini Consensus remains the official AU policy on the Security Council reform, constitutes AU opposition to the Security Council's legitimacy, and illustrates the legitimation crisis, it would be helpful to reproduce the relevant paragraphs:

> 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 Africa's determination "to ensure the success of the Ezulwini Consensus" (African Union, 2005d: 1). Equally, 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" (African Union, 2005b: 2).

The UN General Assembly discussed the Security Council's legitimacy crisis and proposals, including the AU's submission for reform during the 2005 World Summit. The General Assembly discussion concluded with a declaration of "support [for] early reform of

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the Security Council … in order to make it more broadly representative … and thus to further enhance … the legitimacy and implementation of its decision" and expressed commitment "to continuing our efforts to achieve a decision to this end" (United Nations, 2005a: 32). However, the Security Council reform initiatives face what Keohane (2011: 104) had described as 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" (see also Zürn, 2018: 86). The P5's reluctance to expand the permanent seats, notwithstanding, the AU Assembly reaffirms "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). This shows that the legitimation crisis is still unresolved and has resulted in sovereignty claim by the AU against the Security Council.

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

This subsection analyzes the Security Council-authorized ICC investigation and prosecution in Sudan to show the differences in interests and priorities between the UN and the AU. The Security Council prioritized justice and prosecution, while the AU Assembly prioritized diplomacy and mediation. The distinction underlined noncompliance with the legitimation rule of alignment of dominant IOs' priorities and interests with those of minor IOs.

Without a permanent seat in the Security Council, Africa has no access to veto rights and privileges, and the AU is unable to protect continental security interests. The Assembly relies on the UN Security Council's considerations to defend Africa's interests. Yet the Council often rejects the Assembly's requests. The Security Council-mandated ICC intervention in

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Sudan and NATO military action in Libya are notable examples. 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 referred "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 Africa's 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 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 priority and interest were mediation and reconciliation, respectively, as opposed to the UN Security Council's priority and interest: justice and prosecution. The Security Council discussed the deferral request on July 31, 2008. The Council 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 AU Assembly endorsed the 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 on March 4, 2009, the ICC Pre-Trial Chamber granted the Prosecutor's first request for an arrest warrant (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 expressed "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; see also African Union, 2015a: 3).

Although the Assembly's decision implied the prior existence of continental sovereignty, there is no official record of previous claims. So, here for the first time in history, an IO and its member states declared formal sovereignty over a continent. The Assembly's sovereignty claim relates to "the right to act as a power": the right to decision-making regarding interventions on the continent.

Subsequently, the Assembly adopted a decision on the necessary measures to protect the sovereignty of the continent in January 2016. With "deep grieve at the failure of the [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

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Ministerial Committee[5] [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 January 2017. The strategy's policy thrust is to "Enhance the regionalization of international criminal law" (African Union, 2017a: 2), which means ensuring African priorities and interests.

In sum, the Assembly's claim of continental sovereignty and the measures adopted to protect it underscore the AU's self-differentiation from the UN-linked institution. In particular, the Withdrawal Strategy Document indicates the Assembly's clear intent to separate the AU from an international state structure because of unaligned priorities and interests. By *separation*, I mean the eloquent expression of self-identification, and as a means by which the AU seeks to redefine Africa's relations with dominant IO structures in the international state system. For emphasis, separation means self-differentiation, which is the essence of sovereignty claims.

Pertinently, the claim of continental sovereignty by the AU is a fundamental institutional change in the meaning and understanding of IO sovereignty. This is because the Assembly's claim 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; it constitutes the formalization of IO sovereignty. Unlike sovereignty as transferred authority, the formalization of IO sovereignty is a status formation, equivalent only to modern state forms – the state and the nation. Continental sovereignty did not change the meaning of sovereignty, but it does change the structure we consider to be sovereign. African states now consider the AU as sovereign, the unique political structure in which they anchor continental sovereignty.

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[5] The Assembly established the committee in June 2015 to develop strategies for implementing its decisions on the ICC (African Union, 2015b: 1; see also African Union, 2015c). The Assembly included 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.

AU reform: the emerging structure for organizing continental politics

This subsection analyzes AU reform to show a connection to the unresolved legitimation crisis in the international state system. The goal of reform is to empower the Assembly to protect the sovereignty of the continent: the right to decision-making on interventions.

According to the Assembly, the purpose of reform is to "put in place a system of governance capable of addressing the challenges facing the [African] Union" (African Union, 2016a: 1). In the report, the "Imperative to Strengthen our Union," President Paul Kagame of Rwanda, appointed by the Assembly to lead the reform process, explained the underlying objectives of AU 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." Kagame's report 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 crucial point that the essence of reform was to transform the AU into a more effective structure of organizing continental politics, or the continental state form to advance and protect African 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

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significant is the power to enforce sanctions, which is essential for the success of any state form.

The Assembly approved Kagame's recommendations in January 2017. Highlighting African priorities, the Assembly underscores "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, subsequently the Assembly, adopted the Ezulwini Consensus as Common African Position on the UN Security Council reform. The Ezulwini Consensus is one of few of the most enduring African Common Positions on vital continental priorities and interests. The Assembly has 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). The significance is that the reform is about strengthening the Assembly's capacity to defend the continent's right to act as a power.

In sum, key elements of AU reform show African leaders' collective intention to establish a stronger structure for organizing politics. What is emerging is the continental state political structure in which African states anchor continental sovereignty. This signifies a fundamental structural change in the understanding of IOs as state structures for organizing politics because the AU now enjoys formal sovereignty. Whether the AU has the material resources to defend its sovereignty is a moot point considering that most African states lack similar material resources to defend their sovereignties. Most importantly, sovereignty is a matter of rights, not power.

International recognition of the AU

Since the Assembly's claim of sovereignty, 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 that the AU is gaining international recognition as a state structure for organizing continental politics. For instance, President Biden has expressed

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support for the African Common Position on the Security Council reform and AU's permanent membership of the Group of Twenty (G20) 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 (sic) 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 (sic) 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 the 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).

This suggests that President Biden was well-briefed. My guess, based on the Assembly's sovereignty claim and reform efforts, is that African states would eventually propose the AU as a compromise to competing claims by South Africa, Nigeria, and Ethiopia, among other states. Nevertheless, President Biden did nominate the AU for permanent membership in the G20. Until September 2023, the EU was the only IO, a regional state structure, enjoying permanent membership of the G20. The AU is the first continental state structure with permanent membership of the G20, a group of modern states.

In sum, the increasing international support is a recognition of the AU as the continental state structure for organizing continental politics; the state form in which African states have anchored continental sovereignty: the Assembly's right to function as a power in the

international system and the right to the primacy of decision-making on interventions. The claim of continental sovereignty by the AU constituted fundamental institutional and structural changes in the meaning of IO sovereignty and IOs as state forms in the international system.

Conclusion

Theories of institutional and structural changes in the international system 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." His point was that to translate change, scholars should construct emerging development patterns in world affairs based on theoretically rich insights. Indeed, conceptions of change will always reflect the scholar's theoretical tendency. So, I anticipate that scholars would consider the AU's sovereignty claim within the debate about change and continuity in the international system.

I have based my theory of change on constructivist accounts as outlined in the sovereignty framework. While I expect scholars and students of neorealism and neoliberalism to entertain different interpretations, I suppose neorealism scholars would embrace my core conclusion that IOs are not yet superseding modern states as principal structures for organizing politics. 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 (not 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. I anticipate such coexistence going into the 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 inclusive representation of minor

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IOs/constituent structures in dominant IOs' decision-making organs and the alignment of dominant IOs' norms, values, interests, priorities, or goals with those of constituent structures; or through sovereignty claims by the constituent structures because of exclusive representation and nonalignment of norms, values, interests, priorities, or goals.

I suspect that postmodernism scholars and students would welcome the theory of change I developed in this paper but may be disappointed 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 endeavor to theorize 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 an even stronger basis for theorizing change. Surely, the AU's claim of sovereignty "constitutes meaningful change" in the meaning of sovereignty. Accordingly, I developed the explanatory theory. Second, and flowing from the first, the theory's explanations constitute "guidelines"

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for how to study IO formal sovereignty going forward. For this purpose, I developed and operationalized the rules of IO legitimation as an integral component of the expanded sovereignty framework.

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. The expanded sovereignty framework will lead to a better understanding of the institutional and structural changes taking place in the international system. As I explained in the introduction to this paper, the theory I developed is the alternative to Krasner's (2016) compelling realist account of institutional and structural changes in the contemporary international system.

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