

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

Abstract

International relations scholars study the implications of modern states' transfer of authority to international organizations (IOs) within the broader dialogue on changes and continuities in the "institutions" (sovereignty) and "structures" (forms of political organization) of the international system. The pertinent puzzle is whether IOs can enjoy sovereign status like modern states. Following constructivist theories of change, this article contributes to the 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 transforms IOs into state structures possessing *sovereignty as transferred authority*. Constituent structures (e.g., AU) legitimize dominant IOs' (e.g., UN) authority/legitimacy claims. Legitimation crises occur when constituent structures oppose dominant IOs' legitimacy assertions. So, the rules of IO legitimation must comprise inclusive representations of constituent structures in dominant IOs' organs and the alignment of values, norms, priorities, interests, or goals with those of the constituent structures. Noncompliance with the rules may cause fundamental changes. Conclusion: The AU's claim of sovereignty signifies IO sovereign status, causing fundamental changes in the understanding/meaning of IO sovereignty and IOs as state structures.

Introduction

International relations scholars¹ explore the implications of modern 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 of forms for organizing politics) of the international system.² The pertinent puzzle is whether IOs can enjoy sovereign status like modern states. If so, then the question is whether authority transfers to IOs signify the fading of sovereign states and their replacement with IOs as dominant structures for organizing political affairs in the world. As with most interesting academic dialogues, a consensus has been elusive because theories of change vary according to the scholar's theoretical tendency.

Some scholars³ like Robert Keohane interpret change as sovereignty bargains in favor of IOs, such as the European Union (EU). Other scholars,⁴ such as Stephen Krasner, view such bargains as ordinary breaches of state sovereignty. Yet other scholars⁵ like Alexander Wendt, Samuel Barkin, and Bruce Cronin note that states and IOs share authority and underline changes in structures considered sovereigns. Conceptions of IOs as international states or regional states⁶ illuminate such structural changes, although IOs as state structures need not have all the features of modern states.⁷ In addition, scholars of the EU as a novel postmodern

¹ Keohane and Hoffman 1991; Keohane 1995; Krasner 2001b, 2016; Barkin and Cronin 1994; Biersteker and Weber 1996; Werner and Wilde 2001; Schmidt 2016.

² On these debates see Keohane 1986; Czempel and Rosenau 1989; Holsti 2002; Buzan and Lawson 2012; Reus-Smit 2016; Rosenau 2018; Bain 2019.

³ Keohane and Hoffman 1991; Keohane 1995.

⁴ Krasner 2001b, 2016; Fioretos 2011.

⁵ Wendt and Duvall 1989; Barkin and Cronin 1994; Biersteker and Weber 1996.

⁶ Wendt 1994; Schmidt 2004.

⁷ Wendt 2003; Farrell and Finnemore 2016.

state form, as well as studies on conflicts of sovereignty in Europe, emphasize that IOs lack formal sovereignty like modern states.⁸

This study contributes to the dialogue by developing a theory of change to construct the claim of continental sovereignty by the Assembly of the African Union (AU) and the consequent structural reform of the Organization,⁹ and the growing international recognition of the AU as the dominant structure for organizing continental politics in Africa.¹⁰ 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. This study is guided by two central research questions: Did the claim of sovereignty by the AU cause fundamental institutional and structural changes in the international system? What dynamics of change are involved in sovereignty claims by an actor or group of actors against other players in the international system?

The theory of change this article develops explains that the internationalization of authority – by which I mean modern states' transfer of authority to IOs – transforms 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 constituent structures, including minor IOs, such as regional organizations like the AU and the EU. The constituent structures legitimize dominant IOs' authority and legitimacy claims. Legitimation crises occur when the constituent structures oppose dominant IOs' legitimacy and authority claims. The constituent structures oppose dominant IOs' legitimacy if they are not fully represented in principal decision-making organs and if there are major differences with the dominant IOs' norms, values, priorities, interests, or

⁸ Wæver 1995; Werner and Wilde 2001; Schmidt 2016; and Bifulco and Nato 2020; Bickerton et al 2022.

⁹ African Union 2014, 2015a, 2017b.

¹⁰ The White House 2022.

goals. Thus, the rules of IO legitimation must comprise 1) inclusive representation of constituent structures in dominant IOs' principal decision-making organs and 2) the alignment of values, norms, priorities, interests, or goals between dominant IOs and the constituent structures. Noncompliance with the 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. Such actions may include formal sovereignty claims against dominant IOs.

I base the theory on constructivism,¹¹ particularly constructivist theories of change, as outlined in the sovereignty framework.¹² The sovereignty framework is a theory that explains change in the modern state system. So, to theorize change in the IO state system, I expand the sovereignty framework by tapping into studies on the authority and legitimacy of IOs,¹³ the internationalization of the state,¹⁴ and the third image of structure.¹⁵ I operationalize the theory by probing the legitimation crisis in the international state system involving the AU's opposition to the UN Security Council's legitimacy. Accordingly, I analyze AU policies on the UN Security Council reform and the Security Council-authorized 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; and official records of the ICC proceedings in the case of Sudan.

¹¹ Finnemore and Sikkink 2001 provide a fuller discussion of the theory, methods and applications of constructivism in IR.

¹² Ruggie 1983; Barkin and Cronin 1994.

¹³ Barnett and Finnemore 1999, 2004; Hurd 1999; Cronin and Hurd 2008; Zaum 2013; Zürn 2018.

¹⁴ Picciotto 1991; Wendt 1994; Glassman 1999; Goldman 2012; Panitch and Gindin, 2021.

¹⁵ Ruggie 1989.

The data confirms the causality of sovereignty claims by constituent structures and noncompliance with the rules of IO legitimation. Significantly, the dynamics of change in sovereignty claims involve expressions of identity – that is, the differentiation of “self” from “other.” So, the claim of continental sovereignty by the Assembly signifies the AU’s sovereign identity. It means the formalization of IO sovereignty and the transformation of IOs into state structures possessing sovereign status. It is the transformation of the AU into a *continental state* structure for organizing continental politics in which African states anchor *continental sovereignty*. Pertinently, the sovereignty claim by the AU constitutes fundamental institutional and structural changes in the understanding of IO sovereignty and IOs as state structures for organizing politics in the international system.

This article contributes to the debate on change and continuity in the institutions and structures of the international system 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 constituent structures, transforming IO sovereignty as transferred authority into formal sovereignty. Second, it clarifies the consequential structural change after the formalization of IO sovereignty: the transformation of IOs as state structures enjoying sovereign identity and status. Third, it clarifies Stephen Krasner’s theory of change, which argues 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.”¹⁶ The theory of change I developed in this article shows that the AU may become the alternative model for other regions. So, instead of nuclear weapons, or the presence of other

¹⁶ Krasner 2016, 521-2, 528.

forms of external military threats, noncompliance with the rules of IO legitimation may pose “existential security threats” to other regions, and may trigger sovereignty claims and changes.

This article is divided into three main sections. The first section reviews the literature to highlight the discussion of IO sovereignty from which I conclude that IOs possess sovereignty as transferred authority. The second section develops the theory of change by expanding the sovereignty framework. The third section is the case study that provides empirical demonstrations of the theory of change.

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 over the past four decades. Wendt and Duvall note that “State actors simply possess sovereignty in greater or lesser degree”¹⁷ vis-à-vis IOs. Wendt clarifies 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.”¹⁸ Barkin and Cronin 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.”¹⁹ So, if modern state actors

¹⁷ Wendt and Duvall 1989, 57.

¹⁸ Wendt 1994, 388, 393.

¹⁹ Barkin and Cronin 1994, 109.

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

Stephen Krasner makes the salient point that 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.²⁰ In the context of the European state system, Krasner explains that:

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.²¹

Elsewhere, Krasner clarifies that such agreements are mere “Breaches of the sovereign state model [which] have been an enduring characteristic of the international environment.”²² The point is that modern states transfer authority as sovereignty to IOs through free bargains. As Fioretos 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.”²³ Indeed, Krasner stresses that “Sovereignty sticks because powerful national and even transnational actors are incorporated, legalized, legitimated, and sometimes funded by national

²⁰ Krasner 1988, 2001a, b.

²¹ Krasner 2001a, 28.

²² Krasner 2001b, 17.

²³ Fioretos 2011, 389.

states.”²⁴ In other words, authority movements to IOs improve, rather than, relegate the sovereign state.

Keohane and Hoffman conceive change as “the sharing of sovereignty rather than transfer of [formal] sovereignty to a higher level.”²⁵ This conception of change as shared sovereignty draws attention to the concept of “pooled” sovereignty. According to Brown, McLean and McMillan, pooled sovereignty means “the sharing of decision-making powers between states in systems of international cooperation.”²⁶ Deng et al discuss IO sovereignty in the African context as a “pooled function [which] states share with regional partners, and global organization, the United Nations ... when help is needed.”²⁷ In Europe, the EU explains that:

pooling sovereignty means, in practice, that the Member States delegate some of their decision-making powers to shared institutions they have created, so that decisions on specific matters of joint interest can be made democratically at the European level.²⁸

It seems that in pooled sovereignty, modern states and IOs act in concert to address a common problem or threat, unlike in transferred sovereignty where IOs may act autonomously, albeit within the confines of the authority conferred on them by states. In other words, sovereignty transfer implies the autonomy of IOs to perform state-like functions in spite of states. Indeed, Keohane clarifies this point when explaining that “one implication of European Community law is that bargaining away [i.e., transferring] sovereignty to the [EU] may be effectively irreversible.”²⁹ Although recent political developments in Europe, specifically the “Brexit” (the

²⁴ Krasner 2016, 522.

²⁵ Keohane and Hoffman 1991, 13.

²⁶ Brown, McLean and McMillan 2018 [online source].

²⁷ Deng et al 1996, xviii, 31.

²⁸ European Union 2013 [online source].

²⁹ Keohane 1995, 75.

British exit from the EU), suggest that such agreements may be reversed. So, a safer conclusion would be that IOs enjoy sovereignty as transferred authority.

Relevant studies on the EU illustrate the central conceptualization that IOs possess sovereignty as transferred authority. Wæver's 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."³⁰ Likewise, Werner and Wilde observe that "the EU does not claim a sovereign status," arguing 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."³¹ Bifulco and Nato note that the EU "represents a unique model of shared sovereignty at a worldwide level," but that "It is impossible to find positions that outrightly indicate the holders of sovereignty in the EU and its bodies."³² I contend that, overall, the sense in which scholars have understood institutional and structural changes centres on the notion that IOs have sovereignty as 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 points out, the EU's extensive authority indicates "nothing less than the emergence of the first truly post-modern political form."³³ What followed are conceptions of the EU as a "regional state" and a "continental state."³⁴ However, Schmidt subsequently clarified that the EU "lacks sovereignty"³⁵ – that is,

³⁰ Wæver 1995, 417.

³¹ Werner and Wilde 2001, 303.

³² Bifulco and Nato 2020, 36, 82.

³³ Ruggie 1993, 140.

³⁴ Schmidt 2004 and Deudney 2007, 236, respectively.

³⁵ Schmidt 2016, 22.

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. Ruggie notes that ‘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.’³⁶ In whatever form scholars conceive such future state structures – for example, either as a “post-modern political form,” a “systemic post-sovereign” arrangement, or a “nonhierarchical union on a continental scale,”³⁷ they are widely known today as IOs.

The claim of sovereignty by the AU shifts the dialogue to status and identity, refocusing attention on the concept of self-identification – the crucial 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.”³⁸ Walker points out that “To claim sovereignty is already to know what lies beyond,”³⁹ which the claimant seeks to separate from. In other words, IO sovereignty underpins the identity of the structure on whose behalf state agents make sovereignty claims. For example, if EU Member States or officials of the EU claim sovereignty, then the question would be whether such a claim indicates self-identification against European states or external actors, like the UN, or both. The concept of self-identification is so pivotal in the discussion of IO sovereignty, especially in the European context of conflicts of sovereignty, that its absence has led to recent conclusions that “the EU would not lead to a transcendence of national sovereignty.”⁴⁰

³⁶ Ruggie 1983, 279).

³⁷ Ruggie 1993, 140; Wæver 1995, 430; Deudney 2007 222-7, respectively.

³⁸ Wendt 1992, 412.

³⁹ Walker 1993, 175.

⁴⁰ Bickerton et al 2022, 263; Brack, Coman and Crespy 2021, 6.

In sum, I hold that 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. Therefore, any theory of fundamental change must involve two interdependent essential elements. First, a formal sovereignty claim by member states of an IO, like African states and the AU. Or by the officials of an IO – this is yet to happen. Second, a comprehensive understanding of the dynamics of change in such sovereignty claims. The claim of sovereignty by the AU and its Member States met the first element. To explore the dynamics of change in the AU’s sovereignty claim, extensive insights into the sovereignty framework are required.

The sovereignty framework

Constructivist theories of change are outlined in the sovereignty framework, which explains the dynamics of change in sovereignty claims. Such dynamics involve explanations of who can make sovereignty claims and why sovereignty claims are made; the forms and core features of state structures on whose behalf sovereignty claims are made; the nature of legitimation crises that could lead to formal sovereignty claims, and the legitimation rules that validate sovereignty claims. I stress that the existing framework has sufficiently explained sovereignty claims by state structures in the modern state system, but it does not explain sovereignty claims by IOs because such events had never occurred in history until recently. So, to make sense of sovereignty claims on behalf of IOs, I expand the existing sovereignty framework by developing a theory of change that will guide the study of IO sovereignty claims.

John Ruggie developed the original framework and explained fundamental institutional and structural changes in the international system: the transformation of the medieval state structures (or the medieval state system) into the modern state structures (or the modern state system). Ruggie explains that 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* that pertains to a system of relation,” and “the political order is based simply on the minimalist social needs of its component units.”⁴¹ 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. Ruggie clarifies that mutual recognition is “a precondition for the normal functioning of a system of sovereign states.”⁴²

Barkin and Cronin 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. Here, the state is the dominant structure while the nation is the constituent structure. They defined the latter as “communities of sentiment.” The crucial insight was that the legitimation rules changed “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 legitimation rules were based on the

⁴¹ Ruggie 1983, 274-8; emphasis is in the original text.

⁴² Ruggie 1998, 870.

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."⁴³ So constituent 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 competing structures for organizing politics and specifies the legitimation rules. For conceptual and analytical clarity, I summarize the existing sovereignty framework in Table 1.

[Insert Table 1]

The data shows that the extant framework could not explain the internationalization of authority by modern states and sovereignty claims by IOs (i.e., the 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. So, I

⁴³ Barkin and Cronin 1994, 108-113, 128-9.

take the first step, proceeding in two parts: the constructions of institutional and structural changes.

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 constituent structures' opposition to dominant IOs' legitimacy. I hold that an unresolved legitimation crisis could lead to claims of sovereignty by the constituent structure, causing institutional change.

Although “authority” is a contested concept in international relations,⁴⁴ I am particularly interested in the idea of authority as a component of the institution of sovereignty. So, by “institutional change,”⁴⁵ I mean changes in sovereignty as transferred authority. For emphasis, by “internationalization of authority,” I mean modern states' transfer of authority to IOs.

Barnett and Finnemore 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.’⁴⁶ Subsequently, and pertinently, they note that “authority is conferred in differing degrees and kinds on actors other than [modern] states.

⁴⁴ For a helpful overview of the debate on authority in IR, see Kustermans and Horemans 2022.

⁴⁵ For a fuller discussion of theories of institutional change, see Holsti 2004; Rosenau 2018.

⁴⁶ Barnett and Finnemore 1999, 707.

Prominent among these are IOs.”⁴⁷ 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 ... the structure and decision-making rules of these organizations often raise questions about *representation*.”⁴⁸ In other words, inconsistent goals or values between dominant IOs and constituent structures, or the lack of representation of minor IOs in the principal organs of dominant IOs, are a cause of the legitimation crisis in the international state system.

The insight is that constituent structures of dominant IOs maintain unique norms, values, interests, priorities, 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 points to “the standard of appropriateness” – that is, the “sense within the individual of the appropriateness of a body.”⁴⁹ Let me extrapolate the term “individual” to enable the understanding that constituent structures 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 have expounded on the specifics of the test by suggesting that “Legitimation is possible when an organization is identified with the purposes and goals

⁴⁷ Barnett and Finnemore 2004, 5,

⁴⁸ Ibid 167-9; emphasis added.

⁴⁹ Hurd 1999, 387-8.

that are consistent with the broader norms and values of its society.”⁵⁰ Zürn observes that 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, creating “opposition and resistance”⁵¹ 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. In this context, Cronin and Hurd note that “the success of the SC [Security Council of the UN] 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.”⁵² 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 the 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: minor IOs would be granted greater inclusive representation,

⁵⁰ Cronin and Hurd 2008, 7.

⁵¹ Zürn 2018, 77.

⁵² Cronin and Hurd 2008, 3.

as the recent admission of the AU into the Group of Twenty (G20) states as a permanent member, although the G20 is not a formal IO. The alignment of interests and priorities between dominant IOs and the constituent structures on a case-by-case basis is more likely than a strategic alignment of norms and values. This is because there are often irreconcilable differences between dominant IOs' norms and the constituent structures' norms.⁵³ In this sense, the legitimation crisis may persist but the internationalization of authority through IO legitimation strategies⁵⁴ would taper such a crisis. Scenario I explains several changes in the institution of sovereignty as transferred authority over the past four decades.

In Scenario II, the legitimation crisis will continue because of nonalignment and exclusive representation. Dominant IOs will resist change and such resistance will make fundamental institutional change more likely because constituent structures may take drastic measures to protect, uphold, and propagate their core norms, values, priorities, or interests, or pursue their goals. In Scenario II, self-identification/differentiation by sovereignty claims is possible, as the case study below will illustrate. Table 2 provides a visual summary of both Scenarios.

[Insert Table 2]

Both Scenarios and outcomes will result in structural transformation, but fundamental change is more likely in Scenario II.

Constructing structural change

⁵³ For specific examples of the UN and the AU, see Ifediora 2021.

⁵⁴ For more discussion of IO legitimation strategies, see Mahoney and Thelen 2012, chapter 1; Lenz and Söderbaum 2023.

In this subsection, I extend the construction that the internationalization of authority, or what some scholars⁵⁵ describe as the internationalization of the modern state, is transforming IOs into international state structures and creating the international state system of IOs,⁵⁶ as opposed to the state system of modern states.

Scholarly discussions of “structure” in international relations often relate to organizing principles like anarchy, self-help, and power. I am especially interested in structure in the sense of state forms for organizing politics in which actors could anchor sovereignty. I follow Wendt’s conception of the international state as “a *structure of political authority* that performs governance functions over a people or space.”⁵⁷ Such a structure need not possess all the features of sovereign states.⁵⁸ It does encompass IOs like the UN, and regional organizations such as the EU, and the AU. However, I treat regional organizations as constituent state structures of dominant IOs, such as the UN. This is because under Chapter VIII of the UN Charter entitled “regional arrangements,” regional organizations should support UN institutions in discharging their mandates, especially the Security Council in the maintenance of international peace and security.

Neorealist⁵⁹ theories of structural change emphasize tangible elements of power like economic and military resources, so dominant IOs as international state structures typically reflect the values, norms, interests, priorities, or goals of states and regions with comparatively more assets. Constructivist⁶⁰ theories of structural change contrast with this realist conception, underlining intangible forms of power like rules, norms, and rights. In particular, Ruggie’s

⁵⁵ Such as Picciotto 1991; Wendt 1994; Glassman 1999; Goldman 2012; Panitch and Gindin 2021.

⁵⁶ Picciotto 1984; Spruyt 2020, chapter 9.

⁵⁷ Wendt 1994, 392. Emphasis is in the original text.

⁵⁸ Wendt 2003; Farrell and Finnemore 2016.

⁵⁹ Especially Waltz 2010.

⁶⁰ Ruggie 1989; Wendt 1999.

theory of the “third image” of structure notes the realist conception of “International political structure” that was 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*,” what Barnett and Duvall call “productive power.” Ruggie argues that 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.”⁶¹ 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 constituent structures are equally catalysts for structural changes as they exercise their rights to act as powers.

The third image theory of structure is buttressed by scholarships on the “new regionalism” approach to understanding structural changes in the international system. Hurrell 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.”⁶² Equally, Hettne and Söderbaum 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.”⁶³

⁶¹ Ruggie 1989, 22, 28, 30. Emphasis is in the original text; Barnett and Duvall 2005, 56.

⁶² Hurrell 2007, 130-1.

⁶³ Hettne and Söderbaum 1998, 7-8.

I hold that fundamental 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 to pursue these objectives. The state structures that would emerge will differ from existing conceptions of structural change, such as Deudney's "continental state systems," Hurrell's "regional state systems," and Schmidt's "regional state" structures.⁶⁴ 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 and identity through formal sovereignty claims over a region/subregion, a continent, across continents, or even the entire world. So, the core features of such state forms will include formal sovereignty and defined territories or spaces, but such structures need not enjoy a monopoly of violence – even some modern states today no longer enjoy the monopoly of violence within their territories, but it does not make such states less sovereign. Pertinently, formal sovereignty may reside in a single actor or an institution, and only that actor may transfer authority to other structures. So, a continental state form, for instance, would differ from other structures in 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

⁶⁴ Deudney 2007; Hurrell 2007; Schmidt 2004.

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.⁶⁵ In contrast, the AU would be a continental state because it enjoys substantive legitimacy based on the support of all the 55 African states and its authority traverses the entire African continent boundary/space.

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.

[Insert Table 3]

⁶⁵ Krasner 2016, 527; Schmidt 2016, 22, 24.

The classification is based on the IO's scope of authority. My focus, however, is on the international state system, comprising dominant structures (e.g., the UN) and constituent structures, especially regional organizations or minor IOs (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 will apply. Table 3 summarizes the expanded sovereignty framework based on my theory and construction of institutional and structural changes in the international system.

[Insert Table 4]

In sum, the theory of change I have 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 constituent structures opposing dominant IOs' legitimacy. The theory specified the rules of IO recognition/legitimation, comprising 1) the inclusive representation of constituent structures in dominant IOs' decision-making organs, and 2) the alignment of dominant IOs' values, norms, interests, priorities, or goals with those of 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 sovereignty claim by the AU and its Member States against the UN and its institutions,

particularly the Security Council. This case supports the theoretical Scenario II of the Legitimation Crisis Outcomes in Institutional Change and the accompanying Structural Change in the international system. It shows the unresolved legitimation crisis in the UN that resulted in the claim of sovereignty by the AU, ultimately leading to a fundamental institutional change in the understanding of IO sovereignty – from transferred authority to formal sovereignty, and structural change in the understanding of IOs as state forms without sovereign status to state structures possessing sovereign status. To illustrate these changes, this case study is divided into two main subsections: The first subsection demonstrates institutional change by showing the legitimation crisis in the international state system involving the UN and the AU. The second subsection demonstrates structural change by analyzing the growing international recognition of the AU as a sovereign state structure for organizing continental politics and structural reforms of the AU to empower the Organization to act as a power in the international state system.

Institutional Change

As the theory of change advanced in the preceding section holds, Scenario II (see Box I below, adapted from Table 2 above) is where fundamental institutional change will occur, as constituent structures/minor IOs exercise their right to act as powers and advance their norms, interests, priorities, or goals in the international system because of noncompliance with IO Recognition Rules (see Box II below, adapted from Table 4 above) by dominant IOs.

Box I

Continuation of legitimation crisis because of the nonalignment of dominant IOs' values, norms, interests, priorities, or goals with those of constituent structures/minor IOs, and exclusive representation of minor IOs in the decision-making organs of dominant IOs.

Box II

Inclusive representation of minor IOs/constituent structures in dominant IOs, and the alignment of dominant IOs' values, norms, interests, priorities, or goals with those of the constituent structures

The following analysis will show that the legitimization crisis in the international state system involving constituent structures' (i.e., the AU) opposition to dominant IOs' (i.e., the UN Security Council) legitimacy continued because of A) noncompliance with the IO legitimization rules of inclusive representation and B) nonalignment of interests and priorities with those of minor IOs, resulting in a fundamental institutional change. I will now take both elements in different subheadings in turn.

A) Noncompliance with the IO legitimization rule of inclusive representation

In the present international state system dominated by the UN, the Security Council is the primary organ possessing sovereignty as transferred authority to make decisions on peace and security that bind constituent structures/minor IOs, including the AU. However, there has been a legitimization crisis relating to inadequate representation of the constituent structures. The crisis 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 legitimization rule of inclusive representation of the AU in the Council.

Academic and policy studies on UN reform⁶⁶ note the lack of inclusivity in the Security Council relating to the veto rule. Specifically, 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 comprehensive study on UN reform, concluded that “...as a whole the institution of the veto has an anachronistic character that is unsuitable for the institution in an increasingly democratic age.” Nevertheless, the Panel’s key recommendation preserved the status quo in the Security Council. 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.”⁶⁷ Although the Panel’s explanation was understandable, it underscored the continuation of the legitimization crisis.

About a year later in 2005, the Executive Council of the AU initially considered the Panel’s report but disagreed with the recommendations, underlining the legitimization crisis. The AU’s 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.” The Assembly of the AU endorsed the Ezulwini Consensus in “Resolution on the Reform of the United Nations: Security Council” and in “Sirte Declaration on the Reform of the United Nations.”⁶⁸ The Assembly established the Committee of Ten “to present, advocate and canvas support for...the Ezulwini Consensus.”⁶⁹ The

⁶⁶ Morris 2000; Weiss 2003; Thakur 2004; United Nations 2004; Keohane 2011; Welsh and Zaum 2013.

⁶⁷ United Nations 2004, 67-8.

⁶⁸ African Union 2005b, c, d.

⁶⁹ African Union 2005a, 1.

Assembly has adopted several *decisions* reaffirming the Ezulwini Consensus, including more recently in 2022.⁷⁰

Considering that the Ezulwini Consensus remains the official AU policy on the UN Security Council reform, constitutes the AU's opposition to the Security Council's legitimacy, and illustrates the legitimization crisis in the international state system, it will be helpful, for ease of reference, 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.⁷¹

In the Sirte Declaration on UN reform, the Assembly noted Africa's determination "to ensure the success of the Ezulwini Consensus." Equally, in the Resolution on the UN Security Council reform, the Assembly observed that "Africa remains to this day the only continent without a

⁷⁰ African Union 2022, 12-4.

⁷¹ African Union 2005c, 9-10.

permanent seat in the Security Council.”⁷² All this summarizes the AU’s opposition to the Security Council’s legitimacy.

The UN General Assembly debated the Security Council’s legitimacy crisis and proposals for reform, including the AU’s submission as outlined above, during the 2005 World Summit. The debate concluded with a General Assembly declaration of “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 expressed commitment “to continuing our efforts to achieve a decision to this end.”⁷³ However, the Security Council reform initiatives face what Keohane 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.”⁷⁴ The P5’s reluctance to admit new permanent members, notwithstanding, the AU insists “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.”⁷⁵ All this shows that the legitimation crisis continued because of noncompliance with the IO legitimation rule of inclusive representation of the AU in the UN Security Council, which eventually resulted in a fundamental institutional change – that is, the sovereignty claim by the AU against the UN and the Security Council.

B) Noncompliance with the IO legitimation rule of alignment of interests and/or priorities

⁷² African Union 2005d, 1; African Union 2005b, 2, respectively.

⁷³ United Nations 2005a, 32.

⁷⁴ Keohane 2011, 104. For additional perspective on this point, see Zürn 2018, 86.

⁷⁵ African Union 2022, 13.

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

Without a permanent seat in the UN 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 Security Council's considerations to defend Africa's interests. Yet the Security Council often rejects the Assembly's requests. The Security Council-mandated ICC intervention in Sudan and NATO military action in Libya are notable examples. Due to space constraints and to maintain direct relevance, this analysis focuses 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."⁷⁶ After three years of investigation, from 2005 to 2008, 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.⁷⁷ On July 24, 2008, the AU Peace and Security Council, the Organization's standing decision-making organ on peace and security, adopted a communiqué outlining Africa's initial response to the Prosecutor's application for al-Bashir's arrest warrant.

⁷⁶ United Nations 2005b, 1.

⁷⁷ The International Criminal Court 2009a.

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.⁷⁸

The AU's priority and interest were mediation and reconciliation, respectively, as opposed to the UN Security Council's priority and interest: justice and prosecution. The UN Security Council discussed the AU's request to suspend the ICC investigation on July 31, 2008. The Security 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."⁷⁹ In short, the Security Council did not grant the AU's request. In February 2009, the AU Assembly endorsed the communiqué of the Peace and Security Council, urging the UN Security Council to "defer the process initiated by the ICC."⁸⁰ The Security Council also ignored the AU's second request. As a result, on March 4, 2009, the ICC Pre-Trial Chamber granted the Prosecutor's first request for an arrest warrant and a subsequent request on July 12, 2010, covering the crime of genocide.⁸¹ In essence, this shows that the legitimization crisis continued because of the

⁷⁸ African Union 2008, 2.

⁷⁹ United Nations 2008, 2.

⁸⁰ African Union 2009, 1.

⁸¹ The International Criminal Court 2009b; The International Criminal Court 2010.

nonalignment of the Security Council's priorities and interests with those of the AU. This resulted in a fundamental institutional change: the first-ever claim of sovereignty by an IO in international history.

The Scenario II Outcome of the Legitimation Crisis

As the legitimation crisis continued because of noncompliance with A) IO legitimation rules of inclusive representation and B) the alignment of interests and priorities, the AU exercised its right to act as a power in the international system by claiming sovereignty over the African continent. The Assembly of the AU 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 ... 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.⁸²

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 international history, an IO and its member states declared formal sovereignty over an entire continent. The AU's claim of sovereignty is outward-looking, instead of inside-looking, illustrating a threat coming from outside the continent. Notably, the AU's sovereignty claim is about the Assembly's “right to act as a power” – that is, the right of primacy in decision-making regarding interventions on the continent.

⁸² African Union 2014, 1-2; see also African Union 2015a, 3.

Subsequently, in January 2016, the AU Assembly adopted a decision specifying some “measures that may be necessary to safeguard the sovereignty of the continent,” including the proposal for a collective African withdrawal from the ICC. In the decision, the Assembly noted 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,” and decided to expand the mandate of the “Open-ended Ministerial Committee”⁸³ [to] include a comprehensive strategy [for] collective withdrawal from the ICC.” The Ministerial 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,” which simply means ensuring African priorities and interests in the pursuit of international criminal justice.⁸⁴

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 and UN-linked institutions. In particular, the Withdrawal Strategy Document indicates the Assembly’s clear intent to separate the AU from the international state structure because of exclusive representation and 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, and individuality, the very essence of sovereignty claims.

Significantly, the claim of continental sovereignty by the AU is a fundamental institutional change in the understanding of IO sovereignty. This is because the Assembly’s claim is neither the “bargaining away of sovereignty,” the “transfer of sovereignty,” nor the

⁸³ African Union 2016b, 3. 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 intervention in Kenya. However, unlike Sudan, the ICC intervened in Kenya because Kenya is a signatory to the Rome Statute that created the ICC.

⁸⁴ African Union 2017a, 2.

“pooling of sovereignty”; instead, the Assembly’s declaration represents the creation of a novel sovereign identity and status 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. It is equivalent to modern state structures because continental sovereignty did not change the meaning of sovereignty, but it does change the structure we consider sovereign. African states now consider the AU as sovereign against dominant IOs, especially the UN and its organs, including the Security Council and the ICC. The AU has effectively become a novel postmodern political structure in which African states anchor continental sovereignty, which belongs to the Assembly. Although this article is not designed to compare modern state sovereignty with IO sovereignty, suffice it to say here that, unlike modern states constituted and legitimated by the people who have ultimate claim to sovereignty, IOs are constituted and legitimated by states, so IO sovereignty belongs to states.

Structural Change

This subsection demonstrates the consequent structural change in the international system following the institutional change examined in the preceding subsection. It shows that the Assembly’s claim of sovereignty buttresses the theoretical thrust of the AU’s continental scope of authority, underpinning the emergence of the Continental State System within the Systems and Structures for Organizing Politics in the international system, as represented in Table 3 above. The AU is now the quintessential continental state with a formal claim of sovereignty, and it is the dominant political structure for organizing continental politics in the African context. Box III, adapted from Table 3, is a visual representation to ease reference.

Box III

Continental State System + Political Structure = AU

Two significant political developments illustrate the structural change. First, the growing international recognition of the AU as the dominant political structure on the continent. Specifically, the acceptance of the AU as a permanent member of the G20 modern states is illustrative. Second, African states, comprising all 55 countries on the continent, have implemented significant reforms empowering the AU to protect the sovereignty of the continent in the sense of defending Africa's vital security interests and priorities in the international state system. I will now analyze both proofs of structural change in two different subheadings: A) the AU reform, and B) the international recognition of the AU.

A) AU Reform

According to the Assembly, the purpose of reform initiatives was to “put in place a system of governance capable of addressing the challenges facing the [African] Union.”⁸⁵ President Paul Kagame of Rwanda, who led the reform process, provided detailed rationales and objectives of the reform in his report “The Imperative to Strengthen our Union.” These include a) rejecting “Africa’s subordinate place in the community of nations as natural” and b) ensuring “that the Assembly decisions are implemented to avoid the signal that ... they don’t (sic) matter.”⁸⁶ President 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.” Hence, 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

⁸⁵ African Union 2016a, 1.

⁸⁶ African Union 2017c, 3, 5.

“the current sanctions mechanisms” so that “participation in the African Union deliberations [becomes] contingent on adherence to Summit decisions.”⁸⁷

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 – that is, 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. Equally significant is the power of enforcement of sanctions, which has been essential for the effectiveness and success of any state form.

The Assembly of the AU approved President 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.”⁸⁸ Recall that the Executive Council of the AU, and subsequently the Assembly, adopted the Ezulwini Consensus as a Common African Position on the UN Security Council reform. The Ezulwini Consensus is one of the few 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.”⁸⁹ The significance is that the reform is about strengthening the Assembly’s capacity to defend the sovereignty of the continent – that is, Africa’s right to act as a power in the international state system.

In sum, key elements of AU reform show African leaders’ collective intention to establish a stronger structure of political organization with a continental scope of authority.

⁸⁷ Ibid, 7, 11-2.

⁸⁸ African Union 2017b, 1.

⁸⁹ African Union 2022, 13.

And what has emerged is the continental state 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 the Assembly's sovereignty in the traditional sense 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, what Jackson and Rosberg refer to as "juridical statehood."⁹⁰

B) *International recognition of the AU*

Since the Assembly's claim of sovereignty, significant political developments have occurred, showing that the AU is gaining international recognition as a state structure for organizing continental politics. For instance, President Joseph Biden supports the African Common Position on the Security Council reform and AU's permanent membership of the G20 during the US-Africa Summit in December 2022. President Biden argues that:

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.⁹¹

⁹⁰ Jackson and Rosberg 1982.

⁹¹ The White House 2022 [online source].

President Biden did not nominate the AU for permanent membership in the UN Security Council perhaps for diplomatic reasons. Consider that the African position has been that the issue of choosing candidates for the Security Council is a question for the AU answer. As the Assembly put it:

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.⁹²

This suggests that President Biden was well-briefed. My view, based on the Assembly's sovereignty claim and reform of the AU, is that African states would eventually propose the AU as a compromise to the 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 a permanent membership of the G20.

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. 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

⁹² African Union, 2005c, 10.

Theories of institutional and structural changes in the international system are often products of abstract imaginations of past, present, and future events. As Rosenau insightfully surmised, “changes, and continuities too, are not objective phenomena. Their existence acquires meaning through conceptual formulation and not empirical observation.”⁹³ 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, neoliberalism, and postmodernism 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 view that “in the medium run sovereign states will remain the dominant political actors in the international system.”⁹⁴ In short, the sovereign state model is not disappearing (not even in Africa); rather, as Vernon, Keohane, and Krasner⁹⁵ have concluded, IOs as state structures and modern states are cohabiting. I anticipate such coexistence going into the future, especially because IO sovereignty as theorized in this study is not a consequence of conflict between IOs and modern states; instead, the theory captured and explained the conflict between dominant IOs and their constituent structures or minor IOs. This conflict is different from the conflicts of sovereignty in Europe, which involve the EU and its Member States as the constituent structures.

⁹³ Rosenau 1989, 15.

⁹⁴ Wendt 1992, 424.

⁹⁵ Vernon 1981, 529; Keohane 1995, 74; Krasner 2001a, 29.

Legitimation crisis will remain a feature of IO state systems and so changes will continue to occur, either through Scenario I – that is, resolution by inclusive representation of constituent structures/minor IOs 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 Scenario II – that is, sovereignty claims by the constituent structures because of exclusive representation and nonalignment of norms, values, interests, priorities, or goals. The claim of sovereignty by the AU supported Scenario II and may appear to have sharpened arguments put forward by scholars of postmodernism about the increasing irrelevance of territorial states. So, 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 that modern states will remain principal political structures for a very long time. 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 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.⁹⁶

Hence, the theory of change I have advanced in this study 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

⁹⁶ Rosenau 1989, 16.

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's claim of sovereignty established, is an even stronger basis for theorizing change. Surely, the AU's claim of sovereignty "constitutes meaningful change" in the understanding of IO sovereignty. Accordingly, I developed the 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 and operationalized the rules of IO recognition 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 article, the theory of change I developed is the alternative to Krasner's⁹⁷ compelling neorealist account of institutional and structural changes in the contemporary international system, with a focus on Europe and the EU. Now, Africa and the AU present the map to a new route for understanding and theorizing institutional and structural changes in the international system.

⁹⁷ Krasner 2016.

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