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The Reassertion of National Sovereignty

A Challenge to International Organizations' Survival?

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Abstract

International organizations (IOs) have repeatedly been challenged in their existence. In this essay, I review arguments about the causes of their decline and survival in existing research. While the majority of research has focused on structural pressures such as geopolitical crises, I argue that IOs can also be threatened by member-states reasserting their sovereignty, for example through budget cuts, non-compliance with core norms, obstruction of staff appointments and membership withdrawal. More systematic research is required to investigate when these challenges are more likely to lead to the demise of IOs and which factors make IOs survive these challenges.

Keywords

international organizations – sovereignty – withdrawals – budget cuts – non-compliance

Introduction

International organizations (IOs) play a key role in promoting multilateral cooperation on critical transnational issues. Nevertheless, they are currently under serious pressure. In response to the expanding authority of IOs since 1945, a growing number of states claim that IOs have become too intrusive and have hence taken measures to reassert their sovereignty. Some of the most prominent examples are budget cuts by the previous United States government

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to various United Nations (UN) organizations and its veto to appoint new judges to the World Trade Organization's dispute settlement procedure (WTO), the United Kingdom's decision to leave the European Union (EU), and the decision from some African states and the Philippines to leave the International Criminal Court. The recent change in US leadership has brought an element of relief, but the widespread contestation of member-states indicates that the underlying crisis continues to challenge the existence of IOs.

However, the relationship between IOs and their member-states has often been conflict-ridden throughout the history of IOs. Recent research demonstrates that even the phenomenon of withdrawals from IOs is nothing new.¹ It therefore seems that IOs overall are rather resilient and able to cope with different pressures and external challenges. Which IOs are more likely to succumb and what factors make some IOs more resilient than others – these questions have stimulated a new research agenda within the discipline of International Relations (IR). In this essay, I review a new strand in IR research on IO death and survival. I argue that the majority of this literature focuses on systemic threats to IOs and concentrates on structural factors when explaining IO decline and survival. Taking this further, I suggest including endogenous challenges into the list of factors challenging IO survival. The reassertion of national sovereignty by member-states, namely through budget cuts, non-compliance with core norms, obstruction of high-level staff appointments and membership withdrawal can pose significant threats to an IO's existence. I conclude by arguing that future studies could benefit from studying the impact of these challenges more systematically.

Challenges for IO Survival: Geopolitical Crises and the Reassertion of National Sovereignty

Recent IO research has revealed that IOs do not live forever but may cease to exist. This has led to a variety of studies examining the circumstances of IO "death".² Many of them have identified periods of geopolitical crises as

1 I. v. Borzyskowski and F. Vabulas, "Hello, Goodbye: When do States Withdraw from International Organizations?", in *Review of International Organizations*, 2019, no. 2, pp. 335–366.

2 M. Eilstrup-Sangiovanni, "What kills international organisations? When and why international organisations terminate", in *European Journal of International Relations*, 2020, no. 1, pp. 281–310; M. Eilstrup-Sangiovanni, "Death of international organizations. The organizational ecology of intergovernmental organizations, 1815–2015", in *Review of International Organizations*, 2020; J. Gray, "Life, Death, or Zombie? The Vitality of International Organizations", in *International Studies Quarterly*, 2018, no. 1, pp. 1–13; C. Shanks, H. K. Jacobson, and J. H. Kaplan, "Inertia and change in the constellation of international governmental organizations, 1981–1992", in *International Organization*, 1996, no. 4, pp. 593–627; M. Debre and H. Dijkstra, "Institutional design for a

moments where IOs are particularly prone to succumb. In one of the earliest studies on this topic, Shanks et al. noticed that one third of the IOs existing in 1981 had ceased to exist by 1992, when the end of the Cold War overturned the bipolar structure of the international system.³ More systematically, Eilstrup-Sangiovanni shows that the population of IOs most significantly decreased in three periods of “broad geopolitical upheaval”, namely during World War I, in the years between the Great Depression and World War II, and at the end of the Cold War.⁴ Debre and Dijkstra mention a variety of “external pressures” such as wars, economic crises, changes in the international agenda or domestic opposition to international cooperation as potential challenges for IOs, but they do not systematically investigate to what extent these different challenges impact IO decline or survival.⁵ Finally, Gray analyzes how international economic organizations manage to remain alive while facing competition with other IOs in the same field.⁶ These studies all share a focus on systemic challenges for IOs and neglect the fact that there might be existential challenges beyond structural factors, such as challenges coming directly from member-states. It is notably common for member-states to pursue a number of measures against IOs in order to reassert their sovereignty.

The existence of IOs relies on financial and personnel contributions, a functioning membership body and the implementation of their policies by member-states.⁷ States use numerous ways to not only influence IOs according to their interests but also to contest IOs’ authority or individual policies.⁸ One

post-liberal order: Why some international organizations live longer than others”, in *European Journal of International Relations*, 2020, no. 1, pp. 311–339.

3 C. Shanks, H. K. Jacobson, and J. H. Kaplan, “Inertia and change in the constellation of international governmental organizations, 1981–1992”, in *International Organization*, 1996, no. 4, pp. 593–627.

4 Eilstrup-Sangiovanni (fn 2).

5 Debre and Dijkstra (fn 2).

6 Gray (fn 2).

7 D. Sarooshi (eds.), *International Organizations and Their Exercise of Sovereign Powers*, Oxford University Press, Oxford, 2005; J. Wouters and J. Odermatt, “Assessing the Legality of Decisions,” in J. K. Cogan, I. Hurd, and I. Johnstone (eds.), *The Oxford Handbook of International Organizations*, Oxford University Press, Oxford, 2016, pp. 1007–1025.

8 M. Stephen and M. Zürn (eds.), *Contested World Orders. Rising Powers, Non-governmental Organizations, and the Politics of Authority Beyond the Nation-state*, Oxford University Press, Oxford, 2019; R. Foot, S. N. MacFarlane, and M. Mastanduno (eds.), *US Hegemony and International Organizations. The United States and Multilateral Institutions*, Oxford University Press, Oxford, 2003; T. Gehring and B. Faude, “A Theory of Emerging Order within Institutional Complexes: How Competition Among Regulatory International Institutions Leads to Institutional Adaptation and a Division of Labor”, in *Review of International Organizations*, 2014, no. 4, pp. 471–498; J. C. Morse and R. O. Keohane, “Contested multilateralism”, in *Review*

of the most extreme forms of states reasserting their sovereignty is by withdrawing from international institutions. Scholars have extensively studied the extent and the reasons for states' withdrawals, which range from dissatisfaction with the respective IO's policies, financial reasons, nationalist or populist ideologies, the rise in authoritarianism or the IO's institutional features.⁹ Apart from membership withdrawal, however, there are more ways for states to limit the aforementioned aspects necessary for an IO's existence and express a state's unwillingness to participate in multilateral cooperation. In the following I outline four types that could potentially challenge an IO's survival, namely budget cuts, non-compliance with core norms, obstruction of high-level staff appointments and membership withdrawal.

Unilaterally reducing financial contributions to IOs is a means for individual states to express their disapproval with multilateral cooperation.¹⁰ Depending on the financial structure of the IO, budget cuts can be lawful, for example the withdrawal of voluntary financial contributions. By contrast, the refusal to pay obligatory financial contributions, so-called assessed contributions in the context of the UN, would be unlawful. States may also increase their financial contributions to shape IOs according to their national interest and tie some explicit or implicit conditions to this financing. Some of these budget cuts also are used to exert pressure on the IO to introduce institutional reforms.¹¹ With this, however, member-states still demonstrate their commitment to the IO. Most of the member-states are notoriously late payers and often withhold payments not only to impose their will on the organization but also for financial reasons. Budget cuts have significant implications for the functioning and the policy scope of an IO that might, under specific circumstances, lead to its decline.

The second way a member-state can reassert its sovereignty is by persistently not complying with the core norms of an IO. The most recent examples

of *International Organizations*, 2014, no. 4, pp. 385–412; B. Zangl, F. Heußner, A. Kruck, and X. Lanzendörfer, "Imperfect adaptation: how the WTO and the IMF adjust to shifting power distributions among their members", in *Review of International Organizations*, 2016, no. 2, pp. 171–196; D. L. Nielson and M. J. Terney, "Delegation to International Organizations: Agency Theory and World Bank Environmental Reform", in *International Organization*, 2003, no. 2, pp. 241–276.

9 I. v. Borzyskowski and F. Vabulas (fn. 1); L. R. Helfer, "Exiting Treaties", in *Virginia Law Review*, 2005, no. 7, pp. 1579–1648.; J. Pauwelyn and R. J. Hamilton, "Exit from International Tribunals", in *Journal of International Dispute Settlement*, 2018, no. 4, pp. 679–690.

10 F. Francioni, "Multilateralism à la Carte: the Limits of Unilateral Withholdings of Assessed Contributions to the UN Budget", in *European Journal of International Law*, 2000, no. 1, pp. 43–59.

11 S. Eckhard, R. Patz & S. Schmidt, "Reform efforts, synchronization failure, and international bureaucracy: the case of the UNESCO budget crisis", in *Journal of European Public Policy*, 2019, no. 11, pp. 1639–1656.

are the laws adopted by the Polish and Hungarian governments that violate the rule of law, a core norm of the EU.¹² Another recent example is the persistent refusal of some member-states to comply with the obligation to carry out arrest warrants of the International Criminal Court. The example of the arrest warrant issued for Sudan's former president Al-Bashir highlights how this significantly undermines the effectiveness of the court, which depends on the support of its member-states to implement its decisions.¹³ The historical example of the League of Nations shows how systematic non-compliance can become a serious problem for an IO. In the early years of the organization's existence, the attacks by Poland on the Soviet Union and Lithuania in 1920 as well as the invasion of Greece into Bulgaria exposed open breaches with the League's core norm of peaceful resolution of inter-state conflicts.¹⁴ The same principle was violated by Japan's invasion of Manchuria in 1931/1932, the annexation of Ethiopia by Italy in 1938, the annexation of Austria by Nazi Germany in 1938 and the Soviet Union's invasion of Finland in 1939. The response of the League to the breach of one of its core norms was inconsistent, at best; most acts of non-compliance remained unsanctioned, which enhanced the organization's decline.¹⁵

Member-states can further reassert their sovereignty by obstructing the staffing process of high-level positions within an IO. This can either take place by not appointing a national representative to an IO's central decision-making body or by blocking appointments of decisive posts by other member-states. In the context of the World Trade Organization's dispute settlement board, for example, the previous US government has been blocking the appointment of new judges.¹⁶ Earlier in history, the US government made use of this strategy

12 C. Kroet, "Judicial plans would remove Poland's safety valve warns ombudsman", in *Politico*, 2017. Available at: <https://www.politico.eu/article/judicial-plans-would-remove-polands-safety-valve-warns-ombudsman/> (last access 20 January 2021); A. Magen, "Cracks in the Foundations: Understanding the Great Rule of Law Debate in the EU", in *Journal of Common Market Studies*, 2016, no. 5, pp. 1050–1061.

13 D. Tladi, "The Duty on South Africa to Arrest and Surrender President Al-Bashir under South African and International Law: A Perspective from International Law", in *Journal of International Criminal Justice*, 2015, no. 5, pp. 1027–1047.

14 J. Barros (eds.), *Office without power: Secretary-General Sir Eric Drummond 1919–1933*, Clarendon Press, Oxford, 1979.

15 W. E. Rappard, "Nationalism and the League of Nations Today", in *The American Political Science Review*, 1933, no. 5, pp. 721–737.

16 D. A. Gantz, "An Existential Threat to WTO Dispute Settlement: Blocking Appointment of Appellate Body Members by the United States", in *Arizona Legal Studies Discussion Paper No. 18–26*, 2018; T. Miles, "U.S. Blocks WTO Judge Reappointment as Dispute Settlement Crisis Looms." Available at: <https://www.reuters.com/article/>

in particular in the context of the World Bank.¹⁷ Staff obstruction however is not limited to the US: Kenya tried to replace judges at the East African Court of Justice after the court issued some controversial decisions.¹⁸ The Organization for Security and Cooperation in Europe (OSCE) recently faced a crisis with several member-states vetoing the appointment of four of the organization's most senior positions.¹⁹ These actions significantly hinder the functioning of IOs and can therefore pose a direct threat to their survival.

Finally, the most extreme way in which member-states reassert their sovereignty is by withdrawing from an IO. They might do so by either announcing their formal withdrawal from an IO or by not participating in core decision-making procedures (as it happened for example during the "empty chair crisis" in the 1960s in the European Community). Recent studies have revealed the implications of "mass dis-integration" for the remaining member-states and the costs of membership withdrawal from regional economic organizations for the withdrawing member.²⁰ Even if the withdrawing member-state follows a clear legal procedure provided by the IO's founding document,²¹ a membership withdrawal can have immediate consequences for the existence of IOs, especially if other member-states follow.²²

This typology demonstrates that there are at least four different ways in which the reassertion of sovereignty by member-state can impact the existence of IOs. Recent research has further revealed that member-states can contest an IO by founding a competing organization.²³ This "contested multilateralism"²⁴

us-usa-trade-wto/u-s-blocks-wto-judge-reappointment-as-dispute-settlement-crisis-looms-idUSKCNiLC19O (last access 20 January 2021).

17 R. Hunter Wade, "US hegemony and the World Bank: the fight over people and ideas", in *Review of International Political Economy*, 2002, no. 2, 201–229.

18 K. J. Alter, J. T. Gathii, and L. R. Helfer, "Backlash against International Courts in West, East and Southern Africa: Causes and Consequences", in *European Journal of International Law*, 2016, no. 2, pp. 293–328.

19 A. Brzozowski, "OSCE facing leadership crisis", 20 July 2020. Available at: <https://www.euractiv.com/section/defence-and-security/news/osce-facing-leadership-crisis/> (last access 18 March 2021).

20 S. Walter. *The mass politics of international disintegration*. CIS Working Paper 105, 2020, University of Zurich. Available at: <https://doi.org/10.5167/uzh-188107> (last access 20 January 2021); I. v. Borzyskowski and F. Vabulas (fn. 1); J. Pauwelyn and R. J. Hamilton (fn. 9).

21 C. Brölmann, R. Collins, S. Droubi, and R. A. Wessel, "Exiting International Organizations. A Brief Introduction", in *International Organisations Law Review*, 2018, no. 2, pp. 243–263.

22 Walter (fn 17).

23 M. Zürn. *A Theory of Global Governance. Authority, Legitimacy and Contestation*, Oxford University Press, Oxford, 2018.

24 J. C. Morse and R. O. Keohane, "Contested multilateralism", in *Review of International Organizations*, 2014, no. 4, pp. 385–412.

however still expresses the commitment of a state to an IO and can actually have positive effects on international cooperation.²⁵ Instead, budget cuts, persistent non-compliance, staff obstruction and membership withdrawal indicate a rejection of multilateral cooperation. So far, IOs seem to be affected to varying degrees. The UN Industrial Development Organization (UNIDO), for example, declined in influence after major budget cuts and membership withdrawals in the late 1990s whereas the UN Population Fund (UNFPA) not only survived but even expanded its influence throughout several budget cuts. Even more importantly, some IOs continue to exist on paper while not being active or effective any longer.²⁶ Therefore, studying the different ways how states reassert their sovereignty will refine our understanding of why certain IOs survive and even thrive on these challenges while others decline.

Summary

Existing research has revealed a number of exogenous factors, such as geopolitical crises, that can threaten an IO's existence. In this essay, I highlighted that member-states reasserting their sovereignty through budget cuts, persistent non-compliance, staff obstruction and membership withdrawal can pose additional challenges. A more systematic study of the different types of challenges that IOs are facing will provide insights into the question of when IOs are more likely to survive or decline. Future studies can help understand which factors are most effective in ensuring an IO's survival.

Most importantly, the responses of IOs to such challenges require to be studied in more detail as they seem to vary greatly across different organizations and over time.²⁷ We know that IOs and their bureaucracies communicate strategically in politicized situations.²⁸ The existing literature acknowledges

25 B. Faude and M. Parizek, "Contested multilateralism as credible signaling: how strategic inconsistency can induce cooperation among states", in *Review of International Organizations*, 2020, online first: <https://doi.org/10.1007/s11558-020-09398-7>.

26 Gray (fn. 2).

27 G. Hirschmann, "To Be or Not to Be? Lebensdynamiken internationaler Organisationen im Spannungsfeld von internationaler Autorität und nationalstaatlicher Souveränität", in *ZfB Zeitschrift für Internationale Beziehungen* 27, 2020, no. 1, pp. 69–93.

28 M. Ecker-Ehrhardt, "Self-legitimation in the face of politicization: Why international organizations centralized public communication", in *The Review of International Organizations* 2018, no. 13, pp. 519–546; T. Heinkelmann-Wild and V. Jankauskas, "To Yield or Shield? Comparing International Public Administrations' Responses to Member States' Policy Contestation", in *Journal of Comparative Policy Analysis: Research and Practice*, 2020, online first: <https://doi.org/10.1080/13876988.2020.1822144>.

that bureaucratic autonomy is somewhat important to secure an IO's survival. During periods of geopolitical crises, for example, especially young, small and/or decentralized IOs are likely to "die".²⁹ In addition, the size and the location of the secretariat seems to influence an IO's vitality.³⁰ Yet, we still lack a theoretically informed and empirically substantiated knowledge about how exactly IO bureaucracies shape IO's responses to the reassertion of sovereignty. Bureaucratic autonomy might be a double-edged sword in the life of IOs: on the one hand it can trigger member states reasserting their sovereignty; on the other, it might enable IOs to survive such challenges.

29 Eilstrup-Sangiovanni (fn. 2).

30 Debre and Dijkstra (fn. 2); Gray (fn. 2).