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

Abstract

Can international organizations (IOs) possess sovereignty like modern states? How can IOs obtain sovereignty? Can IOs supersede states as dominant political structures in the international system? Neorealists theorize that European sovereignty practice is changing the institution and rules of sovereignty, indicating that IOs as structures of political organization, particularly the European Union, can gain sovereignty through formal agreements among states and eventually supplant sovereign states. I study the emerging African sovereignty practice in relations between the African Union (AU) and the UN amidst the legitimation crisis in the UN Security Council and provide the constructivist alternative theory: IOs can attain sovereignty when dominant IOs like the UN face legitimation crises and states constituting IOs claim sovereignty. African sovereignty practice shows that sovereignty claims can occur because of noncompliance with IO legitimation rules of inclusive representation, or the alignment of values, norms, priorities, interests, or goals.

Keywords: Sovereignty, African Union, Africa, International Organization

Introduction

The modern states' policy and practice of transferring authority to international organizations (IOs) is changing the rules and institution of state sovereignty and the character of IOs as state structures for political organization in world politics. Transmissions of authority allow IOs to perform sovereign functions almost like states. European states' rich experience with the European Union (EU) is illustrative. The Council on Foreign Relations (2023) describes the EU as the "world's biggest sovereignty experiment." Otherwise known as "European sovereignty" (Puglierin and Zerka 2022; Roch and Oleart 2024). The European Council on Foreign Relations (2025) explains that European sovereignty is necessary to counter external threats to the "European Union's security, economic health, and diplomatic freedom of action," assuming that the EU is a novel sovereign state. However, several studies (see Schmidt 2016; Bickerton et al 2022; Brack, Coman, and Crespy 2021) note that the EU, and therefore IOs, lacks sovereign status like their territorial state counterparts.

Indeed, international relations scholars (such as Wendt and Duvall 1989; Keohane and Hoffman 1991; Krasner 2004, 2016) are studying the implications of authority transfers from modern states to IOs. The exploration occurs within the broader debate on changes and continuities in the "institutions" (especially in the sense of sovereignty, Krasner [1988]) and "structures" (specifically in the sense of forms of political organization, Wendt [1994]) of the international system (Rosenau 2018). The pertinent puzzling questions are: Does authority transmission mean that IOs can possess sovereignty like states? If so, then how can IOs gain sovereignty? Can IOs supplant states as dominant structures for political organization in the international system?

Neorealist scholars (especially Krasner 2016) have theorized that the European sovereignty practice shows changes in the institution and rules of sovereignty and structures of political organization, indicating how IOs can gain sovereignty through formal state

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agreements, but such treaties cannot be made outside Europe. In particular, Krasner (2016, 521-2, 528) points out 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." Therefore, "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." The present theory does not explain sovereignty practices in other regions like Africa.

I study the evolving African sovereignty practice in relations between the African Union (AU) and the UN amidst the legitimation crisis in the Security Council and provide the constructivist alternative theory. The AU in conjunction with African states has claimed sovereignty over the continent (African Union 2014, 2015a). The AU is Africa's premier IO. The Assembly, which includes 55 heads of state and government of AU member states and represents over 1.4 billion people, is the supreme organ. African sovereignty refers to the primacy of decision-making on security matters affecting the AU and the member states (African Union 2014, 1-2). African sovereignty or sovereignty of the continent, as AU officials, particularly the Secretary-General of the African Free Trade Agreement Area, Wamkele Mene, point out, also refers to autonomy in economy and trade, payment or settlement of transactions within and outside Africa (CNBC Africa 2024).

The constructivist alternative theorizes African sovereignty practice. It explains that modern states' transfer of authority to IOs or the internationalization of authority transforms IOs into state structures possessing *sovereignty as transferred authority* and created the international state system. IOs like the UN are the dominant structures and the constituent structures include minor IOs, such as regional organizations like the AU and the EU. The constituent structures legitimize dominant IOs' authority. Legitimation crises occur when the constituent structures oppose dominant IOs' legitimacy. Contestation of dominant IO

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legitimacy ensues if constituent structures are not fully represented in principal decision-making organs and/or major differences in norms, values, priorities, interests, or goals are unresolved. IO legitimation rules include 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 legitimation rules causes legitimation crises, and constituent structures may act to protect their values, norms, interests, and priorities, or pursue their goals. Such actions may include sovereignty claims.

I follow the constructivist conceptions of institutional and structural change, as outlined in the framework of state sovereignty (Ruggie 1983; Barkin and Cronin 1994). I expand the framework using constructivist studies on IO authority and legitimacy (Barnett and Finnemore 1999, 2004; Cronin and Hurd 2008), the internationalization of the state (Wendt 1994; Panitch and Gindin, 2021), and the third image of structure (Ruggie 1989). I then probe the extant legitimation crisis in the international state system, focusing on the AU's opposition to the UN Security Council's legitimacy. Drawing on primary data, I analyze AU policies on the UN Security Council reform and the Security Council-authorized International Criminal Court (ICC) intervention in Sudan.

African sovereignty practice shows that the claim of continental sovereignty by the AU and African states in relations with the UN represents the alternative process by which IOs can acquire sovereign identity and status and supersede sovereign states as dominant structures for organizing politics in world affairs. AU reform indicates the transformation of the AU into a *continental state* structure for political organization in which African states can anchor *continental sovereignty*. African sovereignty experiment indicates changes in the institution and rules of sovereignty and structures for organizing politics in the international system. It shows that the AU can become a model for other IOs across regions and world affairs.

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This paper has four main sections. The first section of this paper reviews the literature. The second section develops the constructivist theory of change. The third section illustrates the theory.

IO sovereignty: from transferred authority to formal sovereignty

Conceptions of institutional change center on the understanding that IOs as postmodern state structures exercise authority given to them by modern states, or what I conceptualize as *sovereignty as transferred authority*.

International relations scholars are puzzled by the implications of modern states' transfer of authority to IOs. Wendt and Duvall (1989, 57) note that modern states "simply possess sovereignty in greater or lesser degree" vis-à-vis IOs. Wendt (1994, 388, 393) clarifies that states create IOs without "formal cession of sovereignty," but transfer authority to IOs as a means of "redeploying state power, not a withering away of the state." Barkin and Cronin (1994, 109) point to structures of political organizations and emphasize that articulations of sovereignty persist, but organizations deem sovereign change. In essence, if modern state actors confer sovereignty as opposed to authority on IOs, such IOs would become sovereigns.

Krasner (2001, 17) stresses that transfer agreements are mere violations of the "sovereign state model [which] have been an enduring characteristic of the international environment." Matanock (2014, 2) notes that "delegation agreements" are prohibitive. The point is that modern states transfer authority as sovereignty to IOs through voluntary bargains with clawback clauses. As Fioretos (2011, 389) points out, "A substantial degree of authority migration has taken place" without a major change in the sense of formal transfer of sovereignty to IOs. Krasner (2016, 522) stresses that sovereignty endures because states incorporate, legalize, and legitimate IOs. In short, authority movements to IOs improve, rather than relegate the sovereign state.

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Keohane and Hoffman (1991, 13) see change as the sharing instead of the formal transfer of sovereignty to IOs. Like the "pooled" sovereignty concept, which Lake (2007, 231-2) describes as the transfer of authority to IOs for policymaking in specific areas (see also Brown, McLean, and McMillan 2018). Deng et al (1996, xviii, 31) understand pooled sovereignty as a function of seeking assistance from IOs. This speaks to Krasner's (2004) concept of shared sovereignty in the context of "collapsed" and "failing states." 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. Keohane (1995, 75) suggests that the European Community law implies the transfer of sovereignty to the EU, which may not be reversed. The "Brexit" (the British exit from the EU) event indicates that such agreements may be rescindable. IOs enjoy sovereignty as transferred authority and relevant studies on the EU are illustrative.

Wæver (1995, 417) questions "How sovereign has the EU become?" to highlight the fact that European "states do not say the E.U. is sovereign, nor does the E.U." Werner and Wilde (2001, 303) observe that "the EU does not claim a sovereign status," arguing that such claims are not transferrable. Instead, The authority associated with sovereign status is transferable to IOs. Bifulco and Nato (2020, 36, 82) note that while the EU is an exceptional model of shared sovereignty, there are no "holders of sovereignty in the EU and its bodies." All this shows that scholars understand institutional change as sovereignty as transferred authority. Structural change theories support this proposition.

Ruggie (1993, 140) underlines the EU's extensive authority as "the emergence of the first truly post-modern political form," followed by conceptions of the EU as a "regional state" (Schmidt 2004) or a "continental state" (Deudney 2007, 236). Yet, Schmidt (2016, 22) clarifies that the EU "lacks [formal] sovereignty," suggesting that significant change will happen when

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IOs or modern states establishing IOs claim sovereignty. Such a claim would shift the conversation to status and identity. As Ruggie (1983, 279) reminds us: '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.' Scholars, such as Ruggie (1993, 140), Wæver (1995, 430), and Deudney (2007, 222) understand such future structures as IOs and the postmodern state system as the international state system.

The AU's sovereignty claim is shifting the dialogue to differentiation or self-identification – the crucial idea that sovereignty implies the separation of "self" from "other." Wendt (1992, 412) notes that sovereignty exists because of others. Walker (1993, 175) emphasizes that sovereignty claims denote knowledge of occurrences outside the borders, which the claimant seeks distinction. So, IO sovereignty refers to the identity of the structure on whose behalf states make claims. For example, if the EU claims sovereignty, the question would be whether the declaration shows self-identification against European states or external actors, like the UN. The absence of such claims drives the perspective that the EU would not transcend states (Bickerton et al 2022, 263; Brack, Coman, and Crespy 2021, 6).

In sum, sovereignty as transferred authority encapsulates agreements conferring authority on IOs and the neorealist formal theory of change. The AU's sovereignty claim points to self-identification or status, and an alternative process IOs may acquire sovereignty. The dynamics of change in sovereignty claims to underpin sovereign identity are accessible through the sovereignty framework.

The sovereignty framework

The sovereignty framework elucidates the dynamics of change in sovereignty claims, which involves questions about who can make sovereignty claims and why; the forms and core

features of structures on whose behalf actors claim sovereignty; the legitimation crises that could lead to sovereignty claims, and the legitimation rules validating such claims. The existing framework accounts for state sovereignty, as follows:

Ruggie (1983, 274-8) developed the original framework and explained the transformation of the medieval state structures (the medieval state system) into the modern state structures (the modern state system). The change occurred because of the "institutionalization of public authority within mutually exclusive jurisdictional domains." The institutionalization of authority created a legitimation crisis at both domestic and international levels. Ruggie focused on the international level where the crisis was about the mistrust among independent political structures owning absolute authority over their territories while seeking relations with each other. The conflict was about the basis of social interaction between autonomous political entities that must cohabit. The concept of sovereignty appeared as the solution to the crisis. So, sovereignty became 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."[1] The basic social needs include recognition of authority, territorial integrity, and non-interference. Thus, the legitimation rules consist of mutual recognition of state authority based on the power of control over a defined territory. Ruggie (1998, 870) adds that mutual recognition is a prerequisite to an effective state system.

Barkin and Cronin (1994, 108-113, 128-9) expanded the framework to explain the legitimation crisis at the domestic level, what they described as the "legitimizing principles" of sovereignty claims. The crisis was about competing claims to authority between two political structures: the state versus the nation. The state is the dominant structure. The nation or "communities of sentiment" is the constituent structure that legitimizes states. The basic rule

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[1] Emphasis in original.

of state legitimation is effective territorial control. The legitimation of a nation is an effective representation of the community's political aspiration. The rules revolve around the "legitimate authority" concept, which means the appropriateness of governance institutions. Otherwise, constituent structures will oppose the legitimacy of the governing institution or state, creating a legitimation crisis. Table 1 summarizes the existing sovereignty framework.

Table 1. The Existing Sovereignty Framework

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

The existing sovereignty framework is inadequate for studying IO sovereignty and needs expansion. I take the first step in two parts: the construction of institutional and structural changes.

Constructing institutional change

Studies on IO authority and legitimacy show the legitimation crisis after the internationalization of authority. I argue that constituent structures (like the AU) oppose dominant IOs' legitimacy, and an unresolved legitimation crisis can lead to sovereignty claims by constituent structures.

The concept of "authority" is contested (Kustermans and Horemans 2022), so I am particularly interested in authority as an institution of sovereignty. Unlike studies on

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institutional change and IO reforms (Mahoney and Thelen 2010; Lipscy 2018), I focus on the institution of sovereignty as transferred authority.

Barnett and Finnemore (1999, 707) provide accessible constructivist 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 material resources like economic and military power. Such ability is rooted in the understanding that 'legitimate modern authority is invested in legalities, procedures, and … deploys socially recognized relevant knowledge to create rules that determine how goals will be pursued.' Later, Barnett and Finnemore (2004, 5) note that such authority is granted to IOs just like modern states, or what I construct as the *internationalization of authority*, which created the legitimation crisis in the international system. The crisis relates to disagreements over "goals or values" to pursue and concerns about "the structure and decision-making rules raise questions about *representation*"[2] (Barnett and Finnemore 2004, 167-9). Constituent structures maintain unique norms, values, interests, priorities, or goals, and incompatibilities can lead to conflict and opposition to dominant IOs' legitimacy. Equally, inadequate representation in decision-making organs and institutions can result in constituent structures challenging dominant IOs' legitimacy. The conceptual issue concerns the rules of IO legitimation.

Hurd (1999, 387-8) points to "the standard of appropriateness" – the belief that a political organization is suitable for the desired purpose. Constituent structures expect dominant IOs to be appropriate. 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 test. Cronin and Hurd (2008, 7) expound on the specifics of the test, suggesting aligning "the

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[2] Emphasis mine.

purposes and goals" of dominant IOs with those of the constituent structures. Zürn (2018, 77) proposes positioning dominant IOs' processes or policies with those of the constituent structures. Otherwise, legitimation will fail, creating a crisis.

The standard of appropriateness test involves examining the inclusiveness of decision-making mechanisms that facilitate robust deliberation of issues and options for actions, as opposed to institutions that privilege material resources and therefore actors with economic and military power. Cronin and Hurd (2008, 3) 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." Dominant IO legitimation is a function of the constituent structures' approval.

I submit that the rules of IO legitimation must comprise 1) the alignment of norms, values, priorities, interests, or goals between dominant IOs and the constituent structures, and 2) an inclusive representation of the constituent structures in the principal decision-making organs of dominant IOs. Legitimation crisis will involve scenarios I and II with two plausible outcomes: resolution by alignment and inclusive representation or continuation of the crisis because of nonalignment and exclusive representation.

Scenario I would entail resolution by aligning values, norms, interests, priorities, or goals, and inclusive representation. The outcome will be an incremental institutional change: minor IOs will be granted greater inclusive representation, as the recent admission of the AU into the Group of Twenty (G20) states as a permanent member illustrates (the G20 is not a formal IO, though). 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

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and values. This is because there are often irreconcilable normative differences between dominant IOs and constituent structures (Anonymous 2023). The legitimation crisis will persist but the internationalization of authority through IO legitimation strategies (Lenz and Söderbaum 2023) would taper the crisis. Scenario I explains 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. The outcome will involve sovereignty claim and change in the institution of sovereignty as constituent structures take drastic measures to protect, uphold, and propagate their core norms, values, priorities, or interests, or pursue their goals. Table 2 provides a visual summary of both Scenarios.

Table 2: Legitimation Crisis Outcomes in Institutional Change

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

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

Constructing structural change

Studies on state internationalization (Wendt 1994; Panitch and Gindin 2021) indicate the transformation of IOs into international state structures (Picciotto 1984; Spruyt 2020, chapter 9) capable of enjoying sovereignty like modern states.

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Discussions of "structure" often focus on organizing principles like anarchy, self-help, and power (especially military and economic power). I am especially interested in structure as state forms for political organization. Wendt (1994, 394) defines the international state as "a *structure of political authority* that performs governance functions over a people or space."[3] Such structures need not possess all the features of states (Farrell and Finnemore 2016). They encompass IOs like the UN, and regional organizations such as the EU, and the AU. I treat regional organizations as constituent structures of dominant IOs like the UN. In Chapter VIII of the UN Charter entitled "Regional Arrangements," regional organizations should support UN institutions in discharging their mandates, especially the Security Council in maintaining international peace and security. However, constituent structures can oppose dominant IOs as discussed in the earlier subsection, and Ruggie's (1989) "third image" of structure is pertinent.

Ruggie (1989, 22, 28, 30) stresses the "*right to act as a power*,"[4] what Barnett and Duvall (2005, 56) call "productive power," which focuses on immaterial sources like knowledge. The contention was that power has "shifted toward some actors, and away from others; some types of units (state structures) were socially deemed to be legitimate wielders of authority, [and] others were delegitimized." This conception of structural change points to the legitimation crisis plaguing dominant IOs and shows that constituent structures are equally catalysts of change as they exercise the right to act as power. Scholarships on the "new regionalism" buttress the third image theory. Hurrell (2007, 130-1) explains that, unlike old regional regionalism where the "core driving logic [of change] is global even if the manifestation is regional," the new regionalism locates the stimulus for 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."

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[3] Emphasis in original.

[4] Emphasis in original

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I submit that structural change occurs when minor IOs/constituent structures exercise the right to act as power by creating new state forms or reforming existing organizations and claiming sovereignty on behalf of such structures. Modern states constituting regional organizations will either initiate substantive reforms of existing political structures to advance their values, norms, interests, or priorities or create new structures to pursue these objectives. The state structures that emerge will differ from existing understandings of structure, such as Deudney's (2007) "continental state systems," Hurrell's "regional state systems" (2007), and Schmidt's (2004) "regional state" structures. Notions 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, especially the EU.

Instead, I construct structural change as when IOs acquire sovereign status and identity through sovereignty claims over spatial boundaries like a region/subregion, a continent, or across continents. The core features of such state forms will include sovereignty over territories or spaces. Such structures need not enjoy a monopoly of violence, even some modern states no longer have the monopoly of violence within their territories, and it does not make such states less sovereign. IO sovereignty can reside in a single actor: an organ or an institution, and only that actor can transfer authority to other structures. For instance, a continental state form will differ from other structures in three main aspects.

First, the scope of authority will encompass a continental boundary. The EU is not a continental state because its scope of authority is regional within the European continent. Much of Eastern Europe is outside the EU's authority, and some states in Western Europe, like the UK, are outside the EU's authority. The EU may well be the first regional state, albeit without formal sovereignty and a defined boundary (Krasner 2016, 527; Schmidt 2016, 22, 24). In

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contrast, the AU will become a continental state following complete legitimation because its authority traverses the entire African boundary/space.

Second, a continental state structure will 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, such structures include the Economic Community of West African States (ECOWAS) and the Intergovernmental Authority on Development (IGAD). These state formations are widely known as subregional organizations.

Third, a continental state structure will 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 (Arab League). Such regional state forms may exercise authority across continents where their members are located. The Arab League, a constituent state structure of the UN, legitimated the Security Council's resolution to intervene in Libya in 2011 because its scope of authority cuts across Africa and the Middle East. Libya is a member of both the AU and the Arab League. Table 3 below summarizes changes in state systems and provides examples of structures for organizing politics in the international system.

The classification is based on the IO's scope of authority. Each system will comprise dominant and constituent structures, so a legitimation crisis is possible and IO legitimation rules will apply. I focus on the international state system, consisting of dominant structures (like the UN) and constituent structures (the AU and the EU). In the current UN configuration, structures of other state systems are known as regional organizations.

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Table 3. Systems and Structures for Organizing Politics

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

Table 4 below summarizes the expanded sovereignty framework based.

Table 4. The Expanded Sovereignty Framework

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

Case study

I probe the theory of change by operationalizing the expanded sovereignty framework with the AU's sovereignty claim. This case study illustrates Scenario II of the Legitimation Crisis and the Outcome. It is divided into two main subsections: institutional change and structural change.

Institutional Change

In Scenario II (Box I), constituent structures/minor IOs will exercise the right to act as power and advance their norms, interests, priorities, or goals when dominant IOs refuse to comply with IO Recognition Rules (Box II).

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 AU opposed the UN Security Council's legitimacy because of A) noncompliance with the IO legitimation rules of inclusive representation and B) nonalignment of interests and priorities with those of minor IOs.

A) *Noncompliance with the IO legitimation rule of inclusive representation*

The UN is the dominant IO in the international state system, and the Security Council is the primary organ possessing sovereignty as transferred authority to make binding decisions. The Security Council faces a legitimation crisis concerning the inadequate representation of

constituent structures on using the veto by the Council's Permanent Five (P5) members, namely China, France, Russia, the United Kingdom, and the United States of America. The Council has resisted reform and resolution to the crisis.

Academic and policy studies on UN reform (United Nations 2004; Keohane 2011) note the lack of inclusivity in the Security Council's veto rule. The UN High-level Panel on Threats, Challenges and Change (the Panel) did a study on the veto and 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." The Panel recommended expanding non-permanent seats to include more members from "Africa, and Asia and Pacific regional areas," but no changes to the P5 and the veto mechanism, explaining that "We recognize that the veto had an important function in reassuring the United Nations most powerful members that their interests would be safeguarded" (United Nations 2004, 67-8). The Panel's explanation is understandable. Yet, it underscores noncompliance with IO legitimation rules.

About a year later in 2005, the AU considered the Panel's report and disagreed with the recommendations, underlining the legitimation crisis. The AU's response was outlined in "The Common African Position on the Proposed Reform of the United Nations," widely known as *"*The Ezulwini Consensus." The AU has institutionalized the Ezulwini Consensus in subsequent resolutions (African Union 2005a, b, c, d) and decisions (African Union 2022, 12-4; African Union 2024, 6-7). 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 legitimation crisis in the international state system, it facilitates better understanding to reproduce the relevant paragraphs:

> 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. 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. [E]ven though Africa is opposed in principle to the veto, it is of the view that so long as it exists, and as a matter of common justice, it should be made available to all permanent members of the Security Council (African Union 2005c, 9-10).

The UN General Assembly debated the crisis and reform proposals. It declared "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," expressing commitment "to continuing our efforts to achieve a decision to this end" (United Nations 2005a, 32). However, the Security Council reform faces what Keohane (2011, 104) describes as "constitutional deadlock": the "lack of inclusiveness" created by the veto, and the little or no incentive from wielders of the veto to "allow others into their club." Nevertheless, the AU insists "that the Ezulwini Consensus [is] the only viable option for Africa's full representation" (African Union 2024, 6) in the UN Security Council.

The above data shows that the legitimation crisis continued because of noncompliance with the IO legitimation rule of inclusive representation.

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

The interests and priorities of the UN Security Council and the AU often diverge and are unaligned. The Security Council-mandated ICC intervention in Sudan's civil war is illustrative. The UN Security Council prioritized justice and prosecution, while the AU Assembly prioritized diplomacy and mediation.

In line with Chapter VII of the UN Charter, the Security Council determined that human rights violations in the Darfur region of Sudan constituted "a threat to international peace and

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security" and referred "the situation … to the Prosecutor of the International Criminal Court" (United Nations 2005b, 1). After three years of investigation – between 2005 and 2008 – the ICC Prosecutor found evidence of genocide, war crimes, and crimes against humanity. On July 14, 2008, the Prosecutor requested the Pre-Trial Chamber to issue an arrest warrant for President Omar al-Bashir (The International Criminal Court 2009a). On July 24, 2008, the AU Peace and Security Council, the Organization's equivalent to the UN Security Council, adopted a communiqué on Africa's response to the Prosecutor's arrest warrant request. Underscoring Africa's priorities for "the early resolution of the conflict in Darfur and the promotion of long-lasting peace and reconciliation in the Sudan as a whole," the Peace and Security Council

> …requests the United Nations Security Council, in accordance with the provisions of Article 16 of the Rome Statute of the ICC, to defer the process initiated by the ICC, taking into account the need to ensure that the ongoing peace [mediation] efforts are not jeopardized, as well as the fact that, in the current circumstances, a prosecution may not be in the interest of the victims and justice (African Union 2008, 2).

During its meeting on 31 July 2008, the Security Council discussed the AU's request, recognizing the "concerns raised by members of the Council regarding potential developments subsequent to the application by the Prosecutor of the International Criminal Court and their intention to consider these matters further" (United Nations 2008, 2). The Council did not grant the request. In February 2009, the AU Assembly again urged the UN Security Council to "defer the process initiated by the ICC" (African Union 2009, 1). The Security Council ignored the second request. Consequently, on 4 March 2009, the ICC Pre-Trial Chamber granted the Prosecutor's first request for an arrest warrant and a later request on 12 July 2010, covering the crime of genocide (The International Criminal Court 2009b, 2010).

The data shows the legitimation crisis continued because of the nonalignment of the Security Council's priorities and interests with those of the AU.

Scenario II Outcome of the Legitimation Crisis

The AU exercised the right to function as a power and claimed sovereignty over the African continent. After expressing "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 stressing "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," the Assembly decided that:

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

This sovereignty claim was about the Assembly's "right to act as a power" – the right of primacy in decision-making on interventions on the continent.

In January 2016, the AU Assembly adopted a decision specifying some "measures to safeguard" the continent's sovereignty," including Africa's withdrawal from the ICC. The Assembly noted "the failure of the [Security Council] to respond to the requests of the AU," and mandated the "Open-ended Ministerial Committee[5] [to develop] a comprehensive strategy [for] collective withdrawal from the ICC" (African Union 2016b, 3). The Committee produced the "Withdrawal Strategy Document," which the Assembly adopted in January 2017. The strategy's policy thrust is to "Enhance the regionalization of international criminal law" and ensure African priorities (African Union 2017a, 2).

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[5] The Assembly established the Committee in June 2015 to develop strategies for implementing its decisions on the ICC (African Union 2015b, c).

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Theoretically pertinent, the dynamics of the sovereignty claim suggest the alternative process by which IOs can acquire sovereignty. The claim is neither the "bargaining away of sovereignty," the "transfer of sovereignty," nor the "pooling of sovereignty"; instead, it is an assertion of sovereign identity and status, representing an institutional change to the existing understanding of IO sovereignty.

Structural Change

Continental sovereignty illustrates the AU's scope of authority, underpinning the evolving Continental State System (see Table 3 above). The AU is the dominant structure. Regional/subregional structures like ECOWAS are constituent structures. Box III is a visual representation.

Box III

> Continental State System + Political Structure = AU

Two pertinent political developments indicate this changing structure. First, the growing international recognition of the AU as the dominant structure for organizing continental politics. Second, all 55 African states have implemented reforms empowering the AU to protect the continent's sovereignty: Africa's vital security interests and priorities in the international state system.

A) AU Reform

According to the Assembly, AU reform seeks to "put in place a system of governance capable of addressing the challenges facing the Union" (African Union 2016a, 1.) In the report "The Imperative to Strengthen our Union, President Paul Kagame elucidated the purpose of reform, including 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

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… they don't (sic) matter" (African Union 2017c, 3, 5). President Kagame urged the AU to prioritize issues of "continental scope" such as "Africa's global representation." He recommended changes to "the structure of African Union institutions to deliver on key priorities." This involves the Assembly holding one summit per annum (instead of two), with an agenda focusing on "three strategic items." Also, Kagame recommended changes to "the current sanctions mechanisms" so that "participation in the African Union deliberations [becomes] contingent on adherence to Summit decisions" (African Union 2017c, 7, 11-2). These recommendations illuminate the essence of reform: the transformation of the AU into a continental state form to advance and protect African priorities and interests in the international state system.

The Assembly approved Kagame's recommendations in January 2017. Highlighting African priorities, the Assembly underscored "the importance of African Common Positions as the most effective way of advancing Africa's voice and representation in the world" (African Union 2017b, 1). The AU adopted the Ezulwini Consensus as a Common African Position on the UN Security Council reform, which is an enduring African Common Position on vital continental priorities. The Assembly has reaffirmed that the Ezulwini Consensus "shall continue to serve as the only viable option for Africa's full representation at the UN Security Council" (African Union 2024, 6). The reform is about strengthening the Assembly's capacity to defend the sovereignty of the continent – Africa's right to act as a power in the international state system.

The AU is evolving into a continental state structure owning continental sovereignty, indicating an important structural change. The AU enjoys a titular sovereign status and identity, and whether African states have the material resources to defend the Assembly's sovereignty in the traditional sense is a moot point considering that most of them lack material resources to

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guard their sovereignty. Sovereignty is a matter of rights, or what Jackson and Rosberg (1982) call "juridical statehood."

International recognition of the AU

World powers increasingly recognize the AU as the dominant state structure for organizing continental politics. For instance, President Biden supported 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:

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

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 an evolving continental state structure; the state form in which African states have anchored continental sovereignty: the AU's right to function as a power in the international system.

Conclusion

The puzzle of authority transfers to IO ignited questions over whether IOs can enjoy sovereignty as states, whether IOs can achieve sovereign status, and whether IOs can supersede states as dominant structures for political organization. I provided the constructivist alternative

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to the neorealist theory of change: IO sovereignty through formal claims amidst legitimation crises. The AU's sovereign declaration was instructive.

Legitimation crisis will remain a feature of IO state systems, so change is inevitable. The AU's sovereignty claim supported Scenario II and may appear to lend credence to the postmodernist theory of territorial state irrelevance. My theory of change insists that states are still relevant and offers original insights into the legitimation crisis in the global system after the internationalization of authority, which transformed IOs into state structures possessing sovereignty as transferred authority. The expanded sovereignty framework encapsulates this event and is thus a conceptual tool for making sense of institutional and structural changes in the international system.

While this study shows important evolving institutional and structural changes in the international system, IOs are not yet superseding modern states as principal structures for organizing politics. I share Wendt's (1992, 424) view that modern states' dominance will extend far into the future. The sovereign state model is not disappearing, yet (not even in Africa); rather, as Vernon (1981, 529), Keohane (1995, 74), and Krasner (2001, 29) have concluded, IOs and modern states will cohabit. This is because IO sovereignty as I theorized in this study is not a consequence of conflict between IOs and modern states like in Europe; instead, the theory captured and explained the conflict between dominant IOs and constituent structures/minor IOs.

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