AFSP Strasbourg 2011

ST 2, Penser le changement international

L'institutionnalisation du monde : réseaux d'organisations et constitution d'un ordre mondial/ The Institutionalization of the World: IO's Networking and the Constitution of Global Order

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Résumé

Le monde tel qu'il nous apparaît est anarchique : les Etats sont toujours là, la guerre aussi ; les organisations internationales n'ont réussi ni à instaurer la paix ni à lutter contre la pauvreté, les acteurs non étatiques prolifèrent. Mais dans cent ans le monde pourrait être différent : les Etats ayant délégué de plus en plus de compétences aux institutions internationales, leur réseau croissant peut permettre cette transition. Les OI, en effet, doivent être à la fois performantes à court terme (sinon elles sont marginalisées) et résilientes à long terme (sinon elles disparaissent). Pour se régénérer de l'intérieur, elles inventent de nouvelles normes : elles disent ce qui est juste, garantissent la fourniture de biens publics planétaires, reconnaissent de nouveaux droits. Elles élargissent donc leur mandat car les nouvelles normes empiètent les unes sur les autres, obligeant les organisations à coopérer. La loi d'airain de l'institutionnalisation du monde qui en résulte peut ainsi être formulée : la multiplication des OI (dont certaines en créent à leur tour d'autres) s'accompagne d'une extension de leur périmètre d'action (grâce à l'élargissement du mandat initial, fruit de l'énonciation de normes nouvelles), elle-même assortie d'une expansion et d'une autonomisation des OIG, et d'une professionnalisation des ONG. Chaque catégorie d'organisation s'étant constituée en réseau, leurs interactions conduisent inévitablement à la création et à la densification de méta-réseaux

Abstract

In recent years International Organization of all sorts grew, they consolidated their institutional bases, and constitutionalized the rights of their individual or corporate stakeholders. Therefore, a reordering of the world centred on organizations rather than states now looks possible. IOs' interactions are expanding at a quick pace, to such an extent that growth of unexpected amplitude can hamper the division of labour between international organizations. In successfully addressing collaborative issues some IOs contribute to the institutionalization of the world – a sort of « iron law » of IR: they benefit from several transfers of competencies from either citizens or governments, conditioned on sufficient guarantees pledged to the delegators by the delegates, i.e. empowered associations (NGOs) or institutions (IGOs). Therefore, networks are built up and tend to become denser meta-networks. Beyond current explanations of IOs empowerment or, to the opposite, IOs predicament, managers discretely become enforcers and experts are converted into leading decision-makers achieving sophisticated tradeoffs with their stakeholders at the highest levels of politics.

The Institutionalization of the World: IO's Networking and the Constitution of Global Order

Local regulations exist and vie for power both with national states and global orders. Be they regions, blocks, networks, or community securities they progressively extend their grip on international politics, despite theoretical assumptions that depict them as agencies of several and powerful principals trying to survive in a historical phase where supranational regulation is still out of reach. Some are already recognized as unavoidable partners by most governments: they have an attributed seat in multilateral conferences and political summits, where they sometimes act on behalf of their silent members, like the UN within the Quartet and the EU within the WTO. Others are yet underrated (like the IAEA or the MERCOSUR), confidential (the WIPO, the WMO, the IOM, the GCC, etc.), parochial (African Competition Network, ALESCO) and even stealth (accounting agencies like IFRS and Global Compact), if not sidelined (UNESCO, IOM). Myriads become famous only when plagued by a dreadful event, or, alternatively, when end-users suddenly and gently understand that their everyday life is constantly ruled by some remote and mysterious acronym (ISO, ICANN, HACCP, OPEC).

However, they move: as our planet drives silently and at an unimaginable speed towards the end of the universe, networks of international organizations make considerable progress towards more control over the biosphere. There is a good reason for that: despite their excessive caution towards governments (IGOs, including the European Commission) or their incapacity to encroach on States' sovereignty (NGOs and epistemic communities), such networks draw their collective strength from their individual weakness. In other words, they turn vulnerability into sustainability and solve the performance vs. resilience's organization and management dilemma.

The process is non intentional, although individual agents do use rational calculus before making any decision. It is not merely and permanently strategic since IOs' staffs opposed low-profile bureaucrats to proactive leaders. On the contrary, the aggregation of such rational individual choices produces predictable and optimal collective outcomes much beyond their will – and sometimes undesired. Even if this process is due to human agency, it looks so mechanical at the structural level that an invisible hand seems at work.

Before trying to modelize these statements (part 2.), it is worth telling a few words about this alleged "iron law" in IR and how it is described in a piecemeal way by the scholarly literature: this will help understand why it is yet so undertheorized (part 1). Sections and subsections are arranged in order to discuss first the most demanding theoretical explanations (i.e., a solidarist society of peoples where mutual recognition is paramount and legalization is unavoidable in 1.1; or a world made of open access societies and contracting principles and agents only in 1.2), then the constitutionalization model (in 2.1), to end with the less utopian institutionalization process (in 2.2.).

Part 1. The problem: Hobbes' impossibility theorem and how to solve it

IR studies tend to start from realist premises before relaxing some of their prerequisites, if only to go beyond neo-realist structuralism and reach a post-positivist and post-modern piece of thought (Wendt, 2004). Focussed on security, threats and risks, they endorse with no

reservation what I shall call here *Hobbes' impossibility theorem* – transfers of power to a Leviathan only occur within national boundaries, not beyond borders. This seems to be excessively close to neo-realist premises, since Kenneth Waltz himself gave to hegemonic states a necessary assignment: to provide global public goods. Although peace is obviously the most needed of these goods, according to him great powers also have a responsibility to provision welfare and health as well since no one else will be able to do so (Waltz, 1979).

Whatever their creeds, scholars usually think that change *of* the system is unimaginable. Consequently, most of them limit international change to change *within* the interstate system, and neglect if not despise a section of IR studies whose momentum is still to come in spite of some impressive blossoms: namely, the study of global order, which attracts much less coverage than other subfields. Hence, scholars of other creeds, mainly economists (North, Wallis, Weingast, 2009), specialists of Law (Stone Sweet, 1999), and geographers (geopolitics) fill the vacuum left empty by political scientists, in spite of noteworthy exceptions to the rule (1.1), but they do not coalesce to produce a new appraisal of world reordering as we try to do: here, we assume that to give a proper account of international change we should not only bring economics and legal studies in, but we should also draw also from organization and management studies (1.2).

1.1. Is there a Political Science of World Order?

Confined to political science, scholars who take world reordering as a priority issue remain stuck into the security quagmire, hence they are still excessively concerned with sovereignty and lack of global trust. Without trust in peers and in global institutions – two processes that have been clearly identified as conducive to domestic democracy within national states – progress towards a more complex world order will remain limited.

English School members were the first to address the issue from a political science viewpoint. Assessing the possibility of an International Society, Hedley Bull points out that « international society should not be conceived in terms of the direct transposition of domestic ideas about government and order (…) International institutions were simply never intended to provide a stable and universal peace but only to mitigate the inevitable conflicts that would arise from the existence of a multiplicity of sovereignties. » (in Alderson & Hurrell, 2000). It is quite clear that Bull thought about world order as a second order sort of institutional architecture that could be traced to "the classic European state system », to such an extent that it was characterized by the elaboration of « limited rules of coexistence – pluralism applied to IR. However, this pluralism is grounded on a solidarist « ethics of difference »: « solidarism involves an idea of international society in which the interest of the whole forms the central focus rather than the independence of the states of which it is made up. » As a consequence, whereas "In a traditional pluralist conception, the dominant norms are created by states and depend directly on the consent of states", and "in contrast to mere coexistence, the norms of this more ambitious society involve more extensive schemes of cooperation to safeguard peace and security (for example, prohibiting aggression or broadening understandings of what constitute threats to peace and security) to solve common problems (such as tackling environmental challenges or managing the global economy in the interests of greater stability and equity) and to sustain common values (such as the promotion of human rights or political democracy)". Why did Bull eventually shifted from procedural pluralism to substantive solidarism? Because "the normative ambitions of international society have expanded dramatically so that a limited pluralist conception of international society is no longer

adequate, either morally or pragmatically."[1] Therefore, the expansion of a European concept of international society may be duplicated worldwide in spite of the growing cultural heterogeneity that weighs on the international system.

On these grounds, Hedley Bull gave his own account of the succession of international systems that succeeded to *anarchy* after the 15th century (425-435). In stage 1 (which he labels "*European international society* », but could be called *an international system of regions*), « the Western and Northern European systems [were fused] into one, in which the Ottoman Empire was an active military and economic participant. » Other regions of the world were considered external to the international system and were either colonized (Africa, Latin America, Southern Asia), treated as equals (Northern Asia), or later included as an extension of the European system itself (the Americas). Stage 2 (*Universal international society*, or *a European-led international system*) was launched « when (…) China, Japan, Siam, and Persia entered into diplomatic relations with European powers, and took their place at the Hague Conferences of 1899 and 1907; and when after the First World War Ethiopia, even if after a close debate, was admitted to membership of the League of Nations. » Stage 3 is marked by more dramatic change in the system converting it into a *World Society*, or an *international society of states* (429-30) after World War II, and the emergence of the Third World. The very inclusion of polities founded on opposite values in a single procedural, legal, diplomatic and institutional system was the ultimate proof that the European conception of a world order displayed enough robustness, resilience and flexibility to survive the successive waves « of new members, interests, values, and preoccupations, without giving rise either to any clear sign that its rules and institutions are collapsing under the strain, or that the new states have repudiated them » (434-5). Beyond this stage, the utopia of an *international society of peoples*, granted with « a cosmopolitan culture of modernity », where « demands for equality, pluralism, and solidarity » would be accommodated in the long run" was modelled by his English School's successors.

Although he established himself as a constructivist, Alexander Wendt remains obsessed by security in his essay on the eventual erasing of national boundaries. Assuming that successive world orders are likely (from a system of states, then a society of states and world society, to collective security, before reaching a world State) he also roots their rationale in security arrangements. According to him, stage 1 is characterized by "complete non-recognition, what Hobbes called the 'warre of all against all' and Bull (1977) a 'system' of states » in « the absence of any mechanism to enforce cooperation among these states (anarchy) and a mutual belief that they are 'enemies' …with no rights and thus social constraints on what they may do. In stage 2 (a society of states), "the instabilities of the Hobbesian culture can be resolved by moving to a 'society of states' (Bull, 1977) or Lockean culture of anarchy (Wendt, 1999).» Stage 3 is the emergence of a World society: there is "a universal pluralistic security community", or "a cosmopolitan or world society" with a requirement (non-violent dispute resolution). "Mutual recognition at the system level now begins to extend to individuals as

[1] In their *Expansion of International Society*, Hedley Bull and Adam Watson also try to enmesh processes and values. On the one hand, the specificity of European universalism lies in its trend towards equality (a value): "Among the regional international systems into which the world was divided that which evolved in Europe was distinctive in that it came to repudiate any hegemonial principle and regard itself as society of states that were sovereign or independent », albeit ruled by a belief in natural law. On the other hand, "This European international society (…) did not first evolve its own rules and institutions and then export them to the rest of the world. The evolution of the European system of intestate relations and the expansion of Europe across the globe were simultaneous processes, which influenced and affected each other » (Bull, 1984, 117-126). Substantive and procedural arrangements are therefore conceived as being parallel to each other.

well as states" while "positive freedom" is expanded beyond liberal states. Then comes stage 4 (collective security): "The system has now reached *a 'Kantian culture' of collective security* or 'friendship' (Wendt, 1999: 298–9, emphasis mine). Actors have a well-developed sense of collective identity with respect to security, such that each sustains its difference by identifying with the fate of the whole."

Before reaching stage 5 (world government) an additional requirement must me met: if actors are now ready for « a genuine commitment to universal recognition », they must nevertheless accept that this recognition binds them and prevent them to go backward, to stage 4. This will only be achieved through constitutionalization, a legal process by which genuine recognition will become an obligation, not an optional act of compassion. In a World State, "Individuals and states alike will have lost the negative freedom to engage in unilateral violence, but gained the positive freedom of fully recognized subjectivity ». This looks like a rejoinder to what could be called a "German School" (Riesse, Börzel, Brütsch, Lehmkuhl, Gehring, Oberthür, Biermann, Dietelhoff, Mueller, Zengl, Zürn, etc.[2]) contrary to the English School, they mostly agree on two things – the centrality of law and the relevance of IOs – but disagree on methods. Norms matter to all, but some put the stress on *legitimate* norms, other on *legal* norms: they are either part of a global narrative in which actors are free to believe, or components of a body of complying rules. In the first case, discourse and principled beliefs are at the heart of a voluntarily delegation to transnational institutions (as in Wendt); in the second, courts and judges are gaining momentum, they make law and extend law-like arrangements much beyond national boundaries[3].

It seems clear that authors who relax the security prerequisites of any kind of a superior world order convert them into legal conditions: therefore, the balance-of-power or the relative distribution of power (and, alternatively, the relative success of security communities, first at regional level, then worldwide) are now substituted by the growing power of norms, laws, arbitration, and tribunals. This 'move to law' is a progress towards interdisciplinary studies, to which I now come.

1.2. An Interdisciplinary Quest

Assuming that judges, courts, Law, diplomats and international institutions are not at the heart of world order, other scholars draw explanations of world reordering from management and finance. Hence, recently published work and research in progress come from several interdisciplinary communities around the world. Beyond the classics (Ruggie, 1998; Barnett & Finnemore, 2004), teasing titles now point out a growing intellectual interest about global processes, like: *Who governs the globe?* (Avant, Finnemore, Sell, 2010); *Le nouveau gouvernement du monde* (Corm, 2010). Most brings in economics or build their arguments on economic institutions only (IMF, World Bank, WTO, G8, etc.)

Such a new theoretical and empirical wave is less concerned with globalization and the promotion of global studies than with establishing an autonomous subfield in IR. However, a

[2] Some of them are German-speaking Swiss.

[3] The meaning of « legalization » is also blurred by a loose use of the three components identified by Abbott and Snidal as consubstantial to Law (obligation, precision, delegation: for a convincing critic see Bélanger, and Fontaine-Skronski 2011)

closer look at this literature makes its limits manifest as regards our concern here: most works are focused on financial governance and trade deregulation, i.e. they concentrate on the IMF, the WB, the WTO, etc. Some are even provocative, coming from Nobel Prize winners or not (Stiglitz, 2002 & 2010; Stern, 2007 & 2010), although their added value to IPE already rich bulk of seminal publications is doubtful (Cox, 1992; Strange, 1986; Falk 1999). To sum their main argument up, the focus is on who are the "governors" "why are they in charge", "what they (purposefully) do", and with which "leadership" (Avant, Finnemore, Sell, 2010).

Beneath such analyses there is a robust assumption: since sources of authorities are in competition with each other, contradictions among them must be either *smoothed* or *concealed*: in the first case, *coordination* is required; in the second, *connivance* is presumed (Badie, 2011). Most authors bend towards connivance between discrete elites. We do think that coordination is a valuable goal and has more explanatory power.

Contrary to suspicion that international elites are accomplices in the manipulation of the peoples, we do not focus on mischievous and purposeful action. Our aim is to depict and explain the global network of authority that may *mechanically* unfold from the aggregated interactions between all stakeholders (among which some are not "governing" at all). Establishing the network is conducive to responsible cooperation with no need to conjecture class solidarity, liberal economics hegemony, rulers' manipulation of the ruled, or "organized hypocrisy" (as in Mundy, 2010, comparing unanimous commitments to "education for all" with manoeuvres to spare investments in this noble goal). At that stage, economics is needed to embed political action into historical context. Cooley makes an interesting use of economics when he ranks the types of contracts that may be agreed upon between national or international decision-makers and subcontractors in humanitarian crises and reconstruction stages: when contractors are paid with "cost-plus" sums proportionate to the expenses, they are more autonomous from their principals than when they receive a "fixed cost" lump sum before operations. Moreover, fixed cost contracts limit competition and produce waste if not graft, as exemplified by the Iraqi case. Consequently, if "contractors" may be considered as "governors", their network is weaker than would be the case if they were rewarded with "incentive fee", calculated according to results and paid ex post, which produces a welcome accountability. However, with regard to cooperation, this option is also suboptimal; it entails more formalized and repeated vertical controls, which in turn induces less trust among donators and operators. By lack of discretion granted to the contractors, and in the absence of mutual commitment in the long run, the iteration process of delegation is short cut. Therefore, a world ruled by money and grants may simply goes less centralized and more loosely coordinated than expected (Cooley, 2010).

North, Wallis and Weingast, as well as Brousseau, Sgard and Schemeil also combine economics with politics, but they do it more systematically than aforementioned authors – with less suspicion about their alleged cynicism. They borrow from economics, legal studies, and political science to make conjectures that differ from mainstream and critical IR studies altogether. Their hypotheses depart from scholars of both creeds in two ways: firstly, their model applies to domestic as well as regional, international and transnational processes altogether; secondly, their conventionalist and contractual stance allows them to identify theoretically conceivable paths towards a more liberal than despotic world that would (a) combine agents and structure; (b) put the stress on channels of power that can accommodate dichotomous variables: internal and external, bilateral and multilateral, individual and communitarian, public and private, rulers and ruled. Such channels are embodied in networks of non-national and not-for-profit institutions progressively established to reduce transaction costs, limit incertitude, and avoid rent capture (Brousseau, Garrouste & Raynaud, 2011).

Applied to IR, this domestic opposition between rulers and ruled may be translated into dyads such as States and IOs, on the one hand; and national sovereigns versus all possible types of non-state transnational actors among which the IGOs-NGOs nexus plays a center role (Brousseau, Schemeil, Sgard, 2011) on the other hand.

In the remaining part of this paper I shall now discuss two interdisciplinary models of change in international relations. As already mentioned, the first (constitutionalization) adds legal studies to economics and political science; the second (institutionalization) introduces organization studies and management studies (with some insights coming from the political psychology of knowledge and learning, although I do not make a full use of advances in psychology: this will need another paper). Since the multiplication of disciplinary concerns and methods increase methodological difficulties, trying to probe them is beyond reach at the moment: empirical data are numerous, but they were not collected according to a unified theoretical quest. Accumulating observations over years, and testing partial hypotheses on IOs resilience, I developed these two models in collaboration with two distinct groups of colleagues. Generations of students investigated into IOs since 2006, and the accumulated outcome is a sort of databank, which helped us design the two models that I shall now present.

Part 2. Two Models of Change and Several Paths Towards World Re-ordering

As said, two drivers of change may push towards a more complex world order. Whether they will be combined or opposed is a matter of context: absent major international crises, constitutionalization may prevail (2.1.); institutionalization depends less on the overall level of violence than on the diversification of economic and social needs (2.2).

Before going further, we must introduce semantic clarifications, since "constitutionalization" is not understood here in the usual meaning of the word, as is the case domestically (a fundamental covenant drafted by a constitutional convention). Moreover, it cannot be conflated with "legalization" of world politics, since the multiplication of courts, arbitrages, and legal procedures are far from organizing the relationships between agents. "Institutionalization" may also be misleading, because in my glossary "institutions" are not definitely "established" within a unified State: they include heterogeneous components evolving dynamically, among which small unstable private stakeholders like NGOs make the grade with big public multilateral forums dating to the mid-twentieth century at the very least – some existing more or less continuously since the nineteenth. In both cases, we are not dealing with outcomes but with processes, and in no circumstance do we expect linearity to triumph over bifurcations, regressions, and unlikely trends. Finally, it should be clear that using such notions does not imply that world re-ordering is necessarily based on institution- and state-building, a mandate that could be identified as an IGO assignment with great powers support and intervention (Fukuyama, 2004). Institutionalization is less about creating new institutions than consolidating those that already exist.

2.1. The Constitutionalization Model

This model is developed in the September 2010 issue of the *Journal of Comparative Economics*, in which we say that:

> "Rather than viewing rights as being established once (under conditions that are often unique) or being the corollary outcome of an external dynamic, we envisage rights—both political and economic—as the product of an ongoing bargaining process. Rights are debated, fought over, supported, and possibly renegotiated by unequal (though purposeful) agents who interact with their rulers. In particular, we consider the vertical delegation of authority by individuals to political rulers. This delegation aims to provide the ruler(s) with the capability to establish both the fundamental rights of individuals and the basic rules of social exchange in a given society. The problem with rulers is that, once endowed with considerable power, they may trample on the individual and property rights of their subjects. We contrast two types of constitutional delegations. Under a liberal regime, the governed are able to establish strong guarantees. The recognition of extended and equal fundamental rights to all— combined with a balance of power in the organization of the Relationship among authorities—binds the rulers to the governed. In order to maintain their leadership position, rulers must please the governed by efficiently providing them with the public goods they need. Yet in the absence of strong guarantees, rulers are likely to bargain with different groups in society to guarantee them specific (and thus unequal) rights. The result is a sustainable coalition in which various individuals and groups obtain rents. In this context, which in our Framework is defined as a despotic constitution, the governed are unable to credibly balance the power of those benefiting from a constitutional delegation. In response, the governed tend to grant delegations to several rulers in charge of different dimensions of collective coordination—typically local communities, professional guilds, or warlords. This way of challenging the power of rulers allows population to limit capture, but it leads to inefficiencies in collective coordination and in the provision of public goods. First of all, authorities are not likely to operate at the proper scale. Second, competition among rulers can hinder their capacity to provide order and may even result in (possibly violent) conflict.
>
> Starting from this, we show that there is an intrinsic dynamic of constitutionalization processes by which citizens— who may have been granted unequal fundamental rights at a particular historical moment—call for an extension and equalization of their rights, which in turn leads to the emergence of liberal orders characterized by strong equality of rights. This promotes competition, facilitates innovation, and boosts participation in collective action, thereby promoting economic and civic development. The main driver of this evolution is the ''call" of the governed for adjustments to the existing constitutional arrangement so that they can reap the benefits of wealth and autonomy from their increased capacities.

In our view, a constitution is not only a fundamental law: its very purpose is to give guarantees (like civic and property rights) to all citizens – and not only those who may contract with the ruler(s): militarized aristocrats and political bosses; merchants and traders. It is not a paramount Social Contract either, but the aggregation of myriads of individual agreements between "principles" (each citizen) and "agents" (rulers), according to which each delegation of power from the former to the latter are compensated for by a new warrant (like the right to use violence, given up for a permanent voting right, or unlimited access to courts). Insightfully, what may have happened once within any sovereign territory may be reproduced beyond borders: on the one hand, each national citizen may bypass her domestic institutions to forward her grievances or obtain specific goods and services; on the other hand, States may themselves become the multiple principals of international organizations that they voluntarily establish together to fulfil a specific mandate.

Absent nominalism, constitutionalization means two different things: first, a bargain (what we call "a constitutional bargain") crystallizing the balance of rights and duties at each instant (like the Magna Carta and the Bills of rights in medieval England); second, an institutional arrangement (that we call a "a division of powers à la Montesquieu") according to which power is divided into several bodies (the Judiciary, the Legislative, and the Executive) themselves subdivided into mutually balancing sub-bodies (appeal courts vs. rank and file tribunals; Senate vs. House; Head of State vs. Prime Minister, or public administration vs. political government; the press vs. politicians, etc.) that may even be geographically dispersed. We do not focus on historical ways to pass the threshold beyond which a full-fledged network of such liberal institutions is completed (like the Glorious or French Revolutions, the Boston tea party, etc.): instead, we concentrate on the partial equilibriums achieved at any sequence of the continuum and linked together by a mechanism we call "a virtuous growth and legitimacy loop".

We do not claim either that a world demos will sooner or later draft a constitution in a plenary and solemn session: we just assume (a) that the contractualization process, once initiated, is endless; (b) that the extension of the list of granted civic and political rights as well as provisioned economic common goods will offer new channels to convey demands, in parallel with those available within nation states, if not as a substitute to them. To give but a few examples, a citizen may opt for a non-national jurisdiction instead of a sovereign one (e.g., the European Human Rights Court, a New York or Madrid judge), or call for outside intervention instead of keeping loyal to her government (NATO, French and British aircrafts, Obama's administration). He or she may also shop worldwide on the Internet, including items that are forbidden in their home country, or benefit from assisted procreation measures, which are still illegal at home.

How does this model apply to international politics once we respectively substitute estates" to citizens"; and transnational, multilateral or hegemonic forms of government to domestic rule? In a forthcoming paper, we argue that

> "citizens may also bargain on how their native state regulates cross-border transactions – economic and political, private and intergovernmental. Hence, citizens and merchants may actually trespass those borders: they may trade and invest internationally, exchange ideas, associate, militate or emigrate. This is how globalization came about, though till these days, it has not been supported by a corresponding "global constitutional bargain" that would offer a broader, complementary set of rights and policies. Most clearly, there are no "global natural rights" at work today: agents, governments, IGOs and NGOs interact directly on a non-hierarchic (ie anarchic) international scene, on the basis of rights which are altogether *unequal and different* - just because they all stem for various local bargains, some more liberal, and some more despotic.
>
> This highly fragmented character explains why the present global order is so often viewed as both economically inefficient and ethically unjust (…) Yet, one should also admit that this world order is also growing rather than collapsing. The tension with an expanding global economy and with the demands of international civic militants then drives the spatial dynamics of our constitutional model: different scenarios of global re-ordering would be characterized by a more or less extended equalization of individual rights and, therefore, by the more or less integrated structure of legal orders."

In addition to this, a division of labour that dramatically impacted national sovereign developments in the past will also apply to future global change, with IGOs specialized in

fulfilling specific mandates as substitutes to national economies that are driven by a Ricardo comparative advantage, and a priming of global public goods (among which peace, internal security, and solidarity as well as environmental conservation) over local public goods (like national welfare).

From then on, we identify four possible scenarios towards a more complex world order, in which IOs would play a growing role, as schematized on the two following tables (slightly adapted from Brousseau, Schemeil, Sgard, Sovereignty without Borders, 2011, p. 17). Space lacks to comment them in depth. Suffices here to say that citizens may now trade off their individual support for any kind of world order against transnational rights. National sovereigns could grant such franchises to them, since the quest for global public goods and a minimum centralization of legitimate violence are altogether more pressing than ever – because global risks and threats are greater than ever. Accordingly, the four conceivable scenarios may be described as follows.

Table 1. Four Global Scenarios

	Interstate cooperation is waning or stops	*Interstate cooperation frames the international order*
Individual rights are affected by the international order	Federation	Confederation
Individual rights are only granted nationally	Hegemony	Enlightened despotism

Table 2. Four Ideal Types of International Order

	Political model			
	Hegemon	*Enlightened despotism*	*Confederation*	*Federation*
Source of delegation	Dominant national state(s)	National states	National states	Global federation
International order	Anarchy without institutions	Society of states	Cosmopolitan democracy	Society of the peoples
Compliance	Asymmetric coordination	Coordination and multilateral cooperation	National courts as international enforcers	Constitutional
International judicial orders	Arbitration under anarchy, domestic international law	Ad hoc courts and trustees, case-based lawmaking	Global administrative review, Constitutional Pluralism	Integrated judicial order under a supreme court
Domestic legal orders	Self-contained and asymmetric	Self-contained	Mutual recognition of national legal orders	
Rule of legitimacy	Private efficiency	Accountability	Fairness	Representation
Present policy model	Dollarization, voluntary recognition of norms	Trade policy	Schengen rules, *acquis communautaire*	UN Chapter 4 measures as recently applied to Ivory Cast and Libya
Current Examples	The USA plus NATO	The UN, Bretton-Woods institutions, and the WTO	The EU	ICC+ICJ+ECHR?

We do not claim that one scenario is more likely to unfold in the future than the three others, or even more desirable since our model is neither empirical, nor predictive or normative, but analytical.

Although we believe that IOs will certainly contribute to topple the national states system, we also know that for the time being they gain in scope but not automatically in strength (to use the distinction made by Fukuyama, 2004): the coverage of possible threats and risks increases from year to year, but IOs' enforcement capacity grows at a much slower pace.

Our only certitude is about the crucial role of *cooperation*. So far, we examined its function as the level of governments, as other papers do (Gehring and Oberthür, 2010). Let's now shift from interstate cooperation to interorganization cooperation.

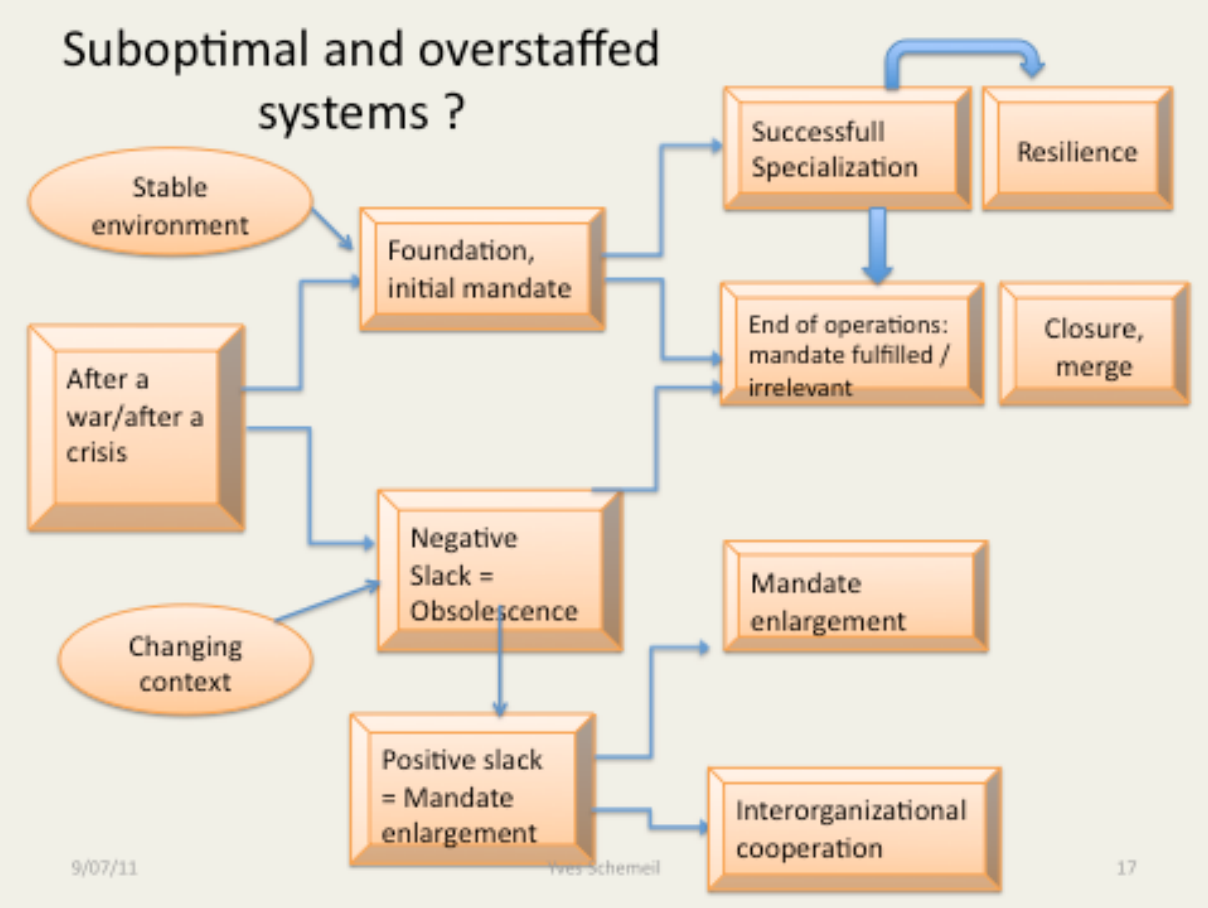
2.2. The Institutionalization Model

Although it is true that only a fully constitutionalized world government will meet our standards and passes the threshold of a complex global order, institutions may simply unfold from the multiplication, densification, and consolidation of IOs' networks. Actually, institutionalization is halfway between an international sphere made of organizations, and a single global state with a paramount fundamental Law. As such it may be more feasible to institutionalize the globe than to constitutionalize it. Therefore, addressing this issue is probably more realistic than predicting completion of our scenarios for the future.

Calling this intermediary stratum of IR "mesopolitics", to distinguish it from domestic (and micro) politics at one end of a continuum and global (or macro) politics at the other end, I explored the black boxes through which IOs are steered (Schemeil, 2004, 2009, 2010, 2011). My major assumption is that their performance and resilience stem from their capacity to upgrade and enlarge their mandate. Simply put, the underlining model shows how creating new norms is a necessary condition to effective adaptation (Schemeil and Eberwein, 2009). Therefore, I developed with Wolf-Dieter Eberwein a full-fledged theory of cooperation and competition *among IOs* (Eberwein & Schemeil, 2005/2010*)*, which is missing in a literature focussed on interstate cooperation and more recently cooperation between states and IOs (Gehring & Oberthur, 2010; Hawkins, Lake, Nielson & Tierney, 2006).

The path towards institutionalization is summarized in table 3: in a changing environment initial mandates are no longer *fulfilled*, they become *obsolete*. Organizations are not shut down because they were so successful that their mission is now over; they are merely sleepy, due to their incapability to perform according to expectations in an unstable context. Accordingly, they are now misadjusted and must be *adapted* (with an eye kept on the future and a concern for learning), not *reformed* (a return to the good old past, with nostalgia). Necessary imagination to engine controlled adaptation will come from this very maladjustment, in the guise of slippage, shirking, time lag and excess of input over output – all components of what is called 'slack' in management literature (Hawkins, Lake, Nielson and Tierney, 2006; Schemeil, 2009). When 'publicness' is as strong as 'privateness' in an organization operating along market standards (Bozeman, 2007; Rainey & Bozeman, 2000), as is the case in IGOs and NGOs, then ambidexterity prevails over productive and efficiency goals: that is, regeneration (or exploration) due to new concepts, new norms, and new technologies (March, 1991, 2007), becomes as important as reproduction and production grounded on routines, turning bureaucracies and firms into *learning hybri*ds (Michaud & Thoenig, 2009).

Table 3: How the world system gets institutionalized



Discarding the progressive sidelining of their main activity, IOs invent a new mandate, sometimes very far from their international role as it was conceived by their founding fathers: for instance, the IAEA uses radioisotopes to sterilize flies that may convey malaria in Africa and certify stolen paintings returned to museums in Europe. This is possible for two reasons, a long time horizon and a multilevel communication system. Firstly, temporary discrepancies between their initial competence and capability, on the one hand, and new challenges and needs, on the other hands, help design new norms, assign new goals: excess capacity, time lag, or drifting away from original terms of reference may lead (or not) to adjustments that are time consuming and viewed as waste in the private sector, whereas they are hardly made in the administration since there is little incentive to move ahead since jobs are tenured. Secondly, IGOs are less compartmentalized than public bureaucracies, and less hierarchical than private Firms: communication is two-flows from the bottom to the top, and from one division to the next.

In the wake of their expansion, IOs try to control for undesirable *encroachment* on other jurisdiction in case of growing *overlap* with what their peers already do or are prepared to do. Eventually, two or more organizations will have to *cooperate* – not only to *coordinate* or collaborate (Eberwein & Schemeil, 2005/2010). Examples abound, from the oldest (the UNSC and NATO on preventive wars, and military training; the World bank and UNESCO on schools, and curriculums in new States) to the latest (dispute over refugees and displaced

persons recently exfiltrated from a besieged Libyan city, Misrata, by the IOM – and not by the UNHCR or UNODC); and from the less astonishing (WTO, UNCTAD, ICT and WIPO on trade; the UNEP, UNPD and WHO on environmental health; OCHA, ECHO and VOICE on humanitarian aid) to the more surprising (IAEA, the FAO and WFP plus the WHO cooperating in healthy food provision in Africa; the UNESCO and WMO cooperating on aquifers' conservation). Of course, this is not only about collaboration in various guises: it is also a harsh competition, as is the case in the Internet where the ITU, ICANN, and WIPO are vying for power (Schemeil, 2011).

The WHO is one of the best cases in point: in the wake of the successive waves of influenza pandemics it built its expansion at the expenses of the World Organization for Animal Health, and tried hard to make the best possible use of the recently established UN AID Fund, which was tremendously more endowed than it parent organization. In collaboration with UNEP, the WHO developed a Health/Environment Linkage Initiative on the ruins of its environmental health department, and invested in the UNEP's division on chemicals and other toxic materials. In the meantime, it steered the obligatory drug patent issue that poisoned for years multilateral negotiations within the WTO, with the help of WIPO whose advances on intellectual property gave it arguments to counter pharmaceutical laboratories. Now, it is following suit to the IAEA, in the Fukushima issue, since the Vienna based agency leads the international response to irradiation in Japan. As a consequence of such moves, the WHO's growth process had its ups and downs: it is notwithstanding endless.

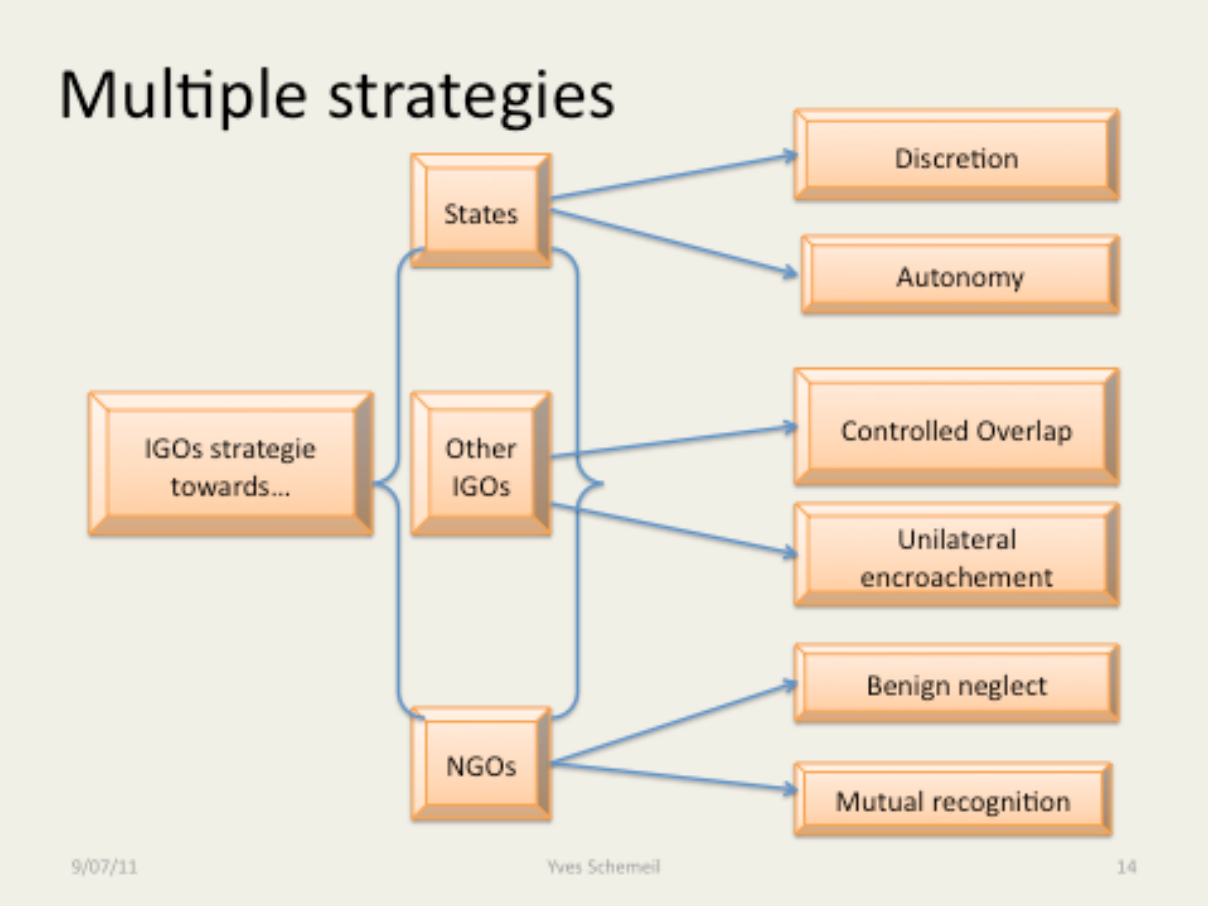
Of course, competition may prevail over cooperation in some contexts, as exemplified by the UNESCO/UNICEF/World Bank nexus in which each stakeholder vies for power (Mundy, 2010); or the UN Millenium Development Goals, IMF Poverty Reduction and Growth Facility, and national Governments trying to implement a misconceived, too much complex, and inadequate to their usual business norms (Gutner, 2010). However, in the long run our hunch is that cooperation will prevail: the questions are when and why competition is no longer an option, and who won the game. In the "education for all" issue, for instance, UNESCO then the World Bank alternatively made great comebacks to such an extent than "(e)ven NGO actors now treat the Bank as the 'only train leaving the station' " (Mundy, 2010, 350), while other IOs just band with it. Since "delegation pathologies occur under conditions in which principals delegate to agents tasks that are unclear, unrealistic, or highly complex" (Gutner, 2010, 269), the only solution to retrieve a normal order is to cooperate with the winner.

During such collaborative processes, IOs become more and more intertwined, and less and less dependent from the States (Reinalda & Verbeek, 1999). It becomes increasingly difficult for principal to rein in their administrative creatures, even when delegating their monitoring functions to domestic governmental agencies expected to control shirking IOs – because substate officials may also ally with IOs under review against their own national government, their principal, when both kinds of agents (domestic and international) share the same bureaucratic cultures (Newman, 2010, who gives as an instance the case of data retention due to protect privacy versus accountability to facilitate competitiveness within the EU: whereas the former is a shared norm for experts, the latter is taken for granted by governments). Although IOs may opt for various strategies (Schemeil, 2011) as shown in table 4, they unavoidably coalesce into solid nodules that their founding fathers and other regular member states can no longer disentangle (the only unknown variable being: which IO will temporarily be excluded from the process, as UNCTAD and to a lesser extent WIPO were when the WTO was created). Norms endorsed in one of these organizations are with little delay disseminated to the next, and so on, until they become shared values if not enforceable rules (Schemeil &

Eberwein, 2009). IGOs and NGOs find some accommodation: the latter tend to professionalize to be recognized as legitimate partners (Eberwein & Saurugger, 2010; Saurugger, 2010; Eberwein, 2010), while the former make move towards more accountability, transparency, and access – at least if some conditions are fulfilled (Schemeil, 2009).

According to this explanatory model, IGOs were born in time of crisis (after victory, as in Ikenberry, 2001; when norms suddenly change, as in Schemeil and Eberwein, 2009; if policy priorities are reshuffled out of necessity, as evidenced by natural catastrophes and nuclear risks). However, they are not only offering solutions to such crises, they also are raising new problems for neighbouring global stakeholders. They have to grow to persist, but in growing they unavoidably encroach on each other's mandate. In order to overcome this growth crisis they convert competition into networking, and competitive markets into cooperative webs. Collaborating willy-nilly with partners of all sorts is the only way out, since they all are survivors of a post-crisis period that was at foundation time their only time horizon (as NATO was assumed to be with the Cold War). Because they are more enduring than planned, and since most of them are still meaningful decades after having been established in spite of deep changes in goals and means, few may be discarded as non-relevant; none can get alone. They must go it along and turn maladaptation into innovation.

Table 4: Individual Strategies and Collective Outcomes



In a nutshell, IGOs leaders exposed to an unstable environment may strategically opt for various strategies and different allies. If successful, however, any of these strategies will expose them to endless competition on the market of global public goods. As an outcome of this rivalry, they may either interfere with their peer's mandate or be condemned to irrelevance and obsolescence. This Cornelian dilemma has only suboptimal solutions (at IGOs' end) that may be eventually turned into a global optimum (at world's level).

Why is it so? Because, compared to a real economic market the "market" for any global commons tends to equilibrium when and only when IGOs' staff reluctantly accepts the trend towards *autonomy* from States (beyond discretion); *mutual recognition* with NGOs and other non-State actors (instead of benign neglect); and *controlled overlap* with peer institutions (to prevent undesirable or unexpected encroachments). This is a far cry from pure market economics on the one hand; and rational division of labour on the other hand. The world we shall live in when this process is partially completed will be altogether public and private, bureaucratic and managed, domestic and transnational, regional and global.

Concluding remarks

For those who assume the simultaneous autonomization of IGO and professionalization of NGOs, both nevertheless face a growth crisis. Admittedly, they are ever more numerous, more diverse, and more autonomous. Even when assumed that their foundation is linked to war, as does Ikenberry, there will be enough wars or high-intensity conflict to justify new IOs. However, IOs still are ultimately submitted to governments' control, to which they just added cross-controls among themselves, and governments created or boosted duplicated system of regulation – like bilateral trade agreements, subcontractors in reconstruction periods, etc.

There are two ways to look at this process. On the one hand, neo-structural realism triumphs since the states are still in command – multiplication and densification of IOs did not erase governments from the decision making front stage, they'll never be: at best, outsourcing and subcontracting are short of a sound economic division of labour and a true political decentralization; at worst, sovereignty remains a concern not only for governments but even for peoples. On the other hand, neo-institutionalism gains momentum: in the wake of an IO endless process of creation, diversification, and adaptation, interorganization cooperation and cross-regulation may be a good substitute to interstate lack of collaboration. Whether they are composed of "like-units" (here, IOs) our "unlike-units' (here, subcontractors, transnational experts, bankers, etc.), networks are nonetheless webs of interdependence.

It is of course impossible to arbitrate between these conflicting views. "Optimistic" and "pessimistic" scholars would actually find enough evidence to be each convinced that they are right. According to the latter, for instance, the world is (temporarily?) "regressing" towards conflict and anarchy if not uncontrolled disorder (as in failed states). They also believe that world crises are subverting long-term efforts to prevent military, commercial, monetary and demographic confrontation and install a sustainable equitable partnership between Western Powers and their emerging peers (such as Brazil, Russia, India, and China): what could well have been promising before 2008 is now (unfortunately) inaccurate in 2011. Last, they see the invisible hand of selfish governments and lobbies beneath apparent attempts at institutionalizing, legalizing and constitutionalizing the world, with the complicity of citizens still firmly committed to nationalism and supporting political will against the tide of globalization.

To the opposite, the former display some reinforced confidence in the resilience of international institutions due to the treatment of the subprime crisis in 2008, then the state default crisis in 2011, at least for the moment; they enthusiastically list a number of decisions made within IOs that derive from more equality between big, middle and small powers and endorse soft norms that are little linked to the "Washington consensus" (as in the WTO, the WB, and the IMF), due to the intervention of active veto-players like Egypt, Turkey, Iran, South Africa, or Pakistan). They draw on the "Arab Spring" to minimize nationalistic expectations among contenders of authoritarian rulers and a growing demand for constitutionalized rights supported from the outside and from abroad by several IOs. They point out the right to health or education and the related moves made to endorse NGOs campaign for obligatory patents in drug production, restrictions on GMOs, reinterpretation of the conception of intellectual property; as well as a growing feeling of guilt among authoritarian rulers to the multiplication of international penal courts, etc. Moreover, to emulate Keynes, they refuse to tie institutional progress to economic cycles: in the long run rulers are all dead and institutions are still alive.[4]

Finally, when aggregated individual calculus, intentional if not fully rational, is turned into unexpected outcomes: whereas every stakeholders, and above all national governments, try hard to make utilitarian moves, the final result is a more intertwined and enmeshed world in which going alone is much less utility maximizing than going it along. Whether actors play it by the rules of the strategic game or not, densification of their interactions nonetheless occurs quasi-mechanically. This vindicates the far-stretched vision of an institutionalizing global order, if not an "iron law" of institutionalization that would prevail not only over anarchy but also over simple temporary coalitions in multipolar contexts. In other words, change is made of a myriad of strategies that eventually aggregate into a more complex world order, whether their authors aim at more collaboration or not.

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[4] For this overall assessement of the optimistic vision's accuracy I am endebted to my commentators in the WISC, Porto, 21 August 2011, Paris Yeros, Luciana Las Casas, and Mariana Yante Pereira.

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