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CHANGE IN INTERNATIONAL ORGANIZATIONS
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I. Introduction

What is change in international organizations (IOs), how does it occur, and who are the actors instigating change within IOs? What are the conditions that enable or obstruct change? These are some of the main questions that animate this book.

This chapter seeks to provide some conceptual common ground. It first reviews IO conceptualizations from different theoretical and disciplinary viewpoints. The chapter then proposes different dimensions of 'IO change' and which factors and actors drive or obstruct change within IOs. Acknowledging that different theoretical approaches help us understand different dimensions of IOs' reality today, the chapter offers a working definition and a set of scope conditions for change within IOs. Such conditions relate to the institutional set-up and the functioning of an IO's bureaucracy, the role of individuals, especially executive heads of IOs, the interests of member states and other constituencies, the overall legal-political environment, and the resources at an IO's disposal.

II. What are International Organizations?

How we define international organizations depends on whether we approach them from an internal or an external perspective,[1] our disciplinary rooting, and our general theoretical position. In turn, our understanding of an international organization will inform how we conceptualize change in IOs and how we conceive of the roles of members and Secretariats in fostering IO change. The question of what constitutes an international organization is mainly treated by scholars from international relations (IR) and international law (IL), and differences in their respective conceptualizations can be traced mainly to different research questions. While much scholarship on IOs today straddles disciplinary boundaries, international relations scholars are primarily interested in why IOs are created in the first place and how they interact with other actors populating the global realm. Legal scholars, in turn, are primarily concerned with the rules that set up and govern IOs and IOs' legal boundaries.[2] Both IR and IL scholars are concerned with IOs' autonomy vis-à-vis their member states. In IL scholarship, it is widely accepted that independent will is a necessary condition for an IO to exist as a distinct legal subject. In IR scholarship, there has been a long-standing debate on the autonomy of international organizations.

  A. International organizations and international institutions in international relations scholarship: different theoretical vantage points

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[1] Jacob Cogan, 'International organizations' in Jean d'Aspremont & Sahib Singh (eds), *Concepts for International Law* (Edward Elgar 2019), pp. 540-548.
[2] Thanks to Gabriele Wadlig for reminding me of this point.

Before addressing different theoretical vantage points on international organizations, a terminological and conceptual note is needed. In IR scholarship, the field of IO study is often embedded in the broader field of the study of international institutions. International institutions, in turn, are standardly defined as 'persistent and connected sets of rules (formal and informal) that prescribe behavioural roles, constrain activity, and shape expectations'.[3] International institutions are then primarily understood as sets of rules and legal rules as one sub-set of rules, i.e. a particular form of institutionalization.[4] International organizations are the entities associated with specific institutions.[5] In contrast, international lawyers often use the term 'international institutional law' or 'institutional dimension of international law' when discussing IOs as an entity.[6] These two viewpoints are not incompatible but can lead to confusion where IR scholars focus on sets of *rules* that are embodied by a specific organizational entity, such as labour standards and the International Labour Organization (ILO) or climate change law and the United Nations Framework Convention on Climate Change (UNFCCC), whereas IL scholars are interested in the *entity*.[7]

IR theory typically distinguishes rationalist and social constructivist approaches to international institutions and organizations, even though most scholars today acknowledge that different theoretical approaches co-exist and communicate with one another.[8] Nonetheless, it is helpful to distinguish the different theoretical vantage points, as they conceptualize IOs, and therefore also IO change, differently.

Rationalist positions, which comprise realist and rational functionalist positions, view IOs as a function of states: states create and ultimately control IOs. Realists consider international institutions and IOs as epiphenomenal to states' interests.[9] In its most extreme form, this view explains IOs' existence by the fact that they serve (powerful) states' interests, and they will change and disappear if they no longer fulfil that goal.[10] In contrast, rational functionalism departs from the insight that there are problems of collective action that states can best address through mutual cooperation: it is in their best interest to set up IOs to solve certain collective action problems where individually beneficial state action would impede mutually beneficial cooperation.[11] This means that IOs are not epiphenomenal but central to realizing state interests. Both views are united in that IOs remain a function of the state—they exist because this is in states' interest, and their form, mandate, and tasks will hinge upon such interests.

Against this position, social constructivist approaches highlight IOs' nature as autonomously existing entities. Not only are IOs not entirely dependent on states' interests, but they have, in turn, a role in shaping states' interests. Indeed, state interests do not exist *a priori* but result from social

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[3] Robert Keohane, *International Institutions and State Power: Essays in International Relations Theory*. Boulder, CO: Westview Press, p. 3.

[4] Kenneth Abbott, Robert Keohane, Andrew Moravcsik, Anne-Marie Slaughter and Duncan Snidal. 2000. "The Concept of Legalization." *International Organization* 54 (3):401–19.

[5] Lisa Martin & Beth Simmons 'International Organizations and Institutions' in Walter Carlsnaes, Thomas Risse, & Beth Simmons (eds), *Handbook of International Relations* (Sage 2013), pp. 326-351, p. 326.

[6] Richard Collins, 2016. *The Institutional Problem in Modern International Law*. Oxford and Portland, OR: Hart.

[7] Hannah Birkenkötter, 'International law as a common language across spheres of authority?', *Global Constitutionalism* 9 (2), 2020, p. 318–342, at p. 323-325.

[8] Martin & Simmons (n 5), at 336; Katz Cogan (n 1), p. 547-548.

[9] Martin & Simmons (n 5), at p. 329, referencing Hans Morgenthau and Edward Carr.

[10] Kenneth Waltz, 'Structural Realism after the Cold War' [2005] *International Security*, pp. 5-41, at 18-27.

[11] For this characterization of the rational functionalist position see Martin & Simmons (n 5), at p. 331.

interaction; international norms and actors' interests are mutually constitutive.[12] From this point of view, IOs are autonomous actors, which helps explain why IOs can exhibit pathological behaviour and have an impact on the world that is not willed by states.[13] One strand of research in this tradition focuses specifically on the bureaucratic nature of IOs and emphasizes the important role that bureaucrats can play, e.g., in the setting up of new governance mechanisms.[14] International civil servants are considered bureaucratic actors with a certain level of autonomy from members, and relevant research enquires into the relationship between a bureaucracy's autonomy and their authority and, relatedly, their influence on the IO's agenda and decision-making.[15]

Thus, there are two competing theoretical views of IOs in IR theory: IOs as a function of states and IOs as autonomous, bureaucratic entities. This dichotomy has also been described as one between external and internal approaches to IOs,[16] or functionalist and constitutionalist conceptions of IOs.[17] This latter dichotomy is especially prominent amongst international law scholars.

B. IOs in public international law

In public international law, IOs are traditionally understood as inter-governmental organizations, i.e., entities set up by states via an international treaty.[18] This conception highlights the importance of states and follows a largely functionalist paradigm that has been the predominant paradigm amongst international law scholars for many decades.[19] At the same time, it has long been acknowledged in international law that IOs are legal subjects in their own right,[20] and a standard definition of IOs posits that for an entity set up by treaty to qualify as an IO, the treaty needs to set up at least one organ with a will of its own.[21] This requirement reflects a constitutionalist idea of IOs as largely autonomous entities.

At face value, this distinction is similar to the distinction made in the previous section between rationalist approaches, which often focus on states, and social constructivist approaches, which often focus on bureaucracies. However, social constructivist and constitutional approaches to IOs

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[12] Ian Hurd 'Constructivism' in Duncan Snidal & Cristian Reus-Smit (eds), *Oxford Handbook of International Relations* (OUP 2008), pp. 298-316.

[13] Michael Barnett and Martha Finnemore, *Rules for the world: International organizations in global politics* (Cornell University Press 2004).

[14] Tana Johnson, *Organizational progeny: Why governments are losing control over the proliferating structures of global governance* (OUP 2014).

[15] Julia Fleischer and Nina Reiners, 'Connecting International Relations and Public Administration: Toward A Joint Research Agenda for the Study of International Bureaucracy' [2021] *ISR 23*(4), 1230-1247.

[16] Cogan (n 1).

[17] Jan Klabbers 'Contending approaches to international organizations: Between functionalism and constitutionalism' in Jan Klabbers & Åsa Wallendahl (eds), *Research Handbook on the Law of International Organizations* (Edward Elgar 2011), pp. 3-30; see also Ahlborn in this volume.

[18] See for such an understanding e.g. Art. 1 (1) (i) of the Vienna Convention on the the Representation of States in their Relations with International Organizations of a Universal Character or Art. 2 (1) (i) of the Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations.

[19] Jan Klabbers 'The EJIL Foreword: The Transformation of International Organizations Law' [2015] EJIL *26*(1), 9-82; Sinclair in this volume.

[20] *Reparation for Injuries suffered in the service of the United Nations, Advisory Opinion: I.C.J. Reports* 1949, *p.* 174.

[21] Henry Schermers and Niels Blokker, *International institutional law* (6th rev ed, Brill 2019), at p. 41.

only have in common that they both emphasize the existence of IOs as autonomous entities. Beyond that, the two approaches ask different questions and depart from different premises. Social constructivist approaches emphasize the mutually constitutive nature of international institutions and actors in international relations and seek to provide explanations for puzzles that historically prior rationalist approaches—focusing on the role of states—could not. Social constructivism, while departing from certain normative premises, is thus, like most IR theory, a primarily explanatory theory.

In turn, legal, and specifically constitutionalist approaches to IOs are perhaps best viewed as primarily normative approaches that aim at containing the powers exercised by IOs through rules of international law.[22] Several legal scholars today embrace the dual nature of IOs,[23] acknowledging that the agreements that establish IOs are international treaties amongst states, but at the same time also the constitutive instruments of independent entities—they are 'constitutional treaties' or 'treaty-constitutions'.[24] Whether one adopts a functionalist or constitutionalist perspective on international organizations, IOs can be defined as entities with their own, formal structure established by agreement, with at least one organ with a will of its own.[25] In addition, most international law scholars require that the agreement establishing an IO be governed by public international law. There are two related indicators to determine whether an entity is governed by international law: the nature of the constitutive instrument and IO membership.

IOs are undoubtedly recognized as subjects of international law if states have set them up via an international treaty that explicitly provides for legal subjectivity or if the treaty is reasonably understood to entail a separate legal personality. However, the very definition of an international treaty contains a necessary condition that the agreement be governed by international law. There is thus a certain measure of circularity if we want to use the nature of the constitutive treaty to determine whether or not an entity is governed by international law.[26] One way of breaking this is to consider *who* sets up an IO: if an organization is set up exclusively by subjects of international law, then it is very likely that this organization will be governed by international law. This can include actors other than states if they undoubtedly possess international legal personality.[27] This

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[22] Klabbers (n 17), pp. 13-16, see also Anne Peters, 'International Organizations and International Law' in Jacob Cogan, Ian Hurd & Ian Johnstone (eds), *The Oxford Handbook of International Organizations* (OUP 2017), at p. 43.
[23] Lorenzo Gasbarri, *The Concept of an International Organization in International Law* (OUP 2021).
[24] Peters (n 22), p. 34.
[25] The criterion of a formal structure established by agreement is taken from Clive Archer, *International Organizations* (4th ed Routledge 2015), p. 30, whereas the criterion of at least one organ with its own distinct will is taken from Schermers/Blokker (n 21), § 33, who also emphasize that international organizations must be founded on an international agreement. The International Law Commission has also relied on these three elements in their Draft Articles on the Responsibility of International Organizations, which define 'international organization' as 'an organization established by a treaty or other instrument governed by international law and possessing its own international legal personality', cf. Article 2 (a) DARIO (contained in UN Doc. A/66/10); the more recent Draft guidelines on Settlement of international disputes to which international organizations are parties are even more clearer and define 'international organization' as 'an entity possessing its own international legal personality, established by a treaty or other instrument governed by international law, that may include as members, in addition to States, other entities, and has at least one organ capable of expressing a will distinct from that of its members', cf. Article 2 (a) Draft guidelines, cf. UN Doc. A/CN.4/L.983.
[26] Art. 2 (a) VCLT; Art. 2 (a) VCLT-Succession; Art. 2 (a) VCLT-IO.
[27] Art. 2(a) of the draft articles on the responsibility of international organizations, contained in UN Doc. A/66/10, at 54: '"international organization" means an organization established by a treaty or other instrument governed by international law and possessing its own international legal personality. International organizations may include as

comprises existing inter-governmental organizations, and there are several examples of IOs that are members of other IOs.[28]

The matter is more complicated for hybrid entities set up by actors who do not unequivocally possess international legal subjectivity. We will discuss this further in the next section. One decisive factor might be to what extent the parties to an agreement—if all of them are at least partial subjects of international law—choose explicitly or implicitly to be governed by international law. This depends on the interpretation of the document in question.

C. What makes an IO? The spectrum of IOs covered in this book

There are different ways in which IOs can be classified. This section will focus specifically on the difficulty of assessing organizations that are not unequivocally considered IOs because they do not satisfy all of the constitutive requirements in terms of being governed by international law. There is no doubt that organizations set up by states through international treaties and whose membership is predominantly comprised of states constitute IOs, irrespective of the theoretical or disciplinary perspective one adopts. This is the case for most of the IOs discussed in this book. The book covers initiatives from various task-specific organizations,[29] including the International Labour Organization (ILO), the World Trade Organization (WTO),[30] the World Bank, and the World Health Organization (WHO), as well as from general purpose organizations, including at the regional level the African Union (AU) and at the global level the United Nations (UN). These IOs, while different in their scope of activities, have in common the fact that they are undoubtedly IOs under international law.

The matter is more complicated for innovative organizational formats that are often characterized as 'public-private partnerships' (PPP). This term emerged in the 1990s and is typically used for the various arrangements through which IOs interact with the private sector and other non-state actors; often, PPPs involve one or several IOs, states and non-state actors, both from the private sector as well as civil society, and they pursue some common policy and/or operational activity.[31] Both Gavi, the Vaccine Alliance (Gavi)[32] and the Global Fund to Fight AIDS, Tuberculosis and Malaria (Global Fund) are examples of PPP that show the difficulties of determining the legal status of a hybrid entity, i.e. an entity that was not clearly established by subjects of international law via an international treaty.[33] Notably, the Global Fund exhibits some traits of a 'traditional' IO but cannot be unequivocally defined as such. As is explained more fully in the chapter on the

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members, in addition to States, other entities.' There is at least one IO that has been entirely set up by other IOs, cf Jan Klabbers, *An Introduction to International Organizations Law* (3rd ed CUP 2015), at p. 9 in FN 30.

[28] E.g. the European Union is a member of the World Trade Organization and the Food and Agriculture Organization.

[29] On the distinction between task-specific and general purpose organizations see Tobias Lenz et al., 'Patterns of International Organization: Task Specific vs. General Purpose', [2014] *PVS Sonderheft 49*, 131-156.

[30] As previously mentioned, the European Union - itself formally an IO - is a member of the WTO, but the vast majority of WTO members are states.

[31] Kenneth Abbott, 'Public Private Partnership', Max Planck Encyclopedia of Public International Law Online, 2008, available at https://opil.ouplaw.com/display/10.1093/law:epil/9780199231690/law-9780199231690-e1084_-_law-9780199231690-e1084-div1-3, accessed August 25, 2024.

[32] Jelena Madir, 'IOs Initiatives: Gavi, the Vaccine Alliance' in this volume.

[33] The Global Fund has been characterised as pertaining to a 'new class of dual and hybrid organizations', cf. Gerd Droesse, *Membership in International Organizations: Paradigms of Membership Structures, Legal Implications of Membership and the Concept of International Organization* (Springer 2020), at pp. 3, 58, 107.

Global Fund's partnerships and initiatives,[34] the Fund was set up in 2002, following a consultation process involving nearly 40 representatives of developing countries, donor countries, non-governmental organizations (NGOs), the private sector, and the United Nations system (the so-called Transitional Working Group), based on a so-called 'framework document'.[35] The framework document specifies that '[t]he Global Fund is a financial instrument, not an implementing entity' and provides for several organs, most importantly the Global Fund's Board and the Global Fund Secretariat.[36]

Is the framework document an 'agreement' that establishes an IO? It gave important indications as to the nature of the Global Fund and was instrumental in setting up the Fund's governance structure. But it is not the constitutive document of the Global Fund, strictly speaking, in that it did not establish the Fund's legal existence. Rather, the Global Fund was subsequently registered as a non-profit foundation under Swiss law[37] by the Board, elected by the Transitional Working Group. The Fund is governed by various documents, importantly by the bylaws adopted by the Global Fund's Board and various funding policies.[38] None of these documents have the formal characteristics usually associated with international treaties. This would indicate that the Global Fund is not an IO under international law but a domestic entity under Swiss law that acts transnationally.

At the same time, the bylaws in their current form explicitly state that the Global Fund has been recognized as an international organization by various national governments.[39] It has concluded agreements with states in the form of international treaties, perhaps most prominently its Headquarter Agreement with Switzerland.[40] This agreement explicitly states that Switzerland recognizes 'for the purposes of this Agreement the international juridical personality and legal capacity in Switzerland of the Global Fund',[41] and contains various other provisions exhibiting properties typically associated with international organizations. Importantly, the Global Fund benefits from immunity from jurisdiction, as do its Board members and officials.[42] This has led authors from within the Fund to assert that it 'has evolved, over time, into an international

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[34] Fady Zeidan and Jean Abboud, 'The Global Fund to Fight AIDS, Tuberculosis and Malaria: Partnerships, Collaborations and Initiatives with International Organizations', in this volume.

[35] The Global Fund to Fight AIDS, Tuberculosis and Malaria: The Framework document, 2001, https://www.theglobalfund.org/media/6019/core_globalfund_framework_en.pdf, accessed August 25, 2024.

[36] Framework Document (n 35), Sections I, III A (specifying that the Global Fund is a financial instrument), IX D.

[37] Bylaws of the Global Fund to Fight Aids, Tuberculosis & Malaria, 2022, https://www.theglobalfund.org/media/6007/core_globalfund_bylaws_en.pdf, accessed August 25, 2024.

[38] A full list is available at the Global Fund's website: https://www.theglobalfund.org/en/governance-policies/ accessed August 25, 2024.

[39] Article 1 of the bylaws: 'The Global Fund to Fight AIDS, Tuberculosis and Malaria (the "Global Fund") is a multi-stakeholder international financing institution duly formed as a non-profit foundation under the laws of Switzerland and recognized as an international organization by various national governments.'

[40] https://www.theglobalfund.org/media/8551/core_headquarters_agreement_en.pdf, accessed August 25, 2024.

[41] Article 1 of the Headquarters Agreement. Similarly, several countries benefiting from Global Fund activities have accorded the Fund legal personality through a treaty concluded on 14 December 2019, cf. Agreement on privileges and immunities of the Global Fund to Fight AIDS, Tuberculosis and Malaria, UNTS vol 3300, no. 55785, https://treaties.un.org/Pages/showDetails.aspx?objid=080000028054a080&clang=_en, accessed August 25, 2024. Note that the treaty speaks of 'juridical personality', not of 'international legal personality'.

[42] Articles 5, 13-16 of the Headquarters Agreement. For an early criticism of the extension of privileges and immunities to the Global Fund see Davinia Abdul Aziz, 'Privileges and Immunities of Global Public-Private Partnerships: A Case study of the Global Fund to Fight AIDs, tuberculosis and Malaria' [2009] IOLR 6, 383-419.

organization'.[43]

Such an assessment is in line with the pragmatic approach to legal personality of IOs under international law that Jan Klabbers has called 'presumptive personality': as soon as an IO performs an act that necessitates international legal personality—e.g. ratifies an international treaty—it is presumed to possess such personality if there is no objection from other subjects of international law.[44] An IO is thus also considered as such under international law when other subjects of international law treat it as such.

In the context of this book, this is important for two reasons. First, the fact that we identify certain PPPs as IOs after a certain amount of time has passed says something about the importance of IO interaction with the 'outside world', discussed in Part 3 of the book. The outside world comprises 'every actor other than the IO itself and its members',[45] and the example of the Global Fund shows that such interaction can sometimes lead to the emergence of new IOs altogether. Secondly, PPPs such as the Global Fund broaden the spectrum of organizations under scrutiny and allow for greater variation in governance structures. When we ask whether IO change is primarily driven by the Secretariat or by an IO's members, we need to consider the varying membership structures across the spectrum of IOs. In the example of the Global Fund, the Fund does not have a traditional membership and organizational structure.[46] The decision-making body is the Global Fund Board, which comprises the Board members representing the different constituencies—these are the 'members' of the Global Fund from a formalistic perspective, but again, there is no traditional membership structure. One hypothesis might be that this non-traditional 'membership' provides greater leeway for the Secretariat to initiate change.

At the same time, membership influence also varies considerably in traditional IOs. While traditional IOs are based on formal sovereign equality of its member states, states can play different roles within an IO, and voting rights are not necessarily equally distributed. The best-known example is the UN Security Council, which gives a veto right to its five permanent members. This voting structure has led to change initiatives within the UN General Assembly.[47] One could ask whether the share votes system in the World Bank Group plays a role in determining which externally induced change initiatives are pursued and which ones are not.[48] The ILO has a unique tripartite structure where the constitutive treaty requires member states to include delegates representing a state's workers and employers in addition to government representatives. Each delegate votes individually, meaning workers' and employers' representatives vote independently of government officials. At the same time, the ILO has been considered too focused on its state-based tripartite structure, and PPPs, or multi-stakeholder partnerships, have been considered as

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[43] Zeidan & Abboud (n 34). Similarly, David Lewis, 'The Financial Action Task Force Coming of Age: Becoming an International Organisation', in this volume.

[44] Jan Klabbers, *An Introduction to International Organizations Law* [CUP 2015, 3rd ed], at p. 49.

[45] Henner Gött, Introductory Conceptual Note: 'Interactions with the Outside World as a Factor of IO Evolution', in this volume.

[46] Droesse (n 33) at p. 67.

[47] Mona Khalil, 'A Resurgent General Assembly: UN Initiatives Responding to Paralysis in the Security Council', in this volume.

[48] On externally induced change in the World Bank see Hassane Cissé, 'How Do External Factors Shape Institutional Transformation at the World Bank?', in this volume.

one way to enhance representation.[49]

III. What is IO change and who drives it?

This book departs from an understanding of initiatives as 'systematic actions and programmes of IGOs with clear aims and outputs … which in turn push the boundaries of an organization, bringing new developments to its initial functional activities.'[50] But what lies at the root of such systematic actions? To what extent is change primarily induced by factors outside of an IO, and what role do endogenous factors play? Does it matter whether change is initiated by an IO's membership, its Secretariat, or through the cooperation of both? This section reviews existing scholarship on IO change. It emphasizes that the theoretical vantage point on IOs is crucial in formulating what change signifies, under which circumstances it occurs, and which actors are crucial to inducing change. While a general theory of IO change is elusive, the chapter proposes a combination of theoretical approaches, an 'eclecticism' that generally characterizes the study of IOs today, with a particular focus on historically informed case studies.[51]

A. What is 'IO change'?

What does 'IO change' mean? Change in IOs has at least three interrelated meanings: it can refer to a) change in the overarching aim or mandate that an IO pursues; b) change in the activities carried out by an IO, both at the policy and/or at the operational level; and c) change in the organizational structure of an IO. These three types of change intersect in the following way: pursuing new activities typically necessitates new or altered organizational structures; a change in the overarching aim pursued by an organization will entail new activities in line with that newly defined aim;[52] and more often than not, pursuing new activities will gradually lead to shifts in an organization's mandate, even if formal amendments of an IO's constitutive document are rare. There exists no generally accepted and unified theory of IO change and most scholars who have worked on change in IOs explicitly highlight that aiming at such a theory is somewhat futile.[53] Rather, existing scholarship almost always focuses on specific episodes of IO change to suggest a typology or some other form of limited generalization. Similarly, this chapter aims to identify some of the most common factors driving IO change from existing research, not to propose a full theory

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[49] Janelle Diller, 'International organization interactions with Multistakeholder Initiatives: the International Labour Organization experience', in this volume.

[50] Nicola Bonucci et al, 'IGOs' Initiatives as a Response to Crises and Unforeseen Needs' [2022] IOLR 1-60, at p. 5.

[51] The notion of eclecticism is used by Cogan (n 1), p. 547.

[52] I am deliberately using the broad term 'aim' to signal that I am concerned with the overall direction of an IO, rather than with a more narrowly defined 'purpose' or 'mandate' that is typically contained in the constituent instrument of an IO and therefore has a legal dimension. Cf. on the constituent documents of IOs Niels Blokker, 'Constituent Instruments', in: Cogan et al. (n 22), Chapter 44.

[53] See e.g. Ernst Haas, *When Knowledge is Power. Three Models of Change in International Organizations.* (University of California Press 1992), at p. 6: 'A typology is not a theory.'; see also Devesh Kapur, 'Processes of Change in International Organizations', Working Paper available at https://wcfia.harvard.edu/files/wcfia/files/164_helsinki3.wcfia_.pdf, accessed August 25, 2024: 'The purpose of this paper is not to develop a general theory of change in international institutions', p. 3. For an excellent overview of recent approaches to IO change and the role of advocacy therein, see Kseniya Oksamytna, *Advocacy and Change in International Organizations. Communication, Protection, and Reconstruction in UN Peacekeeping* (Oxford University Press 2023), Chapter 1. Oksamytna also emphasizes that different conceptualizations of change in IOs respond to different theoretical approaches in international relations.

of IO change.

In his pioneering study on change in IOs, Ernst Haas distinguishes between adaptation and learning through managed interdependence. Managing interdependence means that an IO consciously engages in a process to redefine its aim. In contrast, adaptation means that an organization adapts to a changed environment without explicitly redefining its aim by adding new tasks or designing new procedures. For Haas, these different models of change in IOs are Weberian ideal types, where the normatively desirable ideal type is managed interdependence, because only by redefining an organization's aim through an ordered process can the organization coherently (re-)act to a changed environment.[54]

At the same time, ideal types do not reflect empirical reality, and most case studies of IO change will unveil some combination of these different types of change or switches from a process of adaptation to managing interdependence and vice versa. Sometimes, change might even occur accidentally. This book focuses on IO initiatives, which, by definition, are deliberate. In line with this book's approach, Kseniya Oksamytna observes that change initiatives in IOs require advocacy, both when introducing them and for their institutionalization.[55] Such advocacy can come from an IO's secretariat, from members, from external actors, or a combination of the above.[56] At the same time, it is not clear that change agents have complete control over the changes they initiate. Erin Graham has suggested that international institutions more often than not experience what she calls 'subterranean change': an action that was at one point in time considered as incremental change can show itself to have transformational consequences at a later point in time, consequences that were not intended and perhaps not even foreseeable to the original change agents.[57]

Our hypotheses on how change occurs within IOs also depend to some extent on our theoretical vantage point. Rationalist approaches will typically look for the origins of change outside of the IO: IOs will change when it is in the states' interest, and states' interests depend on the global environment.[58] In this conceptualization, change is driven by the IO's membership. Contrary to this view, Barnett and Coleman have conceptualized IO change as an organization's strategic response to its environment. They start from the assumption that IOs are autonomous entities that pursue three main goals: further their mandate as defined by their professional training and expert knowledge, protect their autonomy, and minimize organizational insecurity. According to this view, an IO will embrace or foster change if this is the best way to pursue one or several of these goals, and it will oppose change if such change is detrimental to them.[59]

Both approaches have in common that they understand change in IOs as a reaction to an exogenous

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[54] Haas (n 53).
[55] Oksamytna (n 53).
[56] For an example for change initiated by a coalition of different actors in the field of human rights see Nina Reiners, *Transnational Lawmaking Coalitions for Human Rights* (Cambridge University Press 2021).
[57] Erin Graham, *Transforming International Institutions: How Money Quietly Sidelined Multilateralism at the United Nations* (OUP 2023).
[58] For this characterization without embracing it Laurence Helfer, 'Understanding Change in International Organizations: Globalization and Innovation in the ILO' [2006] Vanderbilt Law Review, pp. 661-662.
[59] Michael Barnett & Liv Coleman 'Designing police: Interpol and the study of change in international organizations.' [2005] *International Studies Quarterly* 49, pp. 593-619.

phenomenon. Change is a *response* to something that happens outside the IO. This can include novel phenomena, e.g. transnational terrorism, global warming, or technological advances, and related novel knowledge, e.g. knowledge that the consequences of global warming are likely to entail far-reaching social consequences. Change can occur suddenly, especially in response to a crisis, such as a pandemic outbreak or a financial crisis.[60] But more often, change occurs gradually and incrementally through subtle shifts in everyday tasks, internal rearrangements, resource reallocation, and similar factors, which do not lead to immediately visible changes but, over time, can significantly alter the face of an organization. This is e.g. the case when an IO adjusts to a newly emerged norm, as neither norm emergence nor behaviour adjustment in view of a new norm happens overnight.[61] Take the gender equality norm, which emerged as an international norm throughout the 20th century, including through the Convention on the Elimination of All Forms of Discrimination Against Women of 1979.[62] It is today considered a cross-cutting issue that needs to be mainstreamed into all fields of activity.[63] This has also induced change within IOs: almost all IOs today have a gender strategy and debates on gender parity, often the result of decades-long evolution rather than a clearly identifiable, singular change initiative, but with a significant impact on how an IO acts.[64]

Rationalist and social constructivist approaches also differ in locating the actor or main driver of change: whereas rationalist approaches will locate the main driver of change outside of the organization, i.e. in its membership, approaches that emphasize an IO's autonomy are more likely to assume that change is driven from within the organization, i.e. by its Secretariat. Of course, this distinction is not black and white. It is difficult to distinguish exogenous and endogenous variables in institutional analysis. As Snidal puts it, 'while institutions are a consequence of human agency and history, they are valuable precisely because they lie outside the domain of short-term choice and thereby constrain it.'[65] This holds particularly true for static international institutions, of which an IO is perhaps the prototypical example. IOs may have been created by their members, but their appeal lies precisely in the fact that they have a measure of independence from their membership.[66] As Barnett and Finnemore have emphasized, international organizations '*must* be autonomous actors in some ways simply to fulfil their delegated tasks'.[67] More often than not, cooperation between the membership and the Secretariat will be necessary to foster change. While members, once they join an IO, occupy various positions within an organization (such as sitting on policy and executive organs or appointing staff, including the leaders of an IO) and generally in those functions, are bound to act within the interest of the organization, they still remain distinct actors

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[60] Bonucci et al (n 50).

[61] For a classical account of the norm life cycle Martha Finnemore & Kathryn Sikkink, 'International norm dynamics and political change' [1998] *International Organization, 52*(04), 887-917.

[62] UNTS Vol. 1249, p. 13.

[63] Such an understanding of gender equality as a cross-cutting issue is e.g. advocated by the 2030 Agenda on Sustainable Development and Sustainable Development Goal 5, UN Doc. A/Res/70/1: 'Realizing gender equality … will make a crucial contribution to progress across all the Goals and targets … The systematic mainstreaming of a gender perspective in the implementation of the Agenda is crucial.', Political Declaration at para. 20.

[64] Anoush der Boghossian, 'From gender-blind to institutionalisation: How gender was integrated in the World Trade Organization', this volume.

[65] Duncan Snidal 'The Politics of Scope: Endogenous Actors, Heterogeneity and Institutions [1994] *Journal of theoretical politics, 6*(4), 449-472, at p. 457.

[66] Kenneth Abbott & Duncan Snidal, 'Why states act through formal international organizations' [1998] *Journal of conflict resolution, 42*(1), 3-32.

[67] Barnett and Finnemore (n 13), at p. 22.

vis-à-vis the organization as a whole.

The lack of a unified theory of IO change points to the fact that there is a certain measure of historical contingency at play. This has led to an increase in historically informed accounts of IO change, a methodological and theoretical orientation that is commonly labelled 'historical institutionalism'.[68] Historical institutionalism can account for multiple sources and context-specific factors of institutional change; its biggest disadvantage is perhaps that it comes with relatively limited predictive value.[69] At the same time, historically informed accounts of IO change often show how IO change results in task expansion and, connected with this, mandate expansion. This follows both a logic of path dependency and the functionalist logic that IOs were set up to fulfil a purpose that states individually and collectively could not, and then use their expert and moral authority to expand their tasks and influence.[70] Erin Graham has suggested that historical institutionalism helps shed light on long-term, transformational change that started as incremental change but has resulted in transformational shifts, i.e., change that involves reorganizing fundamental relationships and principles of governance.[71]

B.   Who or what drives IO change? IO initiatives and the respective roles of the Secretariat and the members

IO initiatives need not be deliberately aimed at transformational change but often will be. Who or what is at the root of such initiatives? Bonucci et al. define an IO initiative as one 'undertaken or implemented by the Secretariat'[72] but clarify that acceptance or rejection by an IO's memberships is an important factor in assessing the viability of any IO initiative.[73] What are 'the membership' and 'the Secretariat,' and what are common factors that constrain or enable both actors to foster IO change?

As mentioned, membership in IOs traditionally consists of states and sometimes other intergovernmental organizations, with most IO members normally being states. Where membership of an IO is exclusively or majorly composed of states, domestic politics of powerful member states play an important role in a member's willingness to instigate or hinder change and can have important consequences for IOs' room of manoeuvre. One example is withholding funding for IOs, which often depends on domestic politics.[74] Another example is impending domestic elections within powerful member states, especially where the election is contested or considered high stakes. Electoral campaigns in such situations can lead to inertia in a state's international relations because the focus is elsewhere. To what extent domestic politics affect IO

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[68] Helfer (n 58), at pp. 666-668.

[69] Id, p. 668.

[70] Barnett & Finnemore (n 13), p. 44. For a recent historically informed study on why the expansion of powers of IOs become viewed largely as both legal and legitimate see Guy Sinclair, *To Reform the World: International Organizations and the Making of Modern States* (OUP 2017).

[71] Graham (n 57).

[72] Id.

[73] Id., at p. 6 and 18-19.

[74] The US severely cut funding for several UN agencies, including UNFPA, during the administration of Donald Trump; and at the time of writing was in arrears for assessed contributions for UN peacekeeping missions (assessed at 27 percent of the overall budget), because US Congress caps contributions at 25 percent, cf. https://www.cfr.org/article/funding-united-nations-what-impact-do-us-contributions-have-un-agencies-and-programs, accessed August 25, 2024.

change depends in no small measure on each member's importance. While states enjoy formal sovereign equality in IOs, their impact varies depending on economic power and engagement with a given IO.[75]

One interesting question is whether a membership structure that comprises diverse actors and separates the organization's existence from its members results in more leeway for the Secretariat. Let's take once again the example of the Global Fund. The Board is the supreme governing organ of the Global Fund, but not a plenary organ in the traditional understanding. It does not consist solely of a specific type of actor (e.g., states) but rather of different constituencies: developing countries, donors, civil society, the private sector, and communities affected by the diseases. Board members are appointed by their respective constituencies and each constituency determines its selection process. As Fady Zeidan and Jean Abboud point out in this volume, this process and the composition of the Board reflect the principle of partnership and collaboration that animates the Fund's work. At the same time, in the view of this author, the kind of power imbalance that characterizes many IO membership structures also exists at the Global Fund, in the form of donors and recipients, even if the Global Fund has put into place several procedural rules intended to counter such imbalances, in particular in terms of voting rights.[76] To what extent this translates into more impact for donors than other stakeholders would be interesting to study.

Under which conditions do IO Secretariats respond proactively to change? As Barnett and Coleman point out, Secretariats seek to preserve their autonomy and further their mandate. However, to do so, they need resources, which are generally allocated by the member states. An IO's response to changes in the external environment can, therefore, depend on a trade-off between resources and the organization's autonomy.[77] Put differently: change typically occurs as a response to a changed environment, but this is not a sufficient condition for change to occur. Rather, several endogenous factors must be present for change to occur successfully, including a certain measure of organizational security, resource availability, and congruence of interests and organizational culture between different actors.

In the same way that states are not monolithic blocks, and therefore, domestic politics can impact quests for change, IO Secretariats are not monolithic either. Specific attention has been paid to IOs' executive heads.[78] A clearly defined leadership role in the Secretariat opens ways of influencing if and when change occurs, *inter alia* through agenda-setting power and discretionary power in organizational matters.[79] This includes how departments and divisions within a Secretariat are organized.[80] Depending on IO size and mandate, there might be conflicts within the Secretariat in the form of struggles over resources or disagreement as to whether certain topics and activities should be pursued or fall outside the organization's mandate. Further opening the

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[75] E.g. Kapur (n 53) identifies domestic politics as one source of change to exclusively use examples of US domestic politics, at pp. 18-19.

[76] Zeidan & Abboud in this volume. For a Board decision to pass, this requires an affirmative two-thirds majority vote both from the implementer group and from the donor group.

[77] Barnett & Coleman (n 59), p. 595.

[78] Nina Hall & Ngaire Woods, 'Theorizing the role of executive heads in international organizations' [2018] *EJIR 24*(4), 865-886.

[79] Kapur (n 53), at p. 21.

[80] Bonucci et al (n 50) highlight that internal initiatives such as restructuring of departments or amending administrative practices are effective ways of fostering change, at p. 16.

'Secretariat' black box to include different actors within a bureaucracy is then needed to assess international Secretariats' role in initiating change.[81]

In this context, the rules governing the legal relationship between the Secretariat and the membership are important.[82] Does the constitutive document of an IO accord explicit powers to the executive head, and if so, which ones? Lastly, it is evident on the surface, but difficult to study in detail, to what extent executive leaders' personal convictions, ethics, and personality traits impact change initiatives.[83]

IV. Conclusion

What is 'IO change'? Change occurs when an IO responds to a change in its environment in such a way that its mandate and/or its operations are affected by said response. Such a change can be triggered by a once-off 'event' in the form of a crisis, a new development such as a technological advance, new global norms, or new information about the world, amongst others. An IO's response can take place at multiple levels: the IO can adjust its overall aim or mandate; it can take up new activities and tasks, and it can change its institutional structure. Often, change will likely occur at different levels at once. Sometimes, a change in the institutional structure will have immediate effects. In other cases, it might take decades until the consequences become visible. Sometimes, incremental change ushers in transformational consequences that the relevant actors did not foresee when the change was made.

Change is traditionally thought of as a deliberate response to exogenous factors. IO change will probably be considered successful if the IO is viewed as having adequately responded to the changes in its environment through some form of concerted action. Such concerted action will consider existing norms and regulations, resource allocation, and bureaucratic concerns, amongst other factors. For a response to be regarded as adequate, a certain measure of acceptance is required. This means that we ought to expect those change initiatives that garner support from both the membership and the Secretariat to be the most successful.

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[81] Nicola Bonucci, 'The Driving Role of the Heads of Intergovernmental Organizations: A Case Study around the Organisation for Economic Cooperation and Development', this volume.

[82] On the legal justifications of change initiatives see Part 4 of this volume.

[83] For a study of the ethics of UN Secretary-General Dag Hammarskjöld see Manuel Fröhlich, *Political Ethics and The United Nations: Dag Hammarskjöld As Secretary-General* (Routledge 2010).